

**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, May 29, 2007.

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

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

Aldermen: Judy Stearns, Kevin Huette, Allen Gibson, David Sage, John Hanson, Jim Finnegan, Steven Purcell, Jim Fruin and Mayor Stephen F. Stockton.

Alderman Absent: Karen Schmidt.

Deputy City Manager Barbara Adkins, City Clerk Tracey Covert, and Corporate Counsel Todd Greenburg were also present.

Staff Absent: Tom Hamilton, City Manger.

The following was presented:

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

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

1. Declaring May, 2007 as Catholic Charities Month.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

Mayor Stockton read and presented the Catholic Charities Month Proclamation to Doug Braun, Catholic Charities Youth Intervention Program Coordinator. Mayor Stockton recognized this agency for its assistance in the community. Mr. Braun thanked the Council for the recognition.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Opening of One Bid for Housing Rehab Work at 818 W. Oakland – Kathy Simmons

Bids were received by the City Clerk on May 11, 2007 for Housing Rehab Work at 818 W. Oakland, owned by Kathy Simmons. 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 Director of PACE to open the bid at the May 29, 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 Sage, seconded by Alderman Hanson that the bid be opened at the Council meeting, referred to staff for analysis and reported back to Council prior to the end of the meeting.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Bills and Payroll

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

Respectfully,

Brian J. Barnes
Director of Finance

Tom Hamilton
City Manager

(ON FILE IN CLERK'S OFFICE)

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Payments from Various Municipal Departments

1. The twelfth and final payment to Peace Meal in the amount of \$624 on a contract amount of \$7,500 of which \$7,500 will have been paid to date for work certified as 100% complete for the John M. Scott Home Delivered Meals. Completion date – May 2007.
2. The fifth partial payment to Economic Development Council of Bloomington/Normal in the amount of \$6,666.66 on a contract amount of \$80,000 per year of which \$33,333.30 will have been paid to date for work certified as 42% complete for the McLean County Economic Development. Completion date – December 2008.
3. The thirteenth partial payment to APACE Architects & Design in the amount of \$67,860 on a contract amount of \$301,900 of which \$170,260 will have been paid to date for work certified as 56% complete for the Design of Fire Station #5. Completion date – May 2008.

4. The ninth partial payment to Alvord, Burdick & How son, LLC in the amount of \$2,715 on a contract amount of \$33,000 of which \$30,088.18 will have been paid to date for work certified as 91% complete for the Water Department Rate Study. Completion date – December 2007.
5. The third and final payment to Leak Detection Services in the amount of \$23,760 on a contract amount of \$35,640 of which \$35,640 will have been paid to date for work certified as 100% complete for the Water Department Leak Detection. Completion date – December 2007.
6. The fifteenth partial payment to Clark Dietz, Inc. in the amount of \$170 on a contract amount of \$22,000 of which \$13,118.74 will have been paid to date for work certified as 60% complete for the Water Department Emergency Response Plan. Completion date – December 2007.
7. The eleventh partial payment to Consoer Townsend & Associates in the amount of \$6,941.78 on a contract amount of \$185,000 of which \$63,539.09 will have been paid to date for work certified as 34% complete for the Water Department Electrical Improvements at Lake Bloomington. Completion date – December 2007.
8. The third partial payment to Farnsworth Group in the amount of \$1,044.20 on a contract amount of \$50,000 of which \$8,553.24 will have been paid to date for work certified as 17% complete for the Ultraviolet Light & Hydrogen Peroxide Feasibility Study. Completion date – October 2007.
9. The sixth partial payment to Thompson Dyke & Associates in the amount of \$38,250 on a contract amount of \$248,500 of which \$198,000 will have been paid to date for work certified as 80% complete for the McGraw Park – Phase II. Completion date - December 2007.
10. The sixteenth partial payment to Farnsworth Group in the amount of \$1,912 on a contract amount of \$203,300 of which \$181,969.25 will have been paid to date for work certified as 90% complete for the Constitution Trail – Grove to Hamilton. Completion date – July 2007.
11. The third partial payment to Leach Electric, Inc. in the amount of \$17,273 on a contract amount of \$172,846.86 of which \$51,920 will have been paid to date for work certified as 30% complete for the Macarthur at Main and Center Traffic Signals. Completion date – September 2007.
12. The twenty-third partial payment to Clark Dietz, Inc. in the amount of \$256.30 on a contract amount of \$330,000 of which \$310,990.12 will have been paid to date for work certified as 94% complete for the Hamilton Road – Timberlake to Main St. a/k/a Hamilton & Main Signals. Completion date – July 2007.

13. The second partial payment to McLean County in the amount of \$1,211.75 on a contract amount of \$23,650 of which \$8,288.70 will have been paid to date for work certified as 35% complete for the City's share of the Design of Towanda Barnes – Oakland Ave. Signals. Completion date – February 2008.
14. The twelfth partial payment to Testing Services Corporation in the amount of \$2,635 on a per ton and hour contract of which \$38,181.05 will have been paid to date for work certified as ongoing. Completion date – July 2007.
15. The tenth partial payment to Lewis, Yockey, & Brown, Inc. in the amount of \$2,205 on a contract amount of \$120,000 of which \$80,184 will have been paid to date for work certified as 67% complete for the Dr. M.L. King Jr. Dr. – Washington to Oakland. Completion date – June 2007.
16. The first partial payment to Farnsworth Group in the amount of \$10,092.47 on a contract amount of \$130,300 of which \$10,092.47 will have been paid to date for work certified as 8% complete for the Tanner Street – Morris Avenue to Lake Dr. Completion date – April 2008.
17. The fifth partial payment to Stark Excavating, Inc. in the amount of \$170,999.58 on a contract amount of \$2,959,945.10 of which \$636,870.41 will have been paid to date for work certified as 22% complete for the Fox Creek Road & Scottsdale Avenue Improvements. Completion date – October 2007.
18. The twentieth partial payment to Farnsworth Group in the amount of \$2,720.25 on a contract amount of \$295,300 of which \$291,717 will have been paid to date for work certified as 99% complete for the Kickapoo Force Main Design – Property Surveys and Brokaw Road Surveys. Completion date – April 2007.
19. The third and final payment to Global Engineering Technology LLC in the amount of \$1,600 on a contract amount of \$11,830 of which \$11,830 will have been paid to date for work certified as 100% complete for the Design for Water Main Replacement on Stewart and East St. Completion date – October 2007.
20. The fourth partial payment to Clark Dietz in the amount of \$2,075 on a contract amount of \$84,600 of which \$27,237.42 will have been paid to date for work certified as 31% complete for the Parmon Road Water Main Replacement. Completion date – December 2007.
21. The eight partial payment to Gildner Plumbing Inc. in the amount of \$13,000 on a contract amount of \$621,783 of which \$587,975 will have been paid to date for work certified as 95% complete for the Fox Creek Road 16" Water Main: Beich to Old Cabintown. Completion date – June 2007.

22. The ninth partial payment to Clark Dietz in the amount of \$1,911.25 on a contract amount of \$68,800 of which \$48,628.24 will have been paid to date for work certified as 86% complete for the Main Replacement on Hinshaw and Barker. Completion date – December 2007.
23. The fourteenth partial payment to Clark Dietz in the amount of \$803.21 on a contract amount of \$140,000 of which \$111,572.85 will have been paid to date for work certified as 80% complete for the Locust – Colton CSO Study. Completion date – March 2007.
24. The second partial payment to the Grove on Kickapoo Creek, LLC in the amount of \$336,074.28 on a contract amount of \$630,468.81 of which \$561,769.78 will have been paid to date for work certified as 89% complete for the Ireland Grove Road Trunk Sewer at Kickapoo Creek. Completion date – September 2007.
25. The third partial payment to Farnsworth Group in the amount of \$838.50 on a contract amount of \$45,000 of which \$7,194 will have been paid to date for work certified as 16% complete for the Wastewater Treatment System at Lake Bloomington. Completion date – October 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 Gibson, seconded by Alderman Huette that the payments be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

May 29, 2007

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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 April, 2007

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

The Audit of these accounts took place on Monday, May 29, 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 Gibson, seconded by Alderman Huette that the audit of the bills and payrolls for the Township for the month of April, 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, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

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

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

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

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

(REPORTS ON FILE IN CLERK'S OFFICE)

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Request to Pay Stark Excavating, Inc. for Emergency Repair of Bellemont Sewer

In March, 2007, it was discovered that the 15" public sewer which runs down the rear yards between Mercer Avenue and Bellemont Road had collapsed in two (2) locations. Sink holes appeared adjacent to 102 East Washington Street and 105 North Mercer Avenue. As the need for the repairs was urgent in order to protect the public, and due to the location of the sewer and scope of the work, staff retained a contractor to make the repairs.

Stark Excavating, Inc. performed the excavations at the two (2) locations, removed the blockages, repaired the 15" public sewer and repaired four (4) service connections (two (2) at each excavation). It should be noted that due to the repair history of this sewer and its challenging location, Council awarded a contract to Insituform Technologies to line this sewer at the April 23, 2007 Council meeting. Insituform is expected to begin this work in June of this year.

Stark Excavating has submitted a time and materials bill for the repair work in the amount of \$46,293.33. Staff has reviewed the bill and finds it to be in order. Staff respectfully requests that Council approve a payment in the amount of \$46,293.33 to Stark Excavating, Inc. for the repair of the sewer with payment to be made with Sewer Depreciation Funds (X52200-72550).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Waive the Formal Bidding Process and Purchase a New Vehicle for the Lake Bloomington Ranger Using The State of Illinois Joint Purchasing Contract

The Water Department has budgeted in FY2007/2008 budget to replace the 2002 Ford Explorer 4x4 used by the Lake Bloomington Ranger. The replacement vehicle a 2007 Ford Expedition 4x4 and is available from Landmark Ford of Springfield, using the State of Illinois Joint Purchasing Contract. The replacement vehicle will cost \$24,995. The dealer is allowing \$6,200 trade allowance for a net purchase price of \$18,795.

Staff respectfully requests that Council waive the formal bidding process and approve the purchase of a 2007 Ford Expedition for the Lake Bloomington Ranger from Landmark Ford using the State of Illinois Joint Purchasing Contract for a total purchase price of \$18,795. Funds are budgeted in the Equipment Replacement Fund, F50140-72130 Lake Maintenance for this purchase.

Respectfully,

Daniel Augstin
Director of Fleet Management

Tom Hamilton
City Manager

RESOLUTION NO. 2007 - 43**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF A 2007 FORD EXPEDITION FROM
LANDMARK FORD USING THE STATE OF ILLINOIS JOINT PURCHASING
CONTRACT FOR THE LAKE BLOOMINGTON RANGER AT A PURCHASE PRICE
OF \$18,795**

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

1. That the bidding process be waived and the Purchasing Agent be authorized to Purchase a 2007 Ford Expedition from Landmark Ford using the State of Illinois Joint Purchasing Contract for the Lake Bloomington Ranger at a Purchase Price of \$18,795.

ADOPTED this 29th day of May, 2007.

APPROVED this 30th day of May, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Gibson, seconded by Alderman Huette that the formal bidding process be waived, the purchase of a 2007 Ford Expedition from Landmark Ford in the amount of \$18,795 using the State of Illinois Joint Purchasing Contract be approved, Purchasing Agent authorized to issue a purchase order for same, and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

May 29, 2007

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To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Waive the Formal Bidding Process and Purchase Four (4) Cars from Miles Chevrolet Using the State Of Illinois Joint Purchasing Contract

Police Department has currently budgeted in FY 2007/2008 to replace several police cars, one (1) marked patrol car and two (2) unmarked cars in Criminal Investigation Division (CID). Miles Chevrolet of Decatur currently holds the State of Illinois Joint Purchasing Contract for the purchase of these new cars. The cars to be purchased are 2007 Chevrolet Impalas. The new marked patrol car will cost \$18,865.34 and the unmarked administrative package units for CID will cost \$18,566 each. The department will be trading three (3) units in on the new cars, one (1) 2002 Crown Victoria CVPI marked unit, one (1) 1994 Crown Victoria unmarked and one (1) 1995 Crown Victoria unmarked. The dealer is allowing \$2,730 trade allowance on these vehicles. The total cost to purchase these cars is \$55,267.34.

The Fleet Management Department has in the FY 2007/2008 budget to replace a 1999 Dodge Ram, it will not be traded in, but will be retained for use as a loaner vehicle by other departments while another is being serviced, or it may be loaned out as a seasonal vehicle for use by departments during peak operational times. This new vehicle, a 2007 Impala administrative package will cost \$18,566.

Staff respectfully requests that Council waive the formal bidding process and approve the purchase the four (4) Chevrolet Impalas from Mile Chevrolet for a total amount of \$71,833.34, the Purchasing Agent be authorized to issue a Purchase Order for same, and the Resolution adopted. Funds are available in the Equipment Replacement Fund for these purchases, F15110-72130 for the Police vehicles and F16310-72130 for the Fleet Management vehicle.

Respectfully,

Daniel Augstin
Director of Fleet Management

Tom Hamilton
City Manager

RESOLUTION NO. 2007 - 44

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF FOUR (4) CHEVROLET IMPALAS FOR THE
POLICE DEPARTMENT AND FLEET MANAGEMENT DEPARTMENT FROM
MILES CHEVROLET THROUGH THE JOINT PURCHASING CONTRACT AT A
PURCHASE PRICE OF \$71,833.34**

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 four Chevrolet Impalas for the Police Department and the Fleet Management Department from Miles Chevrolet through the State of Illinois Joint Purchasing Contract at a Purchase Price of \$71,833.34.

ADOPTED this 29th day of May, 2007.

APPROVED this 30th day of May, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Finnegan noted that the City would be purchasing Chevrolet Impalas for police work.

Motion by Alderman Gibson, seconded by Alderman Huette that the formal bidding process be waived the four (4) Chevrolet Impalas be purchased from Mile Chevrolet through the State of Illinois Joint Purchasing Contract in the total amount of \$71,833.34, the Purchasing Agent authorized to issue a Purchase Order for same, and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Waive the Formal Bidding Process and Approve the Purchase of Four (4) Dump Trucks for the Public Service Department Using The State Of Illinois Joint Purchasing Contract

The Public Service Department has four (4) dump trucks scheduled and budgeted for replacement in FY 2007/2008. The dump trucks to be replaced are three (3) 1995 IH trucks which will be replaced with three (3) tandem axle dump trucks, and one (1) 2000 IH truck that will be replaced with a single axle dump truck. All will be equipped for snow removal duty.

The replacement trucks are available on the State of Illinois Joint Purchasing Contract. Prairie International of Springfield currently holds this contract. The purchase price for the three (3) new tandem axle dump trucks is \$144,887 each and \$138,656 for the single axle dump truck for a net purchase price of \$573,317. All trucks will be equipped with twelve (12) foot stainless steel dump bodies, eleven (11) foot power reversing snow plows, salt distributors, prewet system and the hydraulic system and controls to operate the systems. The four (4) current trucks will be sold after the new trucks are received and placed into service.

Staffs respectfully requests that Council waive the formal bidding process and approve the purchase of four (4) trucks from Prairie International in the total amount of \$573,3170 using the State of Illinois Joint Purchasing Contract. Funds are available in the Equipment Replacement Fund, F16130-72130 Public Service, Refuse Collection for this purchase.

Respectfully,

Daniel Augstin
Director of Fleet Management

Tom Hamilton
City Manager

RESOLUTION NO. 2007 - 45

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND UTHORIZING
THE PURCHASE OF FOUR (4) DUMP TRUCKS FOR THE PUBLIC SERVICE
DEPARTMENT USING THE STATE OF ILLINOIS JOINT PURCHASING
CONTRACT FROM PRAIRIE INTERNATIONAL AT A PURCHASE PRICE OF
\$573,317**

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 Four (4) Dump Trucks for the Public Service Department Using The State Of Illinois Joint Purchasing Contract from Prairie International at a Purchase Price of \$573,317.

ADOPTED this 29th day of May, 2007.

APPROVED this 30th day May, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Finnegan noted that the City was purchasing new dump trucks. He added that these trucks were also used to plow snow. He questioned if the City was able to reuse the snow plows. Dan Augstin, Director of Fleet Management, addressed the Council. He informed them that the existing trucks were twelve to thirteen, (12 – 13) years old. Dump trucks were sold as a package. He added that there were technology changes. Snow plows take a lot of fatigue and generally start cracking at year five to six, (5 – 6). Welding maintenance is required. Alderman Finnegan questioned the technology. Mr. Augstin cited that the City was changing the type of snow plow to a cutting edge trip type.

Alderman Purcell stated that the dump trucks had been amortized, funds were available, and they would be purchased off the state's contract for same. Mr. Augstin added that the contract would expire at the end of the month.

Motion by Alderman Gibson, seconded by Alderman Huette that the formal bidding process be waived, the purchase of four (4) trucks from Prairie International in the amount of \$573,317 using the State of Illinois Joint Purchasing Contract be approved, the Purchasing Agent authorized to issue a Purchase Order for same, and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Waive the Formal Bidding Process and Approve the Purchase of an Aerial Bucket Truck for the Engineering Department

The Engineering Department has budgeted in FY2007/2008 to replace their current 1994 GMC 29 foot aerial bucket truck used by the electricians for traffic light repair. The current bucket

truck does not reach the heights required for repair and maintenance of a large number of the new traffic lights around the community.

Due to the way the boom and bucket are constructed on the current truck, it limits the work that can be performed without repositioning the truck when performing maintenance on some traffic lights. The new truck will have a boom that will allow for greater heights and the way the new boom is constructed will allow the electricians to perform more work before the truck has to be repositioned. The electricians will also be performing a LED re-lamping program this summer. The new truck and boom will allow them to perform this work.

The City currently has the opportunity to purchase a demonstrator forty (40') foot working height aerial bucket truck from Drake-Scruggs of Springfield. This unit is mounted on a 2006 Ford F450 chassis with approximately 3,200 miles. All current and previous aerial units that the City owns have been purchased with equipment from Drake-Scruggs.

If a bid were let for this vehicle or purchased through the State of Illinois Joint Purchasing Contract, the City would likely spend \$80,000 to \$85,000. Drake-Scruggs is offering to sell this unit to the City at a cost of \$71,886 less \$9,500 trade allowance on the old unit for a net purchase price of \$62,386. Funds are available in the Equipment Replacement Fund, F16230-72130 Traffic Control.

Staff respectfully recommends that Council waive the formal bidding process and approve the purchase a 2006 Ford truck with a forty (40') foot aerial bucket from Drake-Scruggs Springfield, in the total amount of \$62,386, the Purchasing Agent be authorized to issue a Purchase Order for same, and the Resolution adopted.

Respectfully,

Daniel Augstin
Director of Fleet Management

Tom Hamilton
City Manager

RESOLUTION NO. 2007 - 46

A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND AUTHORIZING THE PURCHASE OF A DEMONSTRATOR 2006 FORD TRUCK WITH A FORTY (40') FOOT AERIAL BUCKET FOR THE ENGINEERING DEPARTMENT FROM DRAKE-SCRUGGS AT A PURCHASE PRICE OF \$62,386

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

1. That the bidding process be waived and the Purchasing Agent be authorized to Purchase a demonstrator 2006 Ford truck with a forty (40') foot aerial bucket for the Engineering Department Drake-Scruggs at a Purchase Price of \$62,386.

ADOPTED this 29th day of May, 2007.

APPROVED this 30th day of May, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Gibson, seconded by Alderman Huette that the formal bidding process be waived, a demonstrator 2006 Ford truck with a forty (40') foot aerial bucket be purchased from Drake-Scruggs in the amount of \$62,386, the Purchasing Agent authorized to issue a purchase order for same, and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Waive the Formal Bidding Process and Purchase Advertisements for the Bloomington Center for the Performing Arts (BCPA) in the Pantagraph

Staff respectfully requests permission to waive the formal bidding process to allow for the purchase of \$35,350.92 in advertisements to promote the programming of the BCPA and the Cultural District over the next 12 months. The Pantagraph is the only major daily newspaper publishing for a general audience in Bloomington-Normal. As such, the Pantagraph provides the only practical solution for promoting BCPA and Cultural District events and activities in the printed media to a broad audience.

Staff respectfully requests the formal bidding process be waived to allow for these advertisements to be purchased. Funding for advertising will come from account X21100-70730 of the Cultural District budget.

Respectfully,

C. Bruce Marquis
Executive Director, Cultural District

Tom Hamilton
City Manager

RESOLUTION NO. 2007 - 47

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF ADVERTISEMENTS FOR THE BLOOMINGTON
CENTER FOR THE PERFORMING ARTS FROM THE PANTAGRAPH AT A
PURCHASE PRICE OF \$35,350.92**

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 advertisements for the Bloomington Center for the Performing Arts from the Pantagraph at a Purchase Price of \$35,350.92.

ADOPTED this 29th day of May, 2007.

APPROVED this 30th day of May, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Finnegan questioned this item. He noted that the City would be spending over \$35,000 with the Pantagraph to advertise events at the Bloomington Center for the Performing Arts, (BCPA). He questioned if City staff had considered a joint contract with the US Cellular Coliseum. Bruce Marquis, Cultural District's Executive Director, addressed the Council. He noted that these two (2) facilities were separate entities. Cultural District staff negotiated a contract with the Pantagraph. He cited cost savings of thirty percent, (30%). The BCPA would receive \$48,000 worth of advertising for \$30,000.

Motion by Alderman Gibson, seconded by Alderman Huette that the formal bidding process be waived, the purchase of \$35,350.92 in advertising with the Pantagraph be approved, the Mayor and City Clerk 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, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Waive the Formal Bidding Process and Purchase Henry Pratt Valve Operators

The valve operators for the effluent valves filters in the water treatment plant are aging and several of the filter operators have begun to exhibit maintenance problems. Staff recommends replacing several of these valve operators before they fail completely. Additionally, staff recommends using the same controllers that are used in the rest of the water treatment plant.

Staff has requested a quote for the brand of valve operator currently in use at the plant. This is a proprietary valve operator and is made by the Henry Pratt Company of Aurora. Henry Pratt Company has submitted a quote in the amount of \$4,402 per operator. Six (6) of these operators are needed for a total cost of total cost of \$26,412. Funds for this purchase was a budgeted fixed asset replacement for FY 2007/08.

Staff respectfully requests that Council waive the formal bidding process, authorize the Purchasing Agent to issue a purchase order to Henry Pratt Company for \$26,412, and the Resolution be adopted. Payment for this purchase will be made with Water Department, Fixed Asset Replacement Funds, Purification Division, Equipment Other Than Office - F50300-50300-72140.

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

RESOLUTION NO. 2007 - 48

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF SIX (6) VALVE OPERATORS FOR THE
WATER TREATMENT PLANT FROM HENRY PRATT COMPANY AT A PURCHASE
PRICE OF \$26,412**

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 six (6) valve operators for the Water Treatment Plant from Henry Pratt Company at a Purchase Price of \$26,412.

ADOPTED this 29th day of May, 2007.

APPROVED this 30th day of May, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Gibson, seconded by Alderman Huette that the formal bidding process be waived, six (6) valve operators be purchased from Henry Pratt Company in the amount of \$26,412, the Purchasing Agent authorized to issue a Purchase Order for same, and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Waive the Formal Bidding Process and Purchase Honeywell Controllers for Filter Control

The control system for the filters in the older portion of the water treatment plant is aging and several of the filter controllers have failed in recent months. There are two (2) banks of filters, each consisting of eight (8) filter controllers. Due to the configuration of the filter control system, where one side is a mirror copy of the other, when an upgrade like this is made, the entire bank of filter controllers must be replaced.

Since newer communications protocols have been integrated into the new controllers, eight (8) of these units must be purchased. Staff has requested quotes for a replacement of these controllers. The quotes have been analyzed and the quotation from Lesman Instrument Company was the lowest cost, qualified quotation. The total cost of the replacement controllers is \$10,351.20.

Staff respectfully requests that Council waive the formal bidding process, and approve the purchase of eight (8) Honeywell Filter Controllers from Lesman Instrument Company of Bensenville, in the amount of \$10,351.20. Payment for this purchase will be made with Water Department, Fixed Asset Replacement Funds, Purification Division, Equipment Other Than Office. (F50300- 50300-72140).

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

RESOLUTION NO. 2007 - 49

A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND AUTHORIZING THE PURCHASE OF EIGHT (8) HONEYWELL FILTER CONTROLLERS FOR THE WATER TREATMENT PLANT FROM LESMAN INSTRUMENT COMPANY AT A PURCHASE PRICE OF \$10,351.20

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 eight (8) Honeywell Filter Controllers for the Water Treatment Plant from Lesman Instrument Company at a Purchase Price of \$10,351.20.

ADOPTED this 29th day of May, 2007.

APPROVED this 30th day of May, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Gibson, seconded by Alderman Huette that the formal bidding process be waived, the eight (8) Honeywell Filter Controllers be purchased from Lesman Instrument Company in the amount of \$10,351.20, the Purchasing Agent authorized to issue a Purchase Order for same, and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Waive the Formal Bidding Process and Approve a Professional Services Contract for Leak Detection Services

The Water Department has planned and budgeted for a program of sustained and systematic acoustic leak detection surveying in the water distribution system. This year, staff intends to survey approximately 20% of the water mains in the distribution system, and intend to continue surveying similar amounts of the distribution system each year; resulting in a five (5) year cycle of leak detection. Leak Detection Services, Inc. has performed this work in the past on a location specific basis and for large-scale projects. Staff has been pleased with the results.

Staff respectfully recommends that Council waive the formal bidding process and approve an Agreement with Leak Detection Services, Inc., for leak detection services in the amount of \$35,640, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution be adopted. Funds for this project will come from the Water Department, Operations

and Maintenance Fund, Repair/Maintenance Infrastructure (Account #5010- 50120-70220). This was a budgeted 2007/08 operational expense.

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

RESOLUTION NO. 2007 - 50

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF LEAK DETECTION SERVICES FOR THE
WATER DEPARTMENT FROM LEAK DETECTION SERVICES, INC. AT A
PURCHASE PRICE OF \$35,640**

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

1. That the bidding process be waived and the agreement with Leak Detection Services, Inc. for Leak Detection Services in the amount of \$35,640 be approved.

ADOPTED this 29th day of May, 2007.

APPROVED this 30th day of May, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Gibson, seconded by Alderman Huette that the formal bidding process be waived, the agreement with Leak Detection Services, Inc. be approved in the amount of \$35,640, 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, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Purchase of Protective Wear for Firefighters

Staff respectfully requests authorization to purchase up to thirty-eight (38) sets of firefighter protective clothing from MES Global located in Washington, IL, at a cost not to exceed \$70,300 during FY 2007-2008.

Firefighter protective clothing is on a five (5) year replacement schedule. Each year the Department replaces approximately 20% of its total inventory. Additional sets of protective clothing are purchased to replace equipment damage beyond repair as well as sets necessary to equip new hires. Staff anticipates purchasing twenty (20) sets for replacement purposes and eighteen (18) sets to equip new hires during FY 2007-2008.

In June 2006, Council approved a three (3) year purchase agreement with MES Global for firefighter protective clothing. The base price of a set of protective clothing is \$1,798. There are additional charges for larger sizes and/or rush delivery. The Fire Department's FY 2007-2008 Fixed Asset budget contains \$70,300 for new and replacement protective clothing. Staff respectfully requests that Council approve the purchase of thirty-eight (38) sets of firefighter protective wear in an amount not to exceed \$70,300, and the Purchasing Agent be authorized to issue a Purchase Order for same. Funds for this purchase are available in account #F15210-72140.

Respectfully,

Keith Ranney
Fire Chief

Tom Hamilton
City Manager

Motion by Alderman Gibson, seconded by Alderman Huette that the purchase of thirty-eight (38) sets of firefighter protective wear be approved in an amount not to exceed \$70,300 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, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
 From: Staff
 Subject: Analysis of Bids for Testing Equipment for Fire Department

Staff respectfully recommends Council accept the bid submitted by Municipal Emergency Services Inc. in the amount of \$13,400 for four (4) fire hose testing apparatus for the Fire Department. Below is a tabulation of bids received:

Vendor	Location	Price Each	Total
Municipal Emergency Services Inc	Washington , IL	\$3,350.00	\$13,400
Fire Apparatus Supply Team	Lincoln, IL	\$3,892.00	\$15,568
Sandry Fire Supply, LLC	DeWitt, IA	No Bid	No Bid
AEC	Springfield, IL	No Bid	No Bid

All fire hose is tested annually by Fire Department personnel. The above equipment will provide testing equipment at each fire station. Staff budgeted \$16,000 in the FY 07-08 Fixed Asset budget for purchase of this equipment. Payment to be made from account # F15210-72140.

Respectfully,

Keith Ranney
 Fire Chief

Tom Hamilton
 City Manager

Alderman Finnegan questioned this item. He questioned the need for four (4) fire hose testing apparatus. He noted that each fire station would then have one (1). The Council needed to question expenditures in its efforts to offset the US Cellular Coliseum deficit. He questioned if this was a discretionary purchase. He noted the equipment's useful life, (10 years). In addition, he anticipated that this equipment should result in no work injuries.

Keith Ranney, Fire Chief, addressed the Council. He noted the safety issue. The Fire Department was required to test its hoses. This would be a hydraulic system. One (1) would be purchased for each fire station. He cited the volume of hoses. Purchasing four (4) would facilitate efficiency.

Motion by Alderman Gibson, seconded by Alderman Huette that the bid be awarded to Municipal Emergency Services, Inc. in the amount of \$13,400, 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, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
 From: Staff
 Subject: Analysis of Negotiated Contract for General Resurfacing

On April 23, 2007, Council authorized staff to waive the bidding process and negotiate a contract with Rowe Construction Company for the resurfacing of City streets. Staff supplied Rowe with a proposal containing locations and quantities, similar to what would be provided to a bidder. Rowe responded with a written proposal to perform the work requested as follows:

Rowe Construction	\$ 1,618,340.95	Quote for quantities supplied
Engineer's Estimate	\$ 1,794,974.50	
Budget:		
Resurfacing Streets & Alleys	\$1,200,000.00	CIF X40100-72530
Wood St. Resurfacing	\$ 550,000.00	CIF X40100-72530
Resurfacing Lake Blm. Sts.	<u>\$ 45,000.00</u>	WDF X50140-72530
Total:	\$1,795,000.00	

The unit price offered for bituminous concrete to resurface streets is \$73 per ton. Last year the City paid \$78 per ton. Staff has analyzed all unit prices offered by Rowe and finds them acceptable. Since costs are under budget, staff recommends that additional streets be added to the contract up to the budgeted amount.

Staff respectfully recommends that Council accept the negotiated unit prices of Rowe Construction Company in the amount of \$1,795,000, the contract be approved, the Mayor and City Clerk be authorized to execute the necessary documents.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

(CONTRACT ON FILE IN CLERK'S OFFICE)

Motion by Alderman Gibson, seconded by Alderman Huette that the contract with Rowe Construction Company in the amount of \$1,759,000 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, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Change Order to the Agreement with Farnsworth Group for the Design of the Morris Avenue Bridge over Goose Creek

On March 27, 2000, Council approved a contract for \$35,000 with Farnsworth & Wylie, Inc. (now known as Farnsworth Group) to design the Morris Avenue Bridge over Goose Creek. Due to the City's changing priorities and budget constraints, the project was delayed and the design was suspended for two (2) years. On June 23, 2003, Council approved a change order in the amount of \$6,650 to account for Farnsworth Group's fee schedule change.

The reconstruction of Morris Avenue from Miller St. to Six Points Rd. became a priority and the Goose Creek Bridge design was delayed again to combine the bridge and road projects. Currently, Morris Ave., from Miller to just south of Goose Creek, and the Goose Creek Bridge designs are complete. The combined project will be bid for construction upon final approval by the Illinois Department of Transportation, (IDOT).

Farnsworth Group performed additional design work in order to combine the road and bridge projects. This additional work included more topographic survey in the project area, designing penetrations in the bridge to accommodate the street storm sewers, designing a water main relocation to accommodate the combined projects and making various plan changes relative to

the combined project. To complete this additional work, Farnsworth Group has requested a change order in the amount of \$10,578.50.

Staff has reviewed their request and has determined that the additional cost is reasonable. Staff respectfully recommends that Council approve this second change order in the amount of \$10,578.50 to the Agreement with Farnsworth Group for the design of the Morris Avenue Bridge over Goose Creek, and that the Resolution be adopted. Payment will be made with Capital Improvement Funds – Account - X40152-72530.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

RESOLUTION NO. 2007 - 51

**A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE
AMOUNT OF \$10,578.50 IN THE CONTRACT BETWEEN THE CITY
OF BLOOMINGTON AND FARNSWORTH GROUP FOR THE DESIGN OF THE
MORRIS AVENUE BRIDGE OVER GOOSE CREEK**

WHEREAS, the City of Bloomington has previously entered into a contract with Farnsworth Group for the design of the Morris Avenue Bridge over Goose Creek; and

WHEREAS, for the reasons set forth in a staff report dated May 29, 2007 it was necessary to perform additional design work in order to combine the road and bridge projects; and

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the May 29, 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 \$10,578.50 in the contract between the City of Bloomington and Farnsworth Group for the design of the Morris Avenue Bridge over Goose Creek be approved.

ADOPTED this 29th day of May, 2007.

APPROVED this 30th day of May, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Gibson, seconded by Alderman Huette that the Change Order in the amount of \$10,578.50 be approved and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Change Order #1 for 2007 Curb and Gutter Improvements

This project consists of curb and gutter replacement, and sidewalk replacement for the following locations:

Mulberry Street from Allin Street to Madison Street
Oakland Avenue from Gridley Street to Clayton Street (widening to three lanes)
Festival Park – curb and gutter, sidewalk construction and pavement removals
Hamilton Road Fire Station Training Site Improvements

The bid from Rowe Construction was \$817,603.74, and was more than budgeted. In order to stay within the budget, two (2) blocks on Mulberry Street from Allin Street to Oak Street were deferred to another year. Council awarded the contract to Rowe Construction on April 23, 2007 out of the 2006-2007 budget. There is now \$500,000 in the new 2007-2008 budget for Curb and Gutter work.

Staff recommends that Council approve a change order to the current contract in the amount of \$136,489.60 from the 2007-2008 budget in order complete the Mulberry Street section. The remaining balance of \$363,510.40 will be used for a new Curb and Gutter Project to be bid later.

Original Contract Amount	\$ 681,114.14 CIF X40100-72530
This Change Order	<u>\$ 136,489.60</u> CIF X40100-72530

ATTEST:

Tracey Covert
City Clerk

Alderman Stearns questioned this item. Bruce Marquis, Cultural District's Executive Director, addressed the Council. He could not address this item. The Engineering Department staff provided design services for the Festival Park area. Phase I would address the western half. Anticipated completion date was September 2007. Alderman Stearns encouraged Mr. Marquis to partner with the neighborhood and to notify the property owners. Mr. Marquis stated his intention to issue a press release. There would not be an official mailing. Alderman Stearns restated that the Cultural District staff needed to have a conversation with the neighborhood. Mr. Marquis offered to schedule a meeting. Cultural District staff would be in attendance. He reminded the Council that Public Hearings had been held as planning for this area began approximately two (2) years ago. He would make every effort to keep all parties informed. Alderman Stearns expressed her opinion that the area would be welcoming. She also wanted it to fit environmentally. Mr. Marquis stated his belief that it would be an improvement.

Motion by Alderman Gibson, seconded by Alderman Huette that the Change Order in the amount of \$136,489.60 be approved and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Disposition of 703 N. Mason Street

School District 87 and its Area Vocational Center (AVC) and the City's Code Enforcement Division completed the construction of a single-family residence located at 703 N. Mason Street in the summer of 2006. This location was the previous site of a single family dwelling, which subsequently was destroyed by fire. The previous homeowners gave the lot/structure to the City in lieu of demolition. Community Development Block Grant funds were expended to demolish the structure and prepare subsequent redevelopment. Upon the completion of the construction,

the City began advertising the sale of the property in the Pantagraph in September, 2006, as well as providing notices to local nonprofit agencies who work with potential home buyers.

The house contains two (2) bedrooms and two (2) full baths. The house was constructed to meet Energy Star standards and is handicap accessible. The house was appraised at \$127,900. The sale of this property is always contingent on eligibility in receiving a first mortgage and Council approval. The Council approved a previous offer in the last 1-2 months, but the homebuyer was unable to secure a first mortgage. Subsequently, the house was re-advertised "for sale" in the Pantagraph. Another offer to purchase has been received by Mr. Jerry Carey, in the amount of \$110,000. Mr. Carey has been pre-proved by our lending partner, National City Bank. Mr. Carey is a first-time homebuyer and is new to the community.

Staff respectfully requests that Council approve the sale of 703 N. Mason St. to Mr. Jerry Carey in the amount of \$110,000, and authorize staff to proceed with the closing. All proceeds from the sale of this dwelling will be returned as program income to Community Development and will be used for future Community Development Block Grant funded activities. Funds will be deposited into budget line item number 57110 - Sale of Land.

Respectfully,

Mark R. Huber
Director of PACE

Tom Hamilton
City Manager

Motion by Alderman Gibson, seconded by Alderman Huette that the sale of 703 N. Mason St. to Mr. Jerry Carey in the amount of \$110,000 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, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Members of the City Council

From: Liquor Commission

Subject: Application of Karen Murukas, d/b/a Canteen, located at 107 W. Front St., for a TA liquor license, which will allow the sale of all types of alcohol by the glass for consumption on the premises six (6) days a week

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to hear the application of Karen Murukas, d/b/a Canteen, located at 107 W. Front St., requesting a TA liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises six (6) days a week. Present at the hearing were Liquor Commissioners Stephen Stockton, Rich Buchanan, and Marabeth Clapp; Hannah Eisner, Deputy Corporation Counsel; Lt. Tim Stanesa, Police Department; and Tracey Covert, City Clerk; and Karen Murukas and Nick Murukas, owner/operator and Applicant representatives.

Commissioner Stockton opened the liquor hearing. Karen Murukas, owner/operator and Applicant representative, addressed the Commission. She noted that this had been the first location she had looked at before pursuing Entourage located at 409 Hershey Rd. Entourage was scheduled to open by May 31, 2007. She added that this Application was for a TA liquor license. There was no ability to add a kitchen to this building. Business hours would be as follows: Monday through Thursday - 4:00 p.m. to 1:00 a.m.; Friday and Saturday - 4:00 p.m. to 2:00 a.m. Canteen will offer an extensive beer list and games. This building was the location of the oldest bar in the Downtown.

Commissioner Buchanan questioned the Application. He cited the Liquor License Questionnaire item 2(h). Ms. Murukas noted her error, she requested that the application be amended and the response be no.

Commissioner Stockton questioned what was meant by gaming. Nick Murukas, Applicant representative, addressed the Commission. Canteen would offer pool and darts. There would not be any video poker.

Commissioner Stockton questioned when the McLean County Bar closed. Mr. Murukas noted January 1, 2007. Ms. Murukas added that the lease was contingent upon the creation of a liquor license. She added that the building needed a lot of work. Fred Wollrab, property owner, was currently cleaning out the basement.

Commissioner Stockton requested that the Applicants compare Canteen to the McLean County Bar. Ms. Murukas noted that Canteen would be a nice, clean establishment. The space needed a lot of work. The plan included the removal of one half of the bar, new flooring, new rest rooms and the removal of the fake brick. Mr. Murukas described Canteen as similar to Rosie's. Canteen would be a clean bar with nice drinks. Commissioner Stockton noted that the Applicants would be refurnishing the floors and walls.

Commissioner Buchanan questioned the floor plan. Mr. Murukas estimated occupancy at 96. This was based upon the previous occupancy permit. There were no planned structural changes. Commissioner Buchanan questioned the number of bar stools.

Commissioner Stockton noted that the premise would be limited to the front area of the space. Ms. Murukas responded affirmatively. The back area would be for an office, the freezer, and dry storage.

Commissioner Buchanan questioned who would manage and operate Canteen. Ms. Murukas noted the potential for a silent partner. This individual cannot risk his/her current employment. Canteen would be open for fifty-six (56) hours of operation. She noted that she had another brother who would be involved with Canteen.

Commissioner Stockton questioned ownership. Hannah Eisner, Deputy Corporation Counsel, noted that the Application was by a sole proprietor. Ms. Murukas may have to go through the application process again if there is an additional partner in the future. Ms. Murukas noted that this individual was willing to manage Canteen. There might be a buy in offer in approximately two (2) years.

Commissioner Clapp questioned occupancy. Mr. Murukas restated ninety-six (96). Commissioner Clapp noted Canteen's limited ability to participate in special events. She cited Pub Crawl. Mr. Murukas noted that businesses located in the south end of the Downtown had been receptive to the idea. He cited the US Cellular Coliseum traffic.

Commissioner Clapp questioned gaming. Mr. Murukas stated billiards, darts, and video games. There would not be any video poker.

Commissioner Stockton opened the hearing for public comment.

Peg Flynn, Downtown Business Association's (DBA) Executive Director, addressed the Commission. The DBA welcomed Canteen. The building had a great location. It was the longest standing bar in the Downtown. The DBA was thrilled about this Application.

Ms. Eisner questioned the dollar invested in improvements. The Murukas estimated their investment at \$40,000 - \$50,000. Ms. Eisner questioned the Murukas' financing. Ms. Murukas cited her father's assistance. She restated the Entourage would open by May 31, 2007. In addition, she operated another restaurant. Ms. Eisner expressed her concern. She acknowledged the Applicant's intentions. Cash flow problems tend to result in issues for the City.

Commissioner Buchanan questioned the planned opening for Canteen. Ms. Murukas estimated that the building's rehab would take six to seven (6 - 7) months. Mr. Murukas estimated that possession would occur within ninety (90) days. Ms. Murukas noted that her family would give 190%.

Motion by Commissioner Buchanan, seconded by Commissioner Clapp that the application by Karen Murukas, d/b/a Canteen, located at 107 W. Front St., requesting a TA liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises six (6) days a week be approved.

Based on the above, the Liquor Commission recommends to the City Council that a TA liquor license for Karen Murukas, d/b/a Canteen, located at 107 W. Front St., be created, contingent upon compliance with all applicable health and safety codes.

Respectfully,

Stephen F. Stockton
Chairman of Liquor Commission

Motion by Alderman Gibson, seconded by Alderman Huette that a TA liquor license for Karen Murukas, d/b/a Canteen located at 107 W. Front St., be created, contingent upon compliance with all applicable health and safety codes.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Suspension of Chapter 6 Section 26(d) to Allow Possession of Open Alcohol on Public Property for the WGLT Event June 9, 2007

WGLT is sponsoring an outdoor summer concert in Downtown Bloomington on Saturday, June 9, 2007. This will be the fourth of what has become an annual event. The organizers have had beer and wine at the previous events and would like to have both available again this year. They would like the people who attend the event to be able to purchase a drink and move about freely within the designated event area rather than have a designated "beer garden". Beer and wine would be sold only by the an existing liquor license holder with a secondary license for the event and only beer and wine purchased from the event vendor could be consumed within the designated event area. Outdoor consumption would be allowed between 2:00 o'clock p.m. and 11:00 o'clock p.m.

The event organizers met with staff, including representatives from the police, legal and administrative departments to review this plan. Given the nature of the event, the type of crowd it attracts and the high degree of involvement by event staff, all concerned thought this plan could work without problems. Staff has prepared an Ordinance suspending the code as needed for this event. The Ordinance makes the suspension effective one (1) hour before the sales begin to allow the organizers time to set up for the event. Staff respectfully recommends that the Ordinance be passed.

May 29, 2007

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Respectfully,

Hannah R. Eisner
Deputy Corporation Counsel

Tom Hamilton
City Manager

ORDINANCE NO. 2007 - 44**AN ORDINANCE SUSPENDING PORTIONS OF SECTION 26(d) OF CHAPTER 6 OF THE BLOOMINGTON CITY CODE TO ALLOW POSSESSION OF OPEN ALCOHOL ON PUBLIC PROPERTY DURING THE WGLT OUTDOOR CONCERT IN DOWNTOWN BLOOMINGTON**

Whereas, WGLT will hold an outdoor concert in downtown Bloomington on June 9, 2007; and

Whereas, WGLT requested permission to allow sales and consumption of beer and wine during the concert on Jefferson Street between Main Street and the north/south alley between Center Street and Madison Street and on Center Street between Washington Street and the east/west alley between Jefferson Street and Monroe Street; and

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

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

Section 1: That Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, is suspended on the following dates during the following hours: June 9, 2007 between 2:00 o'clock p.m. and 11:00 o'clock p.m. for Jefferson Street between Main Street and the north/south alley between Center Street and Madison Street and on Center Street between Washington Street and the east/west alley between Jefferson Street and Monroe Street. This suspension shall be effective only as to persons inside the designated area and for alcohol purchased from an event vendor.

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

Section 3: This Ordinance shall be effective on the date of its passage and approval.

Section 4: This Ordinance is adopted pursuant to the home rule authority granted the City of Bloomington by Article VII, Section 6 of the 1960 Illinois Constitution.

PASSED this 29th day of May, 2007.

APPROVED this 30th day of May, 2007.

APPROVED:

Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

Motion by Alderman Gibson, seconded by Alderman Huette that the Ordinance suspending Chapter 6 Section 26(d) of the Bloomington City Code to allow possession of open alcohol on public property at the WGLT Summer Concert on June 9, 2007 be passed.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: An Ordinance Revising Chapter 29, Traffic Code

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

Respectfully,

J. Todd Greenburg
Corporation Counsel

Doug Grovesteen
Director of Engineering

Tom Hamilton
City Manager

ORDINANCE NO. 2007 - 45**AN ORDINANCE ADDING BLOOMINGTON CITY CODE CHAPTER 29
BY MAKING PERIODIC REVISIONS THERETO**

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

SECTION 1. Bloomington City Code Chapter 29, Section 132, shall be and the same is hereby amended by adding the following:

Greenwood from Heidloff to Lutz
Lutz from Greenwood to Morris

SECTION 2. Bloomington City Code Chapter 29, Section 141, under the heading Left Turn Prohibited shall be and the same is hereby amended by deleting the following:

South Empire Service Road, westbound, at Fairway

SECTION 3. Bloomington City Code Chapter 29, Section 141, under the heading Turn on Red Prohibited shall be and the same is hereby amended by correcting the following:

Empire, westbound onto Fairway

SECTION 4. Bloomington City Code Chapter 29, Section 143, shall be and the same is hereby amended by adding the following:

Breezewood, Woodrig to Red Oak
Kickapoo, Ireland Grove to north corporate limits
Harvest Pointe, Empire to north corporate limits
Prairie Crossing, 2100E to west corporate limits
Springdale, Breezewood to Ashwood

SECTION 5. Bloomington City Code Chapter 29, Section 145(c), shall be and the same is hereby amended by adding the following:

Breezewood Stops for Woodrig
Kickapoo Stops for Ireland Grove
Prairie Crossing Stops for 2100E
Prairie Crossing Stops for Kickapoo Creek
Springdale Stops for Breezewood

SECTION 6. Bloomington City Code Chapter 29, Section 145(d), shall be and the same is hereby amended by adding the following:

Ashley Stops for Beich
Bardwell Stops for Springdale

Belvedere Stops for Kickapoo Creek
Black Oak Stops Ireland Grove
Breezewood Stops for Red Oak
Bunn Stops for Springdale
Castlebar Stops for Kickapoo Creek
Chestnut Stops for Eugene
Conlor Stops for Springdale
Creamery Stops for Harvest Pointe
Dee Farm Stops for Harvest Pointe
Dry Sage Stops for Harvest Pointe
Essington Stops for Binghamton
Ferryman Stops for Kickapoo Creek
Finlen Stops for Kickapoo Creek
Francesco Stops for Kickapoo Creek
Kell Stops for Ireland Grove
Leadville Stops for Springdale
Longfield Stops for Kickapoo Creek
Lone Oak Stops for Binghamton
Norton Stops for Rave
Pump House Stops for Harvest Pointe
Red Autumn Stops for Harvest Pointe
Red Oak Stops for Springdale
Rocksbury Stops for Binghamton
Savanna Stops for Grey Fox
Scarborough Stops for Binghamton
Scogin Creek Stops for Ridge Creek
Shaunessey Stops for Ireland Grove
Staghorne Stops for 2100E
Stone Mill Stops for Harvest Pointe
Stonehouse Stops for Harvest Pointe
Strawgrass Stops for Harvest Pointe
White Stone Stops for Springdale
Willow Creek Stops for 2100E

SECTION 7. Bloomington City Code Chapter 29, Section 145(e), shall be and the same is hereby amended by deleting the following:

Chestnut Yields for Eugene
Essington Yields for Binghamton
Rocksbury Yields for Binghamton
Scarborough Yields for Binghamton

SECTION 8. Bloomington City Code Chapter 29, Section 145(g) shall be and the same is hereby amended by adding the following:

Inglewood Stops for Wine

SECTION 9. Bloomington City Code Chapter 29, Section 147(a), under the heading 15 Minute Time Limit: At All Times – Sunday through Saturday shall be and the same is hereby amended by adding the following:

Center, on the east side, from 30' to 50' south of the south line of Market

SECTION 10. Bloomington City Code Chapter 29, Section 147(c), under the heading 8:00 a.m. to 5:00 p.m. shall be and the same is hereby amended by adding the following:

Washington, on the south side, from 40' to 60' west of the west line of East

SECTION 11. Bloomington City Code Chapter 29, Section 149, shall be and the same is hereby amended by adding the following:

Harvest Pointe on both sides from Empire to Dee Farm
Kickapoo Creek on both sides from Ireland Grove to north corporate limits
Prairie Crossing on both sides from 2100E to west corporate limits
Radliff on the east side from Robinhood to Sherwood

SECTION 12. Bloomington City Code Chapter 29, Section 149, shall be and the same is hereby amended by deleting the following:

Taylor on the south side from Mom's to a point 50' east

SECTION 13. Bloomington City Code Chapter 29, Section 151, under the heading At All Times shall be and the same is hereby amended by adding the following:

Breezewood on both sides from Woodrig to 150' north of Springdale

SECTION 14. Bloomington City Code Chapter 29, Section 152, under the heading 7:00 a.m. to 9:00 a.m. and 3:00 p.m. to 6:00 p.m. shall be and the same is hereby amended by deleting the following:

Olive on the north side from Reeves to Magoun

SECTION 15. Bloomington City Code Chapter 29, Section 153(a), shall be and the same is hereby amended by adding the following:

Jackson on the south side in front of 808 W. Jackson
Market on the south side from 20' to 60' east of the east line of Center

SECTION 16. Bloomington City Code Chapter 29, Section 153(a), shall be and the same is hereby amended by deleting the following:

Center on the east side from 30' to 50' north of the north line of Market
Main on the west side from 20' to 42' north of Union

SECTION 17. Bloomington City Code Chapter 29, Section 154(b), under the heading 8:00 a.m. to 6:00 p.m. shall be and the same is hereby amended by deleting the following:

Miller on the south side from 20' to 115' east of the east line of Main

SECTION 18. Bloomington City Code Chapter 29, Section 156.5, shall be and the same is hereby amended by adding and correcting the following:

Airport Road, G.E. Road to ~~north corporate limits~~ College – 45 m.p.h.
Airport, College to north corporate limits – 40 m.p.h.
Harvest Pointe, Empire to north corporate limits – 35 m.p.h.
Kickapoo Creek, Ireland Grove to north corporate limits – 40 m.p.h.
Prairie Crossing, east corporate limits to west corporate limits – 35 m.p.h.
Six Points, Morris to ~~west corporate limits~~ Oakland – 40 m.p.h.

SECTION 19. Bloomington City Code Chapter 29, Section 156.5, shall be and the same is hereby amended by deleting the following:

Graf, Veterans to 1000' west to Hershey – 35 m.p.h.

SECTION 20. Bloomington City Code Chapter 29, Section 260(a)(4), shall be and the same is hereby amended by adding the following:

(4) Moves on local streets are limited to ~~2 City blocks or 1000' whichever is greater~~ 2500' from the nearest street indicated in blue or from the nearest State route.

SECTION 21. Bloomington City Code Chapter 29, shall be and the same is hereby amended by removing the existing Exhibit B and replacing it with Exhibit B attached hereto.

SECTION 22. Except as provided herein, the Bloomington City Code, 1960, as amended, shall remain in full force and effect.

SECTION 23. The City Clerk shall be, and she is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 24. This Ordinance is enacted pursuant to the authority granted to the City as a home rule unit by Article VII, Section 6 of the 1970 Illinois Constitution.

SECTION 25. This Ordinance shall take effect ten (10) days after passage and approval.

PASSED this 29th day of May, 2007.

APPROVED this 30th day of May, 2007.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

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

The former J.C. Shell Service Station was located at 2308 E. Oakland Avenue, on the northeast corner of Oakland Avenue and Guido Circle. A Corrective Action Plan has been developed by the CBT Trust/Feeney Oil Company for the site which shows soil and groundwater contamination extending past the property boundary into Oakland Avenue and Regency Drive right-of-ways and into adjoining properties.

Tests showed contamination from some substances above acceptable levels in the groundwater around the site. There is no further action that can be taken to clean up the groundwater. It is at a depth that poses no risk of exposure through excavation. However, there is still the possibility of coming into contact with the water through wells. The IEPA requires that the City pass ordinance prohibiting the use of groundwater as a potable water supply within the effected area as a requirement for issuance of a "No Further Remediation" letter to protect the public from that possibility.

May 29, 2007

145

Council has approved similar Groundwater Ordinances for other contaminated locations in the past, and staff respectfully recommends approval.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

ORDINANCE NO. 2007 - 46**AN ORDINANCE PROHIBITING THE USE OF GROUNDWATER
AS A POTABLE WATER SUPPLY BY THE INSTALLATION OR USE OF POTABLE
WATER SUPPLY WELLS OR BY ANY OTHER METHOD**

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

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

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

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

SECTION 1:

Use of groundwater as a potable water supply prohibited. The use or attempted use of groundwater as a potable water supply by the installation or drilling of wells or by any other method, including at points of withdrawal by the City of Bloomington, is hereby prohibited within Lot 1 of the East Gate Subdivision, Lots 1 and 2 of Wilcox and McMullen Subdivision, Lot 9 of the Four Seasons Road Subdivision, and Lot 2 of the State Farm North Subdivision all in the City of Bloomington, Illinois. This prohibition applies to the following Assessor Parcel Identification Numbers and common addresses:

21-02-359-0212308 E. Oakland Ave.

21-02-359-0222310 E. Oakland Ave.

21-02-376-0032402 E. Oakland Ave.

21-02-376-0062404 E. Oakland Ave.

21-02-376-0102403 E. Jackson St.

SECTION 2: Penalties.

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

SECTION 3: Definitions.

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

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

SECTION 4: Repealer.

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

SECTION 5: Severability.

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

SECTION 6: Effective date.

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

PASSED this 29th day of May, 2007.

APPROVED this 30th day of May, 2007.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

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

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

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

Nays: None.

Motion carried.

The following was presented:

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

The former J.C. Shell Service Station was located at 2308 E. Oakland Avenue, on the northeast corner of Oakland Avenue and Guido Circle. A Corrective Action Plan has been developed by the CBT Trust/Feeney Oil Company for the site which shows soil contamination extending past the property boundary into Oakland Avenue and Regency Drive right-of-ways and into adjoining properties. Based on a study performed by Concord Engineering & Science, Inc., the contamination in the right-of-way is deep enough to not impact maintenance of the street or utilities. In the past, the City has executed a Leave-in-place or Highway Authority Agreement for similar situations. As all items are in order, staff respectfully recommends that Council accept the agreement.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

MODEL AGREEMENT

TIERED APPROACH TO CORRECTIVE-ACTION OBJECTIVES AGREEMENT

This Agreement is entered into this 29th day of May, 2007 pursuant to 35 Ill Admin. Code Section 742.1020 by and between CTB Trust/Feeney Oil Company (“Owner”) and CTB Trust/Feeney Oil Company (“Operator”) referred to herein as “Owner/Operator,- and the City of Bloomington (“City”), as follows:

1. This Agreement is not binding upon City until it is executed by the undersigned representative of City and prior to execution; this Agreement constitutes an offer by

Owner/Operator. The duly authorized representatives of Owner/Operator have signed this Agreement and this Agreement is binding upon them, their successors and assigns.

2.a. Owner/Operator is pursuing a corrective action of a Site and of the right-of-way adjacent to the boundary of the Site located at 2308 E. Oakland Avenue, Bloomington, IL (the "Site").

2.b. Attached as Exhibit A are site maps prepared by Owner/Operator which show the area of estimated contaminant impacted soil and/or groundwater at the time of this Agreement in the right-of-way above Tier 1 residential levels under 35 Ill. Admin. Code Part 742. Also shown in Exhibit A are tables prepared by Owner/Operator showing the concentration of contaminants of concern, hereafter "Contaminants", in soil and/or groundwater within the Site and which shows the applicable Tier 1 soil remediation objectives for residential property and Tier 1 objectives for groundwater of the Illinois Pollution Control Board ("IPCB") which are exceeded along the boundary of the Site adjacent to the Right-of-Way. The right-of-way, and only the right-of-way, as described in Exhibit B, hereinafter the "Right-of-Way", adjacent to the Site is subject to this Agreement. As the drawings in the Exhibits are not surveyed plats, the boundary of the Right-of-Way in the Exhibits may be an approximation of the actual right-of-way lines. The Right-of-Way has been sampled for Contaminants; and, the parties believe that the assessment of the area of the Right-of-Way is adequate to encompass soil and/or groundwater within the Right-of-Way possibly impacted with Contaminants from a release at the Site.

2.c. The Illinois Emergency Management Agency (IEMA) has assigned incident number H2000-0545 to this release at the Site. The Illinois Environmental Protection Agency has assigned LPC number 1130205275 to the release at the Site as part of the Leaking Underground Storage Tank Program.

2.d. Owner/Operator intends to request risk-based, site specific soil and/or groundwater remediation objectives from the Illinois Environmental Protection Agency (IEPA) under 35 Ill. Admin. Code Part 742.

2.e. Under these rules, use of risk-based, site specific remediation objectives in the Right-of-Way may require the use of a Highway Authority Agreement as defined in 35 Ill. Admin. Code Section 742.1020.

3. City holds a fee simple interest or a dedication for highway purposes in the Right-of-Way, or the Right-of-Way is a platted street, and has jurisdiction of the Right-of-Way. For purposes of this Agreement, "jurisdiction" means that City exercises access control over the use of groundwater beneath the Right-of-Way and over access to the soil beneath the Right-of-Way because it requires a permit for that access.

4.a. Under 35 Ill. Admin. Code Section 742.1020, this Agreement is intended to be an acceptable "Highway Authority Agreement to IEPA, as City is willing to agree that it will not allow the use of groundwater under the highway Right-of-Way as a potable or other domestic supply of water and that it will limit access as described herein to soil under the highway Right-of-Way that is contaminated from the release at levels above residential Tier 1 remediation objectives.

4.b. The IEPA and Illinois Attorney General (“AG”) must review and approve this Agreement, and this Agreement shall be referenced in the IEPA’s “No Further Remediation” determination in the chain of title for the Site in the county where the Site is located.

4.c. This Agreement shall be null and void as a Highway Authority Agreement should the IEPA or AG not approve it or should it not be referenced in the “No Further Remediation” determination, provided, however, that this Agreement shall be effective between the Owner/Operator and City immediately upon signature by their representatives.

5. The City of Bloomington promises IEPA and the Owner/Operator that it will prohibit the use of groundwater that is contaminated from the release at the Site at levels above Tier 1 remediation objectives beneath its Right-of-Way as a potable or other domestic supply of water and will limit access to soil as described herein under the Right-of-Way that is contaminated from the release at the Site at levels above Tier 1 remediation objectives. As the pavement in the Right-of-Way may be considered an engineered barrier, the Owner/Operator agrees to reimburse City for maintenance activities requested by Owner/Operator in writing in order to maintain it as a barrier. The City does not otherwise agree to perform maintenance of the Right-of-Way, nor does it agree that the highway Right-of-Way will always remain a highway or that it will maintain the Right-of-Way as an engineered barrier.

6. The Owner/Operator agrees to indemnify and hold harmless the City and other highway authorities, if any, maintaining the highway Right-of-Way by an agreement with City, and City’s agents, contractors or employees for all obligations asserted against or costs incurred by them, including attorney’s fees and court costs, associated with the release of Contaminants from the Site, regardless whether said obligations or costs were caused by the negligence, but not the gross negligence, of them.

7. As an additional consideration, Owner/Operator agrees to reimburse the City for the reasonable costs it has incurred in protecting human health and the environment, including, but not limiting to, identifying, investigating, handling, storing and disposing of contaminated soil and groundwater in the Right-of-Way as a result of the release of contaminants at this Site. The City has documented those costs for Owner. Those costs amount to \$0.00. If costs have been incurred, a cashier’s check made payable to “Treasurer, State of Illinois” shall be tendered to the City at the time Owner/Operator furnishes a signed Agreement to the City for its signature. That check will be deposited when this Agreement is signed by all necessary parties.

8. This Agreement shall be binding upon all successors in Interest to the Owner/Operator or highway Right-of-Way. A successor In interest of City would include a highway authority to which City would transfer jurisdiction of the highway.

9. Violation of the terms of this Agreement by Owner/Operator, or their successors in interest, may be grounds for avoidance of this Agreement as a Highway Authority Agreement. Violation of the terms of this Agreement by the City will not void this Agreement, unless the IEPA has determined that the violation is grounds for voiding this Agreement as a Highway Authority Agreement and City has not cured the violation with such time as IEPA has granted to cure the violation.

10. This Agreement shall continue in effect from the date of this Agreement until the Right-of-Way is demonstrated to be suitable for unrestricted use and there is no longer a need for this Agreement as a Highway Authority Agreement, and the IEPA has, upon written request to the IEPA by the Owner/Operator and notice to the City, amended the notice in the chain of title of the Site to reflect unencumbered future use of that highway Right-of-Way.

11. This Agreement is in settlement of claims the City may have arising from the release of Contaminants into the Right-of-Way associated with incident number H2000-0545.

12. This Agreement does not limit City's ability to construct, reconstruct, improve, repair, maintain and operate a highway upon its property or to allow others to use the highway Right-of-Way by permit. To that extent City reserves the right and the right of those using its property under permit to remove contaminated soil or groundwater above Tier 1 residential remediation objectives from its Right-of-Way and to dispose of them as they deem appropriate not inconsistent with applicable environmental regulations so as to avoid causing a further release of the Contaminants and to protect human health and the environment.

Prior to taking any such action, City will first give Owner/Operator written notice, unless there is an immediate threat to the health or safety to any individual or to the public, that it intends to perform a site investigation in the Right-of-Way and remove or dispose of contaminated soil or groundwater to the extent necessary for its work. Failure to give notice is not a violation of this Agreement. The removal or disposal shall be based upon the site investigation (which may be modified by field conditions during excavation), which Owner/Operator may review or may perform, if requested to do so by City. If practicable, as determined by City, City may request Owner/Operator to remove and dispose of the contaminated soil and/or groundwater necessary for City's work in advance of that work.

The Owner/Operator shall reimburse the reasonable costs incurred by City to perform the site investigation and to dispose of any contaminated soil or groundwater, provided, however, that if notice to Owner/Operator has not been given and there was no immediate threat to health or safety, reimbursement for those costs shall be limited to \$10,000.00. There is a rebuttable presumption that the Contaminants found in the highway Right-of-Way arose from the release of Contaminants from the Site. Should Owner/Operator not reimburse the reasonable costs under the conditions set forth herein, this Agreement shall be null and void, at City's option, upon written notice to Owner/Operator by City that those costs have not been reimbursed. Owner/Operator may cure that problem within twenty working days by making payment, or may seek to enjoin that result.

13. Written notice required by this Agreement shall be mailed to the following:

If to Owner/Operator.

Barb Erps

CTB Trust/Feeney Oil Company

116 Gladys Dr.

Normal, IL 61761

If to City:

City of Bloomington

Legal Department

109 E. Olive St.

Bloomington, IL 61701

14. The City's sole responsibility under this Agreement with respect to others using the highway Right-of-Way under permit from City is to include the following, or similar language, in the future standard permit provisions and to make an effort to notify its current permit holders of the following:

As a condition of this permit, the permittee shall request the City Permit Office to identify sites in the Right-of-Way where access to contaminated soil or groundwater is governed by Tiered Approach to Corrective-Action Objectives ("TACO") Agreements. The permittee shall take measures before, during and after any access to these sites to protect worker safety and human health and the environment. Excavated, contaminated soil should be managed off-site in accordance with all environmental laws and regulations.

Owner/Operator hereby releases City from liability for breach of this Agreement by others under permit and indemnifies City against claims that may arise from others under permit causing a breach of this Agreement. Owner/Operator agrees that its personnel, if any, at the Site who are aware of this Agreement will notify anyone they know is excavating in the Right-of-Way about this Agreement.

15. Should City breach this Agreement, Owner/Operator's sole remedy is for an action for damages in the Illinois Court of Claims. Any and all claims for damages against City, its agents, contractors, employees or Its successors In interest arising at any tie for a breach of paragraph 5 of this Agreement are limited to an aggregate maximum of \$20,000.00. No other breach by City, its agents, contractors, employees and its successors in interest of a provision of this Agreement is actionable in either law or equity by Owner/Operator against City or them and Owner/Operator hereby releases City, its agents, contractors, employees and its successors in interest for any cause of action it my have against them, other than as allowed in this paragraph arising under this Agreement or environmental laws, regulations or common law governing the contaminated soil or groundwater in the highway Right-of-Way. Should City convey, vacate or transfer jurisdiction of that highway Right-of-Way, Owner/Operator may pursue an action under this Agreement against the successors in interest, other than a State agency, in a court of law.

16. This Agreement is entered Into by City in recognition of laws passed by the General Assembly and regulations adopted by the Pollution Control Board which encourage a tiered-approach to remediating environmental contamination. This Agreement is entered into by City in the sprit of those laws and under its right and obligations as a highway authority. Should any provisions of this Agreement be struck down as beyond the authority of City, however, this Agreement shall be null and void.

IN WITNESS WHEREOF, Owner/Operator, CTB Trust/Feeney Oil Company, has caused this Agreement to be signed by its duly authorized representative.

BY: Barbara Erps
Vice President

DATE: June 8, 2007

IN WITNESS WHEREOF, the City of Bloomington has caused this Agreement to be signed by its Secretary.

City of Bloomington

BY: Tracey Covert
City Clerk

DATE: May 30, 2007

This Agreement is approved on behalf of the Office of the Illinois Attorney General.

BY: Not Legally Required
Assistant Attorney General

DATE:

(EXHIBIT A ESTIMATED SOIL IMPACT MAP, ESTIMATED GROUNDWATER IMPACT MAP; EXHIBIT B SOIL ANALYTICAL RESULTS EXCEEDING TIER 1 SOIL REMEDIATION OBJECTIVES, REMIANING GROUNDWATER CLASS I REMEDIATION OBJECTIVE EXCEEDENCES, HIGHWAY AUTHORITY AGREEMENT PLAN ON FILE IN CLERK'S OFFICE)

Motion by Alderman Gibson, seconded by Alderman Huette that the Highway Authority 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, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition submitted by Lyon Parks, Inc., d/b/a ABC Storage, requesting approval of a Special Use Permit to allow mini-warehouses at 2442 South Main Street in a B-1, Highway Business District (Case SP-05-07) (Ward # 1)

BACKGROUND INFORMATION:

Adjacent Zoning

north: B-1, Highway Business District

south: B-1, Highway Business District

east: B-1, Highway Business District

west: B-1, Highway Business District

Adjacent Land Uses

north: lumber & building supplies store

south: carpet store & convenience store

east: mini-warehouses

west: business services

The site in question is in the northwestern portion of a 4.73 acre tract that is also the site of a convenience store and a carpet store (located to the south) and two (2) 40' x 200' mini-warehouse buildings (located to the east.) These two (2) mini-warehouse buildings were included in Case SP-08-04, a Special Use Permit approved by Council on September 13, 2004, which allows up to four (4) 40' x 200' mini-warehouse buildings to the east of this carpet store, and west of the Brigham Heights Subdivision. Each of these mini-warehouses contains 46 storage bays for a total of 184 storage bays.

The petitioner is now proposing to construct an additional 15' x 131' mini-warehouse building, containing thirteen (13) 10' x 15' storage bays, to the north of this carpet store, and west of the other mini-warehouse buildings. The site plan also shows a 40' x 55' storage bay building and a 30' x 40' office building located to the west of this proposed mini-warehouse building. An eleven (11) space parking lot with access to South Main St. will be constructed to the west of this office building.

BOARD OF ZONING APPEALS PUBLIC HEARING:

The Zoning Board of Appeals conducted a public hearing on this petition on May 16, 2007. Testimony in favor of this petition was presented by Ms. Sharon Samuelson, P.E., Land Engineers, LLC, Consulting Engineers, 2404 Greyhound Rd. Ms. Samuelson testified that she represented the petitioner. She provided a summary of the existing structures that are located on this 4.73 acre site, including a gas station, a carpet store, and two (2) mini-warehouse buildings.

She noted that two (2) more mini-warehouse buildings are already approved to be built east of the existing ones. In addition to these buildings, the petitioner desires to add a thirteen (13) bay building for mini-warehouse storage, a large storage bay (2,200 square feet) and a manager's office in the northwest portion of this site. Ms. Samuelson noted that eleven (11) additional parking spaces are to be provided west of the manager's office, including one (1) handicap space.

Mr. Mark R. Huber, Director of Planning and Code Enforcement, reported that the previous Special Use Permit had authorized approval of the four (4) mini-warehouse buildings on the site. The subject additional buildings were not included in the original plan, therefore requiring a Special Use Permit to cover the requested expansion. Mr. Huber noted that the site is surrounded by business uses and this request complies with City Code.

No testimony was presented at this public hearing in opposition to this petition.

BOARD OF ZONING APPEALS RECOMMENDATION:

After having given due consideration to this petition and the testimony provided, the Zoning of Board Appeals passed a motion by a vote of 5 to 0 recommending Council approval of this Special Use Permit in Case SP-05-07.

STAFF RECOMMENDATION:

Staff concurs with the Zoning of Board Appeals and recommends Council approval.

Respectfully,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

**PETITION FOR A SPECIAL USE PERMIT FOR PROPERTY
LOCATED AT: 2442 S. MAIN ST., BLOOMINGTON, IL**

State of Illinois)
)ss.
County of McLean)

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

Now come Lyon Parks, Inc. d/b/a ABC Storage hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioners are the owners of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A, which is attached hereto and made a part hereof by this reference, or is a mortgagee or vendee in possession, assignee of rents: receiver, executor (executrix); trustee, lease, or any other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That said premises presently has a zoning classification of B-1 under the provisions of Chapter 44 of the Bloomington City Code, 1960;
3. That under the provisions of Chapter 44, Section 7, 30 (K) of said City Code mini-warehouses, are allowed as a special use in a B-1 zoning district;
4. That the establishment, maintenance, or operation of said special use on said premises will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;

5. That said special use on said premises will not be injurious to the use and enjoyment of other property in the immediate vicinity of said premises for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
6. That the establishment of said special use on said premises will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the B-1 zoning district;
7. That the exterior architectural treatment and functional plan of any proposed structure on said premises will not be so at variance with either the exterior architectural treatment and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood adjacent to said premises;
8. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided to said premises for said special permitted use;
9. That adequate measures have been or will be taken to provide ingress and egress to and from said premises so designed as to minimize traffic congestion in the public streets; and
10. That said special permitted use on said premises shall, in all other respects, conform to the applicable regulations of the B-1 zoning district in which it is located except as such regulations may, in each instance, be modified by the City Council of the City of Bloomington pursuant to the recommendations of the Bloomington Board of Zoning Appeals.

WHEREFORE, your petitioners respectfully pray that said special use for said premises be approved.

Respectfully submitted,

Larry Huffman
Lyon Parks, Inc.
d/b/a ABC Storage

ORDINANCE NO. 2007 - 47

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A
MINI-WAREHOUSES FOR PROPERTY LOCATED
AT 2442 S. MAIN ST., BLOOMINGTON, IL**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting a Special Use Permit for a mini-warehouses for certain premises hereinafter described in Exhibits A; and

WHEREAS, the Bloomington Board of Zoning Appeals, after proper notice was given, conducted a public hearing on said petition; and

WHEREAS, the Bloomington Board of Zoning Appeals, after said public hearing made findings of fact that such Special Use Permit would comply with the standards and conditions for granting such special permitted use for said premises as required by Chapter 44, Sections 7.30(K) of the Bloomington, City Code, 1960; and

WHEREAS the City Council of the City of Bloomington has the power to pass this Ordinance and grant this special use permit.

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

1. That the Special Use Permit for mini-warehouses on the premises hereinafter described in Exhibits A shall be and the same is hereby approved.
2. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 29th day of May, 2007.

APPROVED this 30th day of May, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

The south half of Lot 13 (of the School Commissioner's Subdivision) of the southeast quarter of section 16, township 23 north, range 2 east of the third principal meridian, McLean County, Illinois.

Motion by Alderman Gibson, seconded by Alderman Huette that the Special Use be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

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

A petition has been received from Nova Enterprises, requesting Council approval of a Final Plat for Towanda-Barnes Business Park Nineteenth Addition. This subdivision is located west of Towanda-Barnes Road, south of Oakland Avenue and north of Ireland Grove Road. The Final Plat is in conformance with the Preliminary Plan approved on June 10, 1996. As the public improvements are complete, no performance guarantee or tap on fees are required for this Addition.

Staff respectfully recommends that Council approve the Petition and adopt an Ordinance approving the Final Plat for the Towanda-Barnes Business Park Nineteenth Addition.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

PETITION FOR APPROVAL OF FINAL PLAT

State of Illinois)
)ss.
County of McLean)

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

Now comes NOVA Enterprises, an Illinois Partnership, hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioners is the owner of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A which is attached hereto and made a part hereof by this reference, of are a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That your petitioner seeks approval of the Final Plat for the subdivision of said premises to be known and described as Nineteenth Addition to Towanda-Barnes Business Park, Bloomington, Illinois, which Final Plat is attached hereto and made apart hereof;
3. That your petitioner also seeks approval of the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code, 1960:

WHEREFORE, your petitioners respectfully prays that said Final Plat for the ~~Twelfth~~ Nineteenth Addition subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

NOVA Enterprises, an
Illinois Partnership

By: John Albee

Gene Shrader

Glenn E. Benckendorf
Managing Partners

ORDINANCE NO. 2007 - 48**AN ORDINANCE APPROVING THE FINAL PLAT OF THE NINETEENTH ADDITION TO TOWANDA-BARNES BUSINESS PARK SUBDIVISION**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for approval of the Final Plat of the Nineteenth Addition to Towanda-Barnes Business Park Subdivision, legally described in Exhibit A attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition requests the following exemptions or variations from the provisions of the Bloomington City Code-1960, as amended:

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 Nineteenth Addition to Towanda-Barnes Business Park Subdivision and any and all requested exemptions and/or variations be, and the same is hereby approved.
2. That this Ordinance shall be in full force and effective as of the time of its passage this 29th day of May, 2007.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

A part of the Northeast Quarter of Section 7, Township 23 North, Range 3 East of the Third Principal Meridian, in the City of Bloomington, McLean County, Illinois, described as follows: Beginning of the Southwest Corner of Lot 32 in the Sixteenth Addition to Towanda Barnes Business Park in the City of Bloomington, Illinois, according to the Plat recorded as Document No. 2005-19138 in the McLean County Recorder's Office. From said Point of Beginning, thence west 879.80 feet along the South Line of Tract 2 according to the Deed recorded as Document No. 92-33913 in said Recorder's Office to the Southwest Corner of said Tract 2; thence north 692.60 feet along the West Line of said Tract 2 and the West Line of Tract 1 according to said Deed which lines form an angle to the left of 90°-17'-45" with the last described course to the Southwest Corner of Lot 37 in the Eighteenth Addition to said Business Park according to the Plat recorded as Document No. 2006-21418 in said Recorder's Office; thence east 476.81 feet along the South Line of sold Lot 37 which forms an angle to the left of 90°-00'-00" with the last described course to the Southeast Corner thereof, said Southeast Corner being on the West Right-of-Way Line of Olympia Drive as dedicated in the Seventeenth Addition to said Business Park according to the Plat recorded as Document No 2006-5815 in said Recorder's Office; thence south 328.00 feet along said West Right-of-Way Line which forms an angle to the left of 90°-00'-00" with the last described course to a Point of Curvature; thence southeasterly 133.52 feet along said West Right-of-Way Line and the South Right-of-Way Line of Wicker Road as dedicated in said Seventeenth Addition, said Right-of-Way Lines being the arc of a curve concave to the northeast with a radius of 85.00 feet and the 120.21 foot chord of said arc forms an angle to the left of 225°-00'-00" with the last described course to a Point of Tangency; thence east 318.00 feet along said South Right-of-Way Line which forms an angle to the left of 225°-00'-00" with the last described chord to the Northwest Corner of said Lot 32; thence south 284.14 feet along the West Line of said Lot 32 which forms an angle to the left of 90°-00'-00" with the last described course to the Point of Beginning, containing 10.249 acres, more or less.

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition from Royal Links Subdivision, Inc. Requesting Approval of a Final Plat for The Villas at Royal Links

A petition has been received from Royal Links Subdivision, Inc. requesting Council approval of a Final Plat for The Villas at Royal Links. This subdivision is located south of Ft. Jesse Road, east of Airport Road, north of Ridge Crest Subdivision and west of Eagle Crest North Subdivision. The Final Plat is in conformance with the second revised Preliminary Plan. There are fees due for this Subdivision.

Staff respectfully recommends that Council approve the Petition and adopt an Ordinance approving the Final Plat for The Villas at Royal Links, subject to the Petitioner posting the necessary performance bond and paying the tap on fees prior to recording the plat.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

**PETITION FOR APPROVAL OF FINAL DEVELOPMENT
AND FINAL PLAT FOR A PLANNED UNIT DEVELOPMENT**

State of Illinois)
)ss.
County of McLean)

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

Now comes Royal Links Subdivision hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A which is attached hereto and made a part hereof by this reference, of are a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That your petitioner seeks approval of the Final Development Plan and Final Plat for a planned unit development on said premises to be known and described as The Villas at Royal Links which Final Development and Final Plat are attached hereto and made a part hereof;
3. That your petitioner also seeks approval of the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code, 1960: all those listed on the approved Preliminary Plan, and any Annexation Agreement approved and of record;

4. That said Final Development Plan substantially conforms to the Preliminary Development Plan of said Planned Unit Development heretofore approved by the City Council; and
5. That you petitioner hereby dedicates to the public, all public right-of-way and easements shown on said Final Plat.

WHEREFORE, your petitioner respectfully prays that said Final Plat for The Villas at Royal Links planned unit development submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

Royal Links Subdivision, Inc.

By: Frank Miles
One of its attorneys

ORDINANCE NO. 2007 - 49**AN ORDINANCE APPROVING THE FINAL PLAT OF THE
VILLIAS AT ROYAL LINKS PLANNED UNIT DEVELOPMENT**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for approval of the Final Development Plan and Final Plat of The Villas at Royal Links Planned Unit Development, 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 approved Annexation Agreement(s) of record; 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 Development Plan and 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 Development Plan and Final Plat of The Villas at Royal Links Planned Unit Development 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 29th day of May, 2007.

APPROVED this 30th day of May, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

A part of Lots 3, 4 and 5 in the Resubdivision of Lot 1 in Baer-Kilborn Subdivision in the City of Bloomington, McLean County, Illinois, according to the Plat recorded as Document No 85-6503 and corrected by Plat recorded as Document No. 87-5234 in the McLean County Recorder's Office, all of Lot 2 and a part of the South Portion of Fort Jesse Road Right-of-Way in the First Church of God Subdivision in the City of Bloomington, McLean County, Illinois, according to the Plat recorded as Document No. 86-23345 and amended by Plat recorded as Document No. 93-6486 in said Recorder's Office, and a part of the South Half of Fort Jesse Road Right-of-Way as dedicated in Baer-Kilborn Subdivision in the City of Bloomington, McLean County, Illinois, according to the Plat recorded as Document No. 84-13680 in said Recorder's Office, described as follows: Beginning at the Northwest Corner of Outlot 46 in Royal Links Subdivision in the City of Bloomington, McLean County, Illinois, according to the Plat recorded as Document No 2004-42438 in said Recorder's Office, said Corner being a point lying 160.00 feet south of the Northwest Corner of Lot 4 in said Resubdivision. From said Point of Beginning, thence north 200.00 feet along the West Line of said Lot 4 and the Northerly Extension thereof to a point on the North Line of said South Half of Fort Jesse Road Right-of-Way lying 3.00 feet west of the Southwest Corner of Lot 2 in said First Church of God Subdivision (amended); thence east 3.00 feet along said North Line which forms an angle to the left of $89^{\circ}-38'-00''$ with the last described course to said Southwest Corner; thence north 149.98 feet along the West Line of sold Lot 2 which forms an angle to the left of $270^{\circ}-22'-07''$ with the last described course to the Northerly Line of said Lot 2; thence northeast 32.09 feet along said Northerly Line which forms an angle to the left of $122^{\circ}-37'-17''$ with the last described course; thence southeast 97.12 feet along said Northerly Line which forms an angle to the left of $141^{\circ}-17'-50''$ with the last described course to a Point of Curvature; thence southeasterly 238.54 feet along said Northerly Line being the arc of a curve concave to the southwest with a radius of 894.37 feet and the 237.83 foot chord of said arc forms an angle to the left of $177^{\circ}-21'-34''$ with the last described course to a Point of Tangency; thence southeast 398.74 feet along said Northerly Line and the Southeasterly Extension thereof which lines form an angle to the left of $172^{\circ}-21'-34''$ with the last described chord to a point on the North Line of Lot 3 in said Resubdivision; thence east 441.47 feet along the North Line of said Lot 3 which forms an angle to the left of $200^{\circ}-59'-38''$ with the last described course to the Northwest Corner of Outlot 67 in the First Addition to Royal Links Subdivision in the City of Bloomington, McLean County, Illinois, according to the plat recorded as Document No. 2006-1108 in said Recorder's Office; thence south 160.00 feet along the West Line of said Outlot 67 and the West Line of Lot 53 in said First Addition, which lines form an angle to the left of $90^{\circ}-00'-00''$ with the last described course to the Northeast Corner of Lot 15 in said First Addition; thence west 1169.46 feet along the North Line of said Lot 15 and the North Line of said Royal Links Subdivision, which lines form an angle to the left of $90^{\circ}-00'-00''$ with the last described course to the Point of Beginning, containing 6.414 acres, more or less.

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition from ARK VI, LLC for Approval of a Final Plat for the Villas at Eagle View Subdivision

A Petition has been received from ARK VI, LLC requesting approval of a Final Plat for Villas at Eagle View Subdivision. The subdivision is located south of Ft. Jesse Road, north of General Electric Road, and east of Towanda Barnes Road.

Staff reviewed the Final Plat and finds it in conformance with the Revised Preliminary Plan approved by the Council on October 24, 2005 with the following exceptions:

1. There are fourteen (14) lots shown within the interior of the circle road rather than the sixteen (16) lots shown on the Preliminary Plan. Lots 114 and 127 will not be duplexes, but will be single units.
2. The front yard setbacks for the lots within the interior of the circle road (114 through 127 inclusive) are being platted at 20 feet rather than the 25 feet shown on the Preliminary Plan.

Staff believes these deviations to be minor in nature and within the allowances of the zoning code for zero lot line or cluster subdivisions. There are fees due per the Annexation Agreement.

Staff respectfully recommends that Council approve the Petition and adopt an Ordinance approving the Final Plat for the Villas at Eagle View Subdivision, subject to the Petitioner paying the tap-on fees before recording the plat.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

PETITION FOR APPROVAL OF FINAL PLAT

State of Illinois)
)ss.
County of McLean)

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

Now comes ARK VI, LLC, hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold estate of the premises hereinafter described in Exhibit A attached hereto and made a part hereof by reference;
2. That your petitioner seeks approval of the Final Plat for the subdivision known and described as Villas at Eagle View South Subdivision, Bloomington, Illinois, which Final Plat is attached hereto and made a part hereof.

WHEREFORE, your petitioner respectfully prays that said Final Plat for Villas at Eagle View South Subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

ARK VI, LLC

By: Mercer Turner
Its Agent

SUBSCRIBED AND SWORN to before me this 17th day of May, 2007

Paul E. Bender
Notary Public

ORDINANCE NO. 2007 - 50**AN ORDINANCE APPROVING THE FINAL PLAT OF
VILLAS AT EAGLE VIEW SOUTH SUBDIVISION**

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

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

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

1. That the Final Plat of the Villas at Eagle South Subdivision is hereby approved.
2. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 29th day of May, 2007.

APPROVED this 30th day of May, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

A part of Lot 4 in Barnes Subdivision of Section 29, Township 24 North, Range 3 East of the Third Principal Meridian, per Plat recorded in Plat Book 6, Page 3, McLean County, Illinois, more particularly described as follows: Beginning at the Southwest Corner of Eagle View South Subdivision in the City of Bloomington, McLean County, Illinois, according to the Plat recorded as Document No. 2006-12954 in the McLean County Recorder's Office. From said Point of Beginning, thence east 190.13 feet along the South Line of said Subdivision to the Southeast Corner of Lot 19 in said Subdivision; thence south 0.85 feet along the West Right-of-Way Line of Escalade Road in said Subdivision which forms an angle to the left of 90°-00'-00" with the

last described course to the Southwest Corner of said Road; thence east 60.00 feet along the South Line of said Escalade Road which forms an angle to the left of 270°-00'-00" with the last described course to the Southwest Corner of Lot 20 in said Subdivision; thence east 556.74 feet along the South Line of said Lot 20 and the South Lines of Lots 21 through 26, inclusive, in said Subdivision which form an angle to the left of 178°-30'-10" with the last described course to the intersection of the South Line of said Lot 26 with the Northerly Extension of the East Line of Lot 13 in the Original Town of Barnes, which Extension is also the East Line of the West 806.68 Feet of said Lot 4; thence south 614.74 feet along the East line of said West 806.68 Feet which forms an angle to the left of 91°-29'-50" with the last described course; thence west 416.58 feet along a line which forms an angle to the left of 90°-00'-00" with the last described course; thence south 73.91 feet along a line which forms on angle to the left of 270°-00'-00" with the last described course; thence west 390.10 feet along a line which forms on angle to the left of 90°-00'-00" with the last described course to a point on the West Line of said Lot 4 lying 704.05 feet south of the Point of Beginning; thence north 704.05 feet along said West Line, said West Line is also the West Line of the Southwest Quarter of said Section 29, which forms an angle to the left of 90°-00'-00" with the last described course to the Point of Beginning, containing 12.23 acres, more or less.

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition from the Tornquist Family Foundation Requesting Approval of a Final Plat for Woodbury Estates Subdivision First Addition

A petition has been received from the Tornquist Family Foundation requesting Council approval of a Final Plat for Woodbury Estates Subdivision First Addition. This subdivision is located south of Miller Street and east of Hinshaw Avenue. The Final Plat is in conformance with the Preliminary Plan approved on June 14, 2004. There are fees due for this subdivision.

Staff recommends that Council approve the Petition and adopt an ordinance approving the Final Plat for Woodbury Estates Subdivision First Addition, subject to the Petitioner posting the necessary performance bond and paying the tap on fees prior to recording the plat.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

PETITION FOR APPROVAL OF FINAL PLAT

State of Illinois)
)ss.
County of McLean)

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

Now comes Tornquist Family Foundation, Inc., hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A which is attached hereto and made a part hereof by this reference, of is a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That your petitioner seeks approval of the Final Plat for the subdivision of said premises to be known and described as Woodbury Estates Subdivision First Addition;
3. That your petitioner also seeks approval of the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code, 1960:

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

Respectfully submitted,

By: Tornquist Family
Foundation, Inc.

John Tornquist

ORDINANCE NO. 2007 - 51**AN ORDINANCE APPROVING THE FINAL PLAT OF THE
WOODBURY ESTATES SUBDIVISION FIRST ADDITION 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 Woodbury Estates Sub, First Add 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; 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 said Subdivision and any and all requested exemptions and/or variations be, and the same is hereby approved.
2. That this Ordinance shall be in full force and effective as of the time of its passage this 29th day of May, 2007.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Part of the SW $\frac{1}{4}$ and part of the NW $\frac{1}{4}$ of Section 8, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows:

Commencing at the northeast corner of the SW¼ of Section 8, said point also being the southeast corner of the NW¼ of Section 8; thence N.89°-32'-49"W. 437.05 feet on the north line of the SW¼ of Section 8 to the Point of Beginning on the west line of Parkview Subdivision according to the Plat recorded in Plat Book 6, Page 16 in the McLean County Recorder of Deeds Office; thence S.01°-02'-18"E. 328.35 feet on said west line of Parkview Subdivision to the centerline of Goose Creek thence N.66°-18'-17"W. 41.86 feet on said centerline of Goose Creek; thence N.30°-25'-48"W 78 23 feet on said centerline of Goose Creek; thence N.68°-20'-53"W. 156.49 feet on said centerline of Goose Creek; thence N.51°-23'-39"W. 56.25 feet on said centerline of Goose Creek; thence N.56°-47'-68"W. 75.97 feet on said centerline of Goose Creek; thence N.51°-58'-38"W. 59.14 feet on said centerline of Goose Creek; thence N.77°-02'-45"W. 95.82 feet on said centerline of Goose Creek; thence N.55°-30'-53"W. 72.15 feet on said centerline of Goose Creek; thence N.57°-45'-49"W. 44.94 feet on said centerline of Goose Creek; thence N.59°-44'-23"W. 74.87 feet on said centerline of Goose Creek; thence N.67°-00'-45"W. 41.35 feet on said centerline of Goose Creek; thence N.58°-29'-26"W. 71.14 feet on said centerline of Goose Creek; thence N.69°-05'-09"W. 34.82 feet on said centerline of Goose Creek to a point on the easterly right of way line of the Union Pacific Railroad (formerly the Chicago and Alton Railroad) lying 82.41 feet easterly of the southbound main track centerline of said Union Pacific Railroad; thence N.21°-04'-21"E. 349.20 feet on said right of way line to a point lying 60.00 feet easterly of said southbound main track centerline of the Union Pacific Railroad; thence N.24°-48'-09"E. 193.52 feet on said right of way line, parallel with and 60.00 feet easterly of the southbound main track centerline of the Union Pacific Railroad, to the southwest corner of Lot 10 in Woodbury Estates Subdivision according to the Plat thereof recorded as Document No. 2006-13832; thence S.65°-14'-51"E. 113.80 feet on the south line of said Woodbury Estates Subdivision; thence S.24°-45'-09"W. 21.74 feet on the south line of said Woodbury Estates Subdivision; thence S.65°-14'-51"E. 150.28 feet on the south line of said Woodbury Estates Subdivision; thence N.25°-36'-26"E. 62.44 feet on the south line of said Woodbury Estates Subdivision; thence S.80°-36'-23"E. 107.91 feet on the south line of said Woodbury Estates Subdivision; thence S.01°-16'-32"E. 4.43 feet on the south line of said Woodbury Estates Subdivision; thence southerly 52.59 feet on a tangential curve concave to the west having a central angle of 10°-57'-26", a radius of 275.00 feet and a chord of 52.51 feet bearing S.04°-12'-11"W. from the last described course on the south line of said Woodbury Estates Subdivision; thence S.80°-19'-06"E. 50.00 feet on the south line of said Woodbury Estates Subdivision; thence N.88°-43'-28"E. 105.93 feet on the south line of said Woodbury Estates Subdivision to the west line of said Parkview Subdivision; thence S.01°-16'-32"E. 463.68 feet on the west line of said Parkview Subdivision to the corner of said Parkview Subdivision on the south line of the NW¼ of Section 8; thence S.89°-32'-49"E. 25.85 feet on said south line of the NW¼ of Section 8 to the Point of Beginning containing 9.57 acres, more or less, with assumed bearings given for description purposes only.

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

Nays: None.

Motion carried.

The following was presented:

Mark Huber, Director of PACE presented the One Bid for Housing Rehab Work at 818 W. Oakland – Kathy Simmons. The lone bid was submitted by Brady Lumber, Pekin, in the amount of \$9,455. He added that \$10,000 had been budgeted. All was in order and he recommended that the bid be awarded to Brady Lumber.

Motion by Alderman Finnegan, seconded by Alderman Purcell that they bid be award to Brady Lumber and Construction, Pekin, IL, in the amount of \$9,455, and an order to proceed be issued.

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

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

Nays: None.

Motion carried.

MAYOR'S DISCUSSION: Mayor Stockton informed the Council that Tom Hamilton, City Manager, had recommended expenditure delays in response to the US Cellular Coliseum's, (USCC), projected deficit. The Council has options to consider. He cited fees enhancements and or tax increases.

He had received a good report regarding the Jehovah Witness' Convention. The City had been a good host and had received a standing ovation. He credited Barb Adkins, Deputy City Manager, who oversaw operations. In addition, he cited the efforts of City staff and the Convention and Visitors Bureau staff. Ms. Adkins informed the Council that they would receive a written summary. The first convention was addressed at four (4) states: Illinois, Iowa, Kentucky and Tennessee. City staff had performed well. She reminded them that there would be three (3) more conventions this summer. One (1) would be focused on the church's Hispanic members. This one was anticipated to be the largest. The next three (3) conventions would be focused on eight to ten, (8 – 10) states. This type of event takes a lot of planning. More work had been done in house. Mayor Stockton noted that this type of event was an asset to the USCC and the Downtown. Ms. Adkins added that 1,100 vehicles had been parked at the Central Illinois Regional Airport. Some congregations had their own buses. There were not any shuttle buses used on Saturday and Sunday. Ample parking was available in the Downtown on those two (2) days. There were not any major complaints. She had contacted John Zeunik, McLean County Administrator, and Peggy Flynn, Downtown Business Association's Executive Director. There were no complaints received by these two (2) entities. She estimated

attendance at 5,700 – 6,000 each day. On Friday, there were 595 vehicles park in the Pepsi Ice Center Deck and the Lincoln Deck. The next convention would start on June 29, 2007. It would be followed by one scheduled for July 7, 2007. She noted that there was a scheduling conflict during that weekend with the Extreme Indoor Football Team. Mike Nelson, Central Illinois Arena Management, had met with the Jehovah Witnesses on Friday. The USCC would have to change the set up within two (2) hours. It was believed that there were no outstanding issues.

CITY MANAGER'S DISCUSSION: Barb Adkins, Deputy City Manager, reminded the Council that City staff prepared a weekly update report. Capital project updates would be provided monthly.

ALDERMEN'S DISCUSSION: Alderman Finnegan noted the financial challenges facing the City. The Council would have to make some tough financial decisions.

He also noted the information regarding the eagles at Miller Park Zoo. The City needed to have success stories. Balance was good.

Alderman Purcell reminded those present that the Memorial Day Parade had been held on Monday, May 28, 2007. This parade honored all veterans.

He anticipated the receipt of the USCC monthly report. He noted that it should be available the next day. He questioned the loss amount that the City would need to cover. Events and ticket sales were the key. He encouraged those present to purchase tickets and attend an event there. The USCC needed the citizens' support.

Alderman Stearns noted that the remodeled Holiday Park Pool opened on May 26, 2007. The remodeled facility was beautiful. The City can be proud of this project. She expressed her appreciation to the Parks and Recreation staff.

Alderman Huette requested clarification regarding the May 21, 2007 Work Session. He questioned if there was a probationary year for Central Illinois Arena Management, (CIAM). He was surprised to learn that the agreement was for ten (10) years. He questioned if there was a contractual reason.

Todd Greenburg, Corporation Counsel, addressed the Council. He informed them that there was a written contract. The term "probationary period" was not contained in the document. He addressed breach of performance. If the Council believed that management team was in default, CIAM would have sixty (60) days to address the Council's concerns. After that time, the contract could be terminated. Termination would be subject to arbitration. He noted that it would be difficult to obtain a contract without such language.

Alderman Huette questioned if there were clear guidelines for performance management. Someone needed to provide monthly tracking.

Mayor Stockton noted that the Council had had discussions. It had been implied that Council members would work on this issue. He requested volunteers. He addressed the term "probation". He requested excerpts from the contract. He noted his interest in the preparation of the actual documents.

Mr. Greenburg noted that the contract had been negotiated early in 2004. CIAM exercised its first right of refusal. Mayor Stockton stated his expectation for performance at the USCC. The key was for the City to have a way to track performance. Alderman Huette cited the number of scheduled events as an example.

Mr. Greenburg stated that the Council would be provided with a copy of the contract. The City held the bargaining power. The Council has the power to approve the budget or not. The Council may during the budget review process suggest changes. This year has demonstrated the need for a meaningful process. He added that the Council may request budget amendments. He noted that the USCC must be funded at a meaningful level.

Alderman Purcell questioned if the City could be found in default. Mr. Greenburg stated that mediation would be mandatory. After that, the City could sue for breach of contract. The Court would determine the measure of damages. Such a lawsuit would involve intense issues of fact.

Mayor Stockton expressed his belief that the City would prefer to avoid further litigation. Mr. Greenburg cited the earlier lawsuit. Lawsuits were a huge distraction. The City needed to put the past behind it now and move forward. The contract does not list liquidated damages. Mayor Stockton recommended that the City find the best uses for the USCC.

Alderman Huette commended Alderman Finnegan for his encouragement for an evaluation of all expenses/expenditures.

Alderman Gibson cited recent Letters to the Editor. He noted the cooperation between the City and the Town of Normal. He noted the concern that taxes would be raised to support the USCC.

He addressed feedback received from the residents of the South Hill Neighborhood. The majority was pleased with the recent vote on the proposed Walgreens to be located at the intersection of Wood St. and US 51.

Motion by Alderman Finnegan, seconded by Alderman Hanson, that the meeting be adjourned. Time: 8:25 p.m.

Motion carried.

Tracey Covert
City Clerk