

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

The Council convened in regular Session in the Council Chambers, City Hall Building, at 7:35 p.m., Monday, July 23, 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 Huetten, Allen Gibson, David Sage, John Hanson, Steven Purcell, Jim Fruin and Mayor Stephen F. Stockton.

Alderman Absent: Jim Finnegan and Karen Schmidt.

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

The following was presented:

Certificate of Achievement for Excellence in Financial Reporting. Mayor Stockton presented Brian Barnes, Finance Director, with same. Mr. Barnes informed the Council that the Certificate documented that the City's outside audit was in compliance with GASB, (Government Accounting Standards Board). The City has met high accounting standards. GASB was a national board. When the City goes out for bonds, this Certificate was part of due diligence. The Certificate makes the process easier. Mayor Stockton read and presented the plaque to Mr. Barnes. He anticipated that the City would continue to receive these certificates.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Opening of One Bid for Basketball Standards for the US Cellular Coliseum

Bids were received by the City Clerk on July 12, 2007 for Basketball Standards for the US Cellular Coliseum. There is \$35,000 budgeted for this item. Only one bid was received by the City Clerk and it is City policy in situations where only one bid is received to have the bid opened and read at the Council Meeting.

Staff requests that the City Council authorize the Purchasing Agent to open the bid at the July 23, 2007 Meeting and present the City Council with a recommendation prior to the end of the Council Meeting concerning award of the bid.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

Motion by Alderman Hanson, seconded by Alderman Purcell that the Bid be opened at the July 23, 3007 Council meeting, referred to staff for analysis and reported back to Council prior to the end of the meeting.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Council Proceedings of August 22, 2005

The Council Proceedings of August 22, 2005 have been reviewed and certified as correct and complete by the City Clerk.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

Alderman Sage noted that he was being asked to vote on Proceedings for meetings when he was not a member.

Alderman Stearns expressed her concern. She noted that Council meetings were not televised. She questioned the status of same. Individuals cannot simply read the Council Proceedings.

Mayor Stockton stated that he was not present at the August 25, 2005 Council meeting. Approval of Council Proceedings was a routine act. Communicating to the public included television. The Council Chambers needed to be enhanced to accomplish same. Tom Hamilton, City Manager, noted that the City Clerk's Office was utilizing over time to address this issue. Additional recommendations would be presented to the Council this week. City staff tried to use best practices. At this moment, there was not a time line or costs available. Historically, Council members have voted on Proceedings prior to their term of office. He described this situation as unusual. However, there were no legal issues.

Mayor Stockton encouraged all Council members to vote. He described this action as a formality. The Council as a body was accepting the Proceedings.

Alderman Fruin noted that the issue was related to work load. It should not be seen as a reflection of the City Clerk's performance.

Alderman Stearns echoed Alderman Fruin's comments. The City Clerk's Office provided excellent service. The City Clerk did an exemplary job. Her concern addressed citizen access.

Motion by Alderman Hanson, seconded by Alderman Purcell that the reading of the minutes of the previous Council Proceedings of August 22, 2005 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, Gibson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Bills and Payroll

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

Respectfully,

Brian J. Barnes
Director of Finance

Tom Hamilton
City Manager

(ON FILE IN CLERK'S OFFICE)

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

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

Ayes: Aldermen Stearns, Huette, 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 second partial payment to Peace Meal in the amount of \$2,082 on a contract amount of \$25,000 of which \$4,164 will have been paid to date for work certified as 17% complete for the Peace Meal. Completion date – April 2008.
2. The second partial payment to Peace Meal in the amount of \$624 on a contract amount of \$7,500 of which \$1,248 will have been paid to date for work certified as 17% complete for the John M. Scott Home Delivered Meals. Completion date – May 2008.
3. The second partial payment to Farnsworth Group in the amount of \$1,802.60 on a contract amount of \$11,250 of which \$9,050 will have been paid to date for work certified as 93% complete for the Repair of the Police Parking Deck. Completion date – May 2007.
4. The first partial payment to Bentley Systems, Inc. in the amount of \$30,877.79 on a contract amount of \$33,278.40 of which \$30,877.79 will have been paid to date for work certified as 93% complete for the Specialized Software for Engineering and Water Departments. Completion date – September 2007.

5. The first partial payment to Felmley Dickerson in the amount of \$184,824 on a contract amount of \$1,098,000 of which \$184,824 will have been paid to date for work certified as 17% complete for the Miller Park Playground Renovation. Completion date – May 2007.
6. The fifteenth partial payment to APACE Architects & Design in the amount of \$31,210 on a contract amount of \$301,900 of which \$226,995 will have been paid to date for work certified as 75% complete for the Design of Fire Station #5. Completion date – May 2008.
7. The third partial payment to F & W Lawn Care Specialists in the amount of \$10,641.78 on a contract amount of \$25,000 of which \$20,050.61 will have been paid to date for work certified as 80% complete for the 2006-2007 Seeding at Various Locations. Completion date – June 2008.
8. The fifth partial payment to McLean County in the amount of \$2,437.02 on a contract amount of \$100,000 of which \$13,893.85 will have been paid to date for work certified as 14% complete for the City's share of the East Side Corridor Study. Completion date – February 2008.
9. The sixth partial payment to Main & Veterans General Partnership in the amount of \$55,000 on a contract amount of \$550,000 of which \$330,000 will have been paid to date for work certified as 60% complete for the Main & Veterans Partnership. Completion date – June 2009.
10. The fourteenth partial payment to Testing Services Corporation in the amount of \$1,195.28 on a per ton and hour contract of which \$45,719.18 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.
11. The first partial payment to Rowe Construction in the amount of \$416,589.96 on a contract amount of \$1,795,000 of which \$416,589.96 will have been paid to date for work certified as 23.2% complete for the 2007-2008 General Resurfacing. Completion date – October 2007.
12. The third partial payment to Rowe Construction in the amount of \$26,022.26 on a contract amount of \$817,603.74 of which \$225,086.72 will have been paid to date for work certified as 28% complete for the 2007 Curb and Gutter Improvements. Completion date – September 2007.
13. The second partial payment to Stark Excavating, Inc. in the amount of \$75,963.57 on a contract amount of \$150,000 of which \$131,218.45 will have been paid to date for work certified as 87% complete for the 2006-2007 Rigid Pavement Patching Program. Completion date – July 2007.

14. The ninth partial payment to Stark Excavating, Inc. in the amount of \$217,244.22 on a contract amount of \$2,959,945.10 of which \$1,778,196.69 will have been paid to date for work certified as 60% complete for the Fox Creek Road & Scottsdale Ave. Improvements. Completion date – October 2007.
15. The twelfth partial payment to Lewis, Yockey & Brown, Inc. in the amount of \$5,278.50 on a contract amount of \$120,000 of which \$89,077.55 will have been paid to date for work certified as 74% complete for the Dr. M.L. King Jr. Dr. – Washington to Oakland. Completion date – September 2007.
16. The third partial payment to Farnsworth Group in the amount of \$3,941.15 on a contract amount of \$130,300 of which \$24,420.12 will have been paid to date for work certified as 19% complete for the Tanner Street – Morris to Lake Dr. Completion date – April 2008.
17. The sixteenth partial payment to Farnsworth Group in the amount of \$1,055.25 on a contract amount of \$32,562 of which \$19,403.35 will have been paid to date for work certified as 60% complete for the Norfolk Southern Railroad Crossing Negotiations: 1.) ML King at White Oak; 2.) Hamilton at Commerce, and 3.) Hershey at Hamilton. Completion date – February 2007.
18. The sixteenth partial payment to Clark Dietz, Inc. in the amount of \$1,667.50 on a contract amount of \$22,000 of which \$13,118.74 will have been paid to date for work certified as 68% complete for the Water Department Emergency Response Plan. Completion date – December 2007.
19. The fifth partial payment to Farnsworth Group in the amount of \$456.27 on a contract amount of \$50,000 of which \$9,309.51 will have been paid to date for work certified as 19% complete for the Ultraviolet Light & Hydrogen Peroxide Feasibility Study. Completion date – October 2007.
20. The sixth partial payment to Clark Dietz in the amount of \$6,074.01 on a contract amount of \$84,600 of which \$38,398.65 will have been paid to date for work certified as 44% complete for the Parmon Road Water Main Replacement. Completion date - December 2007.
21. The eleventh partial payment to Clark Dietz in the amount of \$4,515.08 on a contract amount of \$68,800 of which \$57,955.33 will have been paid to date for work certified as 99% complete for the Main Replacement on Hinshaw and Barker. Completion date – December 2007.
22. The first partial payment to Institutorm Technologies in the amount of \$28,230 on a contract amount of \$52,850 of which \$28,230 will have been paid to date for work certified as 53% complete for the Bellmont Sewer Lining. Completion date – July 2007.

23. The third partial payment to Stark Excavating, Inc. in the amount of \$293,000 on a contract amount of \$2,974,384 of which \$1,352,000 will have been paid to date for work certified as 45% complete for the Brokaw Road Sanitary Trunk Sewer. Completion date – November 2007.
24. The second partial payment to Gildner Plumbing, Inc. in the amount of \$40,000 on a contract amount of \$1,114,445 of which \$328,256 will have been paid to date for work certified as 29% complete for the Sewer and Storm Drain Kickapoo Force Main. Completion date – October 2007.
25. The fourth partial payment to Gildner Plumbing, Inc. in the amount of \$52,000 on a contract amount of \$388,479 of which \$242,000 will have been paid to date for work certified as 62% complete for the Division Street Combined Sewer Overflow Elimination Phase II. Completion date – August 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 Hanson, seconded by Alderman Purcell that the payments be approved.

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

Ayes: Aldermen Stearns, Huette, 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: Audit of the Accounts for the Township Supervisor of General Assistance Fund and General Town Fund for the Month of June, 2007

Audit of the Accounts for the Township Supervisor of General Assistance Fund and General Town Fund for the month of June were presented for Audit by the Township Supervisor.

The Audit of these accounts took place on Monday, July 23, 2007 at 6:30 p.m. in the Conference Room of Bloomington City Hall and should, at this time, be made a matter of record.

Respectfully,

Tracey Covert
City Clerk

Motion by Alderman Hanson, seconded by Alderman Purcell that the audit of the bills and payrolls for the Township for the month of June 2007 be made a matter of record.

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

Ayes: Aldermen Stearns, Huette, 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: Reports

The following reports should be received and placed on file with the City Clerk:

1. Motor Fuel Tax Allotment for the month of June 2007.
2. Monthly Receipt & Expenditure Report, June 2007.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

(REPORTS ON FILE IN CLERK'S OFFICE)

Motion by Alderman Hanson, seconded by Alderman Purcell that the reports be received and placed on file.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Payment for the New World Systems (CAD)/ESRI Upgrade

New World Systems Inc., the Computer Aided Dispatch (CAD) vendor for the Communications Center, is upgrading the 3rd party mapping component embedded within the Aegis MSP CAD Solution. This upgrade migrates the embedded mapping components from ESRI's Map Objects to the more robust ArcGIS product. The one time embedded ESRI Software fee is \$7,600.

Staff requests permission to purchase the upgrade mapping components embedded within the Communications Center's Aegis MSP Cad in the amount of \$7,600. Funds are available in line item G15118-70530.

Respectfully,

Roger J. Aikin
Chief of Police

Tom Hamilton
City Manager

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Payment for Repairs to a Water Treatment Plant Sludge Lagoon Return Pump

One of the Water Treatment Plant Sludge Lagoon Return Pumps, a pump used to recycle water that has been pumped to the lime sludge lagoons for settling, has failed and is in need of repair or replacement. The failure of these pumps is unfortunately a fairly common occurrence due to the harsh environment that the pump works in. First, due to the design of the sludge pump station, only submersible pumps (pumps that are always submerged in water) can be used. Next the pumps are pumping a very alkaline water with a pH that is typically around 11 units (7 is neutral and 14 is the most alkaline a substance can be). Additionally, the water that is pumped from the lime sludge lagoons is generally clear, but it still does have particles of lime suspended in it. Lime, or calcium carbonate, can be very abrasive over time. Lastly, due to the nature of the sludge lagoon design, the pumps are constantly starting and stopping. All of these factors lend themselves to a very harsh pumping environment and the failure of seals that keep water out of the electrical parts of the pump/motor.

Repairing the existing Ebara brand pump is quoted at \$11,738.84. Staff compared this cost with that of the cost of a new replacement Ebara pump. This was quoted at \$19,560. Staff determined that the repair of the existing pump was the most cost effective option. Staff requests that the authorized Ebara Pump dealer and service center make the repairs.

Staff respectfully request Council accept the quotation of \$11,738.84 for the repair of the existing Ebara pump. Payment for this work will be made from Water Department, Purification Division, Fixed Asset Replacement Funds, Repair/Maintenance Non-Office (F5030-50300-50130-70590).

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Purchase of Replacement Multi-Functional Devices (copiers)

Staff respectfully requests Council approval to purchase three (3) Ricoh Multi-Function Devices, (MFD). MFDs are economical since one (1) device can function as a copier, network laser printer, network scanner and fax. These MFD's are budgeted within the FY 2007-2008 Equipment Replacement budget and would be replacing existing equipment in the Cultural District, and Legal and Engineering Departments. Staff has also budgeted for MFD's for the two (2) new Fire Stations, but is intending to purchase those devices closer to the opening of these facilities.

During the October 10, 2005 meeting, Council approved the purchase of fourteen (14) Ricoh MFDs for use within various City departments. These units have performed satisfactorily and staff wishes to purchase basically identical units for Cultural District, and Legal and Engineering to maintain consistency and ease of management.

The Cultural District currently has a copier which has a five (5) year lease that is expiring. This copier is over five (5) years old and is in need of replacement. The Legal Department is currently using a newer MFD. This unit is not capable of printing 11" x 17" paper, which is a limitation for this department. This existing MFD will be moved to Miller Park Zoo, which currently has a smaller copier that has become problematic and is in need of replacement. The Engineering Department is also in need of an MFD that can handle 11" x 17" paper.

During the research for these MFD replacements, staff found that models from Ricoh and Lanier were identical except for the company branding. As such, staff sought proposals for both brands in an attempt to maintain a competitive environment. The proposals not only needed to include the price of the equipment, but also the cost per page for a five (5) year maintenance contract (the estimated life of the equipment), which includes repair, maintenance, all supplies and consumables, with the exception of paper. Proposals were received from the following companies:

Company	Location	Model	Cost Per Page	Equipment Price
			bw/color	
IKON Office Technologies	East Peoria, IL	Ricoh MPC3500/2500	\$.007/\$.065	\$22,024.00*
RK Dixon, Co.	Bloomington, IL	Lanier MPC3500/2500	\$.008/\$.065	\$22,296.00

*recommended vendor

Staff intends to purchase a Ricoh MPC3500 for both the Cultural District and Legal Department, and a Ricoh MPC2500 for the Engineering Department. These two (2) models are identical except for the fact that the MPC3500 is capable of printing at 35 pages per minute, while the MPC2500 prints only 25 pages per minute. Both models will print black only and color pages.

Staff respectfully requests that Council approve the purchase of these three (3) MFDs in the amount of \$22,024 from IKON Office Technologies, and the Purchasing Agent be authorized to issue a Purchase Order for same. Payment for this purchase will be made with funds budgeted in the Cultural District and Information Services Equipment Fixed Asset accounts (F21100-72120 and F11610-72120 respectively).

Respectfully,

Scott Sprouls
Director of Information Services

Tom Hamilton
City Manager

Motion by Alderman Hanson, seconded by Alderman Purcell that the RFP for replacement MFDs be awarded to IKON Office Technologies in the amount of \$22,024, 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, Gibson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Waive the Formal Bidding Process and Purchase Office Furniture for Police Cyber Crimes Unit

Staff respectfully requests that the formal bidding process be waived and furniture be purchased from Widmer Interiors for use in the Police Department Cyber Crimes Unit and that a Purchase Order be issued for this purchase in the amount of \$15,878.12. This office furniture would be purchased under the U.S Communities Purchasing Agreement. Funds for this purchase are available in F15110-72110.

Respectfully,

Roger J. Aikin
Chief of Police

Tom Hamilton
City Manager

RESOLUTION NO. 2007 - 69

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF OFFICE FURNITURE FOR POLICE CYBER
CRIMES UNIT FROM WIDMER INTERIORS AT A PURCHASE PRICE OF \$15,878.12**

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 Office Furniture for Police Cyber Crimes Unit from Widmer Interiors at a Purchase Price of \$15,878.12.

ADOPTED this 23rd day of July, 2007.

APPROVED this 24th day of July, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Stearns questioned this item. She noted that the City did not go out for bid. She described this item as an expansion and questioned if this was a change of policy. Tom Hamilton, City Manager, addressed the Council. This furniture would be purchased through a local vendor. The City worked with US Communities. This organization allowed cities to purchase items. The City received a discount due to the volume of goods purchased.

Roger Aikin, Police Chief, addressed the Council. He informed them that effective May 1, 2007 the staff in this unit would be increased by one. The position would be filled by a police officer. The area had been remodeled. The lab was added and hand me down furniture was used.

Motion by Alderman Hanson, seconded by Alderman Purcell that the formal bidding process be waived and office furniture for the Police Cyber Crimes Unit be purchased from Widmer Interiors in the amount of \$15,878.12, the Purchasing Agent be authorized to issue a Purchase Order for same, and the Resolution be adopted.

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

Ayes: Aldermen Stearns, Huette, 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 LED Traffic Signal Lamps from Traffic Control Corp.

On April 9, 2007, Council approved an amendment to the City/State Master Agreement for the maintenance of traffic signals on State routes in or near the City. The amendment called for the City to share in the cost of installing LED bulbs in the estimated amount of \$26,388. On May 14, 2007, Council approved receiving a grant from the Illinois Clean Energy Foundation for the replacement of incandescent traffic signal lamps with LED lamps in an amount not to exceed \$80,675. Some of the benefits of LED bulbs are that they use up to 85% less energy, last ten (10) times longer, and enhance safety through better light quality visibility.

Staff has investigated obtaining the necessary lamps for the work from the State purchasing contract and found that there is no current contract for these items. Therefore, staff has contacted Traffic Control Corporation (TCC) to obtain quotes. TCC has the franchise to supply Gelcor brand lamps (manufactured by General Electric) for this region. The City has used this brand of lamp previously and has been very satisfied with their quality. The other brand of LED lamp that is available is Dialight. The City has experienced an unsatisfactory number of failures with Dialight lamps and staff does not recommend them. Staff believes the best value to be Gelcor lamps from TCC.

Staff has received the following quotes:

Red ball\$35.70 eachYellow Arrow\$34.08 each
Yellow ball\$42.55 eachDon't Walk\$55.67 each
Green ball\$73.68 eachWalk\$70.43 each

Staff respectfully recommends that Council waive the formal bidding process and authorize the

purchase of LED signal lamps from Traffic Control Corp. in an amount not to exceed \$100,000, with payment to be made with Traffic Funds (16230-70590).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

RESOLUTION NO. 2007 - 70

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF LED SIGNAL LAMPS FOR THE
REPLACEMENT OF INCANDESCENT TRAFFIC SIGNAL LAMPS FROM TRAFFIC
CONTROL CORP. IN AN AMOUNT NOT TO EXCEED \$100,000**

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

1. That the bidding process be waived and the Purchasing Agent be authorized to Purchase LED signal lamps the replacement of incandescent traffic signal lamps from Traffic Control Corp. in an amount not to exceed \$100,000.

ADOPTED this 23rd day of July, 2007.

APPROVED this 24th day of July, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Hanson questioned the time line to complete the installation of these LED signal lamps. Tom Hamilton, City Manager, noted that some of the areas within in the City were already completed. This would allow additional areas of the City to be switched over to this type of bulb. Doug Grovesteen, Director of Engineering, addressed the Council. The project would be completed by the year's end. Alderman Hanson questioned the brightness of these lamps. Mr. Grovesteen stated that these lamps were crisper and easier to see. Beyond purchasing the bulbs, the City must also replace the fixtures. He described this work as a fill in project.

Mayor Stockton cited the energy savings which would be substantial. This would be a green project.

Motion by Alderman Hanson, seconded by Alderman Purcell that the formal bidding process be waived, the LED signal lamps be purchased from Traffic Control Corp. in an amount not to exceed \$100,000, the Purchasing Agent be authorized to issue a Purchase Order for same, and the Resolution be adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Permission to Waive the Formal Bidding Process and Enter a Professional Services Agreement with Clark Dietz, Inc. for Inspection Services of the Water Main Replacement Projects in the Parkview Area

Staff has requested design and construction of new water mains in the Parkview area where the water mains are old, undersized, and the site of frequent water main breaks. The Parkview project is described as being generally bounded by Miller Street on the north, Livingston Street on the east, Hinshaw Avenue on the west and Tokio Street on the south. This project is planned to be constructed in four (4) separate phases.

Council authorized Clark Dietz, Inc. to design these water mains. The design is nearly complete and Phase I of the project is ready to bid. Staff desires to employ Clark Dietz, Inc. for the bidding and construction inspection services as well as completing the final design changes for the final three (3) phases of this project.

Staff respectfully requests that Council waive the formal bidding process, and the Agreement with Clark Dietz, Inc. for inspection services of the water main replacement projects in the Parkview area be approved in an amount not to exceed \$60,000. Funds for this project will 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 - 71

A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND ENTER A PROFESSIONAL SERVICES AGREEMENT WITH CLARK DIETZ, INC. FOR INSPECTION SERVICES OF THE WATER MAIN REPLACEMENT PROJECTS IN THE PARKVIEW AREA IN AN AMOUNT NOT TO EXCEED \$60,000

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

1. That the bidding process be waived and enter into a Professional Services Agreement with Clark Dietz, Inc. for Inspection Services of the Water Main Replacement Projects in the Parkview Area in an amount not to exceed \$60,000.

ADOPTED this 23rd day of July, 2007.

APPROVED this 24th day of July, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

PROFESSIONAL SERVICES AGREEMENT

Project Name ("Project")

City of Bloomington

Parkview - Phase 1 Water Main Construction Observation Services and Additional Services

This Agreement is by and between

City of Bloomington ("Client")
603 W Division Street
Bloomington, IL 61701

and

Clark Dietz, Inc. ("Clark Dietz") 1817 South Neil Street, Suite 100 Champaign, Illinois 61820

Who agree as follows:

Client hereby engages Clark Dietz to perform the services set forth in Part I - Services and Clark Dietz agrees to perform the Services for the compensation set forth in Part III - Compensation. Clark Dietz shall be authorized to commence the Services upon execution of this Agreement and written authorization to proceed from Client. Client and Clark Dietz agree that this signature page, together with Parts I-VI and attachments referred to therein, constitute the entire Agreement between them relating to the Project.

Approved for Client

By: Stephen F. Stockton
Mayor
July 24, 2007

Approved for Clark Dietz

By: Ron Leverich
Senior Vice President
July 9, 2007

PART I SERVICES

A. Project Description

Clark Dietz shall provide bidding services for Parkview Phase I - Water Main Replacement Project, construction observation services for the Parkview - Phase I - Water Main Replacement Project. In addition, Clark Dietz will provide additional design services to finalize Parkview Phase 2, Phase 3 and Phase 4 of the Water Main Replacement Project.

B. Scope

Clark Dietz agrees to perform professional services in connection with the Project as stated herein:

Parkview Phase 1 Water Main Replacement Project - Bidding Services

1. Clark Dietz will prepare advertising notice for the Project and submit to Client for publication.

2. Clark Dietz will issue bidding documents to prospective bidders and maintain a documents holders list.
3. Clark Dietz will prepare any addenda, which may be necessary to clarify the Construction Documents.
4. Clark Dietz will answer contractor questions during bidding.
5. Clark Dietz will attend a pre-bid meeting and prepare meeting minutes.
6. Clark Dietz will attend the bid opening, prepare a tabulation of the bids, review the bids received and make a recommendation regarding the award of the bid.
7. Clark Dietz will prepare Contract Documents for execution by the contractor and the Client.

Parkview Phase 1 - Water Main Construction Observation Services.

1. Clark Dietz will review shop drawings.
2. Clark Dietz will attend up to three progress pay meetings and process the associated pay applications.
3. Clark Dietz will answer contractor questions, provide clarifications and issue change orders, as necessary.
4. Clark Dietz will prepare record drawings based on the record drawings maintained by the contractor during construction.
5. Clark Dietz will provide up to 280 hours of construction observation.

Additional Design services for Parkview Phase 2, Phase 3, and Phase 4 Water Main Replacement Project will include the following:

- a. Clark Dietz will prepare and submit preliminary drawings for Client review which include proposed layout and profile and preliminary specifications.
- b. Clark Dietz will perform a field review of the proposed alignment to identify any constraints not readily identified during field survey.
- c. Clark Dietz will meet with the Client to discuss the Project drawings and receive their comments.
- d. Clark Dietz will prepare final construction contract documents based on review comments. These documents will be submitted to the Client for final review.

- e. Clark Dietz will develop construction contract documents and will include the following:
 - a. Construction drawings generally including:
 - Title Sheet
 - General Notes, Index, Legend
 - Plan and Profile Sheets
 - Details Sheets
 - b. Construction specifications generally including:
 - Notice to Bidders
 - Bid Proposal
 - Certifications
 - Bid Bond
 - Performance and Payment Bond
 - Instruction to Bidders
 - Common Construction Wages
 - General Conditions
 - Supplementary Conditions
 - Technical Specifications
- f. Clark Dietz will prepare and submit two (2) sets of plans, specifications, and opinion of probable cost estimate to Client.
- g. This scope does not include any easement drawings, individual legal descriptions, drawings, or acquisition services for required easements.
- j. This scope does not include preparation of the IEPA permit applications or the Railroad permit application since these projects will be placed “on the shelf” for future bidding and construction when City funds become available.

Scope of Work is completed after final acceptance by the City of Bloomington for the project specifications and drawings, which will be placed “on the shelf” for future bidding and construction when City funds become available. The Scope of Work does not include any work associated with taking the specifications and drawings “off the shelf” and preparing the documents for bid or construction.

C. Electronic Media Format

- a. The Drawings for this project will be provided to Client in printed format on paper.
- b. Clark Dietz will utilize current Clark Dietz standards for layering, line types, text styles, etc. in the development of the AutoCAD files for this project. Changes in these standards requested by the Client may result in additional cost.

D. Assumptions/Conditions (If applicable)

This agreement is subject to the following assumptions/conditions:

1. This agreement does not include the preparation of right-of-way or temporary construction easement drawings, descriptions or negotiation/acquisition services.
2. This agreement does not include the preparation of assessment roles or schedules.
3. This agreement does not include geotechnical investigations.
4. Local permits for this project (street cuts, utility relocations, etc.) will be obtained by the Client with information provided by Clark Dietz. All permit fees will be paid by the Client.
5. State permits for this project will be obtained by the Client with information provided by Clark Dietz. All permit fees will be paid by the Client.
6. No Federal permits are anticipated for this project.
7. This agreement does not include contaminated site Phase I or Phase II environmental assessment investigations or remediation activities.
8. This agreement does not include cultural, historic, archeological, or wetland assessment investigations or remediation activities.

PART II CLIENT'S RESPONSIBILITIES

Client shall, at its expense, do the following in a timely manner so as not to delay the services:

A. Information/Reports

Provide Clark Dietz with reports, studies, site characterizations, regulatory decisions and similar information relating to the Services that Clark Dietz may rely upon without independent verification unless specifically identified as requiring such verification.

B. Representative

Designate a representative for the project who shall have the authority to transmit instructions, receive information, interpret and define Client's requirements and make decisions with respect to the Services. The Client representative for this Agreement will be Elmer Schaefer, City of Bloomington Superintendent of Water Resources.

C. Decisions

Provide all criteria and full information as to Client's requirements for the Services and make timely decisions on matters relating to the Services.

D. Other

Provide Clark Dietz with any available construction plans for utilities, streets, subdivisions and drainage facilities that may be pertinent to the project

PART III COMPENSATION

A. Compensation

Compensation for the Services shall be as follows:

Compensation to Clark Dietz for services rendered by employees working on the Project in accordance with PART I, SERVICES of this Agreement will be at the hourly billing rates shown in the attachment, "Schedule of General Billing Rates". The total compensation authorized by this Agreement will not exceed \$60,000.

1. Payment for outside consulting and/or professional services performed by a subconsultant will be at actual invoice cost to Clark Dietz plus ten percent for administrative costs. Clark Dietz will obtain written Client approval before authorizing these services.
2. Payment for expenses incurred directly on behalf of the Project at actual cost to Clark Dietz plus ten percent for administrative costs.

B. Billing and Payment

1. Timing/Format

- a. Invoices shall be submitted monthly for Services completed at the time of billing and are due upon receipt. Invoices shall be considered past due if not paid within 30 calendar days of the due date. Such invoices shall be prepared in a form supported by documentation as Client may reasonably require.
- b. If payment in full is not received by Clark Dietz within 30 calendar days of the due date, invoices shall bear interest at one-and-one-half (1.5) percent of the past due amount per month, which shall be calculated from the invoice due date.
- c. If the Client fails to make payments within 30 calendar days of due date or otherwise is in breach of this Agreement, Clark Dietz may suspend performance of services upon seven (7) calendar days' notice to the Client. Clark Dietz shall have no liability whatsoever to the Client for any costs or damages as a result of suspension caused by any breach of this Agreement by the Client. Upon payment in full by the Client, Clark Dietz shall resume services under this Agreement, and the time schedule and compensation shall be equitably adjusted to compensate for the period of suspension plus any other reasonable time and expense necessary for Clark Dietz to resume performance.

2. Billing Records

Clark Dietz shall maintain accounting records of its costs in accordance with generally accepted accounting practices. Access to such records will be provided during normal business hours with reasonable notice during the term of this Agreement and for 3 years after completion.

(PART IV-STANDARD TERMS & CONDITIONS AND SCHEDULE OF GENERAL BILLING RATES DATED JANUARY 1, 2007 ON FILE IN CLERK'S OFFICE.)

Motion by Alderman Hanson, seconded by Alderman Purcell that the formal bidding process be waived, the Agreement with Clark Dietz, Inc. for inspection services of the water main replacement projects in the Parkview area be approved in an amount not to exceed \$60,000, 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, 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 Clark Dietz, Inc. for Obtaining a Permit Modification from the Illinois Department of Natural Resources – Office of Water Resources (IDNR-OWR), for the Evergreen Lake Reservoir Dam Fish Barrier

In 2006, a fish barrier was installed at the Evergreen Lake Reservoir stilling basin, the area just below the spillway of the dam. The fish barrier (essentially a chain link fence across the stream channel) was designed to keep fish that had been stocked into the reservoir from washing downstream during high flow events. However because the fish barrier could trap debris that had flowed over spillway, it could act as enough of an impediment to the water flow that water in the stilling basin could rise to levels that might damage the training walls on either side of the stream channel. The IDNR-OWR has requested that the City complete an analysis of the effect of this fish barrier on the downstream water levels during certain flow events. This analysis will be done using computer modeling.

Staff respectfully recommends that Council waive the formal bidding process and the Agreement with Clark Dietz, Inc. for obtaining a permit modification from the Illinois Department of

Natural Resources – Office of Water Resources (IDNR-OWR), for the Evergreen Lake Reservoir Dam Fish Barrier be approved in an amount not-to-exceed amount of \$15,000. Funds for this 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 - 72

A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND ENTER A PROFESSIONAL SERVICES AGREEMENT WITH CLARK DIETZ, INC. FOR OBTAINING A PERMIT MODIFICATION FROM THE ILLINOIS DEPARTMENT OF NATURAL RESOURCES – OFFICE OF WATER RESOURCES (IDNR-OWR), FOR THE EVERGREEN LAKE RESERVOIR DAM FISH BARRIER IN AN AMOUNT NOT TO EXCEED 15,000

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

1. That the bidding process be waived and enter into a Professional Services Agreement with Clark Dietz, Inc. for Obtaining a Permit Modification from the Illinois Department of Natural Resources – Office of Water Resources (IDNR-OWR), for the Evergreen Lake Reservoir Dam Fish Barrier in an amount not to exceed 15,000.

ADOPTED this 23rd day of July, 2007.

APPROVED this 24th day of July, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

July 9, 2007

Mr. Craig Cummings
Water Department Director

City of Bloomington
603 W Division Street
Bloomington, IL 61701

Re:Engineering Services Agreement
Evergreen Lake Fish Bather IDNR-OWR Permit
Clark Dietz Project Number: B11190

Dear Mr. Cummings:

Clark Dietz is pleased to submit our Engineering Services Agreement to assist the City of Bloomington with obtaining a permit for the Evergreen Lake Fish Bather for the Illinois Department of Natural Resources - Office of Water Resources (IDNR - OWR).

The project will include the following items:

Clark Dietz will meet with City of Bloomington representatives and conduct a site visit to Evergreen Dam to inspect the fish barrier.

Clark Dietz will obtain data for 1996 dam, fish barrier, and the IDNR-OWR Planning Section fish barrier analysis by publicly available data.

Clark Dietz will determine the approximate area blocked by the fish barrier and debris, model the probable maximum flood (PMF) through the spillway before and after the fish barrier using a computer model (HEC-RAS) and determine the location of the hydraulic jump caused by the fish barrier. This project provides up to 40 hours of hydraulic modeling analysis.

Clark Dietz will prepare the permit, cover letter, and supporting documentation and submit the permit to IDNR-OWR.

Based on the review of IDNR-OWR, Clark Dietz will revise the permit application and resubmit the permit to IDNR-OWR one time, if necessary.

The following items are not included in the scope of this project:

Clark Dietz will not perform a hydrologic analysis (rainfall-runoff) to determine Probable Maximum Flood (PMF). This project assumes the PMF is available from the City of Bloomington.

The scope of this project does not include creating alternative designs for reconfiguring the fish barrier, raise dam, etc.

The scope of this project does not include preparing plans and specifications for any required structural measures to mitigate erosion/overtopping.

The proposed fee for engineering services will not exceed Fifteen Thousand Dollars (\$15,000), without written authorization. See attached Schedule of General Billing Rates. Please note that the City of Bloomington will only be billed for the hours worked.

The proposed fee for this project is based on a maximum of 40 hours for hydraulic modeling analysis. Until the project begins and we can determine what information is available from IDNR-OWR, it is difficult to predict the extent of modeling effort that will be required. If additional hydraulic modeling analysis is required, then we may need to seek a supplemental agreement to this proposal to complete that work.

If this agreement is acceptable, please sign below and return the signed letter to Clark Dietz and we can commence work immediately. Retain one copy for your files.

City of Bloomington

Approved by: Stephen F. Stockton
Title: Mayor
Date: July 24, 2007

Clark Dietz, Inc.

Approved by: Ron Leverich
Title: Senior Vice President
Date: July 9, 2007

If you have any questions regarding this agreement, please do not hesitate to contact me. We look forward to working with you and the staff of the Bloomington Water Department on this project.

Sincerely,

Clark Dietz, Inc.

Tammy Bennett, P.E.
Project Manager

(SCHEDULE OF GENERAL BILLING RATES DATED JANUARY 1, 2007 ON FILE IN CLERK'S OFFICE.)

Motion by Alderman Hanson, seconded by Alderman Purcell that the formal bidding process be waived, the Agreement with Clark Dietz, Inc. for obtaining a permit modification from the Illinois Department of Natural Resources - Office of Water Resources (IDNR-OWR), for the Evergreen Lake Reservoir Dam Fish Barrier be approved

in an amount not to exceed \$15,000, the Mayor and City Clerk authorized to execute the necessary documents, and the Resolution be adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Waive the Formal Bidding Process and Approve a Professional Services Agreement with Global Engineering and Technology, LLC for the Design of Somerset Court Storm Sewer Improvement

Staff has negotiated a proposed contract with Global Engineering and Technology, LLC (GET, LLC) to provide professional services for the design of Somerset Court Storm Sewer Improvement. The project consists of extending a new storm sewer in Somerset Court from Breckenridge Drive westerly approximately 450 feet to the cul-de-sac, in Somerset Court Subdivision. GET, LLC has proposed to provide civil engineering and surveying services on a time and materials basis for a maximum amount of \$13,900. Funding for these design services is not shown in the Capital Budget. Sufficient money is available in the Storm Water Management Fund to cover the cost.

Staff has reviewed the proposal from GET, LLC and finds it acceptable. Staff recommends that Council approve a contract with GET, LLC to provide civil engineering and surveying services on a time and materials basis for a maximum amount of \$13,900, the Mayor and City Clerk be authorized to enter into a contract for said work. Payment be made from Storm Water Management Funds (X55200-70050).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

AGREEMENT FOR PROFESSIONAL SERVICES

AGREEMENT is effective this _____ day of July in the year 2007 between Global Engineering & Technology, LLC hereinafter referred to as GET, of 2203 East Empire Street, Suite B, Bloomington, IL 61704 and The City of Bloomington hereinafter referred to as the CLIENT.

The Scope of Services to be provided under this agreement is as follows:

Somerset Court Storm Sewer Design with necessary incidentals. See attached Scope of Services.

The fee for the above described services will be calculated on a time and material basis to a maximum fee of \$13,900.00 in accordance with the attached fee schedule.

This Agreement and the attached General Conditions represent the entire and integrated Agreement between the CLIENT and GET and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both CLIENT and GET.

Global Engineering & Technology, LLC

City of Bloomington, Client

Surinder Sethi
Principal
July 7, 2007

Stephen F. Stockton
Mayor
July 24, 2007

(SCOPE OF SERVICES ON FILE IN CLERK’S OFFICE.)

RESOLUTION NO. 2007 - 73

A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH GLOBAL ENGINEERING AND TECHNOLOGY, LLC FOR THE DESIGN OF SOMERSET COURT STORM SEWER IMPROVEMENT ON A TIME AND MATERIALS BASIS FOR A MAXIMUM AMOUNT OF \$13,900

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

1. That the bidding process be waived and a Professional Services Agreement with Global Engineering and Technology, LLC for the Design of Somerset Court Storm Sewer Improvement on a time and materials basis for a maximum amount of \$13,900 be approved.

ADOTED this 23rd day of July, 2007.

APPROVED this 24th day of July, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Hanson, seconded by Alderman Purcell that the formal bidding process be waived, the agreement with GET, LLC to provide civil engineering and surveying services on a time and materials basis for a maximum amount of \$13,900 be approved, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution be adopted

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

Ayes: Aldermen Stearns, Huette, 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 Request for Proposals for Professional Actuarial Services

The Governmental Accounting Standards Board, (GASB) has issued a new regulatory statement that is effective for the City during fiscal year 2008-2009. The GASB statements (43 & 45) are for the accounting and financial reporting by employers for post employment benefits other than pensions (OPEB). Included in the statement is a requirement for an actuarial valuation at least biennially, or sooner, if significant changes have occurred in post employment benefits that would affect the results of the valuation. The first actuarial valuation needs to begin in the current fiscal year.

Request for Proposals (RFP's) were accepted until May 25, 2007, for Professional Actuarial Services for the report due dates of June 30, 2008 and the three (3) subsequent years provided that the firm meets the requirements including timeliness, as set forth in the RFP. Six (6) proposals were received and all were evaluated based the technical knowledge, experience, timeliness and cost. Cost was not the only factor in making this decision.

The firms submitted two (2) proposals each; the first, a sealed technical proposal addressing the specifications and requirements regarding performance, and the second sealed proposal was the cost per year. Staff requested that the proposals be submitted in this manner to ensure that qualifications, experience, and approach could be evaluated without the influence of cost. Once a firm had been selected on the evaluation and cost, an interview was conducted and references were checked.

The following proposals were received for actuarial services due 6/30/2008 through 6/30/2011:

	Year #1	Year #2		Year #3	Year #4	
	Full	Review **	Full ***	Full	Review **	Full ***
*Gabriel Roeder & Smith	\$6,500	\$3,500	\$6,700	\$6,900	\$3,600	\$7,100
MWM Consulting	\$8,500	\$1,000	\$8,000	\$9,000	\$1,000	\$8,500
Goldstein & Associates	\$8,000	\$1,500	\$8,000	\$8,500	\$1,600	\$8,500
Alliance Benefit Group	\$9,000	\$2,000	\$9,200	\$9,500	\$2,200	\$9,750
JP Morgan	\$20,000	\$1,500	\$12,500	\$13,000	\$1,500	\$13,500
Millman	\$19,280	\$6,050	\$20,040	\$20,845	\$6,540	\$21,680

*Staff recommendation

** Review Actuarial – Any costs associated with the review of changes in population and benefits to determine if there have been significant changes that would impact long-term assumptions.

*** Full Actuarial – If significant changes were to occur in benefit provisions, the size or composition of the population covered by the plan, or other factors that impact long term assumptions is when the City may request a full actuarial.

Staff recommends that the actuarial valuation for the purposes of OPEB be awarded to Gabriel Roeder Smith & Company (GRS) for the report due dates of June 30, 2008 and the three (3) subsequent years provided that the firm meets the requirements including timeliness, as set forth in the RFP and no problems in the relationship develop. The Finance Department budgeted for the OPEB actuarial valuation in G11510-70220. Staff also request permission to negotiate with GRS for additional services for Human Resources as described in the RFP.

Respectfully,

Judy Whikehart
Finance Department

Tom Hamilton
City Manager

(CONTRACT ON FILE IN CLERK'S OFFICE.)

Motion by Alderman Hanson, seconded by Alderman Purcell that the RFP be awarded to Gabriel Roeder Smith & Company in the amount of \$6,500 for the OPEB valuation report of June 30, 2008; \$6,700 for year two (2); \$6,900 for year three (3); \$7,100 for year four (4); staff be allowed to negotiate with GRS for the additional services as necessary, 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, 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 Request for Proposal (RFP) for Installation of New Cooling Unit for the Information Services, Server Room

Staff received Request for Proposal (RFQ) from three (3) heating and cooling contractors for the installation of a new cooling unit in the Information Services, Server Room at City Hall. This new cooling unit is necessary because of an increase in the amount of computer equipment located in the Server Room. Additionally, staff is requesting that the contractor install extra wiring to be used in the future for another cooling unit. Analysis of the RFP is as follows:

Hugh Evans Refrigeration	No Proposal
SBC Heating and AC	\$14,815.00
** US Mechanical Services	9,095.00

** Low and recommended proposal

As all things are in order, staff respectfully recommends that Council approve the proposal submitted by US Mechanical Services in the amount of \$9,095 and, further, that the Mayor and City Clerk be authorized to execute the necessary documents. Funds for this project are available in the Building Alterations Account - 15480-72520.

Respectfully,

Robert Floyd
Facility Manager

Mark R. Huber
Director of PACE

Tom Hamilton
City Manager

**U.S. MECHANICAL SERVICES, INC.
P. O. BOX 1571
BLOOMINGTON, IL 81702
(309) 452-0092**

PROPOSAL

June 27, 2007

Proposal submitted to Bob Floyd, City of Bloomington, for services to be provided at City Hall 109 E. Olive St., Bloomington, IL, and to be performed by U. S. Mechanical Services Inc., P. O. Box 1571, Bloomington, IL, 61702.

We hereby submit specifications and estimates for labor and materials to install one ceiling mounted coding system in the Information Services Sewer room. The equipment will be a Sanyo model 36T72R as specified. Job will comprise of all electrical and roofing work needed to complete installation. All work will be done during regular business hours unless otherwise stated or requested.

We propose hereby to furnish the specified services for the sum of \$9,095.00. Payment to be made: Net 30 days upon completion.

Authorized Signature: George Jones
Secretary
U.S. Mechanical Services, Inc.

Note: This proposal may be withdrawn by us if not accepted within 30 days.

All materials is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

Acceptance of Proposal-The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Authorized Signature: Stephen F. Stockton
Mayor

Date of Acceptance: July 24, 2007

Motion by Alderman Hanson, seconded by Alderman Purcell that the RFP be awarded to US Mechanical Services in the amount of \$9,095, 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, Gibson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Analysis of Bids for a Basketball Court at the US Cellular Coliseum

Bids for a Basketball Court for the US Cellular Coliseum were received in the office of the City Clerk until July 3, 2007 at 11:10 a.m., at which time they were read aloud. Only two (2) companies submitted bids, Connor Hardwood Courts and Robbins Inc. Conner Hardwood Courts was the lowest bidder and the only company to follow the instruction in the Invitation to Bid packet. Robbins, Inc. did not supply references or return the entire bid packet.

The amount budgeted for this purchase was \$85,000. Central Illinois Arena Management (CIAM) believes by adding the basketball floor it will be better equipped and able to negotiate with different promoters to attempt to bring added events to the US Cellular Coliseum. CIAM respectfully requests that the bid be awarded to Conner Hardwood Courts in the amount of \$86,486.40, and the Purchasing Agent be authorized to issue a Purchase Order for same.

Respectfully,

Mike Nelson
CIAM General Manager

Jim Appio
CIAM Dir. Of Operations

Tom Hamilton
City Manager

Alderman Stearns questioned if there were other related items. Tom Hamilton, City Manger, noted that there would be the floor and the hoops. Alderman Stearns questioned the number of events. Mike Nelson, CIAM General Manager, addressed the Council. He

noted that five (5) events were on hold for basketball. He cited the Harlem Globetrotters. CIAM, (Central Illinois Arena Management), planned to bid on IHSA, (Illinois High School Athletics), sectional and supersectional events. CIAM was comfortable with this purchase which should allow for additional events at the US Cellular Coliseum, (USCC). CIAM would continue to work on others. He cited NCAA, (National Collegiate Athletics Association), Division III basketball as an example.

Alderman Purcell questioned the return on investment. He expressed his belief that the floor should be paid for in a couple of years. Mr. Nelson noted that the floor should last twenty (20) years. Alderman Purcell questioned if the floor could be used for volleyball. Mr. Nelson informed the Council that sand volleyball had been booked in the coming year. CIAM could pursue volleyball events.

Mayor Stockton noted the annual cost for this item would be \$4,300. He questioned how this figure compared to what could be brought in from events. Mr. Nelson informed the Council that the IHSA had four (4) classes of schools. The IHSA will be staging larger tournaments. The USCC could serve a wider area and handle overnight tournaments.

Alderman Hanson questioned if the USCC hoped to host a championship in the future. Mr. Nelson responded affirmatively.

Alderman Purcell questioned if there were other uses. Mr. Nelson cited the multi year agreement with the IHSA for cheerleading. The USCC was building business through experience and marketing.

Alderman Fruin cited perception. He noted Illinois State University and Illinois Wesleyan University's facilities. He questioned what the USCC would be able to host. He questioned if demand would exceed these available facilities. Mr. Nelson noted that most IHSA events would be held during the week. The USCC would have a busy schedule this winter.

Mayor Stockton expressed his expectation that this would be a quality product which would be placed over the ice surface. Mr. Nelson described this item as a prodeck over ice. Connor was the supplier of NCAA floors. The plan was to store this item on site. CIAM also had off site storage. The USCC had the ability to host multiple events in the same day.

Motion by Alderman Hanson, seconded by Alderman Purcell that the bid be awarded to Connor Hardwood Courts in the amount of \$86,486.40, and the Purchasing Agent 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, 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 Sealed Bids For Construction Equipment

The Public Service Department has budgeted in 2007/2008 to purchase two (2) four wheel loaders and one (1) backhoe. The Public Service Department will be trading in three (3) pieces of equipment. The Water Department has budgeted to purchase two (2) backhoes, there will be one (1) trade in piece of equipment and the second machine is a new purchase.

Bid specifications were prepared and published on May 3, 2007. The sealed bids were opened on May 30, 2007. The following are the results for the four wheel loaders and backhoes.

Four Wheel Loader	Altorfer	Martins	Birkey's	Roland
Model	928G	544J	521DXT	WA200PTL-5
List Price, each machine	\$126,380	\$135,000	\$117,525	\$117,600
Trade in Allowance, 1999 John Deere 4 wheel loader	\$45,000	\$45,000	\$40,000	\$40,000
Trade in Allowance, 1991 Lee Grader	\$15,000	\$17,000	\$15,000	\$12,000
Net Price (2 new machines less 2 trades)	\$192,760	\$212,000	\$180,000	\$183,200
Full Machine warranty	\$3,560	\$5,615	\$6,475	\$4,546
Customer Service Agreement	\$21,372	\$13,388	16,672	\$16,975
Guaranteed Trade Allowance	\$65,000	\$75,000	\$48,000	\$51,000
Guaranteed Buy Back	\$65,000	\$75,000	\$48,000	\$51,000
Total Hourly Cost	\$13.96	\$13.37	\$15.91	\$14.69
Extra 4-1 Bucket	\$9,908.00	\$9,900.00	\$9,972.00	\$8,980.00
Backhoes	Altorfer	Martins	Birkey's	Roland
Model	430E IT	410J	590SM	WB156PS-5
List Price, base specification machine each	\$111,500	\$102,500	\$105,885	\$105,000
Trade Allowance, 1993 Ford Backhoe	\$14,000	\$13,000	\$14,000	\$20,000
Trade Allowance, 1998 New Holland Backhoe	\$20,000	\$23,000	\$20,000	\$12,000
Full Machine warranty	\$2,890	\$5,482	\$10,115	\$6,407
Customer Service Agreement	\$22,576	\$12,244	\$14,850	\$17,412
Guaranteed Trade Allowance	\$40,000	\$40,000	\$39,800	\$31,000
Guaranteed Buy Back	\$40,000	\$40,000	\$39,800	\$31,000
Total Hourly Cost	\$15.57	\$13.57	\$15.64	\$16.30

Optional Equipment for the Backhoes				
Dealer	Altorfer	Martins	Birkey's	Roland
Item				
12" Bucket, digging with teeth	\$900	\$629	\$671	\$545
18" Bucket, digging with teeth	\$938	\$695	\$754	\$608
24" Bucket, digging with teeth	\$1,044	\$800	\$836	\$697
24" Bucket, grading no teeth	\$1,144	\$800	\$900	\$646
Pallet Forks	\$2,730	\$2,100	\$3,000	\$2,655
10' Snow Plow	\$10,585	\$11,250	\$10,306	\$10,732

The specification for the purchase of both the backhoes and four wheel loaders was developed to provide the City with a cost to purchase the equipment and to evaluate the total life cost of ownership which was taken into consideration during evaluation process. The specification also required the bidders provide machines to the City for the operators to evaluate.

The total Cost of Ownership was evaluated by writing the specification to purchase a new loader, trade in the used loader, include a price for a Full Machine Warranty (FMW), a Customer Service Agreement (CSA) both for a 60 month or 6,000 hour period and a Guaranteed Buy Back or Guaranteed Trade amount at the end of the 60 month or 6,000 hour period.

The FMW will cover failures and adjustments to the machine, the CSA will cover all preventive maintenance inspections and items not covered by the FMW which is normally the responsibility of the owner. The FMW and CSA will cover all cost to operate the loader except the costs for fuel, tires, cutting edges, air filters, accidents and abuse. Requiring a CSA and a FMW will reduce the operating cost of the machine through reduced maintenance cost to the City.

The Guaranteed Buy Back (GBB) is the amount of money the dealer will pay the City at the end of the 60 months or 6,000 hours for the machine. The loader would then be sold back to the dealer at that time for the previously agreed upon price by the dealer in the bid specification. The dealer is able to guarantee the buy back amount because their dealership would perform the majority of the maintenance work. The only items staff will be replacing will be tires, cutting edges on the bucket, and air filters.

Purchase of Four Wheel Loaders:

A four wheel loader in the Public Service Department is currently used for eight (8) to ten (10) years based on the number of hours accumulated on the machine. There are a total of two (2) Four Wheel loaders to be purchased. The 1991 Lee grader being traded is being declared surplus equipment which is no longer fully utilized by the City. The four wheel loader currently being traded is a 1999 John Deere 544 GTC with 9100 hours.

One requirement of the bid specification was that the dealers may be required to provide a four wheel loader for evaluation as bid. After the bid opening, staff requested that the four (4) dealers supply the four wheel loaders as bid.

The Public Service Department Refuse Division had several heavy equipment operators evaluate the four wheel loaders in everyday operations. Three (3) of the four (4) bids met all the requirements of the bid specifications. The low bid from Birkey's did not meet the minimum bid specification requirements in engine horsepower and operating limits of the loader boom.

After the operators evaluated the four (4) machines it was agreed that the Komatsu WA200PTL-5 was the machine best suited for the operations of the Refuse Division. The bid for the Komatsu WA200PTL-5 is the second low bid. Staff concurs with the heavy equipment operators on the selection of loader. The City currently owns a Komatsu WA200PT loader which is in use in the Refuse Division and has performed extremely well.

The cost for purchasing two (2) Komatsu WA200PT-5 loaders from Roland Machinery is \$183,200 after trade. The FMW and CSA will cost an additional \$43,042 for both machines. Each loader includes a four in one bucket. Staff desires to purchase one (1) additional four in one bucket for use on the loaders to replace a failing spare bucket in the amount of \$8,980.

Staff respectfully recommends accepting the bid of Roland Machinery Springfield, IL in the amount of \$183,200 for two (2) Komatsu WA200PT-5 Four Wheel Loaders and the purchase of an additional bucket in the amount of \$8,980. Funds are available in the Equipment Replacement Fund, #F16130-72130 and F16120-72130 for this purchase.

Additionally, staff respectfully recommends purchasing the Full Machine Warranty, and Customer Service Agreement from Roland Machinery for a total of \$43,042. Funds for this purchase are available in #16130-70520 and 16120-70520.

Purchase of the Backhoes

The requirements to purchase three (3) Backhoes were the same as the Four Wheel Loaders. The Backhoes being purchased will replace one (1) backhoe for the Public Service Department Streets and Sewers Division, and two (2) for the Water Department, one (1) is a replacement and one (1) is a new machine. The new machine being purchased for the Water Department is for the addition of a second crew to dig and repair water mains.

The bid specifications prepared for the Backhoes required additional pricing for buckets, snowplows and other items which the departments may require with the machines. The Caterpillar backhoe took no exceptions to the bid specifications. The John Deere backhoe had one (1) exception, the specifications required inboard final drives, and the machine bid has outboard final drives. The Case backhoe bid had several variations, the specifications required inboard final drives, and the machine bid has outboard final drives. The specifications required foot operated differential lock, and the machine bid has the differential lock on the loader joy stick. The specifications required the operation of the loader bucket third function be operated by a button on the loader control joy stick, the machine bid this function was performed by

twisting the joy stick. The Komatsu backhoe bid took one (1) variation. The specifications required foot operated differential lock, and the machine bid has the differential lock on the loader joy stick.

The Water Department machine operators operated and evaluated the four (4) the backhoes. It was determined that that the John Deere backhoe bid by Martin Equipment, Goodfield, is best suited for the operations of the Water Department.

Backhoe number one (1) for the Water Department will cost \$117,279 less \$13,000 trade of the 1993 Ford Backhoe for net purchase price of \$104,279. This machine purchase includes the purchase of both a 12” and 24” backhoe bucket, pallet forks and a snow plow. Backhoe number two (2) for the Water Department will cost \$103,929. There is not a trade for this machine and it includes the purchase of both a 12” and 24” backhoe bucket. The Customer Service Agreement and Full Machine Warranty will cost a total of \$35,452 for both machines.

The Public Service Department Streets and Sewers Division heavy machine operators evaluated the four (4) machines in everyday operations. It was determined that the Caterpillar backhoe bid by Altorfer, Inc East Peoria, is best suited for the operations of the Public Service Department.

The Caterpillar Backhoe for the Public Service Department will cost \$123,923, less \$20,000 trade allowance for the 1998 New Holland backhoe for a net purchase price of \$103,923. The purchase of this machine includes both a 12” and 18” backhoe bucket and a snowplow. The bid price for the Customer Service Agreement and Full Machine Warranty will cost a total of \$13,920.

Staff respectfully recommends accepting the bid from Martin Equipment for the purchase of two (2) John Deere backhoes for the Water Department in the total amount of \$208,208. Funds are available in the Equipment Replacement Fund F50120-72140 for the purchases of the backhoes. The bid price for the Customer Service Agreement and Full Machine Warranty will cost a total of \$35,452. Funds for this purchase will be taken from account #50120-70520 Vehicle Maintenance.

Staff respectfully recommends accepting the bid from Altorfer, Inc. for the purchase of one (1) Caterpillar backhoe in the total amount of \$103,923. Funds are available in the Equipment Replacement Fund F52300-72140 for the purchase of the backhoe. Purchasing the Full Machine Warranty and Customer Service Agreement for a total of \$13,920. Funds for this purchase will be taken from account #52300-70520 Vehicle Maintenance.

Respectfully,

Daniel Augstin
Director of Fleet Management

Tom Hamilton
City Manager

Motion by Alderman Hanson, seconded by Alderman Purcell that 1.) the bid from Roland Machinery, Inc. in the amount of \$192,180 for the purchase of two (2) Komatsu

WA200PLT-5 loaders for the Public Service Department with one spare bucket, and the bid in the amount of \$43,042 for the extended warranty and customer service agreement be accepted; 2.) that the bid from Martin Equipment in the total amount of \$208,208 for the purchase of two (2) John Deere 410J backhoes for the Water Department, and the bid in the amount of \$35,452 for the extended warranty and customer service agreement be accepted; and 3.) that the bid from Altorfer, Inc. in the total amount of \$103,923 for the purchase of a Caterpillar 430E IT backhoe for the Public Service Department and the bid in the amount of \$13,920 for the extended warranty and customer service agreement be accepted, and the Purchasing Agent be authorized to issue Purchase Orders for same.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Analysis of Bids for the Restoration of the Top Deck at the Parking Garage in Front of the Police Facility

Staff received bids for the restoration of the top deck of the Police Parking Garage on July 3, 2007. Analysis of the bids are as follows:

Stark Excavating Inc. Bloomington, IL	\$189,227.00
Western Waterproofing Inc. Springfield, IL	165,534.00
Restoration Systems Inc. Chaska, MN	134,920.00
Otto Baum, Co. Inc. Morton, IL	122,024.00
** Truesdell Corp. Germantown, WI	118,888.00 (Low Bid)

This project consists of repairing all loose or missing concrete, replacing all caulk joints, applying a corrosion inhibitor and concrete sealer and repairing small surface cracks. The contractor will be allowed to close only half of the parking area at any time. They are also required to maintain public entrance to the Police Department at all times.

After careful review of all bidding documents, staff respectfully recommends that Council accept the low bid from the Truesdell Corporation, in the amount of \$118,880. A total of \$112,000 was budgeted for this project in the Capital Improvement Fund X40100-72520. The remaining \$6,800 will come from the Building Alterations Account 15480-72520.

Respectfully,

Robert Floyd
Facility Manager

Mark R. Huber
Director of PACE

Tom Hamilton
City Manager

CITY OF BLOOMINGTON
POLICE PARKING GARAGE TOP LEVEL RESTORATION

PROJECT NO. 206379

CONTRACT

THIS AGREEMENT, made and concluded this ____ day of _____, 2007 by and between the City of Bloomington known hereinafter as the Owner, and Truesdell Corporation of Wisconsin, Inc., their executors, administrators, successors, or assigns, hereinafter known as the Contractor.

WITNESSETH: That for and in consideration of the payments and agreements hereinafter mentioned to be made and performed by Owner, the Contractor hereby agrees with the Owner to do all the work necessary to do the Bloomington Police Station Parking Garage Top Level Restoration all in accordance with the Notice to Contractors or Advertisement for Bids, Instructions to Bidders, Proposal, General Conditions, Special Provisions, Specifications and the Bond referring to these presents, all herewith attached and made a part hereof and in accordance with the plans for said work prepared by Farnsworth Group, Inc., 2709 McGraw Drive, Bloomington, Illinois 61704, which plans are hereby referred to and made a part hereof by reference.

The OWNER hereby agrees to pay said Contractor the lump sum of One Hundred Eighteen Thousand Eight Hundred Eighty-Eight Dollars, (\$118,888.00) when the work is finally completed and accepted in accordance with the Proposal of the Contractor, which Proposal is accepted and hereto attached, subject to any additions or deductions as provided in the General Conditions of the Contract, and to make payments on account thereof as provided in the General Conditions.

THE CONTRACTOR agrees to bind every subcontractor by the terms of the Contract Documents. The Contract Documents shall not be construed as creating any contractual relation between any subcontractor and the Owner.

THIS AGREEMENT and all of the covenants thereof shall inure to the benefit and be binding upon the Owner and the Contractor respectively, and its executors, administrators, successors or assigns. Neither the Owner nor the Contractor shall have the right to assign, transfer or sublet his interests or obligations hereunder without the written consent of the other party.

IN THE WITNESS WHEREOF, the said parties have executed this Agreement upon the date here above mentioned.

CONTRACTOR: Truesdell Corporation
of Wisconsin, Inc.

BY:

TITLE: President

ATTEST:

Nancy Mackowiak

OWNER: City of Bloomington

BY: Stephen F. Stockton

TITLE: Mayor

ATTEST:

Tracey Covert
City Clerk

(FIVE YEAR PRODCUT WARRANTY ON FILE IN CLERK'S OFFICE.)

Motion by Alderman Hanson, seconded by Alderman Purcell that the bid be awarded to Truesdell Corporation in the amount of \$118,880, 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, Gibson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Change Order to the Contract with Felmley-Dickerson Company for the Construction of the Downtown Courthouse Square Streetscape Improvements

On September 15, 2003, Council approved a contract with Felmley-Dickerson Company for the Construction of the Downtown Courthouse Square Streetscape Improvements in the amount of \$361,969.09. A change orders to the contract were approved by Council on July 25, 2005 and June 25, 2007 in the amount of \$250,000 and \$93,315 respectively. Grant funds have been received by the City from the State of Illinois bringing the total grant (#02-120362) funds received to date at \$925,000. Felmley-Dickerson has agreed to an extension of the contract at the original unit prices in the amount of \$220,715.91 for improvements to the 300, 400, and 500 blocks of N. Main Street. Work will proceed until all the grant money is expended.

Original Contract	\$361,969.09
1 st Change Order	\$250,000.00
2 nd Change Order	\$92,315.00
This Change Order	<u>\$220,715.91</u>
New Contract Total	\$925,000.00

Staff respectfully recommends that Council approve a change order to the contract with Felmley-Dickerson Company for the Construction of the Downtown Courthouse Square Streetscape Improvements in the amount of \$220,715.91 for a new contract total of \$925,000.00 with payment to be made from Capital Improvement (Grant) Funds (X40100-72530).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

RESOLUTION NO. 2007 - 74

A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE AMOUNT OF \$220,715.91 IN THE CONTRACT BETWEEN THE CITY OF BLOOMINGTON AND FELMLEY-DICKERSON COMPANY FOR DOWNTOWN COURTHOUSE SQUARE STREETSCAPE IMPROVEMENTS

WHEREAS, the City of Bloomington has previously entered into a contract with Felmley-Dickerson Company for Downtown Courthouse Square Streetscape Improvements; and

WHEREAS, for the reasons set forth in a staff report dated July 23, 2007 it was necessary to make improvements to the 300, 400, and 500 blocks of N. Main Street;

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the July 23, 3007 memo was in the best interest of the citizens of the City of Bloomington.

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

That a change order in the amount of \$220,715.91 in the contract between the City of Bloomington and Felmley-Dickerson Company for Downtown Courthouse Square Streetscape Improvements be approved.

ADOPTED this 23rd day of July, 2007.

APPROVED this 24th day of July, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Hanson, seconded by Alderman Purcell that the Change Order in the amount of \$220,715.91 be approved and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Change Order with Insituform Technologies USA, Inc. for the Lining of the Roosevelt Street Sewer from Wood Street to South Slough

On April 23, 2007, Council approved a contract with Insituform Technologies USA, Inc. for the lining of the Roosevelt Street Sewer from Wood Street to the South Slough in the amount of

\$264,750. A detailed onsite investigation has shown that heavy calcium deposits are present in portions of the sewer to be lined. The existence of these deposits was not known at the time the contract was bid. The deposits are in conflict with the proposed liner to be installed in the sewer and need to be removed. Insituform has submitted a proposal to remove the calcium deposits at an additional cost of \$16 per foot, making the revised unit price for lining the pipe \$156 per foot.

Original Contract	\$264,750.00
This Change Order	<u>\$27,200.00</u>
New Total Contract	\$291,950.00

This cost is still well under the \$370,000 originally budgeted for this project in the 2006-2007 budget. Staff respectfully recommends that Council approve a change order to the contract with Insituform Technologies USA, Inc. for the lining of the Roosevelt Street Sewer from Wood Street to the South Slough in the amount of \$27,200 with payment to be made from Sewer Depreciation Funds (X52200-72550).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

RESOLUTION NO. 2007 - 75

**A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE
AMOUNT OF \$27,200 IN THE CONTRACT BETWEEN THE CITY
OF BLOOMINGTON AND INSTITUFORM TECHNOLOGIES, USA, INC. FOR THE
LINING OF THE ROOSEVELT STREET SEWER FROM WOOD STREET TO SOUTH
SLOUGH**

WHEREAS, the City of Bloomington has previously entered into a contract with Insituform Technologies, USA, Inc. for the lining of the Roosevelt Street Sewer from Wood Street to South Slough; and

WHEREAS, for the reasons set forth in a staff report dated July 23, 2007 it was necessary to remove calcium deposits;

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the July 23, 2007 memo was in the best interest of the citizens of the City of Bloomington.

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

That a change order in the amount of \$27,200 in the contract between the City of Bloomington and Institutorm Technologies, USA, Inc. for the lining of the Roosevelt Street Sewer from Wood Street to South Slough be approved.

ADOPTED this 23rd day of July, 2007.

APPROVED this 24th ay of July, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Change Order for Professional Services Agreement with Farnsworth Group, Inc. for the Design of the Main Branch of Kickapoo Creek Pump Station and Force Main, Property Surveys for the Pump Station, Force Main and Brokaw Road Sanitary Sewer, and Property Acquisition

An agreement with Farnsworth Group, Inc. to provide professional services on a time and materials basis was approved by Council on December 27, 2005, for an amount not to exceed \$256,000. The contract included the design of the pump station and force main on the Main Branch of Kickapoo Creek and the preparation of survey plats for the associated Brokaw Road Sanitary Sewer. The contract was amended by Council on March 13, 2006, June 12, 2006 and September 25, 2006 to include the additional services of easement acquisition, design of a

second force main, and geotechnical investigation of the pump station site respectively, bringing the current contract maximum to \$295,300.

The acquisition of easements for the force mains and sanitary sewers became much larger in scope than was originally anticipated for three (3) reasons: 1.) negotiations with property owners along the force main alignment were extremely sensitive and time consuming; 2.) permanent right-of-way was obtained in several cases rather than easements; and 3.) annexations were required along the Brokaw Road Sanitary Sewer to circumvent issues with the Old Town Township. The increased cost of these services requires an increase in the contract amount of \$48,000.

The original contract proposal from Farnsworth Group, Inc. did not include construction phase services in the base contract amount. Staff believes that the assistance of Farnsworth Group with the review of shop drawings, periodic inspections of the construction, and assistance with the resolution of construction conflicts to be a good value for the City. Farnsworth Group has agreed to provide these additional services on a time and materials basis, for a maximum not to exceed \$41,000.

Original Agreement	\$256,000.00
Change Order # 1	\$12,000.00
Change Order # 2	\$16,520.00
Change Order # 3	\$10,780.00
This Change Order	<u>\$89,000.00</u>
New Total Agreement	\$384,300.00

Staff respectfully recommends that Council approve a change order to the professional services agreement with Farnsworth Group in the amount of \$89,000 for a new maximum not to exceed total of \$384,300 with payment to be made from Sewer Depreciation Funds (X52200-72550).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

RESOLUTION NO. 2007 - 76

A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE AMOUNT OF \$89,000 IN THE CONTRACT BETWEEN THE CITY OF BLOOMINGTON AND FARNSWORTH GROUP FOR THE DESIGN OF THE MAIN BRANCH OF KICKAPOO CREEK PUMP STATION AND FORCE MAIN, PROPERTY SURVEYS FOR THE PUMP STATION, FORCE MAIN AND BROKAW ROAD SANITARY SEWER, AND PROPERTY ACQUISITION

WHEREAS, the City of Bloomington has previously entered into a contract with the Farnsworth Group for the Design of the Main Branch of Kickapoo Creek Pump Station and Force Main, Property Surveys for the Pump Station, Force Main and Brokaw Road Sanitary Sewer, and Property Acquisition; and

WHEREAS, for the reasons set forth in a staff report dated July 23, 2007 it was necessary to review shop drawings, perform periodic inspections of the construction, and assist with the resolution of construction conflicts;

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the July 23, 2007 memo was in the best interest of the citizens of the City of Bloomington.

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

That a change order in the amount of \$89,000 in the contract between the City of Bloomington and the Farnsworth Group for the Design of the Main Branch of Kickapoo Creek Pump Station and Force Main, Property Surveys for the Pump Station, Force Main and Brokaw Road Sanitary Sewer, and Property Acquisition be approved.

ADOPTED this 23rd day of July, 2007.

APPROVED this 24th day of July, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Hanson, seconded by Alderman Purcell that the Change Order in the amount of \$89,000 be approved and the Resolution adopted.

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

Ayes: Aldermen Stearns, Huette, 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: Affordable Housing Partnership with AVC, Habitat for Humanity and City

The City has partnered with School District 87 and their Area Vocational Center for over thirty (30) years in either the rehabilitation or the new construction of single family dwellings, which upon completion are sold to a HUD low/moderate income eligible household.

Due to HUD's last ruling on the ineligibility of the use of Community Development Block Grant (CDBG) funds on the City's new construction project, last year the Council approved the provision of a zero percent interest construction loan, in order to construct two (2) single family dwellings in the Woodbury Estates Subdivision. (The City General Fund is reimbursed upon closing of the sale of the dwellings.) These two (2) houses are currently 90% complete and staff hopes to have them sold and closed by December 18, 2007.

Habitat for Humanity has proposed a similar partnership with the City and the AVC. Specifically, Habitat proposes the following:

1. Habitat for Humanity will provide a vacant lot for the redevelopment of a single family dwelling.
2. School District 87, through its two (2) Area Vocational classes will provide labor for the construction of the single family dwelling.
3. The City will provide a \$88,615 maximum, interest free construction loan to obtain the materials needed to construct the dwelling. The loan will be paid back upon sale of the property to a low/moderate income household.
4. Any profit realized from the sale of the dwelling will be kept by Habitat and used for the continuation of their ongoing affordable housing development program.
5. The City will waive the cost of all building permits, excavation, driveway and curb cut permits.

This partnership is beneficial in that it provides approximately 25 high school students with training in the construction trades, it redevelops a vacant lot and puts it back into the tax rolls, and provides affordable housing to a low/moderate income household.

Staff respectfully requests that the Council approve the joint partnership with Habitat for Humanity of McLean County, School District 87 and its Area Vocational Center, and the City and that 1.) the City provide a \$88,615 maximum, interest free construction loan to Habitat for Humanity for the purpose of constructing a single family dwelling in partnership with the Area Vocational Center; 2.) the house, upon completion, will be sold to a low/moderate income eligible household; 3.) the loan will be paid back to the City General Fund from the proceeds of

the sale, and 4.) all profit realized from the sale of the house, after reimbursing the City General Fund, will remain with Habitat for Humanity of McLean County for use in the continuation of its development of affordable housing.

Respectfully,

Mark R. Huber
Director of PACE

Tom Hamilton
City Manager

**CONSTRUCTION AGREEMENT
CITY OF BLOOMINGTON/CODE ENFORCEMENT DIVISION,
THE BLOOMINGTON BOARD OF EDUCATION AND,
HABITAT FOR HUMANITY, MCLEAN COUNTY**

This agreement made this 23rd day of July, 2007, between the city of Bloomington, a municipal corporation, Department of Planning and Code Enforcement, Code Enforcement Division, hereafter called "City" with its principal place of business at 115 East Washington Street, Bloomington, Illinois and the Bloomington Board of Education, School District 87, McLean county, Illinois (District 87) acting as Administrative District for the Bloomington Area Vocation Center, hereafter called "AVC", hereby enters into this construction agreement with Habitat for Humanity of McLean County as approved by City Council.

WHEREAS, as the City of Bloomington, City Council, has approved the provision of an interest-free construction loan to the Code Enforcement Division, to be used toward the construction of one single-family dwelling, located at 1623 Indiana;

WHEREAS, the city wishes to engage the AVC to assist the City in utilizing such funds;

WHEREAS, the net proceeds of the sale of the single family home are to be used by Habitat for Humanity for the construction of additional homes.

NOW, THEREFORE, it is agreed between the parties hereto that:

RESPONSIBILITIES OF THE CITY AND HABITAT FOR HUMANITY:

1. The City will provide City General Funds during fiscal year beginning July 23rd, 2007 and ending April 30, 2008 for all materials and associated construction costs needed to complete the project. City General funds may be used for but is not limited to: excavation and grading, foundation installation, all subcontractors, including electrical, HVAC, plumbing and roofing, all needed construction materials, etc.
2. Habitat will provide the vacant lots, owned by Habitat located at 1623 Indiana Place for the construction of the projects.

3. The City will waive all costs for building permits, including electrical, plumbing, heating, excavation and curb cut permits. A Sanitary District fee will be charged.
4. The City will complete all inspections, as required by the issuance of building permits.
5. The City will provide any technical assistance and guidance through the Department of Planning and Code Enforcement with the assistance of Habitat for Humanity of McLean County to facilitate completion of the project.
6. The City will review and approve the plans and specifications for the construction of the project PRIOR to the start of construction and issuance of any building permits.
7. On behalf of the AVC, Habitat will obtain competitive bids and prepare all written construction contracts between each subcontractor, as necessary. Any change orders, including additions and/or deletions to any contract/agreement will be completed in writing, prior to the change commencing, and will be approved and signed by the contractor and the city. All contracts entered into will be part of this agreement.
8. Habitat for Humanity of McLean County agrees to keep the yard mowed and trimmed throughout the period in which the City maintains deed to the property.
9. Habitat for Humanity of McLean County will maintain insurance on the dwelling throughout the period of ownership.
10. On behalf of the AVC, the City will handle all general accounting associated with and during the construction of the single family dwelling. The City will make all payouts for materials and/or subcontractors and will obtain lien waivers for each.
11. At conclusion of construction Habitat for Humanity of McLean County may market and sell the property and retain the proceeds of such sale after reimbursing the City for construction cost incurred.

RESPONSIBILITIES OF DISTRICT 87/AVC:

1. District 87 agrees to provide instruction training, to their AVC class(es), in the area of housing construction, for the purpose of constructing a single-family dwelling, located at 1623 Indiana Street.
2. District 87 shall provide a certified teacher for the project class(es) at no cost to the City of the Mission.
3. District 87 shall furnish all textbooks, reference books, and instructional materials for the Project class(es).

4. Transportation to and from the Project site, for the AVC class(es), shall be made available by District 87 to students enrolled in the Project class(es).
5. District 87 will provide, during the term of this agreement, general liability coverage covering the activities of such Project class(es) and shall hold Habitat for Humanity harmless from any and all claims arising out of or related to an accident or injury to a student of District 87 employee engaged in such class(es).
6. District 87, through its certified teacher, will be responsible for assuring that all required permits are obtained from the Department of Planning and Code Enforcement, Building Safety Division and from the Department of Engineering, PRIOR to the start of work. District 87 will schedule all necessary framing, rough-in and final inspections from Building Safety.
7. District 87 will provide a “construction trailer” at the project site for the duration of the project, for the purpose of storage of materials and/or tools needed in the project. District 87 will be responsible for obtaining any required permit, from the Department of Engineering, prior to the placement of such trailer.
8. No general administration costs associated with the project/activity shall be made to the AVC/District 87.
9. District 87 agrees to construct the house to meet Energy Start standards.
10. District 87 agrees to have the house substantially completed by May 31, 2008. Substantial completion will be determined by the City of Bloomington.

II. NOTICES

Communications and details concerning this contract shall be directed to the following contract representatives:

CITY
Connie S. Griffin, Program Manager
Community Development Division
P.O. Box 3157
Bloomington, IL 61701-3157
309-434-2348, Fax 309-434-2801

SCHOOL DISTRICT 87
Tom Frazier, Director
Bloomington, AVC, PO Box 5187
Bloomington, IL 61702-5187
309-829-8671,5190

Habitat for Humanity of McLean County
Bruce Williams
Executive Director
410 N. Prairie
Bloomington, IL 61701
309-827-3931, Fax 827-5347

III. AMENDMENTS

City, AVC, or Habitat for Humanity may amend this Agreement at any time provided that such amendments make specific reference to this Agreement, and are executed in writing, signed by a duly authorized representative of both organizations, and approved by the Director of the Department of Planning and Code Enforcement, or his designated representative. Such amendments shall not invalidate this Agreement, nor relieve or release the City, AVC or Habitat for Humanity from its obligations under this Agreement.

City may, in its discretion, amend this Agreement to conform with federal, state or local governmental guidelines, policies and available funding amounts, or for other reasons. If such amendments result in-a change in the funding, the scope of services, or schedule of, the activities to be undertaken as part of this Agreement, such modifications will be incorporated only by written amendment by the City, AVC, or Habitat for Humanity of McLean County.

IN WITNESS WHEREOF, the Parties have executed this construction agreement as of the date fast written above.

Stephen F. Stockton
Mayor
City of Bloomington

Janet Smith
President, Board of Education
Bloomington Public Schools-District 87

Bruce Williams
Executive Director
Habitat for Humanity of McLean County

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Request to Retain Farnsworth Group, Inc. to Provide Professional Services to Evaluate the Condition of the Market St. Parking Garage and the Snyder Garage

Request for Qualifications (RFQ) were received from architectural/engineering firms to provide professional services associated with evaluating the condition of the Market St. Parking Garage and the Snyder Parking Garage. Staff reviewed all RFQs, selected the Farnsworth Group, Inc. and negotiated a proposed contract price of \$13,850 plus reimbursables.

These services include:

1. Provide a walk-through visual inspection of the garages.
2. Prepare a concise written report with drawings that schematically indicate the structural distress observed.
3. Provide recommendations for future investigation of specific items, if required.
4. Prepare a probable estimate of construction cost for, and priority of, specific recommended repairs.
5. Meet with City staff to review report.

Staff respectfully recommends that Council approve the contract with the Farnsworth Group, Inc. to evaluate the condition of the Market St. Garage and the Snyder Garage for the amount of \$13,850, and the Mayor and City Clerk be authorized to execute the necessary documents. Funds for this work are budgeted in the Parking Fund (X54100-70050).

Respectfully,

Robert Floyd
Facility Manger

Mark R. Huber
Director of PACE

Tom Hamilton
City Manager

(CONTRACT ON FILE IN CLERK'S OFFICE.)

Motion by Alderman Hanson, seconded by Alderman Purcell that the RFQ to evaluate the condition of the Market St. Parking Garage and the Snyder Garage be awarded to the Farnsworth Group in the amount of \$13,850 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, 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: Motor Fuel Tax Resolution to Appropriate Funds for the Construction of Mitsubishi Motorway from Six Points Road to North of Sugar Creek MFT Section 05-00332-00-PV

The City desires to let for bid, award and begin construction of Mitsubishi Motorway from Six Points Road to north of Sugar Creek. This project will be partially funded with Motor Fuel Tax (MFT) funds. Prior to bidding the project, the Illinois Department of Transportation requires that the Council adopt a Resolution appropriating the project's estimated Motor Fuel Tax Funding.

Staff respectfully requests that Council adopt a Resolution appropriating \$2,750,000 in Motor Fuel Tax Funds for the construction of Mitsubishi Motorway from Six Points Road to north of Sugar Creek under Motor Fuel Tax Section 05-00332-00-PV.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

(RESOLUTION NO. 2007 – 77 ON FILE WITH THE CLERK'S OFFICE.)

Alderman Sage questioned if this item addressed construction of Mitsubishi Motorway to Fox Creek Road. He noted that the City had to meet obligations contained within the Palmer Annexation Agreement. Tom Hamilton, City Manager, responded affirmatively. An MFT (Motor Fuel Tax) Resolution was a formality. It authorized the expenditure of MFT funds.

Motion by Alderman Hanson, seconded by Alderman Purcell that the Resolution be adopted.

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

Ayes: Aldermen Stearns, Huette, 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: Motor Fuel Tax Resolution to Appropriate Funds for the Construction of Morris Avenue from Miller Street to Fox Hill Apartments MFT Section 99-00319-00-BR

The City desires to let for bid, award and begin construction of Morris Avenue from Miller Street to Fox Hill Apartments. This project will be partially funded with Motor Fuel Tax (MFT) funds. Prior to bidding the project, the Illinois Department of Transportation requires that the Council adopt a Resolution appropriating the project's estimated Motor Fuel Tax Funding.

Staff respectfully requests that Council adopt a Resolution appropriating \$1,113,000 in Motor Fuel Tax Funds for the construction of Morris Avenue from Miller Street to Fox Hill Apartments under Motor Fuel Tax Section 99-00319-00-BR.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

(RESOLUTION NO. 2007 – 78 ON FILE WITH THE CLERK'S OFFICE.)

Motion by Alderman Hanson, seconded by Alderman Purcell that the Resolution be adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Brian J. Barnes, Finance Director
Subject: Housekeeping Budget Amendments

State statutes require that the City not exceed any individual fund than appropriated in the budget for that fiscal year. Every year staff prepares a list of “Housekeeping” budget amendments wherein line items are adjusted as needed to ensure coming within the requirements, as well as adjusting line items for other technical reasons.

Inevitably some line items go over budget each year which require “housekeeping” budget amendments at year end. These budget amendments deal only with technical adjustments and rather than constantly amend these items during the year, the amendments are made year end, and only for those items needed. This is a routine step that is required by the audit process and is done by every municipality. These amendments do not include funds where expenditures were less than budgeted.

In addition, if each and every line item were amended that went over by a dollar this document would go on for several pages. In order to keep things simple and accomplish the needed task, only a single line item per fund has been amended for the entire amount needed to cover that fund. Also, please bear in mind that there are many more line items that did not go over budget than did go over.

Necessary adjustments to items include prior year encumbrances being paid out in the next year, transfers to cover higher than planned expenses, purchases or projects (such as grants) that were approved in midyear but may not have been provided for in the budget at the time. Projects approved after the budget was published, unforeseen circumstances (such as retirements of specific personnel and unfunded mandates) and emergencies that required expenditures that were not budgeted for, plain errors in budgeting, wherein projected expenses were exceeded, or simply a typo in the official budget.

Staff respectfully requests that the Housekeeping Budget Amendments be approved, and the Ordinance passed.

Respectfully,

Brian J. Barnes
Finance Director

Tom Hamilton
City Manager

ORDINANCE NO. 2007 - 65

**AN ORDINANCE AMENDING THE BUDGET ORDINANCE
FOR THE FISCAL YEAR ENDING APRIL 30, 2007**

Whereas on April 10, 2006 by Ordinance Number 2006-39, the City of Bloomington passed a Budget and Appropriation Ordinance for the Fiscal Year Ending April 30, 2007, which Ordinance was approved by Mayor Stephen F. Stockton on April 11, 2006; and Whereas a budget amendment is needed as detailed below;

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

Section One: Ordinance Number 2006-39 (the Budget and Appropriation Ordinance for the Fiscal Year Ending April 30, 2007) is further hereby amended by inserting the following line items and amounts in the appropriate place in said Ordinances:

Line Item	Budget	Before Amendment	After Amendment
1010 10010 80120	General Fund	\$ 0	\$ 10,650,000
To Capital Improvements Fund - Several transfers were needed to cover Coliseum expenses. In addition various operating budgets were over expended, so this covers a multitude of items for the fund.			
2070 20700 72120	Board of Elections	\$ 12,000	\$ 265,000
Capital Outlay Office & Computer Equip - Several line items were over including this one. This amendment covers the total amount for the Fund.			
2090 20900 72130	Drug Enforcement Program	\$ 0	\$ 110,000
Capital Outlay Licensed Vehicles - Several line items were over including this one. This amendment covers the total amount for the Fund.			
2110 21100 72620	Cultural District Fund	\$ 100,000	\$ 1,460,000
Other Capital Improvements – Payout on a prior encumbrance, plus several higher than anticipated operating costs.			
2320 23200 72110	Library Fixed Asset Fund	\$ 40,700	\$ 240,000
Capital Outlay Office Furniture - Several line items were over including this one. This amendment covers the total amount for the Fund.			
3062 30620 73598	Multi-Project Bond Bond Redemption	\$ 172,894	\$ 265,586
Interest Public Ice Rink - Several interest lines were over budget, amount of variable rate payments were unknown at the time of budgeting last year as interest rates increased.			

4015 40152 72530	2003 Bond Project - Streets	\$ 0	\$4,043,591
Street Construction and Improvements - Several lines were over budget on the 2003 bond project in terms of timing. The majority of this was a large encumbrance for street repairs.			
4070 40700 72620	Coliseum Capital Project Fund	\$ 0	\$ 878,460
Other Capital Improvements – Mostly prior year PO’s paid out.			
4080 40800 72620	Cultural Dist. Capital Projects Fund	\$ 0	\$ 2,487,735
Other Capital Improvements – Payment timing.			
4090 40900 72190	Library Expansion Project Fund	\$ 0	\$ 1,181,737
Other Capital Outlay - Project completed.			
4800 15118 72120	Fixed Asset Replacement Fund	\$ 0	\$ 855,000
Other Capital Outlay - Prior year encumbrances from various line items.			
5010 50110 61100	Water Maint & Ops. Fund	\$ 328,094	\$ 630,000
Full Time Salaries - Costs higher than budgeted.			
5030 50300 72140	Water Fixed Asset Repl. Fund	\$ 87,850	\$ 120,000
Capital Outlay Equipment - Prior year encumbrance got paid out.			
5210 52100 61100	Sewer Maint & Ops. Fund	\$ 698,045	\$ 885,000
Full Time Salaries - Costs higher than budgeted.			
5220 52200 72550	Sewer Depreciation Fund	\$ 6,498,500	\$ 9,150,000
Sewer Construction and Improvements – Encumbrance for large new project.			
5225 52250 72550	Sewer Capital Projects Fund	\$ 0	\$ 3,950,000
Sewer Construction and Improvements – Encumbrance for large new project.			
5230 52300 72130	Sewer Fixed Asset Repl. Fund	\$ 190,000	\$ 671,928
Capital Outlay Licensed Vehicles - Prior year encumbrance paid out and several vehicles bought before planned to save money in the long run.			
5520 55200 72540	Storm Water Depreciation Fund	\$ 130,000	\$ 470,000
Water Main Construction – Expenses higher than planned.			
7020 70200 79030	Flex Cash Fund	\$ 220,000	\$ 270,000
Flex Cash - Medical – Higher than anticipated costs in this area, but balanced by contributions.			

7510 75100 74910 Police Pension Fund \$ 1,686,658 \$ 1,725,000
Transfer to Other Governments and Agencies - Police Pension benefits increased due to statutory increases in pay outs.

7520 75200 74910 Fire Pension Fund \$ 1,680,066 \$ 1,714,741
Transfer To Other Governments and Agencies - Fire Pension benefits increased due to statutory increases in pay outs.

Section Two: Except as provided for herein, Ordinance Number 2006-39 shall remain in full force and effect, provided, that any budgeted or appropriated amounts which are changed by reason of the amendments made in Section One of this Ordinance shall be amended in Ordinance Number 2006-39.

Section Three: This Ordinance shall be in full force and effect upon its passage and approval.

Passed the 23rd day of July, 2007.

Approved the 24th day of July, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Brian J. Barnes, Finance Director

Subject: Renewal of Liquidity Facility for 2004 Bonds

In 2004 the City issued \$15,000,000 to pay for part of the Cultural District project, the public rink portion of the Coliseum project, and the related parking deck project. To date, that variable rate issue has been a good decision by the City as it has saved approximately \$280,000 over what would have been spent via fixed rate bonds.

One (1) technical aspect of variable rate bonds is the issuer (in this case the City) has to maintain an underlying line of credit for the amount of the issue in case the variable rate bond market loses liquidity for some reason. The initial line of credit was for three (3) years and is due to expire in October of 2007. The City needs to renew that line of credit for another three (3) years. The renewal rate obtained on the renewed facility is a bit less than the expiring facility, so some additional money will be saved in the next few years. Staff has prepared an ordinance that authorizes staff to renew the line of credit and to renew in future years as needed. This item is technical in nature and is necessary in order to maintain the variable rate bond issue in good standing. Staff respectfully requests that the Ordinance be passed.

Respectfully,

Brian J. Barnes
Finance Director

Tom Hamilton
City Manager

ORDINANCE NO. 2007 - 66

AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE IRREVOCABLE BOND PURCHASE AGREEMENT SECURING THE GENERAL OBLIGATION DEMAND BONDS, SERIES 2004, OF THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS

WHEREAS, the City of Bloomington, McLean County, Illinois (the “Issuer”), is a municipality duly organized, operating, and validly existing under the constitution and laws of the State of Illinois, including Section 6 (Powers of Home Rule Units) of Article VII (Local Government) of the Constitution of the State of Illinois and the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto (collectively the “Act”); and

WHEREAS, on September 27, 2004, the City Council (the “Corporate Authorities”) adopted Ordinance No. 2004-89, “An Ordinance Authorizing the Issuance of General Obligation Demand Bonds of the City of Bloomington, McLean County, Illinois” (the “General Ordinance”), which authorized the issuance from time to time of General Obligation Demand Bonds for purposes of financing costs of Projects (as defined in the General Ordinance); and

WHEREAS, to finance the acquisition, construction and installation of public facilities and improvements: a public ice arena, parking facilities, and cultural district improvements and facilities, and related facilities, improvements and costs (the “Project”), the Issuer, on October 13, 2004, issued \$15,600,000 General Obligation Demand Bonds, Series 2004 (the “Bonds”), under and pursuant to the General Ordinance and Ordinance No. 2004-90, “An Ordinance Providing for the Issue of General Obligation Demand Bonds, Series 2004, of the City of Bloomington, McLean County, Illinois, and for the Levy of a Direct Annual Tax Sufficient to Pay the Principal of and Interest on Such Bonds, and Related Matters”, adopted September 27, 2004 (the “Bond Ordinance”); and

WHEREAS, as required in connection with the issuance of the Bonds and as authorized by the Bond Ordinance, the put feature of the Bonds is secured by an Irrevocable Bond Purchase Agreement dated as of October 1, 2004 (the “Initial Liquidity Facility”) by and between the Issuer and B’ Morgan Chase Bank, NA, as successor to Bank One, NA (the “Bank”), which Initial Liquidity Facility is to expire in accordance with its terms on October 13, 2007 (including as it may be extended from time to time, the “Expiration Date”); and

WHEREAS, the Issuer anticipates the extension from time to time of the Expiration Date of the Initial Liquidity Facility, and the Corporate Authorities of the Issuer now deem it necessary and advisable that the Initial Liquidity Facility be amended to provide that the Expiration Date be so extended as shall be provided in amendments from time to time to the Initial Liquidity Facility (each an “Amendment”).

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

Section 1. The Amendment. Amendments to the Initial Liquidity Facility by and between the Issuer and the Bank, including the initial Amendment in substantially the form presented to the Corporate Authorities at the meeting at which this Ordinance is adopted, are hereby authorized and approved. The Mayor or City Manager is authorized and directed to execute and deliver Amendments from time to time to the Initial Liquidity Facility in the name and on behalf of the Issuer. Future extensions are authorized and approved without any further action than this Ordinance.

Section 2. Further Authorization. The Mayor, City Manager, City Clerk, Finance Director, City Treasurer and other authorized officers and personnel of the Issuer are hereby authorized and empowered to do and perform such other acts and things and to make, execute and deliver all such instruments and documents on behalf of the Issuer as may be by them deemed necessary or appropriate to comply with or to evidence compliance with, the terms, conditions and provisions of this Ordinance, the initial Amendment and future Amendments of similar import and tenor, and all acts and things whether heretofore or hereafter done or performed by the officers of the Issuer which are in conformity with the intent and purposes hereof, shall be and the same are hereby in all respects, authorized, ratified, confirmed and approved.

Section 3. Effective Date. This Ordinance shall take effect immediately upon its adoption.

Upon motion by Council Member Hanson, seconded by Council Member Purcell, after discussion, adopted this 23rd day of July, 2007, by roll call vote, as follows:

Ayes (Names): Aldermen Hanson, Gibson, Huette, Stearns, Purcell, Fruin and Sage.

Nays (Names):

Absent (Names): Aldermen Finnegan and Schmidt.

Approved 24th of July, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Hanson, 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, 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 3, Block 5 of Camp Iroquois from the Charles Hoscheidt Trust to Leroy and Diane Shouse

Staff has reviewed the Lake Bloomington Lease Transfer Petition and the septic system deficiency letter from the McLean County Health Department for Lot 3, Block 5 of Camp Iroquois from the Charles Hoscheidt Trust to Leroy and Diane Shouse.

Due to the age of the existing system and the existence of a brick septic tank, the City will require that the septic tank be replaced with a concrete tank of the size necessary to meet current code. However, due to a scheduled closing date, the septic tank installation may not be completely finished prior to Council approval of the transfer. Therefore, the petitioner must notify the Water Department when the new system is constructed and operational, but no later than September 1, 2007.

Staff respectfully requests that Council approve the Lake Bloomington Lease Transfer for Lot 3, Block 5 of Camp Iroquois from the Charles Hoscheidt Trust to Leroy and Diane Shouse contingent upon the existing septic system being modified to meet current code by September 1, 2007.

Respectfully,

Craig Cummings
Director of Water

Tom Hamilton
City Manager

Motion by Alderman Hanson, seconded by Alderman Purcell that the Lake Lease be approved and the Mayor and City Clerk be authorized to execute the necessary documents contingent upon the existing septic system being modified to meet current code by September 1, 2007.

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

Ayes: Aldermen Stearns, Huette, 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 Commerce Bank, Trustee of McLean County Land Trust LDB-52, Requesting Approval of a Final Plat for the 6th Addition to Hawthorne Commercial Subdivision

A Petition has been received from Commerce Bank, Trustee of McLean County Land Trust LDB-52 requesting approval of a Final Plat for the Sixth Addition to Hawthorne Commercial Subdivision. This subdivision is part of the Hawthorne Commercial Park Subdivision which is commonly located south of G.E. Road, west of Towanda-Barnes Road, east of Windham Hills Subdivision, and north of McGraw Park Subdivision. The residential portion of Hawthorne Commercial Park Subdivision is named "Sapphire Lake Subdivision".

This petition pertains to a two (2) lot subdivision at the intersection of Pamela Drive and Towanda-Barnes Road. Staff has reviewed the Final Plat and finds it to be in general conformance with the Preliminary Plan approved by Council on November 26, 2001. There are fees due from this subdivision.

Staff respectfully recommends that Council accept the Petition and pass an Ordinance approving the Final Plat for the Sixth Addition to Hawthorne Commercial Subdivision subject to the Petitioner paying the required tap on fees and posting a guarantee for unfinished public improvements prior to recording of the plat.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

PETITION FOR APPROVAL OF FINAL PLAT

State of Illinois)
)ss.
County of McLean)

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

Now comes Commerce Bank, Trustee of McLean County Land Trust LDB-52 hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A which is attached hereto and made a part hereof by this reference;
2. That your petitioner seeks approval of the Final Plat for the subdivision of said premises to be known and described as the Sixth Addition to Hawthorne Commercial Subdivision;
3. That your petitioner also seeks approval of the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code, 1960: all those listed on the approved Preliminary Plan and any other agreements of record, if any;
4. That the Final Plat substantially conforms to the Preliminary Plan of said subdivision heretofore approved by the City Council;
5. That your petitioner hereby dedicates to the public, all public rights-of-way and easements shown on said Final Plat.

WHEREFORE, your petitioner respectfully prays that said Final Plat for the Sixth Addition to Hawthorne Commercial Subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

By: John Defner
Commerce Bank, Trustee of McLean
County Land Trust LDB-52

ORDINANCE NO. 2007 - 67

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE
SIXTH ADDITION TO HAWTHORNE COMMERCIAL 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 Sixth Addition to Hawthorne Commercial Subdivision, legally described in Exhibit A attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition requests the following exemptions or variations from the provisions of the Bloomington City Code-1960, as amended: all those listed on the approved Preliminary Plan and any other agreements of record, 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 Sixth Addition to Hawthorne Commercial Subdivision and any and all requested exemptions and/or variations be, and the same is hereby approved.
2. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 23rd day of July, 2007.

APPROVED this 24th day of July, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Exhibit A

A part of the Northeast Quarter of Section 31, Township 24 North, Range 3 East of the Third Principal Meridian, Bloomington. McLean County. Illinois, more particularly described as follows: Beginning at the Southwest Corner of a tract of land described in Condemnation Case No. 2001 ED 9, filed August 23, 2001, in the McLean County Circuit Clerk's Office, said Southwest Corner being a point on the South Line of the Northeast Quarter of said Section 31 lying 89.68 feet west of the Southeast Corner thereof. From said Point of Beginning, thence north 337.44 feet along the West Line of said Condemnation Tract said West Line also being the West Right-of-Way Line of Towanda Barnes Road in the City of Bloomington, Illinois; thence west 250.00 feet along a line which forms an angle to the right of 89°-54'-54" with the last described course; thence south 334.30 feet along a line which is parallel with the West Line of said Condemnation Tract and forms an angle to the right of 90°-05'-06" with the last described course to a point on the South Line of said Northeast Quarter lying 250.01 feet west of the Point of Beginning; thence east 250.01 feet along said South Line which forms an angle to the right of 90°-38'-10" with the last described course to the Point of Beginning, containing 1.927 acres, more or less.

This property has been subdivided into two lots, numbered 15 and 17, one outlot, numbered 16, the street and easements as shown. Said Subdivision is to be known as "Sixth Addition to Hawthorne Commercial Subdivision" in the City of Bloomington. McLean County, Illinois.

This Subdivision lies within Zone X (Areas determined to be outside 500- year floodplain) according to the Federal Emergency Management Agency's Flood Insurance Rate Map for McLean County, Illinois, Map No. 17113CO510 D, dated February 9, 2001.

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

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

Ayes: Aldermen Stearns, Huette, 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 Robert J. Lenz, Attorney Representing South Park Homes, Inc., Requesting the Reinstatement of Bunn Street Commercial Subdivision Preliminary Plan

On March 22, 1999, Council approved the preliminary plan for Bunn Street Commercial Subdivision. This subdivision is located south of East Hamilton Road and west of South Bunn Street. As per the Land Subdivision Code, an approved preliminary plan has a life of three (3) years and the preliminary plan expired on March 22, 2002. A Petition for reinstating the preliminary plan has been filed.

Staff has reviewed the petition and the preliminary plan, and there is no objection to reinstatement. As per the annexation agreement, development of the property will be done in conformance with the Land Subdivision and Zoning Codes in effect on the date of the annexation agreement.

Staff respectfully recommends that Council approve the petition and adopt an Ordinance reinstating the preliminary plan for Bunn Street Commercial Subdivision.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

PETITION TO REINSTATE PRELIMINARY PLAN

State of Illinois)
)ss.
County of McLean)

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

Now comes Robert J. Lenz, attorney representing South Park Homes, Inc., hereinafter referred to as your Petitioner respectfully representing and requesting as follows:

1. That your petitioner is the Owner of the freehold or lesser estate therein of the premises hereinafter described in Exhibit "A" attached hereto and made a part hereof by this reference;
2. That your petitioner seeks to reinstate the Preliminary Plan for Bunn Street Commercial Subdivision heretofore approved by the City Council on March 22, 1999 by Ordinance No. 1999-31;
3. That your petitioner also seeks approval of the following exemptions or variations from the provisions of Chapter 24, of the Bloomington City Code, 1960: As shown on the preliminary plan.

WHEREFORE, your petitioner, Robert J. Lenz, attorney representing South Park Homes, Inc., prays that the Preliminary Plan for Bunn Street Commercial Subdivision heretofore approved by the City Council by Ordinance No. 1999-31 be reinstated as requested herein.

Respectfully submitted,
South Park Homes, Inc.

By: Robert J. Lenz
It's Attorney

ORDINANCE NO. 2007 - 68

**AN ORDINANCE FOR REINSTATEMENT OF THE PRELIMINARY PLAN OF THE
BUNN STREET COMMERCIAL SUBDIVISION**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois a petition for Reinstatement of the Preliminary Plan of Bunn Street Commercial 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: As shown on the preliminary plan; and

WHEREAS, said Petition is valid and sufficient and conforms to the requirements of the statutes in such cases made and provided and the Preliminary Plan should be reinstated as requested; and

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

1. That the Preliminary Plan of the Bunn Street Commercial Subdivision be, and the same is hereby, reinstated.
2. That this ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 23rd day of July, 2007.

APPROVED this 24th ay of July, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Bunn Street Commercial Subdivision

Tract I

A part of the South 20 Acres of Lots 1 and 2 in School Commissioner's Subdivision of the SE $\frac{1}{4}$ of Section 16, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Beginning on the east line of said Lot 1 43.15 feet south of the northeast corner of the SE $\frac{1}{4}$ of said Section 16; thence S.02°-39'-17"E. 323.66 feet on said east line of Lot 1; thence N.88°-22'-17"W. 437.43 feet; thence S.02°-39'-17"E. 150.48 feet parallel with the east line of the SE $\frac{1}{4}$ of Section 16; thence N.88°-22'-17"W. 321.25 feet to the east line of the West 9 Acres of the South 20 Acres of Lots 1 and 2 in said School Commissioner's Subdivision; thence N.02°-22'-03"W. 489.91 feet on said east line of the West 9 Acres of the South 20 Acres of said Lots 1 and 2 to the south right of way line of Hamilton Road; thence southeasterly 298.56 feet on said right of way line on a non-tangential curve concave to the southwest having a central angle of 01°-53'-37", a radius of 9033.40 feet and a chord of 298.55 feet bearing S.86°-58'-18"E. from the last described course to a point of reverse curve; thence southeasterly 301.39 feet on said right of way line on a curve concave to the northeast having a central angle of 01°-53'-37", a radius of 9119.40 feet and a chord of 301.37 feet bearing S.86°-58'-18"E. from the chord of the last described arc; thence S.87°-55'-07"E. 157.69 feet on said right of way line to the Point of Beginning containing 6.84 acres, more or less, with assumed bearings given for description purposes only.

Tract II

All that portion of Bunn Street right of way lying east of and adjoining Tract I which has not previously been annexed to the City of Bloomington being a part of the SW $\frac{1}{4}$ of Section 15 Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois.

Motion by Alderman Hanson, seconded by Alderman Purcell that the Preliminary Plan be reinstated and the Ordinance passed.

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

Ayes: Aldermen Stearns, Huette, 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 Robert J. Lenz, Attorney Representing South Park Homes, Inc., Requesting the Reinstatement of the Third Amended Preliminary Plan for Southgate Commercial Plaza Subdivision

On February 26, 1990, Council approved the third Amended Preliminary Plan for Southgate Commercial Plaza Subdivision as Ordinance 1990-18. This Subdivision is located north of East Hamilton Road and east of South Main Street. As per the Land Subdivision Code, an approved preliminary plan has a life of three (3) years and this Preliminary Plan has expired. A petition for reinstating the Preliminary Plan has been filed.

Staff has reviewed the petition and the Preliminary Plan and has no objection to its reinstatement. Development of the property will be in conformance with the Land Subdivision and Zoning Codes currently in effect. Staff respectfully recommends that Council approve the petition and adopt an Ordinance reinstating the Third Amended Preliminary Plan for Southgate Commercial Plaza Subdivision.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

PETITION TO REINSTATE PRELIMINARY PLAN

State of Illinois)
)ss.
County of McLean)

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

Now comes Robert J. Lenz, attorney representing South Park Homes, Inc., hereinafter referred to as your Petitioner respectfully representing and requesting as follows:

1. That your petitioner is the Owner of the freehold or lesser estate therein of the premises hereinafter described in Exhibit "A" attached hereto and made a part hereof by this reference;
2. That your petitioner seeks to reinstate the Third Amended Preliminary Plan for Southgate Commercial Plaza Subdivision heretofore approved by the City Council on February 26, 1990 by Ordinance No. 1990-18;
3. That your petitioner also seeks approval of the following exemptions or variations from the provisions of Chapter 24, of the Bloomington City Code, 1960: As shown on the preliminary plan.

WHEREFORE, your petitioner, Robert J. Lenz, attorney representing South Park Homes, Inc., prays that the Preliminary Plan for Bunn Street Commercial Subdivision heretofore approved by the City Council by Ordinance No. 1999-31 be reinstated as requested herein.

Respectfully submitted,
South Park Homes, Inc.

By: Robert J. Lenz
It's Attorney

ORDINANCE NO. 2007 - 69

AN ORDINANCE FOR REINSTATEMENT OF THE PRELIMINARY PLAN OF THE SOUTHGATE COMMERCIAL PLAZA SUBDIVISION

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois a petition for Reinstatement of the Third Amended Preliminary Plan for Southgate Commercial Plaza 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: as shown on the preliminary plan; and

WHEREAS, said Petition is valid and sufficient and conforms to the requirements of the statutes in such cases made and provided and the Preliminary Plan should be reinstated as requested; and

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

1. That the Third Amended Preliminary Plan for Southgate Commercial Plaza Subdivision be, and the same is hereby, reinstated.
2. That this ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 23rd day of July, 2007.

APPROVED this 24th day of July, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Southgate Commercial Plaza Subdivision

A part of lot 13 in School Commissioners Subdivision in the NE ¼ of Section 16, part of Lot 16 in School Commissioners Subdivision in the NW ¼ of Section 16, part of Lot 4 in School Commissioners Subdivision in the SE ¼ of Section 16 and part of Lot 1 in School

Commissioners Subdivision in the NW1/4 of Section 16 all in Township 23 North, Range 2 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois, more particularly bounded and described as follows: Commencing at the northwest corner of Lot 13 in School Commissioners Subdivision in the NE ¼ of said Section 16; thence S.89°-58'-00"W. 265.95 feet on the north line of Lot 16 in School Commissioners Subdivision in the NW1/4 of said Section 16 to the east right of way line of F.A. Route 2 shown on a plat recorded as Document #70-89 in the McLean County, Recorder of Deeds Office; thence S. 01°-56'-02"E. 283.83 feet on said right of way line to the Point of beginning; thence N. 53°-17'-52"E. 27.76 feet; thence N. 88°-03'-58"E. 279.20 feet; thence S.01°-56'-02"E. 300.00 feet; thence S. 06°-34'-36" E. 345.94 feet; thence S.15°-02'-51"E. 296.00 feet; thence S. 74°-57'-09"W. 125.65 feet; thence S.02°-18'-53"E. 218.98 feet; thence N-88°-43'-08"W. 152.61 feet to the east right of way line of F.A. Route 2; thence N.13°-36'-41"W. 211.54 feet on said right of way line; thence northwesterly on said right of way line 85.79 feet on a tangential curve concave to the northeast having a radius of 3,755.73 feet. central angle of 01°-18'-32'' and a chord measuring 85.79 feet bearing N.13°-19'-14"W. from the last described course; thence N. 18°-50'-44"W. 76.47 feet on said right of way line; thence N.06°-46'-59"W. 141.31 feet on said right of way line; thence northerly on said right of way line 595.13 feet on a curve concave to the northeast having a radius of 3.755.73 feet, central angle of 09°-04'-45'' and a chord measuring 594.51feet bearing N.04°-49'-11"W. from the last described course; thence N.01°-56'-02"W. 57.21 feet to the Point of Beginning containing 7.62 acres, more or less, with assumed bearings given for description purposes only.

Motion by Alderman Hanson, seconded by Alderman Purcell that the Preliminary Plan be reinstated and the Ordinance passed.

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

Ayes: Aldermen Stearns, Huette, 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: Prevailing Wage Resolution

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

The Resolution also adds a requirement that as a prerequisite to the awarding on contracts for public work in excess of \$25,000, that the contractor provide proof of participation in apprenticeship and training programs approved and registered with the United States Department of Labor's Bureau of Apprenticeship and Training.

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

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

Respectfully,

Todd Greenburg
Corporation Counsel

Tom Hamilton
City Manager

RESOLUTION NO. 2007 - 79

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

WHEREAS, the Prevailing Wage Laws, Chapter 48, Section 39s-1, et seq., of the Illinois Revised Statutes approved June 26, 1941, as amended, require that each public body awarding any construction contract for public work or doing such work by day labor shall annually ascertain the general prevailing hourly rates of wages for employees engaged on such work; and

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

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

WHEREAS, the City of Bloomington believes Prevailing Wage Law should apply to private commercial economic development projects directly supported by public funds, including

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

WHEREAS, the City of Bloomington believes that contractors awarded contracts for public work as defined by state statute and this Resolution should, as a prerequisite to such contract, provide proof of participation in apprenticeship and training programs approved and registered with the United States Department of Labor's Bureau of Apprenticeship and Training for all construction contracts in excess of ~~\$25,000~~, \$100,000.

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

BE IT RESOLVED that the prevailing wages set forth in the document attached hereto and incorporated by reference shall be paid to laborers, workers and mechanics specified therein when such persons perform work on private commercial economic development projects directly supported by public funds, including projects supported by Tax Increment Financing or tax incentives of any kind, but excluding projects financed by the Downtown Commercial Revolving Loan Fund, projects resulting from Annexation Agreements, Intergovernmental Agreements, projects involving the City's Land Subdivision Code (including waivers/variations therefrom), activities that are exempt due to specific contract language, or certain projects the City Council finds inappropriate for application of Prevailing Wage Law; and

BE IT RESOLVED that contractors awarded contracts for public work as defined by state statute and this Resolution should, as a prerequisite to such contract, provide proof of participation in apprenticeship and training programs approved and registered with the United States Department of Labor's Bureau of Apprenticeship and Training for all construction contracts in excess of ~~\$25,000~~, \$100,000; and

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

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

BE IT RESOLVED that the City Clerk shall mail a copy of this determination to any employer, any association of employers, and to any person or association of employees who have filed or

do file their names and addresses with the Clerk requesting copies of any determination under said law of the particular rates and of the particular classes of persons whose wages will be affected by such rates; and

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

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

Adopted this 23rd day of July, 2007.

Approved this 24th day of July, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

*Secretary of State, Index Department
107-111 East Monroe Street, Springfield, IL 62706

**Department of Labor, Conciliation & Mediation Division
No. 1 West Old State Capitol Plaza, Room 300, Springfield, IL 62701-1217

(WAGE TABLE AND LEGEND ON FILE IN CLERK'S OFFICE.)

Alderman Fruin noted that this item came before the Council every year. He cited the prerequisite \$25,000 level which had been established for some time. He questioned the level set by other communities. Tom Hamilton, City Manager, addressed the Council. He noted that the range was from zero to \$100,000, (Town of Normal). There were few projects with a value lower than \$25,000. It did not serve as a hindrance. It can be an issue with small demolition projects. Alderman Fruin questioned if the City should be consistent with the Town. He believed that this consistency would be easier for contractors. Mr. Hamilton stated the decision would be up to the Council.

Alderman Gibson stated that he was against the change. He expressed his concern for quality work. Alderman Huette expressed his support for this change. Mr. Hamilton stated that there would not be an impact on the quality of work. He noted that there had been limited number of out of town contractors who bid on City projects. Mayor Stockton noted that the City might be providing opportunities to smaller businesses. Mr. Hamilton

stated that he did not know. The contractor would still be required to pay prevailing wages. Mayor Stockton expressed his belief that the apprenticeship program made it more difficult to comply with the City's Prevailing Wage Resolution. Mr. Hamilton acknowledged that he did not know the requirements for this program.

Alderman Stearns questioned if a contractor must be registered with an apprenticeship program or have apprentices. Mr. Hamilton believed that the program was a part of what the contractor did. The vendors help to finance the program. Historically, this item had not been an issue. Alderman Stearns expressed her interest in the ability of smaller firms to bid on City projects. Mr. Hamilton restated that prevailing wages must be paid. He acknowledged that there were non union contractors who do not participate in the training program.

Alderman Purcell questioned the advantage of increasing this limit. Mayor Stockton questioned if the apprenticeship program requirement should be eliminated. Mr. Hamilton restated that the \$25,000 limit had been set over ten (10) years ago. There were few contracts with a value of less than \$25,000.

Alderman Huette viewed this item as an obstacle to small businesses. If removed these businesses may become involved in the bid process. He hoped to see a growth in the number of bidders which would be a benefit for the City.

Alderman Fruin noted another concern. He cited the limited number of bidders. However, he did not want to compromise the quality of work. The Council had the final authority. Mr. Hamilton restated that there were a limited number of contracts between \$25,000 and \$100,000. There were few projects below \$25,000. He was unsure of how many companies would be affected by this change. For large projects, the contractors were unionized.

Motion by Alderman Fruin, seconded by Alderman Huette that the Resolution be adopted with the following change: that the fifth and eighth paragraphs should read \$100,000 instead of \$25,000.

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

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

Nays: Alderman Purcell.

Motion carried.

The following was presented:

To: Members of the City Council

From: Liquor Commission

Subject: Application of Panaderia Tex-Mex Bakery, Inc., d/b/a Panaderia Tex-Mex Bakery & Tacos, located at 1415 S. Main St., for an RBS liquor license, which will allow the sale of beer and wine by the glass for consumption on the premises seven (7) days a week

The Bloomington Liquor Commissioner Steve Stockton called the Liquor Hearing to hear the application of Panaderia Tex-Mex Bakery, Inc., d/b/a Panaderia Tex-Mex Bakery & Tacos, located at 1415 S. Main St., requesting an RBS liquor license which would allow the sale of beer and wine by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Stephen Stockton and Rich Buchanan; Lt. Tim Stanesa, Police Department, Hannah Eisner, Deputy Corporation Counsel, and Tracey Covert, City Clerk; and Maria Moreno and Consuelo Zuviri, owners/operators and Applicant representative.

Commissioner Stockton opened the liquor hearing. He requested that the Applicant present the business plan. Maria Moreno, operator and Applicant representative, addressed the Commission. She introduced her mother, Consuelo Zuviri, owner/operator and Applicant representative. Panaderia Tex-Mex Bakery & Tacos offers authentic Mexican food. They had received numerous requests from customers for liquor service. This application was prompted to address customer satisfaction. In addition, they hoped that liquor service would assist with the growth and development of their business.

Commissioner Stockton questioned the restaurant's opening date. Ms. Moreno noted that it would be one (1) year on August 23, 2007. Recently, business had been a little slow. They hoped to attract new customers who prefer Mexican food to be accompanied with beer.

Commissioner Stockton questioned the Applicant's satisfaction with the business. He noted that the first year can be challenging. Ms. Moreno noted that the bakery offers fresh pastries and fresh baked bread. Breakfast tacos are available. Due to customer demand, breakfast and dinner plates are offered. Additional tables were purchased to provide sit down dining. Customer feedback has been good.

Commissioner Stockton noted that the financial statement submitted had been for Ms. Zuviri (personal). He questioned if there was a financial statement for the corporation. Ms. Moreno responded negatively. Preparation of income taxes was ongoing. The annual financial statement had not been completed. Commissioner Stockton noted that the financial statement would list the financial resources of the corporation. Ms. Moreno informed the Commission that profits from the business had been put back into the business. Commissioner Stockton expressed his concern. He questioned if the business was profitable. Ms. Moreno responded affirmatively.

Commissioner Stockton noted that the incorporation paperwork was dated July 18, 2006. He questioned the corporation officers. Ms. Moreno noted that Ms. Zuviri was the sole stockholder.

Commissioner Buchanan questioned if the Applicant had retained a bookkeeper. Ms. Moreno responded affirmatively. They had retained a CPA. The Applicant has various tax documents and monthly statements. Commissioner Stockton questioned if the Applicant was current on all tax payments. Ms. Moreno responded affirmatively for state and federal taxes.

Commissioner Stockton noted that the lease listed Ms. Zuviri individually. The Application was for Panaderia Tex-Mex Bakery, Inc. A lease would need to be submitted to the City Clerk's office which documented that the lease was held by the corporation.

Commissioner Stockton noted that Panaderia started as a bakery which offered simple meals for take out. It had expanded into sit down meal service. Ms. Moreno noted that the alcohol service would only be available to dine in customers. Commissioner Buchanan noted that the Application did not include a "P" Packaged license.

Commissioner Stockton noted the business hours, (7:00 a.m. to 10:00 p.m.). He questioned staffing. Ms. Moreno informed the Commissioner that Panaderia was a family business. Various family members were employed there. She cited her mother, brothers, sister-in-law, and herself. Her sister acts as the general manager.

Hannah Eisner, Deputy Corporation Counsel, noted that the business began as a bakery and then expanded into food service. She questioned the sales' percentages. Ms. Moreno noted that the bakery represented the smaller percentage of sales. Food sales were higher. Ms. Eisner questioned the menu. Ms. Moreno cited various menu offerings.

Commissioner Buchanan questioned if Panaderia was meant for patrons to stop by and/or to sit down. Ms. Moreno noted that breakfast, lunch and dinner were available. The floor plan which was submitted was originally presented to the McLean County Health Department. She noted the steam table for tacos.

Commissioner Buchanan questioned the occupancy limit. Ms. Moreno was unsure. Commissioner Buchanan noted that the dining furniture offered forty (40) seats. Ms. Moreno noted that was the only seating available. Commissioner Buchanan noted that there were eight (8) four tops and four (4) two tops. Ms. Moreno responded affirmatively. He also noted that this building was the site of the former South Hill Cafe. Ms. Moreno informed the Commission that she did not know. Her family relocated here from Texas.

Commissioner Stockton noted the business hours, (7:00 a.m. to 10:00 p.m.). He questioned if the Applicant intended to serve alcohol during these hours. Ms. Moreno responded affirmatively. Commissioner Buchanan questioned if the Applicant would be willing to only serve alcohol to a customer. Ms. Moreno noted that her family would not want to jeopardize the liquor license. Alcohol would be served to enhance the food. Their focus was on the food. The restaurant would be closed by 10:00 p.m. Commissioner Stockton noted that a patron could be served alcohol only. However, food must be the primary purpose of an "R" Restaurant liquor license. He expressed his opinion that this Application would clearly be a restaurant. He recommended that conditions be placed upon this Application which would restrict liquor service to the business' closing hours which would be defined as when the kitchen closed. Ms. Moreno

stated that there was no problem with a 10:00 p.m. closing hour. She noted that Panaderia would close earlier if business was slow. Commissioner Stockton questioned if beer would be served with breakfast. Ms. Moreno responded affirmatively if requested by the customer. She noted that customers make some unusual request. He cautioned that the City Code does not allow liquor service on Sunday mornings. He encouraged the Applicant to carefully read the Liquor Code and become familiar with the restrictions.

Lt. Tim Stanesa questioned the Emergency Contact list. He specifically cited Joe Moreno. Ms. Moreno informed the Commission that Mr. Moreno was her husband.

Based on the above, the Liquor Commission recommends to the City Council that an RBS liquor license for Panaderia Tex-Mex Bakery, Inc., d/b/a Panaderia Tex-Mex Bakery & Tacos, located at 1415 S. Main St., be created, contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) liquor service would be limited to when the full kitchen is open; and 2.) there shall be no liquor service after 10:00 p.m.

Respectfully,

Stephen F. Stockton
Chairman of Liquor Commission

Mayor Stockton introduced this item.

Motion by Alderman Sage, seconded by Alderman Fruin to suspend the rules to allow someone to speak.

Motion carried.

Maria Moreno, 858 4th St., Normal, addressed the Council as the Applicant's representative. Panaderia Tex-Mex Bakery & Tacos started as a bakery. It expanded its services into a restaurant. Customers have requested alcohol to accompany their food orders. The Applicants planned to offer beer and wine only. The Applicant understood the conditions.

Alderman Gibson expressed his concern regarding the number of liquor licenses within the City. He added his belief that this neighborhood was saturated with same. The Council needed to control the number of liquor licenses.

Mayor Stockton noted that restaurants will eventually request a liquor license. They are at a competitive disadvantage without one. The Applicant had requested an "RBS", (Restaurant, Beer & Wine only, Sunday sales). He added that the Liquor Commission was more concerned that this location might turn into a tavern.

Alderman Stearns questioned if the neighborhood association had been contacted to provide input. Mayor Stockton stated that notices were mailed to a large number of addresses, (within 500 feet). No one attended the liquor hearing.

Alderman Gibson restated that one more liquor license would be too many. Mayor Stockton noted that the Applicant had not requested a “P” Packaged license.

Alderman Purcell noted that he was a current customer and gave the Council a positive recommendation.

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

Motion carried.

Alderman Sage restated that based upon what he had heard there would not be a “P” license at this address. In addition, liquor sales would be limited to the hours when the kitchen was open. Finally, liquor service would stop at 10:00 p.m. Mayor Stockton restated the Applicant’s intention for this business to be a restaurant.

Motion by Alderman Hanson, seconded by Alderman Purcell that an RBS liquor license for Panaderia Tex-Mex Bakery, Inc., d/b/a Panaderia Tex-Mex Bakery & Tacos located at 415 S. Main St., be created, contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) liquor service would be limited to when the full kitchen is open; and 2.) there shall be no liquor service after 10:00 p.m.

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

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

Nays: None.

Motion carried.

Alderman Purcell left the room at 8:30 p.m.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Request to Accept Proposal Submitted by Farnsworth Group for Design of Foundation for Fire Department Training Simulator

Staff respectfully requests that Council accept a proposal to design the foundation for a Fire Department training simulator submitted by Farnsworth Group with a cost for engineering service not to exceed \$7,000.

Staff interviewed three (3) firms and solicited preliminary proposals to design the foundation for a proposed training simulator to be constructed behind #2 Fire Station located at 1701 Hamilton Road. After reviewing the proposals with the assistance of the City Engineer, staff finds the proposal submitted by Farnsworth Group to be the most comprehensive and cost effective.

Staff recommends proceeding with foundation design at this time so that construction may be completed during the summer of 2008. In addition, staff has secured a commitment from the Bloomington Fire Department Foreign Fire Tax Board to provide \$175,000 in funding which is approximately 50% of the estimated project cost. As a result of proceeding with the foundation design, the City will receive the first of seven \$25,000 annual payments from the Foreign Fire Tax Board. Payment for this work will be made from account # X40100-72520 Capital Improvements - Buildings.

Respectfully,

Keith Ranney
Fire Chief

Tom Hamilton
City Manager

(CONTRACT ON FILE IN CLERK'S OFFICE.)

Mayor Stockton introduced this item. He reviewed the building's design. The Fire Chief had provided the Council with a report. The building's conceptual plans were also available to the Council for review.

Alderman Purcell returned at 8:32 p.m.

Tom Hamilton, City Manager, addressed the Council. City staff believed that this facility was needed and would provide training dividends. He cited the difficulty providing live training.

Keith Ranney, Fire Chief, addressed the Council. The Fire Department's Command staff had met with Local 49 a couple of years ago. The City had budgeted \$50,000 a year for a four (4) year period to start the facility. The Foreign Fire Tax Board, (FFTB), had agreed to invest in the building. The Board has agreed to a forty-seven percent (47%) investment. These dollars would be provided by a percentage per year. In reality, this figure would equal forty to fifty percent, (40 – 50%), of the Board's available dollars.

The major cost associated with training was over time. This type of training is generally not done. He reviewed the report highlights. Cost savings was not the reason to build this facility. These skills used are not performed on a daily basis. The training would

allow the firefighters to perform their jobs in a better and safer manner. They would be given the opportunity to repeat the physical skills of the job. Firefighters would become more comfortable and confident when performing same. There would be an annual curriculum. The training would be limited to what was necessary to do a good job.

Dollars would be spent up front and the City would see a return over time. The City would reap the rewards from a good training program. The City can provide and should build this facility. He estimated the reduction of over time cost at \$100,000 annually. He added that the Fire Department's uniformed staff had requested this type of training facility.

Alderman Sage questioned life expectancy. Chief Ranney noted that the initial life expectancy was five (5) years. He added that there were twenty (20) year old facilities. He stated the various uses of this type of building. A committee of firefighters had worked on designing an appropriate building. The facility would be built with the assistance of the FFTB.

Mayor Stockton questioned the annual cost to maintain the structure and the impact upon the surrounding business. Chief Ranney noted that the building would be located south of the water tower. Smoke would be contained within the building. Maintenance would be limited to washing down the building. A key component would be keeping the structure clean. The largest expense would be the cost of supplies. Mayor Stockton expressed his opinion that the major cost would be the building's depreciation over twenty (20) years. Chief Ranney noted that a plan for its replacement would be a part of the budgeting process.

Alderman Sage questioned collaboration with other entities. Chief Ranney noted that the only other full time department within the county was the Town of Normal. The Town has its own facility located at Mitsubishi Motors. The City will not use this facility as a revenue generator. Any outside training would be expected to cover the actual cost for using same. The City would also seek input from the FFTB due to its investment in the building. He acknowledged that the Town had not been contacted.

Alderman Hanson cited the intangibles. He echoed some of the concerns raised by Aldermen Sage and Fruin. He cited duplication of service. He encouraged City staff to open communication with the Town on the issue of training. Chief Ranney noted that the opportunity would be there. He cited past experience. The City would make an offer to the Town.

Alderman Purcell stated that there would not be any savings by not moving forward with this project.

Chief Ranney noted another issue. The Fire Department had adopted a new redeployment model. Uniformed fire personnel will be assigned to ambulance or suppression services. All of them needed to retain their suppression skills.

Alderman Fruin thanked Chief Ranney for the report. He expressed his concern regarding the City's finances. He questioned what the priorities were. The Fire Department had made a compelling argument. He encouraged the Council to look at the big picture and the number of demands being placed upon the City. He cited the US Cellular Coliseum's budget shortfall. He noted his concern for the health and safety of uniformed fire personnel. He added the dollars that were being spent on training same. Chief Ranney restated that currently this type of training was not being done. Alderman Fruin noted the FFTB's contribution towards this facility. Chief Ranney noted that this Board was established by state statute. Dollars were distributed by the state to the local government. The sole restriction placed upon expenditure of same was that it must benefit the firefighters. He cited past expenditures. FFTB members are elected annually, (four members serve at large). The Fire Chief also serves on same.

Alderman Huette noted the FFTB's commitment to this project. Chief Ranney noted \$25,000 per year for seven (7) years. There were additional items which this Board would also fund.

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

Motion carried.

Dave Talley, 1011 Lake Fork Rd., addressed the Council. He informed them that he held the rank of Fire Lt. and serve as union President. He noted that Chief Ranney had addressed safety concerns. This project had been discussed within the Fire Department for ten (10) years. Uniformed staff had identified the need for same. Training was available in Champaign, IL. However, it was not practical. Firefighting took a coordinated effort. This level of training is not achieved by those holding a Firefighter II Certification. The City continues to grow. The most experienced officers within the department were approaching retirement. There also was a new staffing model. The City needed to manufacture the necessary training in order to have experienced staff. Uniformed staff must be prepared and ready to respond to an ambulance or a fire call.

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

Motion carried.

Alderman Fruin thanked Lt. Talley for the information. He noted that at every Council meeting there was a different request. The Council must keep an eye on the City's finances. He questioned if now was the right time for this project. He noted that a previous Council gave the go ahead. He questioned if this facility was a necessity and if its costs were within budget. Mr. Hamilton noted recent past meetings. The Fire Department had identified the need and believed in its importance. Financing for this project was pursued internally. The FFTB stepped forward with a funding offer which made the project affordable. The majority of the building's costs would occur during the 2008/09 fiscal year. He expressed his belief that this project was important. The City could kick

start it with a minimal investment. The City can handle the financial end of the project due to the FFTB's contribution.

Mayor Stockton described this project as within the fire service's core competencies. He stressed that the City needed to set priorities and identify what would be removed from the budget. He questioned what project would have to be delayed. The City had close to matching funds due to the FFTB's generous commitment to this project. If the Council believed that this facility was needed, then now was the time to act. The Fire Department had made a good case in support of this project. He expressed his belief in same. He saw this project as an investment over a twenty (20) year period. It would also be a benefit to the City for a number of years.

Alderman Gibson acknowledged the City's rapid growth. He believed that the Council should seize this opportunity. This would be the wrong place to cut the budget. He cited the need for additional firefighters. It would be a disservice to the community to not approve same.

Alderman Sage stated that he would be inclined to support same if the project had a two (2) year pay back. He stated his willingness to ask the difficult questions. He added that during the budget process he hoped to see creative ideas and a different set of priorities. Mr. Hamilton noted that there was nothing wrong to ask questions. City staff was constantly looking at priorities. Time has also been spent to prepare cost estimates for same. Alderman Sage expressed his opinion that it was fair for the Council to request that City staff prepare a set of priorities for Council action.

Alderman Stearns expressed her support for Alderman Fruin's comments. There would be spending cuts in the City's upcoming budget. She applauded Chief Ranney and Lt. Talley for their presentations to the Council. Public safety was not negotiable.

Mayor Stockton noted that the budget process would begin in the next forty to fifty, (40 -50), days. He encouraged City staff to be creative as public safety would not be compromised.

Motion by Alderman Fruin, seconded by Alderman Hanson that the Agreement with Farnsworth Group be approved in an amount not to exceed \$7,000 and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Brian J. Barnes, Finance Director

Subject: \$10,000,000 General Obligation Bonds

Staff has prepared an Ordinance to authorize the issuance of \$10,000,000 in general obligation, fixed interest rate bonds to pay for several needed, authorized and planned capital improvements. The majority of this issue will go to pay for approximately \$6 million in needed sewer construction on the southeast side in the Kickapoo Creek basin, and will be paid for by sewer usage fees. Approximately \$2 million of this issue will pay for the City portion of McGraw Park. The remainder of the issue will pay for the beginning of the construction of the new Fire Station on the west side of town, plus pay for capitalized interest and issuance costs. The park and fire portion of this debt will be paid back from property taxes. With the timing of this issue in conjunction with older issues that are finishing out, the impact on property taxes will be negligible.

The combination of these three (3) projects total approximately \$12 million, but the City is only issuing \$10 million at this time as market conditions will provide a \$700,000 savings if this issue is limited to the \$10 million this calendar year. Therefore, an additional bond issue will be made in early in 2008 for the remainder of the Fire Station project a plus any other capital projects the Council may wish to pursue at that time.

The bonds will be sold by competitive bid on or about August 14, 2007. Staff will report back to the Council the results of that sale at the August 27, 2007 meeting and the final bond sale closing will then take place on or about August 28, 2007.

Respectfully,

Brian J. Barnes
Finance Director

Tom Hamilton
City Manager

(ORDINANCE 2007-70 ON FILE IN CLERK'S OFFICE.)

Tom Hamilton, City Manager, addressed the Council. This would be the first step towards development of a sewer system east of Towanda Barnes Road. The area involved was located north of Ireland Grove Rd. and west of Towanda Barnes Rd. The City would be repaid for some of this cost. The City would provide the gravity sewer which would run through the Little Kickapoo drainage basin. This sewer would serve the City for over two (2) decades. Other items included in this bond issue included 1.) McGraw Park Phase II, (City obligated by state grant); and 2.) construction of Fire Station #5, (southwest quadrant). The City would receive a lower interest rate. This issue would be fixed rate. It would be similar to a twenty (20) year mortgage. He restated that this Ordinance was a first step. The bonds would be sold in August. Council would also have to approve this sale.

Alderman Fruin questioned the City's past experience. Mr. Hamilton responded usually large Chicago banks. Generally, there have been six to seven, (6 – 7), bidders. These bonds are viewed as solid, safe, and tax exempt.

Alderman Huette questioned tap on fees from this sewer project. Mr. Hamilton offered to provide the figures. There would be tap on fees for the pipes and the pump station. Alderman Huette questioned how tap on fees were determined. Mr. Hamilton noted that for the pump station there would be a per acre fee.

Alderman Hanson noted that this sewer would be extended to Downs. Mr. Hamilton stated eventually. This would be a large sewer system. Initially the system would flow to the west. Eventually the system would flow to the east. The design would provide the Bloomington-Normal Water Reclamation District with the flexibility needed.

Brian Barnes, Finance Director, addressed the Council. Over time the City would recoup fifty to eighty percent, (50 – 80 %), of the cost for this system through tap on fees. City staff anticipated that this area would develop fairly quickly. City staff had looked at the City's existing debt. This bond issue would keep the debt burden level. The impact on the City from this bond issue would be negligible. He anticipated that there would be between seven to fourteen, (7 – 14) bidders. The City had managed its finances well. The overall amount for this General Obligation bond would be \$12 million. He anticipated a \$700,000 savings in interest over the twenty, (20), years. The best amount for this type of instrument was \$10 million.

Mayor Stockton stated that the debt load was stable. This sewer would serve the Grove at Kickapoo Creek Subdivision which was located in the fastest growing area of the City. Mr. Barnes restated that this bond issue would cover committed projects. The expense for the sewer system was \$6 million.

Alderman Stearns questioned tap on fees versus impact fees. Mr. Hamilton noted that the name identified the type of fee and its purpose. It also directed where the dollars would go.

Alderman Huette anticipated that the tap on fee would recoup seventy-five percent, (75%), of the cost. He questioned who determined the fee. Mr. Hamilton stated that the cost of the item is divided by acreage. The fee is collected at the time of Final Plat approval. Alderman Huette questioned if the tap on fee could be tied to the number of homes. Mr. Hamilton noted that this number constantly changes. Individual home owners pay a monthly sewer fee. Alderman Huette questioned if the developers were paying their fair share. Mr. Hamilton noted that the largest percentage of the cost is paid up front by the developers. Mr. Barnes added that it might take twenty to twenty-five, (20 – 25), years for this area to develop. Alderman Huette stated that a usage fee, (sewer rate), would make up the gap. Mr. Barnes noted that a sewer rate study was being conducted at this time. Mr. Hamilton restated that this sewer will serve the City for decades. This system would put in place a plan for the long term future of the City and the Village of Downs.

Alderman Hanson informed the Council that he had heard a presentation regarding same as a member of the Regional Planning Commission. The IEPA, (Illinois Environmental Protection Agency), has expressed its concern regarding the watershed. It wanted the improvement and maintenance of same addressed. The system would also offer the City growth opportunities. Mr. Barnes added that ten, (10), years could pass before the City saw additional development.

Motion by Alderman Hanson, seconded by Alderman Purcell that the issuance of \$10,000,000 in General Obligation Bonds be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

Mr. Hamilton presented the one (1) bid from Schelde in the amount of \$21,940. He informed the Council that \$35,000 had been budgeted for this item. Since the bid was under the budgeted amount, he recommended that the bid be awarded to Schelde.

Motion by Alderman Gibson, seconded by Alderman Purcell that the bid for basketball standards be awarded to Schelde in the amount of \$21,940, 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, Gibson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

MAYOR'S DISCUSSION: None.

CITY MANAGER'S DISCUSSION: Tom Hamilton, City Manager, reminded the Council that a date needed to be set for their retreat and the US Cellular Coliseum open house.

He planned to send an email to the Council the next day regarding meeting dates for the Main St. Corridor study. A draft copy of a report was in the Alderman's conference

room. He encouraged the Council to review the development notes. Three (3) meetings would be scheduled.

The Budget Work Session also needed to be scheduled. He requested that the Council check their calendars for the last week of August or the first week in September.

ALDERMEN'S DISCUSSION: Alderman Huette questioned when Mitsubishi Motorway would be extended to Six Points Rd. He also questioned the status of JC Parkway. Tom Hamilton, City Manager, informed the Council of the City's obligation. The agreement between the City and Dave Stark had expired. He anticipated receipt of a new proposal. There was no obligation for a payment from the City.

Alderman Purcell stated that Mitsubishi Motorway would be extended beyond Six Points Rd. on to the Palmer property.

Alderman Stearns thanked Mike Nelson and John Butler, Central Illinois Arena Management, for the tour of the US Cellular Coliseum. She recommended that an outside individual be included on the committee which would study this facility. Mayor Stockton noted that the majority of the Council supported the idea of an oversight committee. He hoped to present a name for consideration by the Council at the Council's next meeting.

Alderman Fruin extended congratulations to Mr. Barnes for the award. He also thanked Mr. Barnes for his time.

Alderman Sage requested an update on Police Department staffing.

Motion by Alderman Hanson, seconded by Alderman Gibson, that the meeting be adjourned. Time: 9:52 p.m.

Motion carried.

Tracey Covert
City Clerk

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