

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

The Council convened in regular Session in the Council Chambers, City Hall Building, at 7:30 p.m., Monday, October 8, 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, Jim Finnegan, Steven Purcell, Karen Schmidt, Jim Fruin and Mayor Stephen F. Stockton.

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

The following was presented:

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 October 8, through October 12, 2007 as “Beyond the Books” Educational Foundation Week.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

Mayor Stockton read and presented the “Beyond the Books” Educational Foundation Week Proclamation to Alex Horvath, Beyond the Books Executive Director. Mr. Horvath thanked the Mayor and Council for the recognition. This was Beyond the Books fifteenth (15th) Anniversary. Beyond the Books was a continuum of support for teachers. It provided innovative grants to all grades, (K – 12), in District 87 and Community Unit District 5. He expressed his hope that the endowment would reach \$1 million by 2010.

Motion by Alderman Hanson, seconded by Alderman Purcell that the proclamation be made a matter of record.

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

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

Nays: None.

Motion carried.

Mayor Stockton read and presented the Children and Elders Forest Day Proclamation from the Council's September 24, 2007 meeting to Joe Grabill. Mr. Graybill had prepared a written statement which he presented to the Council. Mr. Graybill acknowledged the efforts of Dean Kohn, Director of Parks & Recreation, and Dave Lamb, Horticulturist. Four (4) groves had been started in the City. Trees improved the health of the community and connected the generations. He cited tree sponsorships which touched lives. He cited the Main St. corridor and the grove at the south end. There had been a \$30,000 investment in this program. The program continued to improve the tree canopy. He cited the return on investment – each \$1 invested returned \$5. He encouraged all present to participate in the ceremonial planting on Saturday, November 10, 2007 at Ewing III Park. Mayor Stockton cited the fact that the City was a Tree City USA.

Alderman Finnegan requested that the agenda be amended by addressing the Regular Agenda item, Analysis of Proposals for Skate Park Equipment, first.

Motion by Alderman Finnegan, seconded by Alderman Purcell to make the Regular Agenda item first (Analysis of Proposals for Skate Park Equipment).

Motion carried.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Analysis of Proposals for Skate Park Equipment

On August 31, 2007 staff received proposals with alternates from three (3) vendors for the purchase of skate park equipment to be installed at O'Neil Park. The quotes were from Solo Ramps, (represented by Midwest Sales of Davenport Iowa), American Ramp of Joplin Missouri, and Spohn Ranch, (represented by Recreation Concepts from Oswaga, Illinois).

The proposals plus alternates ranged from \$71,000 to \$250,000. They varied from steel equipment to pour in place concrete bowls. Staff met with the local skate park group and shared the proposals along with the alternates to gather feedback on the use of these products. Staff also

researched the use and life of the products for strength, appearance, vandalism, repair cost and maintenance.

Based on the feedback from the skate park group and research of the various products, staff respectfully requests that Council accept the proposal submitted by American Ramp of Joplin, Missouri in an amount not to exceed \$170,000, and authorize the Purchasing Agent to issue a Purchase Order for same. There are sufficient funds available in the Capital Improvement Fund, X40100-725700-65048 for this equipment.

Respectfully,

Dean Kohn
Director of Parks & Recreation

Tom Hamilton
City Manager

Tom Hamilton, City Manager, introduced this item. Work began on this project in September 2005. The City hired designed consultants. City staff used the RFP, (Request for Proposals), process for the equipment. The request for approval of this RFP would move this project forward.

Alderman Stearns questioned if City staff had considered the US Cellular Coliseum. The summer time was slow and the facility could be used. Dean Kohn, Director of Parks & Recreation, addressed the Council. He expressed his belief that the skate board park would be used year round. He acknowledged that there were indoor skate parks.

Mayor Stockton noted that the Town of Normal also has a skate park which it plans to upgrade. Mr. Kohn noted that the Town's plan included replacement of seven (7) pieces. There would be some new pieces and some pieces would be refurbished. The Town's skate park was located on former asphalt tennis courts. The City's park would be at a higher level with over thirty (30) pieces and would be located on concrete.

Alderman Purcell acknowledged City staff's and the skate park committee's efforts.

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

Motion carried.

John Perkins, 521 McGregor, addressed the Council. He was glad that the City had reached this point. He thanked the Council and City staff. The process started in 2004. He was pleased and excited.

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

Motion carried.

Motion by Alderman Finnegan, seconded by Alderman Gibson that the proposal be awarded to American Ramp in an amount not to exceed \$170,000, and the Purchasing Agent be authorized to issue a Purchase Order for same.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Council Proceedings of August 13, 2007

The Council Proceedings of August 13, 2007 have been reviewed and certified as correct and complete by the City Clerk.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

Motion by Alderman Hanson, seconded by Alderman Purcell that the reading of the minutes of the previous Council Proceedings of August 13, 2007 be dispensed with and the minutes approved as printed.

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

Ayes: Aldermen Stearns, Huette, Schmidt, Finnegan, Gibson, Hanson, 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 Hanson, seconded by Alderman Purcell that the bills and payroll be allowed and orders drawn on the Treasurer for the various amounts as funds are available.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Payments from Various Municipal Departments

1. The twenty-first and final payment to Felmley Dickerson in the amount of \$65,280 on a contract amount of \$925,000 of which \$828,985.07 will have been paid to date for work certified as 100% complete for the Courthouse Square Streetscape. Completion date – December 2007.

2. The fourth partial payment to Ensenberger Condominiums, LLC in the amount of \$400,000 on a contract amount of \$2,228,000 of which \$1,500,000 will have been paid to date for work certified as 67% complete for the Ensenberger Building. Completion date – November 2010.
3. The third partial payment to Sentinel Technologies, Inc. in the amount of \$14,945.50 on a contract amount of \$69,990 of which \$65,030 will have been paid to date for work certified as 93% complete for the Desktop & Server Security System. Completion date – May 2007.
4. The seventeenth partial payment to APACE Architects & Design in the amount of \$6,605 on a contract amount of \$301,900 of which \$243,327.40 will have been paid to date for work certified as 81% complete for the Design of Fire Station #5. Completion date – May 2008.
5. The fifteenth partial payment to PJ Hoerr, Inc. in the amount of \$107,228.32 on a contract amount of \$2,253,102.69 of which \$2,198,823.97 will have been paid to date for work certified as 98% complete for the Holiday Pool Renovation. Completion date – July 2007.
6. The first partial payment to F & W Lawn Care Specialists in the amount of \$1,958 on a contract amount of \$25,000 of which \$1,958 will have been paid to date for work certified as 8% complete for the 2007-2008 Seeding at Various Locations. Completion date – June 2008.
7. The twenty-fifth partial payment to Clark Dietz, Inc. in the amount of \$196.80 on a contract amount of \$330,000 of which \$312,126.60 will have been paid to date for work certified as 95% complete for the Hamilton Road – Timberlake to Main St. Completion date – October 2007.
8. The fourth partial payment to JG Stewart Contractors in the amount of \$41,318 on a contract amount of \$200,000 of which \$86,802.75 will have been paid to date for work certified as 43% complete for the 2007-2008 Sidewalk Replacement and Handicap Ramp Program. Completion date – November 2007.
9. The third partial payment to Terracon Consultants, N.E. Inc. (Dept. 1277) in the amount of \$4,017.75 on a per ton and hour contract of which \$10,750.26 will have been paid to date for work certified as ongoing for the 2007-2008 Asphalt & Portland Concrete Plant Inspection and Lab Testing. Completion date – July 2008.
10. The sixth partial payment to Rowe Construction in the amount of \$41,111.25 on a contract amount of \$1,795,000 of which \$1,431,817.53 will have been paid to date for work certified as 79.8% complete for the 2007-2008 General Resurfacing. Completion date – October 2007.

11. The thirtieth partial payment to Clark Dietz, Inc. in the amount of \$1,318.22 on a contract amount of \$366,591.65 of which \$355,083.37 will have been paid to date for work certified as 97% complete for the Hamilton Road – Greenwood to Timberlake Lane, a/k/a Hamilton-Morris Intersection. Completion date – October 2007.
12. The fourteenth partial payment to Daily & Associates Engineering, Inc. in the amount of \$14,316.50 on a contract amount of \$410,632.70 of which \$349,562.23 will have been paid to date for work certified as 85% complete for the Mitsubishi Motorway Study – Design and Specifications. Completion date – November 2007.
13. The fourth partial payment to Stark Excavating, Inc. in the amount of \$167,974 on a contract amount of \$1,183,030.68 of which \$493,725 will have been paid to date for work certified as 42% complete for the Towanda Avenue: Rowe to Orleans. Completion date – December 2007.
14. The first partial payment to Rowe Construction Co. in the amount of \$16,478.36 on a contract amount of \$2,940,450.76 of which \$16,478.36 will have been paid to date for work certified as .6% complete for the Mitsubishi Motorway: Six Points to Sugar Creek. Completion date – September 2008.
15. The fourth partial payment to Stark Excavating, Inc. in the amount of \$140,984 on a contract amount of \$1,990,500 of which \$945,624 will have been paid to date for work certified as 48% complete for the Recovery Pumps and Piping for Main Branch Kickapoo Creek Pump Station. Completion date – November 2007.
16. The third partial payment to Clark Dietz in the amount of \$498.60 on a contract amount of \$47,000 of which \$4,510.27 will have been paid to date for work certified as 10% complete for the Construction Observation James/Charles. Completion date – October 2008.
17. The sixth partial payment to Farnsworth Group in the amount of \$1,433.75 on a contract amount of \$45,000 of which \$11,649 will have been paid to date for work certified as 26% complete for the Wastewater Treatment System at Lake Bloomington – Lake Bloomington Cluster. Completion date – October 2007.
18. The first partial payment to Consoer Townsend & Associates in the amount of \$426.69 on a contract amount of \$11,200 of which \$426.69 will have been paid to date for work certified as 4% complete for the Water Age Analysis. Completion date – December 2008.
19. The eighteenth partial payment to Clark Dietz, Inc. in the amount of \$1,377.50 on a contract amount of \$22,000 of which \$18,210.52 will have been paid to date for work certified as 83% complete for the Water Department Emergency Response Plan. Completion date – December 2007.

20. The thirteenth partial payment to Consoer Townsend & Associates in the amount of \$1,311.02 on a contract amount of \$185,000 of which \$76,831.54 will have been paid to date for work certified as 42% complete for the Electrical Improvements Lake Bloomington. Completion date – December 2007.
21. The first partial payment to Clark Dietz, Inc. in the amount of \$1,952.23 on a contract amount of \$15,000 of which \$1,952.23 will have been paid to date for work certified as 13% complete for the Permit Modification from Illinois Department of Natural Resources Evergreen Reservoir Fish Barrier. Completion date – December 2008.
22. The twenty-third partial payment to Lewis, Yockey & Brown in the amount of \$1,970.77 on a contract amount of \$93,000 of which \$88,061.88 will have been paid to date for work certified as 95% complete for the Lincoln Street Water Main. Completion date – June 2008.
23. The second and final payment to Global Engineering Technology, LLC in the amount of \$2,100 on a contract amount of \$9,000 of which \$9,000 will have been paid to date for work certified as 100% complete for the Miller Street – Oak to Low Water Main. Completion date – October 2007.
24. The second partial payment to Clark Dietz in the amount of \$1,410.48 on a contract amount of \$22,000 of which \$6,759.23 will have been paid to date for work certified as 31% complete for the Water Main Installation – Graham Street through O’Neil Park. Completion date – December 2007.
25. The first partial payment to Clark Dietz in the amount of \$12,530.07 on a contract amount of \$25,000 of which \$12,530.07 will have been paid to date for work certified as 50% complete for the Water Main Replacement on Oak and Roosevelt. Completion date – December 2008.
26. The ninth partial payment to Clark Dietz in the amount of \$1,208.76 on a contract amount of \$84,600 of which \$52,199.72 will have been paid to date for work certified as 60% complete for the Parmon Road Water Main Replacement. Completion date – December 2007.
27. The fourteenth partial payment to Clark Dietz in the amount of \$6,108.89 on a contract amount of \$68,800 of which \$67,616.70 will have been paid to date for work certified as 99% complete for the Main Replacement on Hinshaw/Barker. Completion date – December 2007.
28. The seventh partial payment to Gildner Plumbing, Inc. in the amount of \$13,894 on a contract amount of \$1,114,445 of which \$698,711 will have been paid to date for work certified as 63% complete for the Sewer and Storm Drain Kickapoo Force Main. Completion date – November 2007.

29. The first partial payment to Instituform Technologies USA Inc. in the amount of \$164,570 on a contract amount of \$291,950 of which \$164,570 will have been paid to date for work certified as 56% complete for the Roosevelt: Wood to S. Slough Lining 36" Sewer. Completion date – October 2007.
30. The eighth partial payment to Stark Excavating, Inc. in the amount of \$30,716 on a contract amount of \$2,974,384 of which \$2,800,474 will have been paid to date for work certified as 94% complete for the Brokaw Road Sanitary Trunk Sewer. Completion date – November 2007.
31. The fifteenth and final payment to Clark Dietz, Inc. in the amount of \$1,270.55 on a contract amount of \$140,000 of which \$112,843.40 will have been paid to date for work certified as 100% complete for the Locust – Colton CSO Study. Completion date – March 2007.
32. The second partial payment to Global Engineering & Technology, LLC in the amount of \$3,745 on a contract amount of \$13,900 of which \$13,030 will have been paid to date for work certified as 94% complete for the Somerset Court Storm Sewer Design. Completion date – November 2007.
33. The first partial payment to Clark Dietz, Inc. in the amount of \$2,289.01 on a contract amount of \$60,000 of which \$2,289.01 will have been paid to date for work certified as 5% complete for the Construction/Inspection of Parkview Water Main Replacement. Completion date – October 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

Alderman Purcell questioned Payment 2. The fourth partial payment to Ensenberger Condominiums, LLC in the amount of \$400,000 on a contract amount of \$2,228,000 of which \$1,500,000 will have been paid to date for work certified as 67% complete for the Ensenberger Building. Completion date – November 2010. Tom Hamilton, City Manager, addressed the Council. Sixty-eight percent, (68%), of the funds have been expended. All obligations have been fulfilled. Two (2) additional payments were coming.

Alderman Sage also questioned this Payment. Mr. Hamilton stated that this project was funded by the Downtown TIF (Tax Increment Financing) District. TIFs generate new property tax dollars. A TIF fund operated as a revolving fund. The Downtown TIF generated \$1 million per year. It will expire in 2010, (last collection).

Alderman Purcell questioned Payment 24. The second partial payment to Clark Dietz in the amount of \$1,410.48 on a contract amount of \$22,000 of which \$6,759.23 will have been paid to date for work certified as 31% complete for the Water Main Installation – Graham Street through O’Neil Park. Completion date – December 2007. He stated that he had received an email which stated that there was a two (2) year window. Craig Cummings, Director of Water, addressed the Council. This water main has been an ongoing problem. It was a dead end cast iron pipe. This water main will be taken care of.

Alderman Purcell questioned Payment 25. The first partial payment to Clark Dietz in the amount of \$12,530.07 on a contract amount of \$25,000 of which \$12,530.07 will have been paid to date for work certified as 50% complete for the Water Main Replacement on Oak and Roosevelt. Completion date – December 2008. Mr. Cummings informed the Council that a home on Roosevelt had been damaged. City staff discovered that there was no true water main and that there were wild cat services. The City was extending a water main. He noted that the situation was the same on Oak St.

Alderman Purcell questioned Payment 32. The second partial payment to Global Engineering & Technology, LLC in the amount of \$3,745 on a contract amount of \$13,900 of which \$13,030 will have been paid to date for work certified as 94% complete for the Somerset Court Storm Sewer Design. Completion date – November 2007. He questioned the budget year. Doug Grovesteen, Director of Engineering, addressed the Council. The design work will be completed this fiscal year.

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Members of the City Council

From: Stephen Stockton, Mayor

Subject: Appointment(s) and Reappointment(s) to Various Boards and Commissions

I ask that you concur with the following appointment:

Bloomington Housing Authority Board:

Terrence L. Koch, 1201 N. Evans St. His term will expire April 30, 2010.

Respectfully,

Stephen F. Stockton
Mayor

Mayor Stockton introduced Terry Koch, who would be appointed to the Bloomington Housing Authority Board. Mr. Koch addressed the Council. He noted his unique perspective and stated his intention to make a contribution.

Motion by Alderman Hanson, seconded by Alderman Purcell that the appointment be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Ameren IP Agreement

A bill has been submitted by Ameren IP for the relocation of the electrical service at Miller Park as part of the playground renovation project. The relocation of the service is a requirement of the grant that the City has received from the State of Illinois Department of Natural Resources, (IDNR.) IDNR does not allow overhead primary service to be within the area covered in their funded projects. Staff was aware of this policy and the architects estimated a cost of \$10,000 for this service based on past experience. The relocation of the electrical service was anticipated however, not part of the contract with the architect.

Ameren IP's has a policy of not providing an estimate for their work prior to construction for any project. Staff has received a bill from Ameren IP requesting payment in the amount of \$17,258.88 for the relocation of the electrical line. Additionally, Ameren IP's policy is that work will not be scheduled for a project until after payment is made in full.

In summary, in order to move this project forward, staff respectfully requests that Council approve the payment of \$17,258.88 to Ameren IP for the relocation of electrical service at Miller Park. There are sufficient funds available in the Capital Improvement Fund, account number X40100-72570 for this project.

Respectfully,

Dean Kohn
Director of Parks & Recreation

Tom Hamilton
City Manager

Alderman Fruin expressed his concern regarding the relocation of electrical services. He questioned the dollar figure cited. There had not been any negotiation. Payment would be required upfront. Tom Hamilton, City Manager, addressed the Council. The City was at the mercy of the ICC's, (Illinois Commerce Commission), tariffs. The bill is what the City has been told. City staff had prepared an estimate before July. He informed the Council that the City will need to budget additional funds for street lights in the near future.

Alderman Finnegan requested relief for street lights which were not working. Mr. Hamilton responded negatively. Alderman Finnegan stated that this was another state mandate which was unfortunate.

Mayor Stockton expressed his belief that there were two (2) things that the City could do: 1.) file with the ICC and the ICC may intervene; and 2.) report street lights which are out. Mr. Hamilton informed the Council that City staff had met with IP in the recent past to address rate increases. He added that IP does not have the personnel to do the work. Mayor Stockton instructed the Council to report burnt out street lights to Karen Cook, Executive Secretary.

Alderman Hanson added that this issue was a big concern in Ward 8. Barb Adkins, Deputy City Manager, had addressed this issue. He noted that dealing with utilities was tough. He recommended that the Mayor and Council contact the City's state representatives and senators. This issue was a concern. Mr. Hamilton anticipated that Corn Belt Energy would be next.

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Request to Approve Payment to Larry D. Bielfeldt for the City's Share of the Construction Cost of over Sizing the Water Main in Towanda Barnes Road

On November 26, 2001, Council approved an Annexation Agreement for Hawthorne Commercial Park Subdivision. Hawthorne Commercial Park is located south of General Electric Road and west of Towanda Barnes Road. The Annexation Agreement obligated the City to pay for the over sizing of water mains above eight (8") inch diameter pipe. The water main in Towanda Barnes Road was constructed as a sixteen (16") inch main at the request of the City.

Farnsworth Group, acting as the developer's agent, has submitted a request for payment in the amount of \$41,448 for the over sizing of the main. Staff has reviewed the bill and finds it to be in order. There are Water Depreciation Funds budgeted for the expense of over sizing water mains in the 2007-2008 Capital Budget. Staff therefore respectfully recommends that Council approve the payment of \$41,448 to Larry D. Bielfeldt with payment to be made from Water Depreciation Funds (X50200-72540).

Respectfully,

Craig Cummings
Director of Water

Tom Hamilton
City Manager

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Rejection of End Court Risers

Central Illinois Arena Management respectfully requests that Council reject the bid from STAGERIGHT Company in the amount of \$240,558 for End Court Risers. This bid came in over budget and at this time we do not believe that this purchase can be warranted. This purchase will be deferred until fiscal year 2008-2009.

There were three (3) bids submitted. STAGERIGHT was the only bidder to submit a price, as the other two (2) other companies submitted "No Bids."

Respectfully,

Mike Nelson
CIAM General Manager

Tom Hamilton
City Manager

Motion by Alderman Hanson, seconded by Alderman Purcell that the bid be rejected.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Permission to Accept Grant for the Redevelopment of the Stream at "The Grove" Subdivision

Staff has been working with the Farnsworth Group and Goodpaster/Jamison Inc. on the redevelopment of the stream at "The Grove" subdivision. Goodpaster/Jamison Inc has secured Phase II of the grant from the Illinois Environmental Protection Agency, (IEPA) Bureau of Water for water quality monitoring. The cost of the project is \$165,000. The IEPA is funding

the grant 100% but the grant recipients must be a government agency. The project would be of no cost to the City.

Staff respectfully requests that Council authorize the acceptance of the grant from the IEPA, Bureau of Water in the amount of \$165,000 for the redevelopment of the stream at "The Grove" subdivision.

Respectfully,

Dean Kohn,
Director of Parks & Recreation

Tom Hamilton
City Manager

**U.S. Department of the Interior U.S. Geological Survey
Joint Funding Agreement
For Water Resources Investigations**

THIS AGREEMENT is entered into as of the 14th day of September, 2007, by the U.S. GEOLOGICAL SURVEY, UNITED STATES DEPARTMENT OF THE INTERIOR, party of the first part, and the Bloomington Parks and Recreation, party of the second part.

1. The parties hereto agree that subject to availability of appropriations and in accordance with their respective authorities there shall be maintained in cooperation project tasks at the Grove development in Bloomington, Illinois, including data collection analyses and summaries of streamflow and sediment data at 3 sites and continuous dissolved oxygen data at 1 site; and assessment of the physical stream conditions and documentation of construction activities, herein called the program. The USGS legal authority is 43 USC 36C; 43 USC 50; and 43 USC 50b.
2. The following amounts shall be contributed to cover all of the cost of the necessary field and analytical work directly related to this program. 2(b) includes In-Kind Services in the amount of \$0.00.

by the party of the first part during the period

(a) \$0.00 October 1, 2007 to September 30, 2008

by the party of the second part during the period

(b) \$165,000 October 1, 2007 to September 30, 2008

- (c) Additional or reduced amounts by each party during the above period or succeeding periods as may be determined by mutual agreement and set forth in an exchange of letters between the parties.
- (d) The performance period may be changed by mutual agreement and set forth in an exchange of letters between the parties.

3. The costs of this program may be paid by either party in conformity with the laws and regulations respectively governing each party.
4. The field and analytical work pertaining to this program shall be under the direction of or subject to periodic review by an authorized representative of the party of the first part.
5. The areas to be included in the program shall be determined by mutual agreement between the parties hereto or their authorized representatives. The methods employed in the field and office shall be those adopted by the party of the first part to insure the required standards of accuracy subject to modification by mutual agreement.
6. During the course of this program, all field and analytical work of either party pertaining to this program shall be open to the inspection of the other party, and if the work is not being carried on in a mutually satisfactory manner, either party may terminate this agreement upon 60 days written notice to the other party.
7. The original records resulting from this program will be deposited in the office of origin of those records. Upon request, copies of the original records will be provided to the office of the other party.
8. The maps, records, or reports resulting from this program shall be made available to the public as promptly as possible. The maps, records, or reports normally will be published by the party of the first part. However, the party of the second part reserves the right to publish the results of this program and, if already published by the party of the first part shall, upon request, be furnished by the party of the first part, at costs, impressions suitable for purposes of reproduction similar to that for which the original copy was prepared. The maps, records, or reports published by either party shall contain a statement of the cooperative relations between the parties.
9. USGS will issue billings utilizing Department of the Interior Bill for Collection (form DI-1040). Billing documents are to be rendered quarterly. Payments of bills are due within 60 days after the billing date. If not paid by the due date, interest will be charged at the current Treasury rate for each 30 day period, or portion thereof, that the payment is delayed beyond the due date. (31 USC 3717; Comptroller General File B-212222, August 23, 1983).

U.S. Geological Survey
United States
Department of the Interior

Bloomington Parks and Recreation

USGS Point of Contact

Customer Point of Contact

Name: Audrey Ishii
Address: 1201 W University Ave Ste 100
Urbana IL 61801-2347
Telephone: 217/344-0037, extension 3026
Email: alishii@usgs.gov

Name: Dean Kohn
Address: 115 E Washington St
Bloomington IL 61701
Telephone: 309/434-2260
Email: dkohn@cityblm.org

Signatures

Signatures

Name: Robert R Holmes, Jr., PhD, P.E.
Title: Director, USGS Illinois Water Science
Center
Date: 9/14/07

Name: Dean Kohn
Title: Director Parks & Recreation
Date: 9/18/07

Name: Stephen F. Stockton
Title: Mayor
Date: 10/09/07

Motion by Alderman Hanson, seconded by Alderman Purcell that the grant be accepted.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Professional Services Contract

Staff respectfully requests approval of a contract to engage the production of "CATS" represented by Cats-Eye, LLC, to perform services in the Bloomington Center for the Performing Arts on November 4, 2007. Under the terms of the contract, the artists shall receive 60% of all ticket sales up through \$32,000 as well as 70% of all ticket sales above that amount, less 3.5% for credit card fees.

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

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

Respectfully,

C. Bruce Marquis
Executive Director, Cultural District

Tom Hamilton
City Manager

Motion by Alderman Hanson, seconded by Alderman Purcell that the contract with Cats-Eye, LLC 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, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Intergovernmental Agreement with McLean County- AFIX Tracker Fingerprint System

On September 10, 2007, Council agreed to purchase an AFIX Tracker Fingerprint System. The AFIX Tracker system is used to identify potential fingerprint matches from fingerprints collected at crime scenes to fingerprints of known offenders. The system will help alleviate the back log of cases that have had fingerprints sent to the State Crime Lab.

For the system to work in the manner it is intended, the City must have limited network access to the Livescan system maintained at the McLean County Jail. McLean County has prepared an Intergovernmental Agreement which would permit the City access. The County Board will vote on this Agreement at its October or November meeting.

The staff believes that this Intergovernmental Agreement is in the best interests of the citizens of the City and respectfully requests Council approval, and further, that the Mayor and City Clerk be authorized to execute the necessary documents.

Respectfully,

J. Todd Greenburg
Corporation Counsel

Roger Aikin
Chief of Police

Tom Hamilton
City Manager

**INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF BLOOMINGTON
AND THE COUNTY OF MCLEAN TO PROVIDE NETWORK ACCESS
FOR THE AFIX TRACKER EQUIPMENT**

WHEREAS, pursuant to Article VII, Section 10 of the Illinois Constitution, City of Bloomington (hereinafter "Bloomington") is permitted to enter into Intergovernmental Agreements to obtain or share services with the County of McLean (hereinafter the "County"); and

WHEREAS, the County is a body politic and corporate and, pursuant to Article VII, Section 10 of the Illinois Constitution, is permitted to enter into Intergovernmental Agreements to obtain or share services with Bloomington; and

WHEREAS, the City desires to maintain an AFIX Tracker system which processes automated fingerprint and palm print identification; and

WHEREAS, the AFIX Tracker system requires itself to communicate with the Livescan system maintained in the McLean County Jail; and

WHEREAS, all fingerprints and palms prints made through this AFIX Tracker system are recorded and used for identification; and

WHEREAS, Bloomington and the County deem it to be in their best interests to enter into an Intergovernmental Agreement to make available network connectivity between the AFIX tracker and the Livescan machine housed within the McLean County Jail, now, therefore

IT IS HEREBY AGREED AS FOLLOWS:

The County shall:

1. Allow the City of Bloomington limited network access to the County's Livescan machine as mutually determined by the McLean County Information Technologies Department and City of Bloomington Information Technologies Department.
2. Provide to Bloomington, on a best efforts basis, access to the Livescan equipment system at a 95% level, 7 days per week, 24 hours per day. However, when the County deems that it is necessary to upgrade the operating system, software version or associated networking equipment, the system may be temporarily unavailable. Notwithstanding, catastrophes such as hardware failure and/or loss of power can and will occur. Therefore,

availability and restoration of access to the Livescan system will be provided as soon as possible.

3. To the extent permitted under State and Federal law, indemnify and hold Bloomington harmless from all causes of action and the costs of defending any such actions arising out of the performance of county's contractual duties under this Intergovernmental Agreement.

Bloomington shall:

1. Be solely responsible for the cost, installation, and maintenance of the computer hardware and communication networks required to install the AFIX Tracker equipment system at their location.
2. Agree to not unlawfully disclose, copy, or change or provide any of the information retrieved to any other person, entity, municipality, or corporation, and to refrain from damaging or losing data contained within the system. If Bloomington or its agents or employees do damage or lose data contained within the system, damages recoverable by the County will be limited to actual damages incurred.
3. Bloomington shall, to the extent permitted under State and federal law, indemnify and hold the County harmless from all causes of action and the costs of defending any such actions arising out of the performance of Bloomington's contractual duties under this Intergovernmental Agreement.

Bloomington and the County agree that:

1. This Intergovernmental Agreement shall be binding upon both parties until and unless amended by agreement of the parties, provided, however, that either party may unilaterally terminate this Agreement with 30 days written notice to the other party.
2. The County is not obligated to purchase or continue to use equipment based upon that equipment's compatibility with the AFIX Tracker system.
3. In the event a Court orders an expungement of a scanned record, the County shall be responsible for expunging records stored within its Livescan machine and the City shall be responsible for expunging records stored within the AFIX Tracker system.
4. This Intergovernmental Agreement is severable, and the validity or unenforceability of any provision of the Agreement, or any part hereof, shall not render the remainder of this Agreement invalid or unenforceable.
5. This Intergovernmental Agreement shall continue in full force and effect commencing upon the date the last party to this Agreement has signed until such time as it may be amended or revised by the same action that caused its adoption, or terminated as provided above.

6. Bloomington and the County hereto agree that the foregoing constitutes all of the Agreement and in witness whereof, the parties have affixed their respective signatures and certifications on the dates indicated below.

The City and the County hereto agree that the foregoing constitutes all of the Agreement and in witness whereof, the parties have affixed their respective signatures and certifications on the dates indicated below.

For the City of Bloomington:

For McLean County:

Stephen F. Stockton
Mayor
City of Bloomington

Michael F. Sweeney
Chairman
McLean County Board

ATTEST:

ATTEST:

Tracy Covert,
City Clerk City of Bloomington, Illinois

Peggy Ann Milton,
Clerk of the McLean County Board
McLean County, Illinois

Mike Emery, Sheriff
McLean County Sheriff

Motion by Alderman Hanson, seconded by Alderman Purcell that the Intergovernmental 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, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Disposition of 1108 Woodbury Place

School District 87 and its Area Vocational Center (AVC) and the City's Code Enforcement Division recently completed the construction of a single-family residence located at 1108 Woodbury Place. This house is one (1) of two (2) dwellings constructed over the last year in the affordable housing subdivision called Woodbury Estates. Previously, the Council approved interest free construction loans for the building of these two (2) dwellings.

The house contains three (3) bedrooms and two (2) full baths. The house was constructed to meet Energy Star standards and is handicap accessible. The house was appraised at \$162,800.

This house was marketed through the Pantagraph and other local sources. It was available to HUD income qualified first-time homebuyers. Several subsidies are available to the approved homebuyers due to grants that were written by staff to both the Illinois Housing Development Authority and to the Federal Home Loan Bank of Chicago.

An offer to purchase for the amount of \$150,000 was received from the John Fischer household, which contains two (2) adults and (2) two children. The offer was accepted subject to City Council approval.

Staff respectfully requests that Council approve the sale and authorize staff to proceed with the closing of 1108 Woodbury Place, for the sale price of \$150,000 to the John Fischer household. The loan provided from the City's General Fund for the construction of this house will be reimbursed.

Respectfully,

Mark R. Huber
Director of PACE

Tom Hamilton
City Manager

Alderman Purcell questioned if these dollars would be returned to the City. Connie Griffin, Community Development Program Manager, addressed the Council. She stated that \$145,000 would be returned to the City's General Fund. Tom Hamilton, City Manager, addressed the Council. He stated that these dollars have become a revolving loan fund.

Motion by Alderman Hanson, seconded by Alderman Purcell that the Contract for the sale of Real Estate be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: An Ordinance Amending Section 63 of Chapter 2 of the City Code Regarding the Procedure for Hiring Entry-Level Police Officers

The Board of Fire and Police Commissioners is recommending that the City use its home rule authority to authorize the Board to streamline the procedures used to hire entry-level police officers.

The procedures set forth in the state statutes authorize Boards of Fire and Police Commissioners to establish an eligibility list for entry-level police officers which lasts two (2) years in duration. Although the City used its home rule authority to permit the Board to establish a list which lasts only one (1) year instead of two (2) years, the Board has continued to discuss ways to permit more candidates to apply for hire as a police officer. The proposed ordinance is recommended by both the Board and staff. The police officer eligibility list, rather than expiring on an annual basis, will be updated monthly.

The Board and staff believe that it is now feasible for the City to permit police officer candidates to take written tests online (subject to appropriate security procedures, such as taking the tests at City facilities) and to incorporate the results of the written tests into the eligibility list on a monthly basis. The results of a written test would be valid for one (1) year, but a candidate could take the written test again after six (6) months have elapsed if he or she wishes to achieve a higher score. The most recent score achieved on the written test would be the score incorporated into the eligibility list. Veteran's points would also be added to the candidate's score to determine their position on the list. An application fee would be charged each time a candidate wishes to take a written exam.

The Board would continue to perform background checks, polygraph examinations and other tests to screen out applicants.

When a vacancy exists, staff will schedule physical agility tests for the number of applicants designated by the Board. The results of a physical agility test will remain valid for six (6) months. Candidates who successfully complete the physical agility test will be scheduled for oral interviews to be conducted by the Board. The candidate with the highest combined score for the written exam, veteran's points, and oral exam would be hired.

The Board of Fire and Police Commissioners and staff respectfully request that Council approve the Text Amendment and that the Ordinance be passed.

Respectfully,

J. Todd Greenburg
Corporation Counsel

Tom Hamilton
City Manager

ORDINANCE NO. 2007 - 85

**AN ORDINANCE AMENDING SECTION 63 OF CHAPTER 2 OF
THE BLOOMINGTON CITY CODE**

WHEREAS, the statutes of Illinois authorize the Board of Fire and Police Commissioners of the City of Bloomington to establish a procedure for hiring entry-level police officers; and

WHEREAS, the statutes of Illinois require Boards of Fire and Police Commissioners of non-home rule municipalities to establish an eligibility list for hiring entry-level police officers which lasts for two years; and

WHEREAS, it has been the experience of the City's Board of Fire and Police Commissioners that the statutory procedure for hiring police officers is overly cumbersome because individuals on a two-year eligibility list may have taken other employment by the time a job with the City is finally offered to them and in the meantime other persons who may have desired to apply for employment as a police officer with the City have been unable to do so because the testing process would not commence for a period of up to two years; and

WHEREAS, the City of Bloomington, as a home rule municipality, is authorized to establish different methods of hiring entry-level police officers than those set forth in the state statutes in order to better protect the health, safety, and welfare of the residents of the City; and

WHEREAS, it is the determination of the City Council of the City of Bloomington that the health, safety and welfare of the residents of the City will be better served by permitting the Board of Fire and Police Commissioners to establish a procedure for regularly updating the list of individuals who may be hired as entry-level police officers with the City and methods for hiring police officers which may be different from those set forth in the state statutes; and

WHEREAS, it is the desire of the City Council of the City of Bloomington that this Ordinance be interpreted broadly to further the legislative goals set forth in this preamble;

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

Section One: That Section 63(d)(2) of the Bloomington City Code, 1960, as amended, is further amended as follows (additions are indicated by underlines; deletions are indicated by strikeouts):

(2) ~~Police Department~~ ~~The interim Register of Eligibles for the Police Department will distinguish between the 15 candidates who have obtained the highest combined scores for all tests administered by the Board prior to background investigation and oral interviews, and all other candidates. The Board shall then proceed to conduct background investigations and oral interviews with such 15 candidates and prepare a Register of Eligibles placing such 15 candidates in rank order. After 10 appointments have been made from the Register of Eligibles, the Board shall proceed to conduct background investigations and oral interviews on the next 10 remaining candidates who have obtained the highest combined scores for all tests administered~~

~~by the Board prior to background investigation and oral interviews and shall prepare a new Register of Eligibles based on such additional testing. The rank order of the new Register of Eligibles shall not give priority to those candidates on the first Register unless the total combined scores of such candidates justify such priority. The procedure shall continue to be followed after every 10 appointments until no candidates remain to be hired from a Register of Eligibles or until the expiration of one year from the date the original Register of Eligibles was approved by the Board, whichever occurs first.~~

Police Department. Notwithstanding any provisions of Division 2.1 of Article 10 of the Illinois Municipal Code (65 ILCS 5), the Board is authorized to establish a system of establishing a Register of Eligibles which permits such Register to be updated on such intervals as the Board may authorize. Persons who desire to be added to the Register of Eligibles shall apply on forms approved by the Board and provided to such applicants by City staff. Persons who so apply will be permitted to complete a written examination relating to those matters that will fairly test the capacity of the persons examined to discharge the duties of a police officer; the written examination, in the Board's discretion, may be taken on an online or computerized basis pursuant to such security procedures as the Board may see fit to establish. The Board need not proctor the written examination; it may be administered by such agents as the Board may authorize. The scores on such written examination shall be valid for one year from the date the test is given, at which time the applicant must take another test if he or she wishes to continue to seek employment as a police officer. However, the applicant is permitted to take an additional written examination after six months have elapsed from the date of the previous test; an applicant who does so shall be judged by the results of the latest written examination taken by the applicant. An application fee will be charged to all persons who desire to take the written examination. The City staff is authorized to incorporate all new scores from a written examination into the Register of Eligibles in rank order on the first day of the month after the result of the applicant's score on the written examination is known to the Board's agent or agents. The applicant's score will include both the results of the written test and any applicable veteran's points. The Board may authorize background checks, polygraph examinations, and such other procedures which, in the judgment of the Board, fairly test the capacity of the persons examined to discharge the duties of a police officer.

When the City staff has notice of a vacancy for which the Board is authorized to hire a new police officer, a physical agility test shall be conducted on the candidates who rank highest on the Register of Eligibles. The number of candidates to be tested for physical agility after notice of a vacancy shall be determined by the Board. The results of a physical agility test will be valid for six months. If more than six months have elapsed since a candidate has passed a physical agility test, he or she must retake the test. Upon passing the physical agility test, applicants will be scheduled for an oral interview to be conducted by the Board. Points from the oral interview score will be added to the scores of the candidates. The candidate receiving the highest combined score of written examination, veteran's points and oral examination shall be offered employment as a police officer with the Police Department, subject to passing any physical and psychological examinations which the Board shall authorize to be conducted.

Nothing in this subsection shall be construed as infringing on the ability of the Board to hire police officers pursuant to the alternative method of hiring police officers set forth in subsection (g) of this Section.

Nothing in this subsection shall be construed as changing the age limitations on employment set forth in 65 ILCS 5/10-2.1-6 or establishing criteria for the calculation of veteran's points different from those set forth in 65 ILCS 5/10-2.1-8.

Section Two: That Section 63(c) of the Bloomington City Code, 1960, as amended, is further amended as follows (additions are indicated by underlines; deletions are indicated by strikeouts):

(c) Appointment by Board. Such Board of Fire and Police Commissioners shall appoint all officers and members of the Fire and Police Departments of the City, except the Chief of Police and the Chief of the Fire Department, which appointments shall be made by the City Manager. All appointments made by the Board of Fire and Police Commissioners shall be from the rank next below that to which the appointment shall be made, other than that of the lowest rank.

The Board of Fire and Police Commissioners is authorized to charge an application fee of Twenty-five Dollars (\$25.00) to each person who desires to submit an application for employment as an entry-level police officer or firefighter. No application for employment as a police officer or firefighter shall be accepted without payment of such application fee. ~~An application fee shall not be required of any person who has previously been on a register of eligibles.~~ No application fee shall be required of police officer applicants seeking to be hired pursuant to subsection (g) of this Section.

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

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

Section Five: This ordinance shall be effective upon the date of its passage and approval.

Section Six: This ordinance is passed and approved pursuant to the home rule authority granted by Article VII, Section 6 of the 1970 Illinois Constitution.

PASSED this 8th day of October, 2007.

APPROVED this 9th day of October, 2007.

Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

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

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

Ayes: Aldermen Stearns, Huette, Schmidt, Finnegan, Gibson, Hanson, 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 James & Bernice Morrissette, Martha Horst, Jeffrey & Nicole Risberg, Joshua & Tamara Houtzel, Andy & Shelly Jun, Kent DePew, Surash & Cheri Sundaram, and Kathryn Ruble requesting the vacation of a north/south alley located south of East Taylor St., north of East Jackson St., west of Leland St., and east of South State St. Case V-02-07 (Ward 4)

BACKGROUND INFORMATION:

The alley in question is an unpaved public right of way that is 12.5 feet in width and 230.48 feet in length. This alley is presently a grass-covered area that is maintained by the owners of the adjoining lots. There are a total of eight (8) single family residential lots abutting this alley, and all of the owners are listed as the petitioners in this case. This alley does not appear to be required for vehicular access to any garage or driveway located on any of these lots.

The ordinance to vacate this alley includes a clause which states that “the City reserves to itself and to all utilities an easement the full width of the vacated north/south alley for the purpose of laying, installing, maintaining, repairing, removing, or replacing such facilities as they may deem appropriate.” This clause gives the City and any utility company the right to enter into this vacated right-of-way area in order to install, maintain, repair, remove or replace any utilities either located or to be located within such area. All of the utility companies have submitted letters regarding this petition, and none are objecting to the vacation of this alley.

PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission conducted a public hearing on this petition on September 26, 2007. Mr. James Morrissette, 402 South State Street, presented testimony at this public hearing in favor of this petition. He stated that this alley is functionally obsolete and all of the owners of lots

abutting the alley support this petition. 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 information presented at this public hearing, the Planning Commission passed a motion by a vote of 9 to 0 recommending Council approval of this petition in Case V-02-07 requesting the vacation of this north/south alley located south of East Taylor St., north of East Jackson St., west of Leland St., and east of South State St., with the reservation of a utility easement for the full width of such north/south alley.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission's recommendation and respectfully recommends Council approval of this petition to vacate this alley.

Respectfully,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

**PETITION FOR VACATION OF NORTH/SOUTH ALLEY LOCATED SOUTH OF
TAYLOR, NORTH OF JACKSON, WEST OF LEALAND
AND EAST OF STATE**

State of Illinois)
)ss.
County of McLean)

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

Now comes James & Bernice Morrissette, Martha Horst, Jeffrey & Nicole Risberg, Joshua & Tamara Houtzel, Andy & Shelly Jun, Kent DePew, Surash & Cheri Sundaram, and Kathryn Ruble hereinafter referred to as your Petitioners, respectfully representing and requesting as follows:

1. That your Petitioners are interested as adjacent property owners in the premises hereinafter described in Exhibit A attached hereto and made a part hereof by this reference;
2. That your Petitioners seek approval of the vacation of said north/south alley adjacent to said premises;
3. That said vacation of the north/south alley is reasonable and proper because such north/south alley is not needed for public right-of-way by said City, its only use being the location of existing or proposed utilities.

WHEREFORE, your Petitioners pray that said north/south alley be vacated with such reservation of utility easements as may seem proper.

Respectfully submitted,

By: 400 Block South State St.:
402 S. State Morrissette, James & Bernice
404 S. State Horst, Martha
406 S. State Risberg, Jeffrey & Nicole
408 S. State Houtzel, Joshua & Tamara

By: 300 Block Leland St.:
301 Leland Jun, Andy & Shelly
303 Leland DePew, Kent
305 Leland Sundaram, Surash & Cheri
307 Leland Ruble, Kathryn

ORDINANCE NO. 2007 - 86

**AN ORDINANCE PROVIDING FOR THE VACATION OF NORTH/SOUTH ALLEY
LOCATED SOUTH OF TAYLOR, NORTH OF JACKSON, WEST OF LELAND
AND EAST OF STATE**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting the vacation of said north/south alley; and

WHEREAS, said petition complies in all respects with the ordinances of said City and the statutes of the State of Illinois in such case made and provided; and

WHEREAS, the City Council of said City has the power to pass this Ordinance and grant said vacation; and

WHEREAS, it is reasonable and proper to vacate said north/south alley as requested in this case.

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

1. That said north/south alley is hereby vacated.
2. The aforesaid vacation notwithstanding, the City reserves to itself and to all utilities an easement the full width of the vacated north/south alley for the purpose of laying, installing, maintaining, repairing, removing, or replacing such facilities as they may deem appropriate.
3. That this ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 8th day of October, 2007.

APPROVED this 9th day of October, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Exhibit A

Description of alley to be vacated and retained as public easement.

All that portion of the 12.5 feet north/south alley, running west of adjacent to Lots 1, 4, 5, and 8 in Dooley’s 2nd Addition subblock 3, bounded by Taylor St. on north, Leland St. on east Jackson St. on south, and State St. on west. The said alley is located in the E ½ of the SW ¼ of section 3, Township 23 north, range 2 east, 3rd PM.

Motion by Alderman Hanson, seconded by Alderman Purcell that the Vacation be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Petition submitted by Fox Creek, Inc., requesting the rezoning from A-Agriculture District to R-1B, Single Family Residence District for Outlot C, a 0.91 of an acre outlot in the Blue Ash Subdivision, commonly located east of Fox Creek Road and south and west of Outlot 1 of the Fox Creek Country Club Subdivision Case Z-14-07 (Ward 2)

BACKGROUND INFORMATION:

Adjacent Zoning

north - R-1B, Single Family Residence District
south - A- Agriculture District
east - R-1B, Single Family Residence District
west - A - Agriculture District

Adjacent Land Uses

north - vacant
south - vacant
east - vacant
west - vacant

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

The petitioner recently acquired this 0.91 of an acre tract of vacant land and is planning to add it to and include it as part of the Fox Creek Country Club Subdivision, 18th Addition. This tract will become the southern portion of three (3) large single family lots that will have frontage on a

short cul-de-sac that will intersect with the future extension of Carrington Lane. Approval of this petition would be consistent with the City's Comprehensive Plan which recommends Low/Medium Density Residential land use for this property.

PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission held a public hearing on this petition on Wednesday, September 26, 2007. Mr. David Fedor, Treasurer of Fox Creek, Inc., 1 Brickyard Drive, presented testimony in favor of this petition at this hearing. He testified that this zoning request is straight forward and compatible with the adjacent R-1B zoning. 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 9 to 0 recommending Council approval of this petition in Case Z-14-07 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 Fox Creek, Inc., hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A, which is attached hereto and made a part hereof by this reference, or is a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee or other person, firm or corporation or the

duly authorized agents of any of the above persons having proprietary interest in said premises;

2. That said premises legally described in Exhibit "A" presently has a zoning classification of A, Agriculture District under the provisions of Chapter 44 of the Bloomington City Code, 1960;
3. That the present zoning on said premises is inappropriate due to error in original zoning, technological changes altering the impact or effect of the existing land uses, or the area in question having changed such that said present zoning is no longer contributing to the public welfare;
4. That your petitioner hereby request that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended to reclassify said premises into the R-1B, Medium Density 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 and the benefits realized by the general public in approving this petition will exceed the hardships imposed on your petitioner by the present zoning of said premises.

WHEREFORE, your petitioner respectfully prays that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended by changing the zoning classification of the above-described premises from A, Agriculture District to R-1B, Medium Density Single Family Residence District.

Respectfully submitted,

By: Dave Fedor
Treasurer

ORDINANCE NO. 2007 - 87

**AN ORDINANCE REZONING OUTLOT C IN BLUE ASH SUBDIVISION
FROM AGRICULTURE TO R-1B SINGLE FAMILY DISTRICT**

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

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

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

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

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

PASSED this 8th day of October, 2007.

APPROVED this 9th day of October, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Exhibit A

The Outlot "C" in Blue Ash Subdivision.

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition of Armstrong Builders, Inc. Johnston Builders, and Royal Links Subdivision, Inc. requesting that the street name of “Mowery Drive” be changed to “Mowrey Drive” between Baer Road and Mulligan Drive in the Second Addition to Royal Links Subdivision, south of Ft. Jesse Road. Case ST-03-07 (Ward 3)

BACKGROUND INFORMATION:

The petitioners are requesting that spelling of the street name “Mowery Drive” between Baer Road and Mulligan Drive in the Second Addition to Royal Links Subdivision be changed to “Mowrey Drive.” The reason for this request is to correct an error in the spelling of this street name as shown on the Final Plat for the Second Addition to Royal Links Subdivision when it was approved by the Council on August 14, 2006.

PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission conducted a public hearing on this petition on September 26, 2007. Mr. Brad Ropp from Johnston Builders, 9 Heartland Dr., Suite C, presented testimony in favor of this street name change at this hearing. He testified that Armstrong Builders, Inc. and Johnston Builders are currently in the process of constructing new single family dwellings along this street. He also noted that no one is presently residing on any of the lots located along the street. 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 information presented at this public hearing, the Planning Commission passed a motion by a vote of 8 to 0 recommending Council approval of this petition in Case ST-03-07 to change the street name of “Mowery Drive” to “Mowrey Drive” between Baer Road and Mulligan Drive in the Second Addition to Royal Links Subdivision.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission's recommendation and respectfully recommends Council approval of this petition for street name change and that the Resolution be adopted.

Respectfully,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

PETITION TO CHANGE NAME OF STREET

State of Illinois)
)ss.
County of McLean)

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

Now comes Armstrong Builders, Inc., Johnston Builders, and Royal Links Subdivision, Inc., hereinafter referred to as your petitioners, respectfully representing and requesting as follows:

1. That pursuant to Chapter 24, Section 11-80-19 of the Illinois Revised Statutes, the Corporate authorities of each municipality may name originally and then may change the name of any street within its corporate limits;
2. That your Petitioners are the owners of the freehold or lesser estate of the premises hereinafter legally described in Exhibit A which is attached hereto and made a part hereof by this reference, are a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee, or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
3. That your Petitioners hereby request that the street name of Mowery Drive be changed to Mowrey Drive between Baer Road and Mulligan Drive;
4. That your Petitioners request said street name change for the reasons enumerated in Exhibit B which is attached hereto and made a part hereof by this reference.

WHEREFORE, your Petitioners respectfully pray that said street name change be approved.

Respectfully submitted,

Mark D. Walsh
Armstrong Builders, Inc.

Bill Johnston
Johnston Builders

Bill Johnston
Royal Links Subdivision, Inc.

RESOLUTION NO. 2007 - 97

**RESOLUTION CHANGING THE NAME OF A PORTION OF
MOWERY DRIVE TO MOWREY DRIVE**

BE IT RESOLVED by the City Council of the City of Bloomington, McLean County Illinois:

1. That the name of that portion of Mowery Drive. Located between Baer Road and Mulligan Drive, in the City of Bloomington, McLean County, Illinois, shall be and the same is hereby changed to Mowrey Drive;
2. That the Engineering Department of said City of Bloomington shall assign numbers to houses along the newly named portion of Mowrey Drive in a manner consistent with the Ordinances and practices of said City of Bloomington;
3. That this Resolution shall be effective fourteen (14) days after passage or when the street signs are erected.

PASSED this 8th day of October, 2007.

APPROVED this 9th day of October, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Exhibit A

Lots 70, 72, through 76, inclusive 99, 101, 103 and 104, all in the Second Addition to Royal Links Subdivision, Bloomington, Illinois, according to the Plat thereof recorded September 12, 2006 as Document No. 2006-25260, in McLean County, Illinois.

Exhibit B

Reason for street name change: To change the spelling named Mowery Drive to Mowrey Drive.

Alderman Purcell questioned who pays for street signs. Tom Hamilton, City Manager, addressed the Council. Currently, the City provides street signs.

Motion by Alderman Hanson, seconded by Alderman Purcell that the Street Name Change be approved and the Resolution be adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition from Mercer Turner, as Trustee of Land Trust BY-1, Requesting Approval of a Final Plat for Brickyard Subdivision First Addition

A Petition has been received from Mercer Turner, as Trustee of Land Trust BY-1, requesting approval of a Final Plat for Brickyard Subdivision First Addition. The request is to create a one (1) lot subdivision located west of Brickyard Apartments, at the east end of Anglers Lake Road.

This property is currently served with City utilities and no public improvements are planned, therefore no fees are required from this subdivision. Staff respectfully recommends that Council approve the Petition and adopt an Ordinance approving the Final Plat for First Addition to Brickyard Subdivision.

Respectfully,

Doug Grovesteen
Director of Engineering

Tom Hamilton
City Manager

PETITION FOR APPROVAL OF FINAL PLAT

State of Illinois)
)ss.
County of McLean)

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

Now comes Mercer Turner as Trustee of Land Trust BY-1, hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

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

WHEREFORE, your petitioner respectfully prays that said Final Plat for the First Addition to Brickyard subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

Mercer Turner
Trustee of Land Trust BY-1

ORDINANCE NO. 2007 - 88

**AN ORDINANCE APPROVING THE FINAL PLAT OF
THE FIRST ADDITION TO BRICKYARD 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 First Addition to Brickyard Subdivision, legally described in Exhibit A attached hereto and made a part hereof by this reference; and

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

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

1. That the Final Plat of the First Addition to Brickyard Subdivision and any and all requested exemptions and/or variations be, and the same is hereby approved.
2. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 8th day of October, 2007.

APPROVED this 9th day of October, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

A part of the Southeast Quarter of Section 10, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows:

Commencing at the Northeast Corner of a tract of and as shown on the plat for Herbert Bachenheimer Survey recorded June 30, 1972, as Document No. 72-6145, in McLean County, Illinois, said Northeast Corner is a point on the South Line of Meadowbrook Subdivision in the City of Bloomington, Illinois, lying 870.53 feet east of the Southwest Corner of Lot 171 in said

Subdivision; thence south 198.11 feet along the East Line of said Survey which forms an angle of 91°-48'-07" as measured from west to south with said South Line; thence west 586.34 feet along a line which is parallel with said South Line and which forms an angle to the right of 271°-48'-07" with the last described course to the Point of Beginning, said Point also being the Northwest Corner of a tract of and land conveyed per Trustee's Deed recorded December 3, 2002 as Document No. 2002-47508 in the McLean County Recorder's Office. From said Point of Beginning, thence continuing west 183.87 feet along a line which forms an angle to the right of 180°-00'-00" with the last described course to the East Line of a Tract of Land conveyed to Hicks Oil and Hicks Gas, Inc., recorded March 28, 1955 as Document No 40090 in said Recorders Office; thence southeast 51.07 feet along said East Line which forms an angle to the right of 74°-36'-29" with the last described course to the Northeast Corner of a Tract of Land conveyed to Corn Belt Electric Cooperative per Warranty Deed recorded December 16, 1950 as Document No 34283 in said Recorder's Office; thence southeast 28.64 feet along the East Line of said Tract which forms an angle to the right of 179°-57'-21" with the last described course; thence northeast 52.00 feet along a line, which forms an angle to the right of 90°-00'-00" with the last described course; thence southeast 182.00 feet along a line which is parallel with the East Line of said Corn Belt Electric Cooperative Tract; thence east 68.44 feet along a line which forms an angle to the right of 105°-21'-37" with the last described course; thence north 70.00 feet along a line which forms an angle to the right of 90°-00'-00" with the last describe course to a point on the South Line of the tract of land conveyed per said Document No 2002-47508 lying 4.00 feet east of the Southwest Corner thereof; thence west 4.00 feet along said South Line which forms an angle to the right of 90°-00'-00" with the last described course to said Southwest Corner; thence north 168.36 feet along the West Line of said Tract which forms an angle to the right of 270°-00'-00" with the last described course to the Point of Beginning, containing 0.625 acre, more or less.

P.I.N. part of 21-10-452-031.

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition from Nova Enterprises, Requesting Approval of a Final Plat for Towanda Barnes Business Park Twentieth Addition

A petition has been received from Nova Enterprises, requesting Council approval of a Final Plat for Towanda-Barnes Business Park Twentieth Addition. This subdivision is located west of Towanda-Barnes Road, south of Oakland Avenue and north of Ireland Grove Road. The Final Plat is in conformance with the Preliminary Plan approved on June 10, 1996.

As the public improvements are complete, no performance guarantee is required for this addition. As per the agreement, there are no tap on fees from the subdivision. Staff respectfully recommends that Council approve the Petition and adopt an Ordinance approving the Final Plat for the Towanda-Barnes Business Park Twentieth Addition.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

PETITION FOR APPROVAL OF FINAL PLAT

State of Illinois)
)ss.
County of McLean)

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

Now comes NOVA ENTERPIRSES, an Illinois Partnership, 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 described in Exhibit A which is attached hereto and made a part hereof by this reference;
2. That your Petitioner seeks approval of the Final Plat for the subdivision of said premises to be known and described as Twentieth Addition to Towanda-Barnes Business Park, Bloomington, Illinois, which Final Plat is attached hereto and made apart 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: None.

WHEREFORE, your Petitioner respectfully prays that said Final Plat for the Twentieth Addition to Towanda-Barnes Business Park, Bloomington, Illinois, subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

NOVA ENTERPRISES,
an Illinois Partnership

By: John Albee

Gene Shrader

Glenn E Benckendorf
Managing Partners

ORDINANCE NO. 2007 - 89

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE TWENTIETH ADDITION
TO TOWANDA-BARNES BUSINESS PARK 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 Twentieth Addition to Towanda-Barnes Business Park Subdivision, legally described in Exhibit A attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition requests the following exemptions or variations from the provisions of the Bloomington City Code-1960, as amended: None; and

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

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 Twentieth Addition to Towanda-Barnes Business Park Subdivision and any and all requested exemptions and/or variations be, and the same is hereby approved.
2. That this Ordinance shall be in full force and effective as of the time of its passage this 8th day of October, 2007.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

A part of the Northeast Quarter of Section 7, Township 23 North, Range 3 East of the Third Principal Meridian, in the City of Bloomington, McLean County, Illinois, described as follows: Beginning at the Northwest Corner of Lot 2 in GKC Theatres Subdivision in the City of Bloomington, Illinois, according to the plat recorded as Document No. 2002-24698 in the McLean County Recorder's Office. From said Point of Beginning, thence east 280.00 feet along the North Line of said Lot 2 to the Southwest Corner of Lot 23 in the Twelfth Addition to Towanda Barnes Business Park in the City of Bloomington, Illinois, according to the plat recorded as Document No. 2004-29798 in said Recorder's Office; thence north 155.00 feet along the West Line of said Lot 23 which forms an angle to the right of 90°-00'-00" with the last described course; thence west 280.00 feet along a line which is parallel with the North Line of said Lot 2 and forms an angle to the right of 90°-00'-00" with the last described course to a point on the East Right-of-Way Line of Bronco Drive as dedicated in the Fifteenth Addition to Towanda Barnes Business Park in the City of Bloomington, Illinois, according to the plat recorded as Document No. 2005-14860 in said Recorder's Office, said point being 155.00 feet north of the Point of Beginning; thence south 155.00 feet along said East Right-of-Way Line which forms an angle to the right 90°-00'-00" with the last described course to the Point of Beginning, containing 0.996 acre, more or less.

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition from Village at Prairie Vista, LLC Requesting Approval of a Final Plat for the Village at Prairie Vista Subdivision

A petition has been received from Village at Prairie Vista, LLC requesting Council approval of a Final Plat for the Village at Prairie Vista Subdivision. This subdivision is located south of Hamilton Road, east of Morris Avenue, adjacent to Prairie Vista Golf Course. The Final Plat is in conformance with the Village at Prairie Vista Preliminary Plan approved on September 11, 2006. There are various tap on fees which are due for this subdivision.

Staff respectfully recommends that Council approve the Petition and adopt an Ordinance approving the Final Plat for the Village at Prairie Vista Subdivision, subject to the Petitioner paying the necessary tap on fees before recording the plat.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

PETITION FOR APPROVAL OF FINAL PLAT

State of Illinois)
)ss.
County of McLean)

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

Now comes Village at Prairie Vista, LLC hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A which is attached hereto and made a part hereof by this reference, of is a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That your petitioner seeks approval of the Final Plat for the subdivision of said premises to be known and described as The Village at Prairie Vista Subdivision;
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: all those enumerated on the approved Preliminary Plan and Annexation Agreement, if any.

WHEREFORE, your petitioner respectfully prays that said Final Plat for the Village at Prairie Vista subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

B.J. Armstrong

ORDINANCE NO. 2007 - 90

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE
VILLAGE AT PRAIRIE VISTA 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 Village at Prairie Vista Subdivision, legally described in Exhibit A attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition requests the following exemptions or variations from the provisions of the Bloomington City Code-1960, as amended: all those enumerated on the approved Preliminary Plan and Annexation Agreement, if any; 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 Village at Prairie Vista Subdivision and any and all requested exemptions and/or variations be, and the same is hereby approved.
2. That this Ordinance shall be in full force and effective as of the time of its passage this 8th day of October, 2007.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Lot 33 in the Subdivision of the East Half of the Southeast Quarter of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, according to the Plat recorded in Book 37 of Deeds, Page 92, except the West 43 feet thereof, said West 43 feet being a strip of land conveyed to the City of Bloomington by Deed recorded as Document No. 2005-00026735, McLean County, Illinois, containing 4.774 acres, more or less.

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Appeal of Action by the Zoning Board of Appeals for the property located at 1702 Tullamore Avenue (YMCA)

On September 19, 2007 the Zoning Board of Appeals held a public hearing on a variance request for reduction in off-street parking space requirements for the new YMCA, 1702 Tullamore Avenue. The request was to reduce the number of off-street parking spaces by 101 spaces.

Neil Finlen with the Farnsworth Group was present to represent the petitioners. Mr. Finlen provided a large scale plan of the site and presented testimony supporting a reduction in the number of off-street parking spaces. No one provided testimony in opposition to this request. Staff, considering the findings of fact as established by the zoning ordinance, recommended the Zoning Board of Appeals approve this request.

Upon hearing the testimony and reviewing the documents provided, the Zoning Board of Appeals voted to approve the variance request by a vote of 3 yes - 1 no. However, the zoning ordinance requires a minimum of four (4) affirmative votes for passage of a variation request.

Staff believes this request meets the standards (finding of fact) set forth in the zoning ordinance and that the vote of the Zoning Board of Appeals, while not an outright approval, stands as an

apparent recommendation for approval. Therefore, staff respectfully recommends Council approval of this variance request concerning off-street parking spaces.

Respectfully,

Mark R. Huber
Director, PACE

Tom Hamilton
City Manager

Motion by Alderman Hanson, seconded by Alderman Purcell that the Variance be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Appeal of Action by the Zoning Board of Appeals for the Property Located at 1305 N. Livingston Street

On September 19, 2007 the Zoning Board of Appeals held a public hearing on the request of Ms. Beth Smith, 1305 N. Livingston Street for a set back variation of approximately one foot (1) to allow a screen (accessory structure) constructed as a backdrop to an existing water feature.

Ms. Smith was present to represent her petition and provided photos and testimony to substantiate her position. Ms. Pam Neil, 1309 N. Livingston and Mr. and Mrs. Wollenschlager, 1301 N. Livingston, provided testimony in opposition to the petition. Staff considered the findings of fact relevant to this case and established by the zoning ordinance, recommended approval of this petition.

Upon hearing the testimony and reviewing the documents provided, the Zoning Board of Appeals voted to approve the variation request by a vote of 3 yes – 1 no. However, since the zoning ordinance requires minimum four (4) affirmative votes for approval, the petition failed.

Staff believes this request meets the standards (findings of fact) set forth by the zoning ordinance. Additionally, staff believes that the vote of the Zoning Board of Appeals, while not

an outright approval, stands as a clear endorsement of the request. Therefore, staff respectfully recommends Council approval of this accessory structure setback variance.

Respectfully,

Mark R. Huber
Director, PACE

Tom Hamilton
City Manager

* Minutes provided are unofficial since they have not been reviewed by Zoning Board. This review will be done at their next regular meeting.

Motion by Alderman Hanson, seconded by Alderman Purcell that the Variance be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Waive the Formal Bidding Process and Purchase a Replacement K-9 Unit

“Rexx,” one of the City’s K-9 units will be retiring this year. Staff respectfully requests permission to purchase a replacement K-9 unit in the amount of \$8,500 from Canine Training Institute. The \$8,500 includes the purchase of the dog; transportation from Europe; medical and radiograph examinations; 10-12 weeks of full service training; one (1) year of maintenance training, and a five (5) year service life guarantee.

Staff respectfully requests that Council waive the formal bidding process and approve the purchase of a replacement K-9 unit from Canine Training Institute in the amount of \$8,500, the Purchasing Agent be authorized to issue a Purchase Order for same, and the Resolution be adopted. Funds in the amount of \$4,500 for the purchase were budgeted in F15110-72140, and funds in the amount of \$4,000 for training were budgeted in G15110-70790.

Respectfully,

Roger J. Aikin
Chief of Police

Tom Hamilton
City Manager

RESOLUTION NO. 2007 - 95

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF A REPLACEMENT K-9 UNIT IN THE
AMOUNT OF \$8,500 FROM CANINE TRAINING INSTITUTE**

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

1. That the bidding process be waived and the Purchasing Agent be authorized to Purchase a replacement K-9 unit in the amount of \$8,500 from Canine Training Institute.

ADOPTED this 8th day of October, 2007.

APPROVED this 9th day of October, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

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

Motion carried.

Roger Aikin, Police Chief, addressed the Council. Rex had been purchased by the City. He was well beyond the recommended years of service. He planned to use the same vendor that the City has used to purchase every canine unit. He requested that the formal bid process be waived. Funds were budgeted. Officer Gentry planned to keep Rex.

Alderman Stearns questioned calls for service. Chief Aikin offered to provide the numbers. The City had three (3) canine units. The fourth dog performed searches, was involved in proactive service at FedEx and DHL, and served in a public relations role in the local schools.

Motion by Alderman Huette, seconded by Alderman Fruin to return to order.

Motion carried.

Motion by Alderman Huette, seconded by Alderman Purcell that the formal bidding process be waived, the purchase of a replacement K-9 unit be approved in the amount of \$8,500, the Purchasing Agent authorized to issue a Purchase Order for same, and the Resolution adopted.

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

Ayes: Aldermen Stearns, Huette, Schmidt, Finnegan, Gibson, Hanson, 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 Purchase a Breathing Air Storage System for Fire Department Rescue Pumpers

Staff respectfully requests that Council waive the formal bid process and authorize the purchase of two (2) breathing air storage systems from SCBAS, Inc. located in Washington, IL for a total cost of \$13,230.

This equipment stores high-pressure compressed air to power the air operated tools and equipment on the Fire Department's two (2) new rescue pumpers. Purchasing this equipment as an aftermarket installation is more cost effective than ordering it from the vehicle manufacturer. SCBAS, Inc is the area distributor for breathing apparatus used by the Fire Department and provided the department's breathing air compressors and storage systems currently installed at Fire Stations 1 and 2. SCBAS, Inc provided the quote of \$13,230 in July of 2006 at the time the rescue pumpers were ordered. The amount is included in the department's FY 07-08 fixed assets budget.

Staff respectfully requests that Council waive the formal bidding process, approve the purchase of a Breathing Air Storage System from SCBAS, Inc. in the amount of \$13,230, the Purchasing Agent be authorized to issue a Purchase Order for same, and the Resolution adopted. Payment for this purchase will be made from Account #F15210-72140.

Respectfully,

Keith Ranney
Fire Chief

Tom Hamilton
City Manager

RESOLUTION NO. 2007 - 96

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF A BREATHING AIR STORAGE SYSTEM FOR
THE FIRE DEPARTMENT FROM SCBAS, INC. IN THE AMOUNT OF \$13,230**

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

1. That the bidding process be waived and the Purchasing Agent be authorized to Purchase a Breathing Air Storage System for the Fire Department from SCBAS, Inc. in the amount of \$13,230.

ADOPTED this 8th day of October, 2007.

APPROVED this 9th day of October, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Stearns questioned this item and the request to waive the formal bid process. Keith Ranney, Fire Chief, addressed the Council. This purchase was a component for the Rescue Pumper. It would be purchased separately for cost savings. It was a part of the overall package. City staff was requesting Council's approval to pay for same. The City would pay the vendor directly.

Motion by Alderman Huette, seconded by Alderman Gibson that the formal bidding process be waived, the purchase of a Breathing Air Storage System from SCBAS, Inc. be approved in the amount of \$13,230, the Purchasing Agent be authorized to issue a Purchase Order for same, and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Analysis of Bids for Infill Risers for Player and Penalty Boxes

Bids for Infill Risers for Player and Penalty Boxes were received until September 11, 2007 at 11:00 a.m., in the office of the City Clerk. At which time they were opened and read aloud as follows:

Theatre Works	No Bid
Sico America Inc.	\$15,809*
Stageright	\$27,732

*Low and Recommended Bidder

The current system in place is a safety concern, and needs replacement. There have been three (3) reported injuries with the current system, one of which resulted in a broken arm and lost time from work. The current system must be stored off site, and is more labor intensive to install. The new system will save approximately \$5,000 in labor cost per year. The life span of the new risers is twenty (20) years.

Central Illinois Arena Management respectfully requests that Council award the bid to SICO America, Inc. in the amount of \$15,809. There is \$30,000 budgeted for this purchase.

Respectfully,

Mike Nelson
CIAM General Manager

Tom Hamilton
City Manager

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

Motion carried.

Alderman Stearns questioned this equipment and the safety issue. Jim Appio, US Cellular Coliseum's Director of Operations, addressed the Council. There had been three (3) injuries at the US Cellular Coliseum. This purchase would enhance the installation and avoid future injuries. He added that the seating came with the building.

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

Motion carried.

Motion by Alderman Gibson, seconded by Alderman Schmidt that the bid be awarded to SICO America Inc. in the amount of \$15,809, and the Purchasing Agent be authorized to issue a Purchase Order for same.

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

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

Nays: None.

Motion carried.

MAYOR'S DISCUSSION: Mayor Stockton addressed two (2) items. First, the Council Retreat would be held on Saturday, October 20, 2007 from 9:00 a.m. until 3:30 p.m. Coffee would be available at 8:30 a.m. The retreat would be held at the Clubhouse at the Den Golf Course.

Mayor Stockton informed the Council that two (2) Work Sessions needed to be scheduled. The Work Session regarding Initiatives would be held after October 20, 2007. The Work Session regarding Efficiencies, required input from City staff, would be held after October 15, 2007. Tom Hamilton, City Manager, addressed the Council. He had requested possible dates from the Council.

Mayor Stockton cited Neighborhood Quality of Life as a possible Work Session topic for November or December 2007. He had identified twenty (20) factors. The Council would need to define the meaning of Neighborhood Quality of Life. He expected good things from this Work Session.

Alderman Schmidt requested that the City obtain neighborhood input in order to develop a top five (5) list. Mayor Stockton expressed his opinion that the Neighborhood Associations would be willing to work with the Council. Mr. Hamilton requested that the Council send their ideas to his office. Mayor Stockton requested that each idea be kept separate. He also requested a separate email for each idea. The ideas should also be posted.

Alderman Stearns questioned responses. Mr. Hamilton noted that responses would be driven by the questions raised.

Mayor Stockton requested Council input for these two (2) Work Sessions. He noted that the Council might need to discuss appropriate topics. Technical questions should be sent to Mr. Hamilton. Mr. Hamilton would distribute the information to the Council. Mayor Stockton stated that philosophical questions would be appropriate.

Mayor Stockton addressed the proper use of email. He cited the recent amendment to the Open Meetings Act, (OMA). A series email which is shared by a majority of a quorum may be improper. Alderman Schmidt recommended that a policy be adopted. She also questioned when sharing information becomes a discussion. Tom Hamilton, City Manager, offered to contact the Illinois Municipal League, (IML). The IML may have a recommended policy. Mayor Stockton addressed the purpose of the OMA. The public has the right to understand the Council's decision making process. The City must comply with the spirit of the law.

CITY MANAGER'S DISCUSSION: Tom Hamilton, City Manager, informed the Council that there would be a joint Work Session regarding the Main St. Corridor on Monday, October 17, 2008 at the Illinois Wesleyan University Shirk Center at 7:00 p.m.

The on line auction for City dump trucks would commence on Sunday, November 4, 2007.

ALDERMEN'S DISCUSSION: Alderman Finnegan informed the Council that Towanda Ave. looked good.

Alderman Hanson thanked Police Chief Aikin for the update on the Police Department. He cited the department's statistics. He noted that there were a lot of positive things going on the City.

Alderman Sage thanked Craig Cummings, Director of Water, for the tour of the Water Treatment Plan. He expressed his appreciation to Mr. Cummings for his time and the presentation. Alderman Purcell also thanked Mr. Cummings for the tour of the Water Treatment Plant.

Alderman Sage also highlighted the blue ribbon award given to Fox Creek Elementary School.

Alderman Fruin echoed Alderman Hanson's comments. He informed the Council that he had participated in police ride alongs. He believed that they were helpful. He cited the department's professionalism. Tonight's Work Session was a prelude to the Council's budget discussions. He appreciated the PowerPoint presentation. He cited the need for efficiencies from the department's civilian staff. He recommended the use of security cameras. Salaries and benefits were also a part of the budget. He welcomed employee participation on the subject of health insurance. The Council should also look at user fees.

He also noted the email regarding the Jewish Food Fair. He suggested that it represented an opportunity to host a Council/City staff lunch. Mayor Stockton directed the Council to contact Mr. Hamilton if interested.

Alderman Schmidt thanked City staff for their involvement in the Neighborhood Fair. She also complimented Bruce Marquis, Cultural District's Executive Director, for the second season opening of the Bloomington Center for the Performing Arts.

Motion by Alderman Finnegan, seconded by Alderman Huette, that the meeting be adjourned. Time: 8:56 p.m.

Motion carried.

**Tracey Covert
City Clerk**