

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

The Council convened in regular Session in the Council Chambers, City Hall Building, at 7:30 p.m., Monday, August 13, 2007.

The Meeting was opened by Pledging Allegiance to the Flag followed by Silent Prayer.

The Meeting was called to order by the Mayor who directed the City Clerk to call the roll and the following members answered present:

Aldermen: Judy Stearns, Kevin Huette, Allen Gibson, David Sage, John Hanson, 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: Council Proceedings of September 12, 2005 and Work Session Minutes of April 9, and June 11, 2007

The Council Proceedings of September 12, 2005 and Work Session Minutes of April 9, and June 11, 2007 have been reviewed and certified as correct and complete by the City Clerk.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Purcell that the reading of the minutes of the previous Council Proceedings of September 12, 2005 and Work Session Minutes of April 9, and June 11, 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 Finnegan, 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 seventh partial payment to Economic Development Council of Bloomington/Normal in the amount of \$6,666.66 on a contract amount of \$80,000 per year of which \$46,666.62 will have been paid to date for work certified as 58% complete for the McLean County Economic Development. Completion date – December 2008.
2. The seventh partial payment to Farr Associates in the amount of \$6,270.76 on a contract amount of \$49,000 of which \$42,748.75 will have been paid to date for work certified as 91% complete for the Gridley Allen Prickets Form Based Zone Study. Completion date – April 2007.
3. The second partial payment to US Cellular Coliseum in the amount of \$309,301.48 on a contract amount of \$3,142,402.80 of which \$1,535,193.15 will have been paid to date for work certified as 49% complete for the US Cellular Coliseum Payments. Completion date – May 2008.
4. The seventeenth partial payment to Felmley Dickerson in the amount of \$79,000 on a contract amount of \$925,000 of which \$674,483.15 will have been paid to date for work certified as 73% complete for the Downtown Courthouse Square Streetscape. Completion date – December 2007.
5. The seventh partial payment to McLean County Regional Planning in the amount of \$223.98 on a contract amount of \$68,500 of which \$44,089.06 will have been paid to date for work certified as 64% complete for the Main Street Corridor. Completion date – April 2008.
6. The second partial payment to Technical Design Services, Inc. in the amount of \$11,300 on a contract amount of \$34,386 of which \$30,553.17 will have been paid to date for work certified as 89% complete for the Computer Needs Assessment Project. Completion date – April 2008.
7. The fourteenth partial payment to PJ Hoerr, Inc. in the amount of \$87,490.99 on a contract amount of \$2,253,102.69 of which \$2,091,595.65 will have been paid to date for work certified as 93% complete for the Holiday Pool Renovation. Completion date – July 2007.
8. The eighth partial payment to Thompson Dyke & Associates in the amount of \$11,350 on a contract amount of \$248,500 of which \$216,200 will have been paid to date for work certified as 83% complete for the McGraw Park – Phase II. Completion date – December 2007.
9. The ninth partial payment to Ratio Architects, Inc in the amount of \$2,120.61 on a contract amount of \$135,240 of which \$103,479.75 will have been paid to date for work certified as 77% complete for the Miller Park Playground Renovation. Completion date – May 2007.

10. The first partial payment to Cornerstone Construction, LLC in the amount of \$10,250 on a contract amount of \$398,770 of which \$10,250 will have been paid to date for work certified as 3% complete for the Zoo Animal Hospital. Completion date – May 2007.
11. The twenty-fifth partial payment to Clark Dietz, Inc. in the amount of \$939.68 on a contract amount of \$330,000 of which \$311,929.80 will have been paid to date for work certified as 95% complete for the Hamilton Road – Timberlake to Main St. a/k/a Hamilton and Main Signals. Completion date – July 2007.
12. The first partial payment to JG Stewart Contractors in the amount of \$20,174.25 on a contract amount of \$200,000 of which \$20,174.25 will have been paid to date for work certified as 10% complete for the 2007-2008 Sidewalk Replacement and Handicap Ramp Program. Completion date – November 2007.
13. The fifteenth partial payment to Testing Services Corporation in the amount of \$604.45 on a per ton and hour contract of which \$46,323.63 will have been paid to date for work certified as ongoing for the 2006-2007 Asphalt & Portland Concrete Plant Inspection and Laboratory Testing. Completion date – July 2007.
14. The first partial payment to Terracon Consultants, N.E. Inc. (Dept. 1277) in the amount of \$3,039.51 on a per ton and hour contract of which \$3,039.51 will have been paid to date for work certified as ongoing for the 2007-2008 Asphalt & Portland Concrete Plant Inspection and Laboratory Testing. Completion date – July 2008.
15. The eighth and final payment to Rowe Construction in the amount of \$7,206.48 on a contract amount of \$810,000 of which \$745,640.66 will have been paid to date for work certified as 100% complete for the 2006-2007 General Resurfacing. Completion date – July 2007.
16. The second partial payment to Rowe Construction in the amount of \$530,138.24 on a contract amount of \$1,795,000 of which \$946,728.20 will have been paid to date for work certified as 52.7% complete for the 2007-2008 General Resurfacing. Completion date – October 2007.
17. The fourth partial payment to Rowe Construction in the amount of \$73,923.39 on a contract amount of \$817,603.74 of which \$299,010.11 will have been paid to date for work certified as 37% complete for the 2007 Curb and Gutter Improvements. Completion date – September 2007.
18. The first partial payment to Clark Dietz in the amount of \$2,903.89 on a contract amount of \$47,000 of which \$2,903.89 will have been paid to date for work certified as 6% complete for the Construction Observation – James/Charles Place. Completion date – October 2008.

19. The tenth partial payment to Stark Excavating, Inc. in the amount of \$379,461.57 on a contract amount of \$2,959,945.10 of which \$2,157,658.26 will have been paid to date for work certified as 73% complete for the Fox Creek Road and Scottsdale Avenue Improvements. Completion date – October 2007.
20. The sixth partial payment to McLean County in the amount of \$3,427.56 on a contract amount of \$100,000 of which \$17,321.41 will have been paid to date for work certified as 17% complete for the East Side Corridor. Completion date – February 2008.
21. The second partial payment to Gildner Plumbing Inc. in the amount of \$44,387 on a contract amount of \$434,125 of which \$138,014 will have been paid to date for work certified as 32% complete for the James/Charles Place Water Main Replacement. Completion date – December 2007.
22. The twenty-first partial payment to Lewis, Yockey & Brown in the amount of \$1,594.51 on a contract amount of \$93,000 of which \$79,046.44 will have been paid to date for work certified as 85% complete for the Lincoln Street Water Main – Veterans to Morrissey. Completion date – June 2008.
23. The seventh partial payment to Clark Dietz in the amount of \$7,926.13 on a contract amount of \$84,600 of which \$46,324.78 will have been paid to date for work certified as 54% complete for the Parmon Road Water Main Replacement. Completion date – December 2007.
24. The twelfth partial payment to Clark Dietz in the amount of \$1,551.23 on a contract amount of \$68,800 of which \$59,506.56 will have been paid to date for work certified as 87% complete for the Hinshaw/Barker Water Main Replacement. Completion date – December 2007.
25. The seventeenth partial payment to Clark Dietz in the amount of \$1,876.78 on a contract amount of \$22,000 of which \$13,118.74 will have been paid to date for work certified as 77% complete for the Water Department Emergency Response Plan. Completion date – December 2007.
26. The fourth partial payment to Farnsworth Group in the amount of \$1,530 on a contract amount of \$45,000 of which \$8,724 will have been paid to date for work certified as 19% complete for the Wastewater Treatment System at Lake Bloomington. Completion date – October 2007.
27. The seventh partial payment to Consoer Townsend & Associates in the amount of \$1,764.90 on a contract amount of \$74,800 of which \$22,384 will have been paid to date for work certified as 30% complete for the Water Department In-Line Booster Station. Completion date – December 2008.

28. The first partial payment to Stark Excavating, Inc. in the amount of \$380,000 on a contract amount of \$1,990,500 of which \$380,000 will have been paid to date for work certified as 19% complete for the Main Branch Kickapoo Creek Pump Station. Completion date – November 2007.
29. The second partial payment to Alvord, Burdick & Howson Engineers in the amount of \$1,560 on a contract amount of \$12,000 of which \$2,167.50 will have been paid to date for work certified as 18% complete for the Sewer Rate Study. Completion date – November 2007.
30. The twenty-second partial payment to Farnsworth Group in the amount of \$50,164.74 on a contract amount of \$384,300 of which \$345,253.49 will have been paid to date for work certified as 90% complete for the Kickapoo Force Main Design, Property Surveys and Brokaw Road Surveys. Completion date – September 2007.
31. The first partial payment to Global Engineering & Technology, LLC in the amount of \$9,285 on a contract amount of \$13,900 of which \$9,285 will have been paid to date for work certified as 67% complete for the Somerset Court Storm Sewer Design. Completion date – November 2007.
32. The second partial payment to Instituform Technologies USA, Inc. In the amount of \$19,425 on a contract amount of \$52,850 of which \$47,655 will have been paid to date for work certified as 90% complete for the Bellemont Sewer Lining. Completion date – July 2007.
33. The fourth partial payment to Stark Excavating, Inc. in the amount of \$610,000 on a contract amount of \$2,974,384 of which \$1,962,000 will have been paid to date for work certified as 66% complete for the Brokaw Road Sanitary Trunk Sewer. Completion date – November 2007.
34. The third partial payment to Gildner Plumbing, Inc. in the amount of \$39,000 on a contract amount of \$1,114,445 of which \$367,256 will have been paid to date for work certified as 33% complete for the Kickapoo Force Main. Completion date – October 2007.
35. The second partial payment to JG Stewart Contractors in the amount of \$4,596 on a contract amount of \$30,610 of which \$30,596 will have been paid to date for work certified as 99% complete for the ML King Detention Basin Repair. Completion date – August 2007.
36. The fifth partial payment to Gildner Plumbing, Inc. in the amount of \$61,000 on a contract amount of \$388,479 of which \$303,000 will have been paid to date for work certified as 78% complete for the Division Street Combined Sewer Overflow Elimination Phase II. Completion date – August 2007.

37. The second partial payment to Consoer Townsend & Associate in the amount of \$460.86 on a contract amount of \$250,000 of which \$4,535.17 will have been paid to date for work certified as 2% complete for the Division Street Reservoir Repairs. Completion date – December 2007.

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

Respectfully,

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman 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 appointments:

Bloomington Housing Authority Board:

Faye Townsend, 101 E. MacArthur Ave. Her term will expire 4/30/2012.

Bloomington Library Board:

Narendra K. Jaggi, 3117 Ridge Crest Dr. His term will expire 4/30/2010.

Fire and Police Board:

Charles Halbert, 2707 Sheffield Dr. His term will commence September 1, 2007. His term will expire 4/30/2010. Mr. Halbert has served previously on this board.

Respectfully,

Stephen F. Stockton
Mayor

Mayor Stockton introduced the following individuals: Narendra K. Jaggi for appointment to the Library Board, and Faye Townsend for appointment to the Housing Authority Board. Each was given the opportunity to address the Council and introduced themselves and their interest in serving on a City Board and/or Commission.

Motion by Alderman Finnegan, seconded by Alderman Purcell that the appointments 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 F. Stockton, Mayor

Subject: Appointments to Central Illinois Risk Pooling Authority (CIRPA)

I ask your concurrence in the appointment of the following to the Central Illinois Risk Pooling Authority (CIRPA):

Kevin Huette, Member of Bloomington City Council.

Respectfully,

Stephen F. Stockton
Mayor

Motion by Alderman Finnegan, 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: Indemnification Agreements for CIRPA Board Member

At this evening's meeting, the City Council approved the appointment of the following individual to the Central Illinois Risk Pooling Authority (CIRPA):

Kevin Huette, Member of Bloomington City Council.

Approval of the Indemnification Agreement for this individual would remove him from liability for any actions taken as a CIRPA Board member. The indemnification would be required only if CIRPA funds were inadequate to pay a claim or judgment.

City staff believes this Agreement is in the public's best interest since the City receives a benefit in the form of lower premiums as a result of having a "captive" insurance company and the Agreement is a small price to pay for such a benefit.

Respectfully,

Todd Greenburg
Corporation Counsel

INDEMNIFICATION AGREEMENT
WITH
KEVIN HUETTE

WHEREAS, on August 13, 2007, Kevin Huette was appointed by the City Council of the City of Bloomington to serve on the Board of Directors of the Central Illinois Risk Pooling Authority ("CIRPA"); and

WHEREAS, Kevin Huette has indicated his willingness to serve on the Board without Compensation; and

WHEREAS, it is neither anticipated nor desired by the City that volunteer service on the Board of Directors of CIRPA become a source of personal liability for Kevin Huette; and

WHEREAS, although the Board of Directors of CIRPA has executed an indemnification agreement with Kevin Huette, its assets are limited and might prove insufficient to provide the security desired for Directors of CIRPA,

NOW THEREFORE, in consideration for Kevin Huette's willingness to serve on the Board of Directors of CIRPA, the City of Bloomington, a Municipal Corporation ("City"), hereby agrees to indemnify him and hold him harmless from any and all liability that he may incur arising out of any act or omission in the scope of his duties as a member of said Board of Directors. Specifically, the City will defend any such claims made against him and, up to the limit of its resources as provided in Article IX of the Local Governmental and Governmental Employees Tort Immunity Act (745 ILCS 10/1-101 et seq.), pay on behalf of said Kevin Huette, any judgment or settlement of the claim. It is understood that the primary obligation to indemnify Kevin Huette is CIRPA's; the City's obligations under this Agreement shall take effect only if the assets of CIRPA are insufficient.

Dated this 13th day of August, 2007.

BY: Stephen F. Stockton
Mayor

Kevin Huette

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Finnegan, seconded by Alderman Purcell that the Indemnification Agreement be approved and the Mayor and City Clerk be authorized to execute the Agreement on behalf of the City.

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: Payment to ARK VI, LLC for Eagle View and Eagle View South Subdivision
Parkland Development

Over the last couple of years staff has been working with the developer, ARK VI, LLC on the development of parkland within the subdivision of Eagle View and Eagle View South.

In accordance with the annexation agreement:

- 1) The City shall reimburse the owners for any additional parkland requested by the City at the rate of \$30,000 per acre.
- 2) The City agrees to reimburse the owners ½ the cost of the road which is adjacent to the proposed park.

Both items have been completed and are now due. Staff has received a request from the developer for the reimbursement in the amount of \$285,840. Reimbursement for 8.08 acres of parkland totals \$242,400, and the road adjacent to the park is 120 linear feet for a total amount of \$43,440.

Staff respectfully recommends that Council approve the payment to ARK VI, LLC, in the amount of \$285,840. There are sufficient funds available in the Park Dedication Account 7030-4110-57310 for this payment.

Respectfully,

Dean Kohn,
Director Parks and Recreation

Tom Hamilton
City Manager

Motion by Alderman Finnegan, 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 for Payment to Ameren IP for the Cost to Install New Streetlights on Hamilton Road

As part of the Hamilton Road Improvement - Greenwood Avenue to Timberlake Lane; it was determined that streetlights should be incorporated on the road since they were installed on the other section of the same corridor. The plan includes installing seven (7) 250 W HPS lights on wooden poles. Ameren will release the work for construction upon receipt of this requested purchase order. Staff respectfully requests that Council approve a payment in the amount of \$24,515 to Ameren IP, with payment to be made from Street Lighting – Other Purchased Services (G16220-70990).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

Motion by Alderman Finnegan, 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 for Payment for the City's Share of the Construction Cost of Over Sizing the Pavement in Harvest Pointe Boulevard

On November 15, 2005, Council approved an Annexation Agreement, for Harvest Pointe Subdivision. The Annexation Agreement obligated the City to pay for the over sizing of Harvest Pointe Boulevard, a future collector street, beyond 30 feet wide. The developer has constructed the first phase of the boulevard pavement, 718 feet long, 24 feet wide in each direction, with a 16 foot wide median.

Farnsworth Group, acting as the developer's agent, has submitted a request for payment in the amount of \$67,980.58. Staff has reviewed the bill and finds it to be reasonable. There is \$95,000 in Capital Improvement Funds budgeted for the expense of over sizing Harvest Pointe Boulevard in phases one (1) and two (2) of Harvest Pointe Subdivision in the 2007-2008 Capital Budget. Staff therefore respectfully recommends that Council approve the payment of \$67,980.58 to RBT of Illinois LLC, with payment to be made from Capital Improvement Funds (X40100-72530).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

Motion by Alderman Finnegan, 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 for Payment to Foremost Industrial Technologies for the Emergency Repair of a Sewage Pump Motor

One of the 40 hp motors which power the pumps in the Eagle Crest East Pump Station failed. As this left only a single pump available with no back up, the repair or replacement of the motor was deemed urgent. Staff contacted Foremost Industrial Technologies regarding the cost to replace the motor and was quoted a cost of \$11,170 plus freight for a new motor. It was determined to be cost effective to repair the existing motor.

An invoice has been received from Foremost Industrial Technologies in the amount of \$5,516 for the repairs. Staff believes the cost to be in acceptable and therefore respectfully recommends that Council approve the payment to Foremost Industrial Technologies with payment to be made from the Sewer Maintenance and Operation Fund (X52100-70540).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

Motion by Alderman Finnegan, 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: Waive the Formal Bidding Process and Enter a Professional Services Agreement with Farnsworth Group, Inc for Design Services for Various Water Main Projects around the West and South Sides of the Central Illinois Regional Airport

Staff has requested the updated design as well as initial designs of water mains along the east and south sides of the Central Illinois Regional Airport (CIRA). The need for water main reinforcements to the existing water mains is as follows:

The water main which currently extends to the east of Airport Road along Route 9 currently has minimal reinforcement. The water main extending east from Airport Road serving the CIRA terminal, St Patrick's Church of Merna and the entire Harvest Pointe Subdivision (east of To-

wanda Barnes Road and north of Route 9) is a single line with only an 8" connection to the "core" distribution system. Any failures on this water main would reduce water pressure and flow for all the customers east of Airport Road along Route 9.

The water main which currently extends to the north of Ireland Grove Road northeasterly through CIRA property to serve the Airport Commercial Development along Towanda Barnes Road at Oakland Avenue currently has no reinforcement. This water main is a single line with no further connections to the "core" distribution system. Any failures on this water main requiring a shut down would interrupt service for all the customers in the Airport Commercial Development including a Day Care Center, the Palace Theater, a restaurant and numerous other businesses.

The water main which currently extends to the east from Streid Drive past Towanda Barnes Road to the Grove at Kickapoo Creek currently has no reinforcement. Although the Grove development is just getting started, it has a large (approximately 1,000 lots) build out. There are no reinforcing connections to the "core" distribution system east of Streid Drive.

Although there are plans to add new interconnections at certain points along Route 9, these are not of a size to provide the flow and pressure needed for the planned development in the Harvest Pointe Subdivision or additional development which may take place in this area. Additionally, each one of these new interconnections is an improvement to the overall distribution "grid" but they may bring with it a certain water demand as well. In other words, each connection to the 12" water main on Route 9 may, at certain times, add to the overall supply in that area and at other times may be an additional demand on the water supply. Therefore, the proposed improvements to the water mains in this area, as outlined in this proposal, are critical as this area continues to develop.

Staff proposes to retain the Farnsworth Group, Inc for the update of a design previously completed which would extend a water main from Route 9 to the south along Towanda Barnes Road and connecting to the water mains in the Airport Commercial Development at Oakland Avenue, and would be built this year.

The next aspect of the overall plan involves the design of a water main continuing south down Towanda Barnes Road and connecting to the water main at Ireland Grove Road. This design would be completed this year, but most likely not built until development takes place at the northwest corner of Ireland Grove Road and Towanda Barnes Road.

Another phase of the overall plan would be to extend a sizable water main, a 16 "water main, along Ireland Grove Road from Hershey Road to Streid Drive and attach to the existing water main at that location. There is no continuous water main running east on Ireland Grove Road from Hershey Road to Streid Drive. Additionally, some of the sections of water main that do exist along Ireland Grove Road are undersized.

By designing and eventually building these water main projects, the City can begin to strengthen and reinforce the water distribution system for a growing part of the City. The water main from Route 9 running south along Towanda Barnes Road to Oakland Avenue will provide a second

connection to this area and it will improve water pressure as well. Once the connection is made, the area along Route 9 including the areas east of Towanda Barnes Road will be provided with a second connection coming from the south and this will provide some protection against water interruptions in case of a water main break along Route 9.

The section of water main to be designed that will run east along Ireland Grove Road from Hershey to Streid Drive will provide a direct connection from the 24" water main at Hershey Road and Ireland Grove Road to the areas east of there. This will strengthen the core system servicing areas east of Hershey Road which include the Links at Ireland Grove Road, the Airport Commercial Development near Oakland Avenue and Towanda Barnes Road and the Grove at Kickapoo Creek.

Council approved retaining the Farnsworth Group, Inc to design the water main from Route 9 south along Towanda Barnes Road to Oakland Avenue about five (5) years ago. The design is complete but needs some modification. Staff respectfully requests to retain Farnsworth Group, Inc to upgrade this design and then complete the design on the other two (2) sections of this plan since they are all inter-related. The quotation received from the Farnsworth Group, Inc. for this work are as follows:

Section 1. Along Towanda Barnes Road from Route 9 south to Oakland Avenue, revise the existing design; \$12,100.

Section 2. Along Towanda Barnes Road from Victory Drive south to Ireland Grove Road, new design; \$24,200.

Section 3. Along Ireland Grove Road from Hershey Road, east to Streid Drive, new design; \$36,500.

Staff respectfully recommends that the formal bidding process be waived for this professional service and the Agreement with Farnsworth Group, Inc be approved in the amount of \$72,800 with the project to be paid for with funds from the Water Department/Depreciation Fund, Consultant Services (Account # X50200-70050).

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

RESOLUTION NO. 2007 - 80

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH
FARNSWORTH GROUP, INC. FOR DESIGN SERVICES FOR VARIOUS WATER
MAIN PROJECTS AROUND THE WEST AND SOUTH SIDES OF THE CENTRAL
ILLINOIS REGIONAL AIRPORT IN THE AMOUNT OF \$72,800**

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

1. That the bidding process be waived and authorizing a Professional Services Agreement with Farnsworth Group, Inc. for Design Services for Various Water Main Projects around the West and South Sides of the Central Illinois Regional Airport in the amount of \$72,800.

Adopted this 13th day of August, 2007.

Approved this 14th day of August, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Finnegan, seconded by Alderman Purcell that the formal bidding process be waived, the Agreement with Farnsworth Group, Inc. be approved in the amount of \$72,800, the Mayor and City Clerk be authorized to execute the necessary documents, 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 Enter a Contract with Stark Excavating, Inc. for the Extension of a Water Main along the East Side of Bloomington High School

Staff has been in discussions with School District 87 (“District”) concerning the replacement of a water main as part of the parking lot improvements at Bloomington High School. The improvements required the District to relocate an existing 6” inch water main, at their cost, that was in conflict with some of the construction. The City ran a computer analysis of this water main size/location and it was determined that a 12” water main would better serve this site. In addition, the City is embarking on a street/water main improvement project on Towanda Avenue north of this area at Rowe Drive to Orleans Street. When the computer modeling factored both of these improvements into the analyses, it determined that a 12” water main running from Orleans Street to Locust Street would improve the flow and water pressure in this corridor of the distribution system. Future extensions of water mains would connect from Rowe Drive to Empire Street along Towanda Avenue and from Locust Street to Washington Street.

Once the distribution system computer modeling was done, staff contacted Farnsworth Group, Inc. with its intentions to upsize the water main on the High School site from the 6” that was planned to a 12” water main. Additionally, staff requested that Farnsworth design a 12” water main from the end of the current improvements, to Locust Street, a distance of approximately 1,000 feet. Since construction was taking place on the High School property and Stark Excavating, Inc. is the contractor, staff sought a price from Stark Excavating, Inc, utilizing the Farnsworth design to install a 12” water main from the end of the current project, south approximately 1,000 feet to Locust Street.

This quotation has been received and Stark will install the 12” water main by directionally drilling the pipe under the existing south parking lot to the south side of Locust Street. The cost is quoted at \$140,000. Staff has analyzed this quotation and found it to be reasonable. Since Stark is mobilized on the parking lot construction project, this water main project would be a slight addition to that overall project.

Staff respectfully recommends that the formal bidding process be waived and that Council approve an Agreement with Stark Excavating, Inc. in the amount of \$140,000, and the Mayor and City Clerk be authorized to execute the necessary documents. Funds for this project will be paid for with Water Department/Depreciation Funds (Account # X50200-70050). This project would be a partial substitution for the Parmon/Rheinthalers/Mayflower Avenue project which is currently under design. That project will not be ready for bidding until late this fiscal year so those funds (\$350,000) would be available for the Bloomington High School project.

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

RESOLUTION NO. 2007 - 81

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING A CONTRACT WITH STARK EXCAVATING, INC FOR THE
EXTENSION OF A WATER MAIN ALONG THE EAST SIDE OF BLOOMINGTON
HIGH SCHOOL IN THE AMOUNT OF \$140,000**

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

1. That the bidding process be waived and a Contract with Stark Excavating, Inc for the Extension of a Water Main along the East Side of Bloomington High School be authorized in the amount of \$140,000.

Adopted this 13th day of August, 2007.

Approved this 14th day of August, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Finnegan, seconded by Alderman Purcell that the formal bidding process be waived, the agreement with Stark Excavating, Inc. for a Water Main along the east side of Bloomington High School be approved in the amount of \$140,000, the Mayor and City Clerk be authorized to execute the necessary documents, 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 Authorize the Purchase of Proprietary Meter Reading Equipment

The Water Department has been adding new accounts to the water system at a rate of about 750 accounts per year for the last several years. Therefore, during many months where a meter reader has been away from work due to illness, vacation, etc., four and sometimes five meter readers are put on the street to remain on schedule for meter reading. In addition, one (1) of the units that has been used for reading meters at Lake Bloomington has been “borrowed” from the in-town meter readers. This has left the department short a meter reading unit at times. The department is working to correct this by purchasing two (2) additional hand held meter reading units. Since this is proprietary equipment, staff sought a quotation from Davies – Northern Water Works, the current water meter dealer for this equipment, and received a quotation for \$5,800 each or \$11,600 total.

Staff has reviewed this quotation and found it to be in order. Therefore, staff respectfully requests that Council waive the formal bidding process, accept the quotation for the Water Department’s meter reading equipment and authorize the Purchasing Agent to issue a Purchase Order for same. Funds for this equipment will come from the Water Department, Fixed Asset Fund, Equipment Other than Office (# F50300-50110-72140).

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

RESOLUTION NO. 2007 - 82

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF PROPRIETARY METER READING
EQUIPMENT FOR THE WATER DEPARTMENT FROM DAVIES – NORTHERN
WATER WORKS IN THE AMOUNT OF \$11,600**

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 Proprietary Meter Reading Equipment from Davies – Northern Water Works in the amount of \$11,600.

Adopted this 13th day of August, 2007.

Approved this 14th day of August, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Finnegan questioned this item. Craig Cummings, Director of Water, stated that there would be hand held computers with a radio receiver. The device had to be matched to the water meter. The equipment selected was an industry standard. The equipment had continued to improve. Readings are possible from a mile away. This system works well. City staff continued to look at other styles.

Alderman Hanson questioned labor cost savings. Mr. Cummings responded positively. The City has three (3) meter readers and over 27,000 metered accounts. The plan is to eliminate these positions at some future point. These individuals would be moved into other areas. He noted that the City was adding 600 to 700 new customers each year. He noted the need for staff in the areas of water distribution and customer service. He added that systems linked to telephone service lines were out of vogue. The new push was wireless technologies. He cited WiFi systems. The pilot program had gone well. City staff was drafting an RFP (Request for Proposal) for radio read equipment. His goal was to replace the entire system. City staff would also review the procurement of water meters.

Mayor Stockton expressed his expectation for a smooth transition. Mr. Cummings responded affirmatively. The system could not be changed over night. There would be a transition/migration to the new system.

Motion by Alderman Finnegan, seconded by Alderman Purcell that the formal bidding process be waived, the meter reading equipment be purchased from Davies – Northern Water Works in the amount of \$11,600, 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: Analysis of Bid #1 for Rescue Equipment for the Fire Department

Bid proposals for rescue equipment for the Fire Department were received until 11:00 a.m. on July 19, 2007. Four (4) responses were received; one (1) response was a "No Bid." The responses are tabulated below:

Safety First	Verona, WI	\$31,636.00
Sandry Fire Supply	DeWitt, IA	\$35,140.00
TNT Rescue Equipment	Ashippun, WI	\$38,620.00
Argus Group	Chesterfield, MI	No Bid

This purchase is to equip two (2) new fire apparatus with hydraulically driven rescue equipment. The equipment set consists of hydraulic pumps, hoses, heavy duty cutters, heavy duty spreaders, telescoping rams and hand operated forcible entry tools.

The department budgeted \$36,000 for the purchase of this equipment. The bid submitted by Safety First, Inc offers the lowest cost to the City. Staff respectfully recommends that Council accept the bid from Safety First, Inc. and authorize the purchase. Payment will be made from Account # F15210-72140.

Respectfully,

Keith Ranney
Fire Chief

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Purcell that the bid be awarded to Safety First in the amount of \$31,636, 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: Analysis of Bid #2 for Rescue Equipment for the Fire Department

Bid proposals for rescue equipment for the Fire Department were received until 11:10 a.m. on July 19, 2007. Four (4) responses were received; one (1) response was a "No Bid." The responses are tabulated below:

Safety First	Verona, WI	\$12,968.00
Sandry Fire Supply	DeWitt, IA	\$13,660.00
TNT Rescue Equipment	Ashippun, WI	\$14,192.00
Argus Group	Chesterfield, MI	No Bid

This purchase is to equip two (2) new fire apparatus with pneumatic lifting bags. The equipment set consists of fourteen (14) lifting bags and two (2) sets of hoses, regulators and controls.

The department budgeted \$9,000 for the purchase of this equipment. The bid submitted by Safety First, Inc offers the lowest cost to the City. Staff respectfully recommends that Council accept the bid from Safety First, Inc. and authorize the purchase. Payment will be made from Account # F15210-72140.

Respectfully,

Keith Ranney
Fire Chief

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Purcell that the bid be awarded to Safety First in the amount of \$12,968, 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: Analysis of Bid #3 for Rescue Equipment for the Fire Department

Bid proposals for rescue equipment for the Fire Department were received until 11:20 a.m. on July 19, 2007. Three (3) responses were received; one (1) response was a "No Bid." The responses are tabulated below:

Sandry Fire Supply	DeWitt, IA	\$7,330.00
AEC	Springfield, IL	\$7,796.00
MES	Springfield, IL	No Bid

This purchase is to equip two (2) new fire apparatus with a stabilization system used to stabilize vehicles which are overturned or on their side. The equipment sets consists of four (4) stabilization jacks and accessories.

The department budgeted \$8,000 for the purchase of this equipment. The bid submitted by Sandry Fire Supply offers the lowest cost to the City. Staff respectfully recommends that Council accept the bid from Sandry Fire Supply and authorize the purchase. Payment will be made from Account # F15210-72140.

Respectfully,

Keith Ranney
Fire Chief

Tom Hamilton
City Manager

Alderman Fruin questioned the three (3) previous items, (Bid #1, #2 and #3 Rescue Equipment for the Fire Department). He cited the Foreign Fire Tax Board (FFTB) and questioned if it had available resources. Keith Ranney, Fire Chief, addressed the Council. The FFTB generally uses its funds to cover nonbudgeted items. In the past, the FFTB had purchased helmets, rechargeable flashlights, and provided dollars to furnish the fitness rooms at the various fire stations. Generally, the requests are made by individual firefighters. He expressed his doubt that the FFTB would approve funding for these three (3) bids. Alderman Fruin expressed his hope that the Fire Chief had provided information to educate this board's members. He expressed his hope that the FFTB was aware of the Fire Department's needs and that the Chief acted as a good liaison. Chief Ranney provided the Council with background information regarding this board. He noted that the FFTB was a benefit to the Fire Department.

Mayor Stockton noted that the FFTB was an independent board. Chief Ranney noted that its funds were replenished annually. The FFTB holds an amount in savings. The funds must be tracked and audited. Alderman Fruin questioned if there were any other boards which were similar to the FFTB. Tom Hamilton, City Manager, cited the Ew-

ing Zoo Foundation. This group provides capital dollars for zoo projects. Mayor Stockton noted that the FFTB was separate. He expressed his hope that its goal was to work together with the City. Alderman Fruin cited the Friends of the Library. Mr. Hamilton agreed that this group was similar.

Alderman Purcell questioned Bid #1 and Bid #3. He noted the equipment's budgeted amount versus actual cost. He questioned if the equipment would meet the City's requirements. Chief Ranney responded affirmatively. He described the recommended vendors as successful. He added that the bid process was the best way to purchase these items. Alderman Purcell noted that both fire stations would be equipped. Chief Ranney responded affirmatively. The equipment would be dedicated to certain Fire Department personnel. He cautioned the Council that there would be additional purchases. He noted that these bids were under budget. Alderman Purcell restated that this equipment was of good quality.

Motion by Alderman Finnegan, seconded by Alderman Purcell that the bid be awarded to Sandry Fire Supply in the amount of \$7,330, 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: Ratification of Collective Bargaining Agreement with Local 699 of the American Federation of State, County and Municipal Employees, AFL-CIO (AFSCME)

On July 26, 2007 the City and Local 699 of the American Federation of State, County and Municipal Employees held their last negotiation session. Serving on the bargaining committee for the City were Rick Clem, Director of Public Service, Robbie Henson, Superintendent of Solid Waste, Gary Poland, Superintendent of Streets and Sewers, Dan Augstin, Director of Fleet Management, John Kennedy, Assistant Director of Parks and Recreation, Bob Moews, Superintendent of Parks Maintenance, Laurie Wollrab, Compensation and Benefits Manager, Angie Brown, HR Specialist and Emily Bell, Director of Human Resources.

The Union is scheduled to meet on Thursday, August 9, 2007 to vote on ratification of the contract.

Highlights of the Agreement are as follows:

- Five year Agreement expiring on April 30, 2012.
- Base wages will be increased by 3% on each May 1 for the five (5) year term of the Agreement.
- Changes to Health Insurance
 - Replace the OSF HMO with Health Alliance HMO
 - Increase PPO deductible from \$150.00 to \$250.00
 - Increase PPO out of pocket maximum from \$400.00 to \$750.00
 - Change to a three (3) tiered prescription card
 - Decrease out of network reimbursement from 70% to 60%
- Increased Employee contribution for health insurance from zero to 25%, Employee plus one and Family, 25%. This will be phased in over the term of the contract.
- Ability to use sick leave for the employee's spouse or child.
- Deleted section on Family Emergency.
- Restructure of eligibility for sick leave buyback to have a combined 75 years of service and age with a minimum of 15 years of service.
- Changed Wellness Day provision.
- Increased Meal Allotment from \$7.00 to \$10.00 when accompanied with a receipt.
- Increase uniform (from \$500.00 to \$600.00) and tool allowance (from \$800.00 to \$900.00).
- Implemented a uniform service for Mechanics.
- Skilled/Certification Based Pay for Mechanics.

The Union will vote separately on accepting the Retirement Health Savings Plan currently administered by ICMA which would allow employees to contribute up to 100% of unused sick leave (maximum of 1440 hours) into the plan.

Staff respectfully recommends ratification of the Tentative Agreement by Council.

Respectfully,

Emily Bell
Director of Human Resources

Rick Clem
Director of Public Service

Dan Augstin
Director of Fleet Management

John Kennedy
Asst. Director Parks & Recreation

Tom Hamilton
City Manager

Alderman Fruin expressed his appreciation to City staff. He addressed the health care side and referenced the dollar cost. He expressed his opinion that the employee share was low compared to the health care industry and to other City residents. He described the City's health care plan as rich. He added his opinion that City employees needed a better understanding of the City's health insurance cost.

Alderman Hanson echoed Alderman Fruin's comments on this item. The Council owed it to the citizens to work on a benefit package which was comparable to the private sector.

Alderman Stearns echoed Alderman Fruin's concerns. The City provided an exceptional benefit. The City needed to be in line with other employers.

Alderman Huette questioned the meal allowance. Mr. Hamilton compared this item to travel expenses. A meal allowance was a rare occurrence. He cited snow storms as an example. Alderman Huette questioned if this item was found in other union contracts. Mr. Hamilton noted that it was a part of the City's travel policy.

Motion by Alderman Finnegan, seconded by Alderman Purcell that the Collective Bargaining Agreement with Local 699 of the American Federation of State, County and Municipal Employees, AFL-CIO (AFSCME) be ratified.

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: Contract for Temporary Service for Crossing Guards

In the past the City has entered into a contract with Express Personnel Services to provide crossing guards at several locations in Bloomington. On Wednesday, August 1, 2007 the City was notified that Express Personnel Services would no longer provide this service to the City. Staff prepared a proposal and distributed to temporary services in the area. Two (2) services submitted bids for proposal. They are as follows:

Abbey Temporary Service 57% markup on the bill rate per hour
57% markup on once a year bonus rate

Firststaff 52% markup on the bill rate per hour
1.25% markup on once a year bonus rate

Based on interviews with the temporary services, staff is recommending Abbey Temporary Services. Staff felt Abbey Temporary Services is better prepared to handle last minute vacancies, thereby reducing the need for patrol officers to be dispatched. The current markup rate with Express Temporary Service is 65%, the City anticipates saving 8% in hourly rates with Abbey Temporary Services. The Police Department has budgeted \$94,924.17 in line item 15110-70990 for this service.

Respectfully,

Roger Aikin
Police Chief

Emily Bell,
Director Human Resources

Tom Hamilton
City Manager

Alderman Fruin stated that this service would be managed better by the public schools. He questioned the temporary service agency's mark up. Tom Hamilton, City Manager, addressed the Council. He noted that the recommended temporary service's proposal was less expensive than the previous provider. The goal was to reduce the City's risk and benefit costs by outsourcing this service. The City was recently notified by the previous provider that it could not longer provide this service. City staff prepared an RFP (Request for Proposal). The City received a good proposal. He added that generally the crossing guard personnel were the same individuals year after year. It was a good part time job. Transferring this responsibility to the public schools has been discussed in the past. The City has continued to provide this service. City staff works with each school to determine its needs.

Alderman Huetten questioned if any schools provided its own crossing guards. Mr. Hamilton noted that the public schools utilize the City's contract. Alderman Huetten questioned if the schools could manage this service through the use of volunteers. Mr. Hamilton noted that the personnel must be reliable. City staff could reopen a discussion with the public schools.

Alderman Hanson noted that there were a number of cooperative ventures between the City and the public schools. He noted the public safety issue. He cited City parks which are adjacent to public school sites. There were a number of partnerships. The City and the public schools have taken a good neighbor approach. He described this contract as a well deserved expense. These positions were critical. He encouraged the Council to support this item.

Alderman Fruin questioned the City's philosophy for other events. Mr. Hamilton noted that the Police Department provided traffic control for large crowds of pedestrians. This work was usually of short duration.

Motion by Alderman Finnegan, seconded by Alderman Purcell that the proposal be awarded to Abbey Temporary Services, 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: JAG Grant Agreement

Staff respectfully requests permission to enter into an agreement to receive federal grant money from the Edward Byrne Memorial Justice Assistance Grant (JAG). The award could total \$33,685. McLean County and the Town of Normal are also eligible to share in this grant but Normal has declined to participate and McLean County is ineligible this year. If Council approves the agreement, staff would require that the Sheriff and the Town of Normal Police Chief sign off of the agreement, allowing the City to receive the full funding amount. The City would require the signature of both agencies regardless of their interest. If the full amount listed is available, such funds will be used to purchase the following to be used as needed backup equipment for the Communication Center: two (2) CAD licenses totaling \$10,000; six (6) monitors totaling \$5,400, and two (2) computers for \$2,800. The CyberCrime Division would purchase a color laser jet printer for \$6,630. The Emergency Response Unit would purchase less lethal chemical munitions weapons for \$8,855.

Staff respectfully requests permission to enter the agreement to receive funding from the JAG grant if the application is approved.

Respectfully,

Roger Aikin
Police Chief

Tom Hamilton
City Manager

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

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

Ayes: Aldermen Stearns, Huette, Schmidt, 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 Agreement with Wittman Hydro Planning Associates for a Strategic Source Water Study

On February 12, 2007, Council granted staff permission to solicit proposals for a consultant to study interim steps that would be taken along the way to the development of the long term regional groundwater supply development in the western part of McLean County (“Regional Water Supply”); as well as other measures to enhance the City’s water supply. This interim study will look at the possible actions to enhance the project and also provide options for long term water planning including conservation measures; water reuse projects; water quality projects; water shortage planning; enhancements to the Mackinaw River Pumping Station, and other measures.

Staff sought proposals from local, regional and national firms. Two (2) proposals were received which represented a total of five (5) firms which, on their own, would have been capable of submitting a proposal. The two (2) lead firms, Wittman Hydro Planning Associates (WHPA) and Black and Veatch (B & V), each listed a local engineering firm as a subcontractor. For WHPA, that firm is the Farnsworth Group, Inc, and for B & V, Lewis, Yockey and Brown. B & V also listed Layne Western, Inc. a national well exploration, drilling and geotechnical firm as a subcontractor.

The proposals submitted by both firms were evaluated by staff. It was determined based on qualifications, presentation, experience, timeline and price that the team of WHPA and Farnsworth Group, Inc. would be best suited for this work.

The Regional Water Supply project continues to move forward and is a long term goal of the City. However, staff believes there are several interim investigations and possible enhancements to the existing water supply that will improve the current water supply. Therefore the interim water supply project would be completed concurrently and in concert with the Regional Water Supply.

Staff therefore respectfully recommends the approval of a professional services agreement with Wittman Hydro Planning Associates, in the amount of \$518,682, with an estimated budget of

\$94,036 for planning and research activities, and an additional \$424,646 for geotechnical work (drilling test holes, production test wells and monitoring wells) and laboratory costs, depending on the findings from the first phase of the work.

It should be noted that the geotechnical work cost estimate will most likely be highly variable depending upon the initial findings from the field work. For instance, test wells would not be drilled nor aquifer tests conducted if an area did not appear promising from the earlier, less expense work such as geophysical testing and test hole drilling.

This project would be paid for by delaying the electrical upgrades construction at the water treatment plant, (the project is still under design), until later in this fiscal year with the balance taking place in FY 2008/09. The electrical upgrades at the water treatment plant project is currently budgeted at \$800,000 in this year's budget.

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

Alderman Hanson questioned if this report would alleviate future issues. He expressed his hope that it would be very comprehensive.

Mayor Stockton made a brief statement regarding the 1987 drought. The City had made progress from this time. This report would also include interim solutions. Mr. Cummings noted that the 1988 drought was the worst on record. The City had looked at various alternatives. He cited the Mahomet Aquifer study which would provide for 20 million gallons of water per day. The Mackinaw Pump Station allowed the City to raise the number of gallons of water on a given day. The regional water supply was there but still far away. He cited the need for intergovernmental agreements. He also cited the cost for the pipes to bring water from the aquifer to the City. This study would compliment and serve as an enhancement to the regional study. He noted that the Town of Normal was served by several wells. Deposits do exist. He cited the Grove at Kickapoo Creek Subdivision as an example. Actual water production was unknown. Other potential sites included land along Sugar Creek and the Hall land with the large gravel deposits. If each site could produce millions of gallons per site, then a well site would be cost effective. City staff would also look at conservation and other service enhancements. He restated that the aquifer project would move slowly due to the number of entities involved. The ultimate goal is for the City to know what time would be critical.

Mayor Stockton recalled the fiscal year planning meeting. Water was one of his basic points. He added his interest in a partnership with other communities located west of the City. This regional partnership needed to be expanded. This report would provide possible alternatives and/or interim solutions.

Alderman Purcell questioned if the Army Corp of Engineering would allow additional pumping from the Mackinaw River. Mr. Cummings noted that there were few permits like the one the City has been issued. A minimum stream flow is specified. He planned to revisit this issue. There were no plans to affect the flow. He wanted to utilize the pump station as it was designed. Currently, the lakes must be eight feet (8') below in order to pump from the river. He planned to make a request. The maximum gallons per day which can be processed is seventeen to eighteen (17 – 18) million. Mayor Stockton questioned the daily demand. Mr. Cummings noted that an average day was fourteen (14) million gallons. The amount per capita and per house had dropped through conservation efforts. He was concern was the City's ability to meet peak demands. The water plant can treat and distribute twenty-four (24) million gallons per day. The City needed to know safe yields for the reservoirs. The plant would be planned around this information.

Alderman Stearns questioned dredging. Mr. Cummings responded negatively. Dredging was very expensive to do. He estimated the cost would be over \$500,000. There were other options available to the City. This preliminary research would be the key. Alderman Stearns questioned what would be postponed. Mr. Cummings stated that a part of the project would be moved into the next fiscal year. In addition, City staff had planned to purchase a second transformer. Currently, the City owned one (1).

Motion by Alderman Finnegan, seconded by Alderman Purcell that the Request for Proposal be awarded to Wittman Hydro Planning Associates in the amount of \$518,682, 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 Two of the City Code by Increasing the Membership of the Board of Fire and Police Commissioners from Three (3) to Five (5)

The Board of Fire and Police Commissioners is currently composed of three (3) citizens working without pay, who oversee the hiring, promotion and termination of police officers and firefighters, with some exceptions as provided by collective bargaining agreements. The process of

compiling eligibility lists for prospective firefighters and police officers is particularly time-consuming.

In October of 2005, the membership of the Commission was reduced from five (5) to three (3) because two (2) resignations created the danger that unless the remaining three (3) members attended every meeting, there would be no quorum for the Commission to conduct necessary business.

Mayor Stockton has nominated a citizen to the Commission, to serve as a fourth member. The appointment will become effective upon the effective date of the Ordinance. In order for the citizen to take office, the Council will need to pass an Ordinance. After the effective date of the Ordinance, the Mayor may nominate an additional citizen to serve as the fifth member. Staff believes increasing the number of persons serving on the Board of Fire and Police Commissioners is in the best interests of the City and recommends that the Ordinance be passed.

Respectfully submitted,

J. Todd Greenburg
Corporation Counsel

Tom Hamilton
City Manager

ORDINANCE NUMBER 2007 - 72

**AN ORDINANCE AMENDING SECTION 63 OF CHAPTER 2 OF THE
BLOOMINGTON CITY CODE BY INCREASING THE MEMBERSHIP OF THE
BOARD OF FIRE AND POLICE COMMISSIONERS FROM THREE TO FIVE**

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

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

(a) There is hereby created a Board of Fire and Police Commissioners, consisting of five ~~three~~ members whose terms of office shall be three years and until their respective successors are appointed and have qualified.

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

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

Section Four: This ordinance shall be effective on September 1, 2007.

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

PASSED this 13th day of August, 2007.

APPROVED this 14th day of August, 2007.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

**Motion by Alderman Finnegan, seconded by Alderman Purcell that the Ordinance
be 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: Suspension of Chapter 6 Section 26(d) to Allow Alcohol Sales within a fenced area during Downtown Bloomington Association event on August 25, 2007

The Downtown Bloomington Association (DBA) is organizing an event called "Hot August Nights" that will take place in Downtown Bloomington on August 25, 2007. There will be food vendors representing locally owned restaurants, primarily from the Downtown, and live music throughout the day. The DBA would like to have a bar area under a tent in the street. They plan to erect a tent in the 400 block of North Main Street in front of Reality Bites. The premises of Reality Bites will be extended into the tent area for the day. They will sell beer, wine and pre-mixed margaritas and mojitos. Entry to the tent will be limited to people who are 21 years of age and older and the tent will be surrounded by a double row of fencing to prevent anyone from passing alcohol out of the area. The tent will be open between 2:00 o'clock p.m. and 11:00 o'clock p.m.

Chapter 6 Section 26(d) of the City Code prohibits the possession of open containers of alcohol on any street or highway and must be suspended to allow the beer tent. Staff has prepared an Ordinance suspending the code as needed for this event. The Liquor Commission convened a hearing to review the staffing and security plans for the event and felt satisfied that there would not be any problems.

Staff concurs with the opinion of the Liquor Commission and respectfully recommends that Council pass this Ordinance.

Respectfully,

Hannah R. Eisner
Deputy Corporation Counsel

Tom Hamilton
City Manager

ORDINANCE NO. 2007 - 71

AN ORDINANCE SUSPENDING PORTIONS OF SECTION 26(d) OF CHAPTER 6 OF THE BLOOMINGTON CITY CODE TO ALLOW THE POSSESSION OF OPEN ALCOHOL IN THE 400 BLOCK OF NORTH MAIN STREET ON AUGUST 25, 2007

WHEREAS, the Downtown Bloomington Association (DBA) has planned an event called "Hot August Nights" that will take place in downtown Bloomington on August 25, 2007; and

WHEREAS, the DBA has requested permission to serve alcohol and allow alcohol be possessed and consumed on the 400 block of North Main Street during the event; and

WHEREAS, to allow possession of an open container of alcohol on a public street, Section 26(d) of Chapter 6 of the Bloomington City Code, which prohibits the possession of open containers of alcohol on public streets, must be suspended.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, ILLINOIS;

Section 1: That Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, is suspended on August 25, 2007 during the following hours: 2:00 o'clock p.m. until 11:00 o'clock p.m. for that portion of the 400 block of North Main Street covered by a tent being provided by the DBA as part of the Hot August Nights event. This suspension shall be effective only as to persons under the tent inside the fenced area and as to beer, wine and pre-mixed margaritas and mojitos purchased from a point of sale inside the tent.

Section 2: Except for the dates, times and location set forth in Section 1 of this Ordinance, Section 26(d) of Chapter 6 of the Bloomington City Code, 1969, as amended, shall remain in full force and effect. Nothing in this ordinance shall be interpreted as repealing said Section 26(d).

Section 3: There shall be no smoking within the tent area.

Section 4: This Ordinance shall be effective on the date of its passage and approval.

Section 5: This Ordinance is adopted pursuant to the home rule authority granted the City of Bloomington by Article VII, Section 6 of the 1960 Illinois Constitution.

Passed this 13th day of August, 2007.

Approved this 14th day of August, 2007.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Finnegan, seconded by Alderman Purcell that the Ordinance suspending Chapter 6 Section 26(d) of the Bloomington City Code to allow the possession of open alcohol in the 400 block of North Main Street on August 25, 2007 be 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: An Ordinance Amending “An Ordinance Describing and Designating an Area Located Partially Within the City of Bloomington, Town of Normal and Unincorporated McLean County as an Enterprise Zone”

The governing bodies of the City, the Town of Normal and the County of McLean have taken action several times in the last two (2) years to revise the boundaries of the Enterprise Zone in order to facilitate the construction of the Twin Groves Wind Farm project (formerly called the Arrowsmith project). The proposed ordinance will actually reduce the size of the Enterprise Zone slightly. Once Phase II of the project is completed, it is anticipated that the Enterprise Zone will be reduced even more, which will increase the options for the three (3) governments to permit the state sales tax incentives of the Enterprise Zone to be used elsewhere.

The public hearing on the proposed amendment to the Enterprise Zone is scheduled for August 10, 2007. The Normal Town Council is scheduled to vote on this matter on August 20th, with the McLean County Board voting on this matter on August 21st.

Staff respectfully recommends Council approval of the proposed Ordinance.

Respectfully submitted,

J. Todd Greenburg
Corporation Counsel

Tom Hamilton
City Manager

ORDINANCE NO. 2007 - 73

AN ORDINANCE AMENDING “AN ORDINANCE DESCRIBING AND DESIGNATING AN AREA LOCATED PARTIALLY WITHIN THE CITY OF BLOOMINGTON, THE TOWN OF NORMAL AND UNINCORPORATED MCLEAN COUNTY AS AN ENTERPRISE ZONE”

WHEREAS, the City of Bloomington did on December 26, 1984, adopt Ordinance No. 1984-131, which ordinance describes and designates an area located partially within the City of Bloomington, Town of Normal and unincorporated McLean County as an Enterprise Zone; and

WHEREAS, the City of Bloomington did on February 25, 1985, by Ordinance No. 1985-10, amend Ordinance No. 1984-131, by revising the functions of the designated zone organizations and the powers and duties of the zone administrator; and

WHEREAS, the City of Bloomington did on October 28, 1985, by Ordinance No. 1985-103, amend Ordinance No. 1984-131 by lengthening the duration of the Enterprise Zone and providing certain tax abatements therein; and

WHEREAS, the City of Bloomington did on May 27, 1986, by Ordinance No. 1986-56, amend Ordinance No. 1984-131 by amending the territory included in the Enterprise Zone; and

WHEREAS, the City of Bloomington did on December 14, 1998, by Ordinance No. 1998-118, amend Ordinance No. 1984-131 by extending the duration of the Enterprise Zone to December 31, 2005, and removing local tax incentives in the Enterprise Zone post December 31, 1998; and

WHEREAS, the City of Bloomington did on December 27, 2005, by Ordinance No. 2005-144, amend Ordinance No. 1984-131 by amending the territory included in the Enterprise Zone; extending the duration of the Enterprise Zone to December 31, 2015; adopting an Enterprise Zone certification fee; enacting a technical correction regarding the issuance of a Certificate of Eligibility for Sales Tax Exemption in order to claim a sales tax exemption on building materials for eligible projects; and clarifying that the local sales tax exemption on building materials for eligible projects is available for nonresidential projects; and

WHEREAS, the City of Bloomington did on June 26, 2006, by Ordinance No. 2006-66, amend Ordinance No. 1984-131 by amending the territory that was added to the Enterprise Zone pursuant to Ordinance No. 2005-144; and

WHEREAS, the City of Bloomington did on March 13, 2007, by Ordinance No. 2007-10, amend Ordinance No. 1984-131 by amending the territory that was added to the Enterprise Zone pursuant to Ordinance No. 2005-144, which territory was subsequently amended by Ordinance No. 2006-66; and

WHEREAS, the City of Bloomington now desires to enact certain amendments to the Enterprise Zone to further amend the territory that was added to the Enterprise Zone pursuant to Ordinance

No. 2005-144, which territory was subsequently amended pursuant to Ordinance No. 2006-66 and Ordinance No. 2007-10; and

WHEREAS, a public hearing regarding such amendments has been held as provided by law.

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

SECTION ONE: That "Appendix A", which is attached to Ordinance No. 1984-131 and incorporated by reference in Section One of said ordinance and amended by Ordinance No. 1986-56, Ordinance No. 2005-144, Ordinance No. 2006-66 and Ordinance No. 2007-10, shall be, and the same is, hereby further amended with respect to the territory added by Ordinance No. 2005-144 and amended by Ordinance No. 2006-66 and Ordinance No. 2007-10 by deleting in its entirety the "Amendment to Appendix A" attached to Ordinance No. 2007-10 and replacing it with the "Amendment to Appendix A", a copy of which is attached hereto and incorporated herein by reference.

SECTION TWO: That the provisions of Ordinance No. 1984-131 as previously amended and as hereby amended, being "An Ordinance Describing and Designating an Area Located Partially within the City of Bloomington, the Town of Normal, and Unincorporated McLean County as an Enterprise Zone" shall remain in full force and effect.

SECTION THREE: That this ordinance shall be in full force and effect from and after its passage and approval and publication as required by law and from and after its approval by the Illinois Department of Commerce and Economic Opportunity.

SECTION FOUR: That the City Clerk be and she is hereby directed and authorized to publish this ordinance in pamphlet form as required by law and forward a certified copy of this ordinance to the Illinois Department of Commerce and Economic Opportunity for its approval and to file a certified copy of this ordinance with the County Clerk for McLean County.

SECTION FIVE: That this ordinance is adopted pursuant to the authority granted the City of Bloomington by the Illinois Enterprise Zone Act, and pursuant to Home Rule Authority.

SECTION SIX: That the Enterprise Zone Administrator is hereby authorized and directed to cause application to be made to the State of Illinois pursuant to the Illinois Enterprise Zone Act.

Passed this 13th day of August, 2007.

Approved this 14th day of August, 2007.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

(LEGAL DESCRIPTION ON FILE IN THE CITY CLERK'S OFFICE)

Motion by Alderman Finnegan, seconded by Alderman Purcell that the Ordinance be 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: Lake Bloomington Lease Transfer Petition for Lot 2, Block 0 of Camp Eagle Pointe from David L. and Nancy G. Golwitzer to Lisa Jane Kroutil Baum

Staff has reviewed the Lake Bloomington Lease Transfer Petition and the septic system deficiency letter from the McLean County Health Department for Lot 2, Block 0 of Camp Eagle Pointe from David L. and Nancy G. Golwitzer to Lisa Jane Kroutil Baum.

The sand filter component of this septic system is a shared filter with two (2) other homes. According to the McLean County Health Department, this sand filter was originally designed for fewer bedrooms (a measure of the number of occupants) than now utilize the system. Therefore, the sand filter for the three (3) homes is undersized for the demand that is placed on it today.

Due to the proximity of this system to the City's primary drinking water reservoir, staff required that this system be brought up to current code as a condition of this lake lease transfer. The owners of the subject home have retained a contractor to modify one (1) of the rooms to remove it as a potential bedroom. This work plan has been submitted to and approved by the McLean County Health Department. Staff is satisfied that this septic system is now in compliance with current code.

Staff respectfully requests that Council approve the Lake Bloomington Lease Transfer for Lot 2, Block 0 of Camp Eagle Pointe from the David L. and Nancy G. Golwitzer to Lisa Jane Kroutil Baum.

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

(CITY CLERK'S OFFICE RECEIVED LETTERS FROM BOTH PARTIES' ATTORNEYS – DATED SEPTEMBER 12 AND 17, 2007 WHICH STATED THAT THE TRANSACTION HAD BEEN TERMINATED.)

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition from 1312 East Empire LLC and 1316 East Empire Street, LLC for Approval of a Final Plat for Verizon Empire Street Subdivision

A Petition has been received from 1312 East Empire LLC and 1316 East Empire Street, LLC requesting approval of a Final Plat for Verizon Empire Street Subdivision. The request is to create a two lot subdivision, located north of Empire and east of Towanda Avenue, which separates the Verizon Building from the commercial property to the east. 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 Verizon Empire Street 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 1312 East Empire Street, LLC, a Delaware Limited Liability Company, and 1316 East Empire Street, LLC, a Delaware Limited Liability Company, hereinafter referred to as your petitioners, respectfully representing and requesting as follows:

1. That your petitioners are the owners of the freehold or lesser estate herein of the premises hereinafter legally described in Exhibit A, which is attached hereto and made a part hereof by this reference, of is are) a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That your petitioners seek approval of the Final Plat for the subdivision of said premises to be known and described as Verizon Empire Subdivision;
3. That your petitioners also seek approval of the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code, 1960:
 - 1) Utilization of Ch. 24, Sec. 3.5.6 expedited final plat procedure;
 - 2) Waiver of any adjacent street or utility extension obligation, if any, or bonds in connection therewith.
4. That your Petitioners hereby dedicate to the public, all public rights-of-way and easements shown is aid Final Plat.

WHEREFORE, your petitioners respectfully prays that said Final Plat for the Verizon Empire Street Subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,
1312 East Empire Street, LLC
By Andrew M. Greenspan, Secretary
1316 East Empire Street, LLC
By Andrew M. Greenspan, Secretary

ORDINANCE NO. 2007 - 74

AN ORDINANCE APPROVING THE FINAL PLAT OF THE VERIZON EMPIRE STREET 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 Verizon Empire Street 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:

- 1) Utilization of Ch. 24, Sec. 3.5.6 expedited final plat procedure;
- 2) Waiver of any adjacent street or utility extension obligation, if any, or bonds in connection therewith;
- 3) ~~Waiver of any storm water detention requirement, 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 Verizon Empire Street 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 13th day of August, 2007.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Tract 1:

A part of the Southeast Quarter of Section 34, Township 24 North, Range 2 East of the Third Principal Meridian, described as follows: Commencing at the intersection of the East and West Quarter Section Line of Section 35, Township 24 North, Range 2 East of the Third Principal Meridian, and the West Right-of-Way Line of U.S. Route 66, which point is 139.2 feet west of the center of said Section 35; thence south 2° -45' east, 2385.5 feet on the West Right-of-Way Line of said U.S. Route 66; thence south 38° -15' west, 266.3 feet on the Westerly Right-of-Way Line of U.S. Route 66 to the North Right-of-Way Line of SBI Route 9; thence south 89° -10' west 129.23 feet on the North Right-of-Way Line of SBI Route 9; thence south 88° -42' west, 299.17 feet on the said North Right-of-Way Line; thence south 87° -47' west, 594.5 feet on the said North Right-of-Way Line; thence south 87° -49' west, 1417.4 feet on the said North Right-of-Way Line; thence south 87° -20' west, 630.3 feet on the said North Right-of-Way Line to the Point of Beginning, which point is on the Southwest Corner of a tract of land deeded to the Illinois Education Association by Deed recorded in the Office of Recorder of Deeds of McLean County, Illinois, as Document No. 44030. From said Point of Beginning, thence south 87° -20' west, 500 feet on said North Right-of-Way Line; thence north 2° -40' west, 300 feet; thence north 35° -09' east, 501.25 feet on a line parallel to the Easterly line of Towanda Avenue as dedicated in the First Addition to Fairway Knolls Addition to the City of Bloomington, situated in McLean County, Illinois, to a point on the Southwesterly Line, extended southeasterly of Robinhood Lane in said First Addition; thence south 54° -51' east 500.8 feet on the said extension of said Southwesterly Line of Robinhood Lane; thence on a curve to the left, tangent to the last described course and with a radius of 292.24 feet, a distance of 66.7 feet (arc distance) to a point on the East Line, extended north of Lot 147 in the Second Addition to Fairway Knolls Addition to the City of Bloomington, situated in McLean County, Illinois; thence south 2° -40' east, 203.5 feet on said Northerly Extension to the Northeast Corner of said Lot 147; thence south 87° -20' west, 260 feet on the North Line of said Lot 147 and the North Line of the said Tract conveyed to the Illinois Education Association to the Northwest Corner of the last mentioned Tract; thence south 2° -40' east, 150 feet on the West Line of the last mentioned Tract to the Point of Beginning, in McLean County, Illinois, except that part taken by the State of Illinois for the use of the Department of Public Works and Buildings by Warranty Deed recorded March 21, 1969, as Document No. 69-1837 described as follows: A strip of land across a portion of the East Half of the Southeast Quarter of Section 34, Township 24 North, Range 2 East of the Third Principal Meridian; the said strip being of a uniform width of 57 feet left of the Transit Line from the West Property Line, which intersects the said Transit Line at Station 125+22.62 to Station 125+62.05, being of a uniform width of 72 feet left of Station 125+62.05 to the East Property Line, which intersects the Transit Line at Station 130+22.70, except that portion used as a public highway, in McLean County, Illinois.

TRACT 2:

A part of the Southeast Quarter of Section 34, Township 24 North, Range 2 East of the Third Principal Meridian, and a part of Lot 147 in the Second Addition to Fairway Knolls situated in the County of McLean and State of Illinois, bounded and described as follows: Beginning at the Northwest Corner of Lot 147 in the Second Addition to Fairway Knolls in the City of Bloomington, and which Corner is also the Northeast Corner of a tract of land conveyed to Illinois Education Association, recorded June 21, 1955, as Document No. 44030, McLean County, Illinois. From said Point of Beginning, thence west 140 feet along the Westerly Extension of the North

Line of said Lot 147 (said line being also the North Line of said Illinois Education Association Tract) to the Northwest Corner of said Illinois Education Association Tract, thence south 139.65 feet along the West Line of said Illinois Education Association Tract to a point on the North Right-of-Way Line of F.A. Route 10 (SBI Route 9), which Point is 72 feet left of Station 130+22.7 on the Transit Line for said Route, as said Right-of-Way is shown in Book 14 of Plats at Page 187, McLean County, Illinois, thence easterly 61.05 feet along said Right-of-Way Line to a point which is 72 feet left of Station 130+82.41 on said Transit Line; thence easterly 169 feet along said North Right-of-Way Line to a point which is on the West Line of the East 30 Feet of said Lot 147, said Point being 75.3 feet left of Station 132+52.4 on said Transit Line and which Point is also 142.34 feet south of the North Line of said Lot 147; thence north 142.34 feet along the West Line of the East 30 Feet of said Lot 147 to the North Line of said Lot 147; thence west 90 feet along the North Line of said Lot 147 to the Point of Beginning, in McLean County, Illinois.

Said Tracts 1 and 2 together contain 8.60 acres, more or less.

Motion by Alderman Finnegan, 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 The Legends of Champaign, LLC for Approval of a Final Plat for the Resubdivision of Lot 308 in the Links at Ireland Grove Road Subdivision

A Petition has been received from The Legends of Champaign, LLC requesting approval of a Final Plat for the Resubdivision of Lot 308 in the Links at Ireland Grove Road Subdivision. The request is to resubdivide Lot 308 in order to create Lots 323 and 324. These new lots are located north of Ballybunion Road, south of Ireland Grove Road and east of Tullamore Avenue.

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 the Resubdivision of Lot 308 in the Links at Ireland Grove Road 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 The Legends of Champaign, LLC, an Illinois limited liability company, hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

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

2. That your Petitioner seeks approval of the Final Plat for the Resubdivision of Lot 308 in The Links at Ireland Grove Road Subdivision, Bloomington, Illinois, which Final Plat is attached hereto and made a part hereof;

3. That your Petitioner hereby dedicates to the public rights of way and easements shown on said Final Plat.

Respectfully submitted,

The Legends of Champaign, LLC

By: Darren Rogers
Member

ORDINANCE NO. 2007 - 75

AN ORDINANCE APPROVING THE FINAL PLAT OF RESUBDIVISION OF LOT 308 IN THE LINKS AT IRELAND GROVE ROAD SUBDIVISION

WHEREAS, there was heretofore filed with the City Clerk of City of Bloomington, McLean County, Illinois, a Petition for approval of the Final Plat of The Resubdivision of Lot 308 in The Links at Ireland Grove Road Subdivision, Bloomington, Illinois, legally described in Exhibit A attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition is valid and sufficient and conforms to the requirements of the statutes in such cases made and provided and the Final Plat attached to said Petition was prepared in compliance with 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 Resubdivision of Lot 308 in The Links At Ireland Grove Road Subdivision 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 13th day of August, 2007.

APPROVED this 14th day of August, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Lot 308 in the Links at Ireland Grove Road Subdivision in the City of Bloomington, McLean County, Illinois, according to the plat recorded as Document No. 2005-27035 in the McLean County Recorder's Office.

Said property contains 1.833 acres, more or less, and has been resubdivided into two lots, numbered 323 and 324 and easements as shown. Said Subdivision is to be known as "Resubdivision of Lot 308 in The Links at Ireland Grove Road Subdivision" in the City of Bloomington, McLean County, Illinois.

Motion by Alderman Finnegan, 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 Mercer Turner as Trustee of McLean County Land Trust CC-1, for Approval of an Easement Vacation Plat for Lot 156 in Fox Creek Country Club Subdivision 5th Addition

A Petition has been received from Mercer Turner as Trustee of McLean County Land Trust CC-1, for Approval of an Easement Vacation Plat for Lot 156 in Fox Creek Country Club Subdivision 5th Addition. The request is to vacate the north five (5) feet of the ten (10) foot existing utility easement located on the south property line of Lot 156. All relevant private utility companies have reviewed the Plat and granted their approval of the easement vacation. Staff has also reviewed the Plat and found no conflicts with existing or proposed public utilities and drainage ways.

Staff respectfully recommends that Council approve the Petition and adopt an Ordinance approving the Easement Vacation Plat for Lot 156 of Fox Creek Country Club Subdivision 5th Addition.

Respectfully,

Doug Grovesteen
Director of Engineering

Tom Hamilton
City Manager

PETITION FOR APPROVAL OF UTILITY EASEMENT VACATION 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 CC-1 hereinafter referred to as your Petitioners and respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold estate of the premises hereinafter described in Exhibit A attached hereto and made a part hereof by reference;
2. That your petitioner seeks approval of the Utility Easement Vacation Plat for the premises known and described as Lot 156 Fifth Addition to Fox Creek County Club, Bloomington, Illinois, which said Plat is attached hereto and made a part hereof;
3. The proposed vacation has been approved by all interested parties having an interest in the utility easement.

WHEREFORE, your petitioner prays that the Utility Easement Vacation Plat for Lot 156 Fifth Addition to Fox Creek County Club, submitted herewith be approved.

Respectfully submitted,

Mercer Turner
Attorney

ORDINANCE NO. 2007 - 76

**AN ORDINANCE APPROVING THE UTILITY EASEMENT VACATION PLAT OF
LOT 156 FIFTH ADDITION TO FOX CREEK COUNTRY CLUB.**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for approval of the Utility Easement Vacation Plat of Lot 156 Fifth Addition to Fox Creek Country Club, Bloomington, Illinois and;

WHEREAS, said Petition is valid and sufficient and conforms to the requirements of the statutes in such cases made and provided and the Utility Easement Vacation 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 Utility Easement Vacation Plat of Lot 156 Fifth Addition to Fox Creek Country Club 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 13th day of August, 2007.

APPROVED this 14th day of August, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

This is a plat, of a 5-foot wide utility easement to be vacated. Said easement to be vacated is described as follows:

5-Foot Wide Utility Easement To Be Vacated:

The North 5 Feet of the South 10 Feet of Lot 156 in the Fifth Addition to Fox Creek Country Club in the City of Bloomington, McLean County, Illinois according to the Plat recorded as Document No. 98-16506 in the McLean County Recorder's Office, except therefrom the West 15 Feet thereof and also, except the East 15 Feet thereof.

PIN 21-18-301-021

Motion by Alderman Finnegan, 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: Disposition of Two Vacant Lots (North Oak St.) to the Fuller Center

The City has two (2) small surplus vacant lots on North Oak Street, one on each side of the Emerson Street bridge (1408 N. Oak and on the cul-de-sac of 1500 N. Oak) that were created after the bridge construction. The sites are buildable, are lots of record and have services available to them.

The Fuller Center for Housing of Central Illinois has approached the City for the donation of these two (2) lots for the development of two (2) single family dwellings for very-low income households (those whose income is 30% or less of the area median income) using volunteer labor for non-professional work.

The Fuller Center began in April of this year as an effort to improve the availability of affordable housing in our area. Their ten (10) member Board of Directors formed over the past few months and were incorporated in June of this year. It is an all volunteer organization, which allows donations to be used to provide services directly to families in need.

This partnership would essentially be the same as the partnership the City has had over the past fifteen (15) years or more with Habitat for Humanity, including the waiver of the costs for associated construction permits.

Therefore, staff respectfully requests (1) the donation of two lots, located at 1408 N. Oak and on the cul-de-sac of 1500 N. Oak to the Fuller Center for Housing and (2) waive the fees for the issuance of all required City issued permits for the construction of new single-family residences. (This includes but is not limited to building, mechanical, excavation, drive-way and curb cut, egress window, and erosion control permits.)

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

Alderman Purcell questioned this item. Doug Grovesteen, Director of Engineering, addressed the Council. The lot on the south side consisted of 5,480 square feet. A home would have to be tailored to meet code requirements. It was a recorded lot of record. The lots were platted in 2004. They were intended to be buildable lots. He described the homes in the area as small. The setbacks can be met.

Alderman Purcell has spoken with a Fuller Center for Housing representative. He expressed his opinion that these two (2) lots would provide affordable housing for two (2) families. Fuller had good experience and used volunteer labor.

Alderman Gibson questioned this company's track record. He questioned the City remitting all fees. He also questioned the inspection standards and labor selected for these low cost homes. Mr. Hamilton assured the Council that all standards would be met. Fuller Center for Housing was an organization which was similar to Habitat for Humanity.

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

Motion carried.

Tom Ginder, 2610 Airport Rd., addressed the Council. He had served as the past Executive Director of Habitat for Humanity of McLean County. Fuller used all volunteers under professional supervision. These individuals build, repair and/or remodel. Fuller goes into a neighborhood and works with low income families. Fuller operates with a ten (10) member board. It was an ongoing organization with an innovative partnership. He planned to bring Fuller's founder to the City. Its purpose was to collaborate to improve the City by providing housing for families. Fuller allows families to have a choice.

Alderman Finnegan questioned the ratio of volunteers to professionals. Mr. Ginder stated that Fuller was the same as Habitat.

Alderman Sage noted that he had served along side Mr. Ginder. Mr. Ginder had a stellar track record.

Susie Curtis, 1502 N. Lee, addressed the Council. She recalled that these lots were outlots. An outlot is not a buildable lot. She expressed her concern regarding the pie shaped lot. She added her concern regarding safety from traffic coming across the bridge. Her intention was to bring these issues to the Council's attention. She had not been notified that this item would be before the Council.

Alderman Gibson questioned if the concern addressed the new or the old bridge. Mr. Grovesteen noted that this item had appeared before the Planning Commission. A recommendation was given to the Council. These were two (2) platted lots.

Mayor Stockton noted other concerns. He specifically noted that this location might be a dangerous place to build a home. Mr. Grovesteen responded negatively. There was an embankment at the rear of the lot. He offered to review accident reports for this location. Mayor Stockton encouraged Mr. Grovesteen to do same. Mr. Grovesteen noted that the street has curb and gutter.

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

Motion carried.

Motion by Alderman Finnegan, seconded by Alderman Purcell that the lots located at 1408 N. Oak and on the cul-de-sac of 1500 N. Oak be donated to the Fuller Center for Housing, the fees for City issued permits for construction be waived, 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:

MAYOR'S DISCUSSION: Mayor recognized Jayme Monaceli, WJBC reporter. Ms Monaceli had covered the City for a number of years. She was leaving the area to take a position in Kansas City. He expressed his appreciation for her efforts to cover the City.

Mayor Stockton addressed the Council retreat. Saturday appeared to be the best day of the week. The University of Illinois would facilitate. He expressed his hope that the entire Council would attend the retreat. He also needed a date for the US Cellular Coliseum's Open House. Break out sessions/presentations would be included which would address various issues. He requested the Council's cooperation and prompt attention to these two (2) meetings.

CITY MANAGER'S DISCUSSION: Tom Hamilton, City Manager, reminded the Council of the August 20, 2007 Work Session which would be a tour of the Water Plant.

ALDERMEN'S DISCUSSION: Alderman Finnegan commented on the work being done on Towanda Ave. The work was progressing and things appeared to be better.

Alderman Stearns noted that Bloomington Township's Fire Protection had a training tower. She had observed activities at the tower over the weekend. She questioned if the City was aware of this structure. Keith Ranney, Fire Chief, addressed the Council. He was aware of the structure. He did not know the exact design. This tower was outside of the City limits. The issue of coverage would apply. Another option which had been considered had been the Police Department's range. The work has proceeded with the belief that the facility would be built within the City. Alderman Stearns added her belief that Bloomington Township had received \$100,000 in federal funding for this tower. Chief Ranney noted that it may be viewed as a regional facility. Alderman Stearns noted the cost savings. She expressed her hope for a discussion as this facility would be within miles of the City. Chief Ranney noted that this facility was built with volunteer fire departments in mind. The costs were different. The City planned to use on duty personnel. He described the two (2) departments as apples and oranges.

Mayor Stockton noted that the City's facility would be available to other fire departments. Chief Ranney restated that location was the key factor. Mayor Stockton directed the Fire Chief to keep discussions open and in a spirit of cooperation. Chief Ranney noted that the municipal fire departments have developed specialized teams.

Alderman Purcell requested an update on the skate board park. John Kennedy, Asst. Director Parks & Recreation, addressed the Council. The Request for Proposal 0 would be available by August 16, 2007. The site demolition might start this Friday, August 17, 2007.

Alderman Schmidt thanked City staff who volunteered at National Night Out which was held on Tuesday, August 7, 2007. The weather made it a difficult evening. This was a good event. Mayor Stockton had asked the committee to look into the US Cellular Coliseum as a possible event site.

Alderman Fruin addressed the theme of information awareness. He noted that forty percent, (40%) of the City employees used a portion of the City's wellness program. He recommended that the Planning Commission's packet be placed on the City's website. As an administrative comment, he cited the auction process for City equipment. He acknowledged and appreciated City staff's efforts and time which he described as helpful

Alderman Sage noted the September 5, 2007 Budget Work Session. He questioned if ample time had been allotted. He requested a creative approach to cost reduction. Mayor Stockton described this meeting as a start. The October 8, 2007 Work Session would be focused on the Police Department. The department was a large portion of the City's overall budget. He hoped the Council would zero in on key components. Tom Hamilton, City Manager, addressed the Council. City staff planned to present a complete overview. City staff needed to know the next steps. The Police Department would be a separate topic. He acknowledged that there were a number of issues.

Alderman Hanson addressed information received regarding the sale of water rights. It appeared to be a quick fix. He acknowledged the cost for capital projects. He

expressed his concern regarding the quality of service. Mr. Hamilton cited the cities of Peoria and Pekin. There were service quality issues as the private water provider had failed to invest in infrastructure. Mayor Stockton noted that the City would continue with the long range water plan.

Alderman Finnegan welcomed Alderman Schmidt back from her travels to Australia. He also extended best wishes to Ms. Monaceli.

Motion by Alderman Finnegan, seconded by Alderman Schmidt, that the meeting be adjourned. Time: 9:05 p.m.

Motion carried.

**Tracey Covert
City Clerk**

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