

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

The Council convened in regular Session in the Council Chambers, City Hall Building, at 7:30 p.m., Monday, April 9, 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: Kevin Huette, Allen Gibson, John Hanson, Jim Finnegan, Steven Purcell, Karen Schmidt, Michael Matejka, Joseph "Skip" Crawford and Mayor Stephen F. Stockton.

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

The following was presented:

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

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

1. Proclaiming April, 2007 as Organ/Tissue Donor Awareness Month.
2. Proclaiming April, 2007 as Autism Awareness Month.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

Mayor Stockton read and presented David Hern with the Proclamation April, 2007 as Organ/Tissue Donor Awareness Month.

David Hearn, Director, Illinois Eye Bank, read a prepared statement regarding the Watson Gailey 2006 Award. The award recipient is someone who has assisted in promoting eye donor programs to restore sight. He described, Alderman Michael Matejka, the recipient, as someone who represented the City. He served on several committees, such as the Life Goes On Committee. Jan Starkey (an eye donation recipient) presented the award to Alderman Matejka.

Mayor Stockton thanked David Hearn and congratulated Alderman Matejka.

Mayor Stockton read and presented Marty Murphy the Proclamation April, 2007 as Autism Awareness Month.

Marty Murphy, Autism Society Board Member, read a prepared statement thanking the City for the recognition and in appreciation of the continued support. Mayor Stockton wished Ms. Murphy the best. Easter Seals was planning an Autism Center.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Bills and Payroll

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

Respectfully,

Brian J. Barnes
Director of Finance

Tom Hamilton
City Manager

(ON FILE IN CLERK'S OFFICE)

Motion by Alderman Finnegan, seconded by Alderman Schmidt 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 Matejka, Huette, Schmidt, Finnegan, Gibson, Hanson, Crawford and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Payments from Various Municipal Departments

1. The seventh partial payment to Youth Impact in the amount of \$15,000 on a contract amount of \$90,000 of which \$75,000 will have been paid to date for work certified as 83% complete for the Youth Impact. Completion date – April 2007.
2. The sixth partial payment to Farr Associates in the amount of \$4,459.29 on a contract amount of \$49,000 of which \$37,322.50 will have been paid to date for work certified as 78% complete for the Bloomington Gridley Allen Pricketts Form Based Zoning. Completion date – April 2007
3. The second partial payment to Shive Hattery, Inc. in the amount of \$7,623.80 on a contract amount of \$29,000 of which \$22,590.30 will have been paid to date for work certified as 78% complete for the HVAC Study at City Hall. Completion date – May 2007.
4. The third partial payment to McLean County Regional Planning in the amount of \$10,066.33 on a contract amount of \$68,500 of which \$29,460.33 will have been paid to date for work certified as 43% complete for the Main Street Corridor. Completion date – April 2008.
5. The twelfth and final payment to Supreme Radio Communications, Inc. in the amount of \$1,075 on a contract amount of \$12,900 of which \$12,900 will have been paid to date for work certified as 100% complete for the Service Maintenance Agreement. Completion date – April 2007.
6. The ninth partial payment to APACE Architects & Design in the amount of \$4,830 on a contract amount of \$219,950 of which \$45,197.50 will have been paid to date for work certified as 21% complete for the Design of Fire Station #5. Completion date – May 2008.
7. The tenth partial payment to APACE Architects and Design in the amount of \$2,415 on a contract amount of \$219,950 of which \$47,612.50 will have been paid to date for work certified as 22% complete for the Design of Fire Station #5. Completion date – May 2008.

8. The fourteenth partial payment to Farnsworth Group in the amount of \$14,014.50 on a contract amount of \$203,300 of which \$173,908.75 will have been paid to date for work certified as 86% complete for the Constitution Trail – Grove to Hamilton. Completion date – May 2007.
9. The twelfth partial payment to PJ Hoerr, Inc. in the amount of \$83,373.12 on a contract amount of \$2,262,763.73 of which \$1,932,126.60 will have been paid to date for work certified as 85% complete for the Holiday Pool Renovation. Completion date – July 2006.
10. The first partial payment to Farnsworth Group in the amount of \$5,281.75 on a contract amount of \$18,900 of which \$5,281.75 will have been paid to date for work certified as 28% complete for the Woodrig Road and South Main Street Signals. Completion date – June 2007.
11. The twenty-second partial payment to Clark Dietz, Inc. in the amount of \$317.64 on a contract amount of \$330,000 of which \$310,733.82 will have been paid to date for work certified as 94% complete for the Hamilton Road – Timberlake to Main Street Signals. Completion date – May 2007.
12. The twenty-seventh partial payment to Foth & Van Dyke/Daily Division in the amount of \$659.46 on a contract amount of \$295,161 of which \$260,117.36 will have been paid to date for work certified as 88% complete for the Design Fox Creek Road and Scottsdale Avenue Relocation. Completion date – April 2007.
13. The fifth partial payment to Illinois Department of Transportation in the amount of \$292,603.10 on a contract amount of \$1,349,664.01 of which \$1,150,297.42 will have been paid to date for work certified as 85% complete for the Hamilton Road - Greenwood to Timberlake. Completion date – September 2007.
14. The fifteenth partial payment to Farnsworth Group in the amount of \$292.56 on a contract amount of \$32,562 of which \$18,348.10 will have been paid to date for work certified as 56% complete for the Norfolk Southern Railroad Crossing Negotiations – ML King at White Oak, Hamilton at Commerce, and Hershey at Hamilton. Completion date – February 2007.
15. The fifth partial payment to Gildner Plumbing Inc. in the amount of \$124,000 on a contract amount of \$621,783 of which \$515,277 will have been paid to date for work certified as 82.9% complete for the Fox Creek Road 16” Water Main – Beich to Old Cabintown. Completion date – May 2007.
16. The fifty-first partial payment to Farnsworth Group in the amount of \$4,722.05 on a contract amount of \$1,077,688.73 of which \$1,000,495.98 will have been paid to date for work certified as 93% complete for the Design Transmission Water Main to Lake Bloomington. Completion date – April 2007.

April 9, 2007

1767

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
City Manager

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the payments be approved.

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

Ayes: Aldermen Matejka, Huette, Schmidt, Finnegan, Gibson, Hanson, Crawford and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Bonds - Sidewalk Contractor

The following Sidewalk Contractor's Bonds in the amount of \$1,000.00 are in order and should be received and placed on file in the Clerk's Office:

1. Rowe Construction
1103 Eastholme, Bloomington, IL 61701
2. Stark Excavating
1805 W. Washington St., Bloomington, IL 61701
3. J.G. Stewart Contractors, Inc.
2201 W. Oakland Ave., Bloomington, IL 61704

Respectfully,

Doug Grovesteen
Director of Engineering

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the bonds be received and placed on file with the Clerk's Office.

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

Ayes: Aldermen Matejka, Huette, Schmidt, Finnegan, Gibson, Hanson, Crawford and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Members of the City Council
From: Stephen Stockton, Mayor
Subject: Appointment(s) and Reappointment(s) to Various Boards and Commissions

I ask that you concur with the following appointment to the Airport Authority:

David Colee, 2807 Kolby Ct., Bloomington, IL 61704. He is replacing Barbara Allsup. His term will expire April 30, 2012.

Respectfully,

Stephen F. Stockton
Mayor

Mayor Stockton introduced David Colee, nominee to the Bloomington-Normal Airport Commission for a five (5) year term.

Mr. Colee was a Superintendent for Administrative Services at State Farm Insurance. He was a thirty-nine (39) year resident of the community. He had been employed at Illinois State University for approximately fifteen (15) years prior to his employment with State Farm. At State Farm, his responsibility included employee travel arrangements. He had served on the search committee that brought Carl Olson, Central Illinois Regional Airport (CIRA) Director to the community.

Mayor Stockton noted that Mr. Colee is involved at CIRA. He added his belief that Mr. Colee, as a State Farm employee, would be of assistance to bring more commercial flights to the CIRA.

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the appointment be approved.

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

Ayes: Aldermen Matejka, Huette, Schmidt, Finnegan, Gibson, Hanson, Crawford and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Payment for Outdoor Warning Siren Updating

The City owns and maintains the outdoor warning sirens in the City, with responsibility and budgeting residing with the Fire Department. Some years ago, this system was moved from being activated by telephone lines to being activated by radio, in particular by the trunked 800 EF Johnson system. As this system becomes less and less utilized by county agencies and support for the trunked system is diminished, staff has looked at alternates for system activation. The radios were scheduled and budgeted to be replaced at the end of their expected life cycle, this upcoming fiscal year.

Staff has experienced no problems to date with these radios, and is offering a modified upgrade of the system. This upgrade would include utilizing the existing radios and changing the programming of each radio to take advantage of a frequency within the 800 MHz range, but move from the trunked system. Rather than spend the money on future replacement, a cache of radios would be kept that have been removed from the fire apparatuses and simply replace the radios that would go bad in the future with no purchase necessary, clearing the replacement costs for next year.

The proposal requested establishes a redundant activation point at the McLean County ESDA offices to protect the system activation in the event MetCom was unable to set off the sirens. A daily check will be performed by McLean County ESDA staff. MetCom will provide for tower activation location expenses, and the City and Town of Normal would share the annual system maintenance costs equally for the system backbone. The Town of Normal has already agreed and authorized their update and annual costs.

The initial share of the cost to the City would be \$14,470.61, with future annual system maintenance expenses of \$1,954.67. Staff believes this to be a cost effective method of moving from an expiring trunked system and enhances our probabilities that when needed, the sirens will

activate and alert our citizens of approaching danger. This fee will be paid for from the Fire Department budget account #G1520-70540.

Respectfully,

Keith Ranney
Fire Chief

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the payment be approved.

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

Ayes: Aldermen Matejka, Huette, Schmidt, Finnegan, Gibson, Hanson, Crawford and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Waive the Formal Bidding Process and Approve a Professional Services Agreement with Consoer, Townsend Envirodyne, Inc. for a Water Age Analysis Utilizing the Distribution System Hydraulic Model

Staff respectfully requests that Council waive the formal bidding process and approve a Professional Services Agreement with Consoer, Townsend Envirodyne, Inc. for a water age analysis utilizing the Distribution System Hydraulic Model.

A hydraulic model is a computer generated program, which when inputted with real, assumed, and hypothetical data from the existing water distribution system, can quickly and accurately calculate the conditions that will exist in the water distribution system under differing conditions. The model is typically used to determine low pressure areas of the system and can be used to determine the best solution for correction of those problems. It is a valuable tool in determining the size and location of water mains to improve the flow and pressure conditions throughout the distribution system. It is also extremely helpful in determining the best options for growth related water main construction. Lastly, in a "steady state" configuration, it can be used to determine the longest residence time, or age, of the water in the distribution system.

The hydraulic model is used to make thousands of iterations on changes that might be best described as “what if” scenarios. Essentially the model is presented with “what if” scenarios and the model determines the results based upon the hypothetical inputs.

The Illinois Environmental Protection Agency (IEPA) is requiring water supplies to determine the maximum residence time of water in their distribution systems. This is being done so that the water supplies can collect samples for disinfection by-products that form when chlorine, which is used for disinfection, reacts with natural organic matter found in the water. The longer the chlorine and the organic matter are together, the more disinfection by-products can be formed. The IEPA is looking to link the maximum residence time of the water in the distribution system with sample collection points to determine the “worst case scenarios” of disinfection by-product formation. Although we are required to provide this analysis for IEPA, staff does not believe there is any cause for concern due to the type of chlorine being used in the distribution system. We have a relatively well looped system which keeps water circulating and fresher.

Consoer Townsend Envirodyne Engineers (CTE) completed the last four (4) Comprehensive Water Distribution System Hydraulic Models for the City and possesses all the data from those previous models. In addition, they are the designers of the water treatment plant expansions and high service pumping systems. The latter being invaluable to the water distribution supply.

Staff solicited a proposal from CTE for a water age analysis utilizing the Distribution System Hydraulic Model. Staff has reviewed this proposal and has determined that it is in order. Therefore, staff respectfully recommends that the bidding process be waived for this professional service and that the Agreement with CTE be approved in an amount not exceed \$11,200. Payment will be made from the Water Department, Purification Division, Operation and Maintenance Accounts, Other Professional and Technical Services (Account #5010- X50130-70220).

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

RESOLUTION NO. 2007 - 25

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH CONSOER,
TOWNSEND ENVIRODYNE, INC. FOR A WATER AGE ANALYSIS UTILIZING THE
DISTRIBUTION SYSTEM HYDRAULIC MODEL IN AN AMOUNT NOT TO EXCEED
\$11,200**

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

1. That the bidding process be waived and a Professional Services Agreement with Consoer, Townsend Envirodyne, Inc. for a Water Age Analysis Utilizing the Distribution System Hydraulic Model in an amount not to exceed \$11,200 be approved.

ADOPTED this 9th day of April, 2007.

APPROVED this 10th day of April, 2007.

APPROVED

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

(LETTER ON FILE IN CLERK'S OFFICE)

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the formal bidding process be waived, the Agreement with Consoer Townsend Envirodyne, Inc. be approved in an amount not to exceed \$11,200, 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 Matejka, Huette, Schmidt, Finnegan, Gibson, Hanson, Crawford 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 Smoking Shelters for the Fire Department

Staff respectfully requests that Council waive the formal bidding process and approve the purchase of four (4) smoking shelters from Handi-Hut Inc. Clifton, NJ at a cost of \$11,360. Total additional shipping cost is approximately \$1,000.

The current collective bargaining agreement between the City and Firefighters Local 49 is in conflict with the indoor smoking ban which went into effect January 1, 2007. The collective bargaining agreement provides that firefighters may smoke on the apparatus floors of each fire station. Firefighters Local 49 has agreed to modify the collective bargaining agreement to prohibit all indoor smoking provided the City provide outdoor smoking shelters at each fire station. Staff has been able to identify a single manufactured shelter which is not an enclosed structure as defined by PACE. The shelters are available exclusively from the manufacturer. Payment for this purchase will be made from G15210-70540.

Respectfully,

Keith Ranney
Fire Chief

Tom Hamilton
City Manager

RESOLUTION NO. 2007 - 26

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF FOUR (4) SMOKING SHELTERS FOR THE
FIRE DEPARTMENT FROM HANDI-HUT, INC. AT A PURCHASE PRICE OF \$12,360**

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) Smoking Shelters from Handi-Hut, Inc. at a Purchase Price of \$12,360.

ADOPTED this 9th day of April, 2007.

APPROVED this 10th day of April, 2007.

APPROVED

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Finnegan stated that this request was driven by the union's contract. He questioned how the Council would address the situation if the proposed state law bans smoking anywhere. Tom Hamilton, City Manager responded that the Council would have to look at the law, see how it applied, and if necessary, meet with the union to discuss the impact. Todd Greenburg, Corporate Counsel, stated that if the state law contravenes a policy in the contract, the Council cannot say the law does not apply. It will depend upon how the law is phrased. Mayor Stockton did not believe that this would occur as this was an outdoor shelter. It would not be subject to any of the drafts (of the law) he had seen.

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the formal bidding process be waived and four (4) smoking huts purchased from Handi-Hut, Inc. in the amount of \$12,360, the Purchasing Agent be authorized to issue a Purchase Order for same, and the Resolution adopted.

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

Ayes: Aldermen Matejka, Huette, Schmidt, Finnegan, Gibson, Hanson, Crawford and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Fire Department Protective Wear Bid Analysis

On Wednesday, March 21, 2007 at 11:00 am bids were publicly opened and read for protective jacket ensembles for EMS personnel. Two bids were received and were as follows:

Global MES Washington, IL	\$650.00 ea.
Dundee Fire Safety Inc Rochester Hills, MI	\$740.00 ea.

The bids submitted provide guaranteed pricing for one (1) year with an option to extend the purchase agreement for up to an additional two (2) years, with price increases limited to a maximum of 5% annually. The bid submitted by Global MES provides the lowest total cost to the City. In addition, Dundee Fire Safety Inc. failed to return the addendum to the bid as required.

Staff respectfully recommends that Council accept the bid submitted by Global MES in the amount of \$650 each for forty-three (43) protective jacket ensembles for EMS personnel at a total purchase price of \$27,950. Payment will be made from funds in account #G15210-62191 Clothing.

Respectfully,

Keith Ranney
Fire Chief

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the bid be awarded to Global MES in the amount of \$27,950, and the Purchasing Agent be authorized to issue a Purchase Order for same.

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

Ayes: Aldermen Matejka, Huette, Schmidt, Finnegan, Gibson, Hanson, Crawford and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Rebid of the Main Branch Kickapoo Creek Force Mains Analysis of Bids

Bidding proposals for the Rebid of the Main Branch Kickapoo Creek Force Mains were received until 2:00 p.m. on Friday March 30, 2007, in the office of the City Clerk at which time and place the bids were opened and read aloud as follows:

George Gildner, Inc.	\$1,114,445.00	Low Bid
Stark Excavating, Inc.	\$1,277,784.00	
Foley Construction Company	\$1,520,066.00	
Engineer's Estimate	\$1,681,904.60	Base Bid + Alternate A-2
Budget for Pump Station	\$1,200,000.00	Sewer Depreciation Funds (Bond Issue)
Budget for Force Mains	\$ 800,000.00	Sewer Depreciation Funds (Bond Issue)

This project involves the construction of parallel 12" and 16" inch diameter pressure sanitary sewers (force mains). The force mains will receive discharge from the Main Branch Kickapoo Creek Pump Station. They will be located along the north side of Ireland Grove Road and the east side of Towanda Barnes Road. The pump station was bid as a separate project. The force mains were bid with a base work schedule and four (4) pairs of alternate work schedules. Three (3) of the pairs considered the price of constructing the 12" inch and a portion of the 16" inch force main versus constructing the 12" inch and all of the 16" inch force main for open cut installation of a given pipe material. The fourth pair compared the same two (2) scenarios, but for directionally drilling a given pipe material in place. Based upon the prices received, Alternate A-2 is the best value. Alternate A-2 would involve constructing both force mains now and the pipe material would be PVC.

Staff respectfully recommends that Council accept the low bid of George Gildner, Inc. in the amount of \$1,114,445 and further, that the Mayor and City Clerk be authorized to execute the necessary documents. Payment for said work will be made with Sewer Depreciation Funds (X52200-72550).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

(CONTRACT ON FILE IN CLERK'S OFFICE)

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the bid be awarded to George Gildner, Inc. in the amount of \$1,114,445 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 Matejka, Huette, Schmidt, Finnegan, Gibson, Hanson, Crawford and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Analysis of Sealed Bids for Personnel Lift Equipment for the USCC

The USCC has in its FY 06/07 budget to purchase a 40' vertical personnel lift and a 60' telescopic personnel lift. This equipment is currently being rented when needed at the Coliseum. The Fleet Management Department also rents 60' telescopic personnel lifts when performing maintenance and repairs to the salt conveyor at the salt dome on East St. The 60' unit being purchased for use at the Coliseum will also be used for the maintenance at the salt dome when practical.

Six (6) sealed bids were received and opened in the office of the City Clerk on March 15, 2007 and are as follows:

Bidder	References Submitted?	Proof of Insurance Submitted?	Compliance Waiver Submitted?	60' Telescopic Boom Lift	40' Vertical Personnel Lift	Optional Fiberglass Platform for 40' Lift
RW Equipment				No Bid	No Bid	No Bid
Dueco	Yes	Yes	Yes	\$91,008.00	\$7,525.00	\$662.00
Nord				No Bid	No Bid	No Bid
One Source	Yes	Yes	Yes	\$85,900.00	\$7,790.00	Not Available
Sunbelt	No	Yes	Yes	\$93,968.20	\$8,947.05	Not Available
Altorfer	Yes	Yes	Yes	\$89,658.00	\$8,446.00	Not Available

The low bid from One Source, Morton, IL in the amount of \$85,900 meets all the minimum requirements of the bid specification for the 60' telescopic boom lift. The low bid from Dueco, Waukesha, WI in the amount of \$7,525 meets all of the minimum requirements of the bid specifications for the 40' Vertical Personnel Lift. This is the only bidder to provide the optional Fiberglass Platform liner for an additional \$622.

Staff respectfully recommends that Council accept the bid from One Source Morton, IL in the amount of \$85,900 for a JLG Industries model 600, 60' telescopic personnel lift and from Dueco, Waukesha, WI in the total amount of \$8,187 for a Genie AWP40, 40' vertical personnel lift with optional fiberglass liner. Funds have been budgeted in the Equipment Replacement Fund, F56200-72140.

Respectfully,

Daniel E. Augstin
Director of Fleet Management

Tom Hamilton
City Manager

Alderman Matejka had considered removing this item from the Consent Agenda. He understood that the City would save money by purchasing the lift unit, not renting it as is the current practice. He stated his concern that the Council has not seen any financial reports regarding the US Cellular Coliseum (USCC). He believed that the budget and

prospectus should be accessible to the public. He would like the Council to consider holding a Work Session. As a group, they needed to understand the USCC budget numbers.

Alderman Crawford questioned when the Council would receive the figures/budget. Tom Hamilton, City Manager, had expected them today but had not received them. He had a template ready for the numbers and would distribute the budget to the Council as soon as possible.

Alderman Schmidt questioned if the City or Central Illinois Arena Management (CIAM) currently leases the lift equipment. Mr. Hamilton said that CIAM was currently leasing it. If purchased, the City would own the lift equipment. CIAM would repay the City for the cost of the lift through the depreciation schedule.

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the bids be awarded to One Source in the amount of \$85,900 for a JLG Industries model 600, 60' telescopic personnel lift and to Dueco in the total amount of \$8,187 for a Genie AWP40, 40' vertical personnel lift with optional fiberglass liner, and the Purchasing Agent be authorized to issue Purchase Orders for same.

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

Ayes: Aldermen Matejka, Huette, Schmidt, Finnegan, Gibson, Hanson, Crawford 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 - Printing Services for the Cultural District

On Thursday, March 29, 2007, 11:00 am, proposals were publicly opened and read for a printer to provide services for two (2) printing projects for the Bloomington Center for the Performing Arts (BCPA). The projects comprise of 1.) the printing and mailing of 20,000 season brochures for the Center's mainstage series, and 2.) the printing and mailing of 9,000 brochures for the Spotlight Student Series. The proposals were as follows:

<u>FIRM</u>	<u>JOB A</u>	<u>JOB B</u>	<u>TOTAL</u>
Printec Press, Inc. (Champaign)*	\$7,075	\$3234	\$10,309
Action Printing (Fon du Lac, WI)**	\$7,897	\$3,001	\$10,898
AmPride Communications (Champaign)	\$6,950	\$4,030	\$10,980
Illinois Graphics, Inc (Bloomington)	\$8,394	\$3,997	\$12,391
United Graphics Inc. (Mattoon, IL)	No bid		

* Low and recommended proposal.

** Incomplete: Addendum not returned

Staff respectfully requests that the Council approve the low proposal of \$10,309 submitted by Printec Press, Inc, and further that the Purchasing Agent be authorized to issue a Purchase Order for same.

Respectfully,

C. Bruce Marquis
Executive Director, Cultural District

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the bid be awarded to Printec Press, Inc. in the amount of \$10,309, and the Purchasing Agent be authorized to issue a Purchase Order for same.

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

Ayes: Aldermen Matejka, Huette, Schmidt, Finnegan, Gibson, Hanson, Crawford 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 - Debris Blower

On Wednesday, March 28, 2007, at 11:00 am, bids were publicly opened and read for a debris blower for the Golf Division of the Parks and Recreation Department. The bids were as follows:

FIRM	NET BID PRICE
Birkey's Farm Store (Urbana, IL)	\$5,600*
Erb Turf Equipment (Bellville, IL)	\$6,528
Martin Equipment of IL (Goodfield, IL)	No bid

*Low and recommended bid

The low bid submitted by Birkey's is for a Buffalo Turbine KBIII and meets the specification. The department has had this particular blower previously and it has been found to perform well. This unit was budgeted at \$6,000 in the Fixed Asset Replacement Fund, account F14150-72140.

We, respectfully request that the Council approve the low bid of \$5,600 submitted by Birkey's Farm Store and authorize the Purchase Agent to issue a purchase order for same.

Respectfully,

John Kennedy,
Asst. Director Parks & Rec.

Dean Kohn
Director of Parks & Rec.

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the bid be awarded to Birkey's Farm Store in the amount of \$5,600, and the Purchasing Agent be authorized to issue a Purchase Order for same.

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

Ayes: Aldermen Matejka, Huette, Schmidt, Finnegan, Gibson, Hanson, Crawford 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 - Reel Mower

On Wednesday, March 28, 2007, at 11:20 am, bids were publicly opened and read for a reel mower for the Golf Division of the Parks and Recreation Department. The bids were as follows:

FIRM	TRADE-IN	NET BID PRICE
Birkey's Farm Store (Urbana, IL)	\$2,000	\$18,950
Erb Turf Equipment (Bellville, IL)	\$2,500	\$18,250*
Martin Equipment of IL (Goodfield, IL)		No Bid

*Low and recommended bid

The low bid submitted by Erb Turf Equipment for a John Deere 2653B meets the specifications with only small exceptions. Staff believes that these variations are minor in nature and should be waived. The department has had this particular mower and it has performed well in the past. This unit was budgeted in the Fixed Asset Replacement Fund, account F14150-72140.

Staff respectfully requests that Council approve the low bid of \$18,250 submitted by Erb Turf Equipment and authorize the Purchasing Agent to issue a purchase order for same.

Respectfully,

John Kennedy
Asst. Dir. of Parks & Rec.

Dean Kohn
Director of Parks & Rec.

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the bid be awarded to Erb Turf Equipment in the amount of \$18,250, 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 Matejka, Huette, Schmidt, Finnegan, Gibson, Hanson, Crawford and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Analysis of Sealed Bids for a Replacement Mower for Lake Bloomington

The Water Department has budgeted to replace a Kubota 72" out front mower used at Lake Bloomington. Specification was developed for the replacement mower and published on

February 28, 2007. Five (5) sealed bids were received and opened in the office of the City Clerk on March 15, 2007, and are as follows:

Bidder	Addenda Returned	References Submitted	Proof of Insurance Submitted	Compliance Waiver Submitted	List Price	Trade Allowance	Net Purchase Price
Altorfer Cat							No Bid
Martin Bros.	Yes	Yes	Yes	Yes	\$19,136.70	\$3,739.70	\$15,397.00
Nord	Yes	Yes	Yes	Yes	\$20,612.00	\$5,012.00	\$15,600.00
Birkey's	Yes	No	No	Yes	\$17,750.00	\$1,500.00	\$16,250.00
Birkey's Alt Bid	Yes	No	No	Yes	\$16,750.00	\$1,500.00	\$15,250.00
Cross	Yes	No	No	Yes	\$24,339.00	\$10,649.00	\$13,690.00

The low bid from Cross Implement is non responsive and is rejected because no proof of insurance or required references were submitted. The two (2) bids from Birkey's are non responsive because there was no proof of insurance nor required references submitted. There was one addendum sent to the bidders to clarify one (1) item in the specifications, all bidders returned this addendum.

The bid from Martin Bros. had several variations to the bid specifications. The specifications required that there be an audible alarm for high engine water temperature and low engine oil pressure. The bid Martin Bros. submitted does not include the alarm. Additionally, the bid specification required 7.4" inch ground clearance; the machine Martin Bros. bid has only 7" inch ground clearance.

The bid submitted from Nord Outdoor Power met all the bid requirements. Staff respectfully recommends accepting the bid from Nord Outdoor Power in the amount of \$15,600 for a Kubota F3680 with 72" mower deck to replace the current Kubota mower. Funds are available in the Equipment Replacement Fund, F50140-72130 for this purchase.

Respectfully,

Daniel E. Augstin
Director of Fleet Management

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the bid be awarded to Nord Outdoor Power in the net amount of \$15,600 and the Purchasing Agent be authorized to issue a Purchase Order for same.

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

Ayes: Aldermen Matejka, Huette, Schmidt, Finnegan, Gibson, Hanson, Crawford and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Purchase of Network Switches

Staff respectfully requests Council approval to purchase two (2) network switches to be added to the City data/telephone network. These switches are currently needed in the Police and City Hall buildings. With the growth of the City network over the last year, staff is running out of network ports in both buildings.

These switches are identical to the ones currently in place and would add another forty-eight (48) ports of network capacity for each facility. Price quotes for these switches were received from the following companies.

CDWG	Vernon Hills, IL	\$12,129.70	
Burwood Group	Bloomington, IL	\$11,961.70	
PTC Select	Peoria, IL	\$12,936.00	
Sentinel Technologies	Springfield, IL	\$11,826.00	***recommended
Novanis	Springfield, IL	\$12,949.02	
Verizon Business	Bloomington, IL	\$12,020.42	

Staff respectfully requests that Council authorize the Purchasing Agent to issue a purchase order in the amount of \$11,826 to Sentinel Technologies, with payment to be made with funds budgeted in the Information Services Equipment Fixed Asset account (F11610-72120).

Respectfully,

Scott Sprouls
Director of Information Services

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the network switches be purchased from Sentinel Technologies in the amount of \$11,826, 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 Matejka, Huette, Schmidt, Finnegan, Gibson, Hanson, Crawford and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
 From: Staff
 Subject: Purchase of Storage Server for Police CyberCrime Unit

Staff respectfully requests Council approval to purchase a storage server to be used in the Police Department's CyberCrime unit. Funds were budgeted in the FY 2006-2007 budget for this equipment.

This server will provide the large data storage area needed by detectives during the evidence gathering process of a crime related to computer technology. The forensic process used to gather, organize and store this type of data requires tremendous amounts of data storage. With the current growth of these types of crimes, this type of equipment is necessary and will save detectives hours of work per week.

With Council approval, the storage server would be purchased under the current waiver of the bidding process, whereby Council authorized staff to purchase directly from the Hewlett Packard Western States Contracting Alliance.

HP DL320s storage server	HP WSCA Contract	\$14,668.00
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Staff respectfully requests that Council authorize the Purchasing Agent to issue a purchase order for \$14,668 to HP Western States Contracting Alliance. Payment would be made with funds budgeted in the Information Services Equipment Fixed Asset account (F11610-72120).

Respectfully,

Scott Sprouls
 Director of Information Services

Tom Hamilton
 City Manager

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the storage server be purchased from HP Western States Contracting Alliance in the amount of \$14,688, and the Purchasing Agent be authorized to issue a Purchase Order for same.

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

Ayes: Aldermen Matejka, Huette, Schmidt, Finnegan, Gibson, Hanson, Crawford and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Purchase of Replacement Parking System Server

Staff respectfully requests Council approval to replace a fully depreciated network server scheduled and budgeted for replacement in Fiscal Year 2006-2007. This server supports the Parking Management System and a small number of other support databases. It has been in service for over five (5) years and is need of replacement. The replacement server would be purchased under the current waiver of the bidding process, whereby Council authorized staff to purchase directly from the Hewlett Packard Western States Contracting Alliance.

Parking System Server	HP WSCA Contract	\$7,167.01
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Staff respectfully requests that Council authorize the Purchasing Agent to issue a purchase order in the amount of \$7,167.01 to HP Western States Contracting Alliance, with payment to be made with funds budgeted in the Information Services Equipment Fixed Asset account (F11610-72120).

Respectfully,

Scott Sprouls
Director of Information Services

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the Replacement Parking System Server be purchased from HP Western States Contracting Alliance in the amount of \$7,167.01 and the Purchasing Agent be authorized to issue a Purchase Order for same.

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

Ayes: Aldermen Matejka, Huette, Schmidt, Finnegan, Gibson, Hanson, Crawford 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 #5 Fire Station

Staff respectfully requests that Council approve a change order in the amount of \$81,950 to the agreement with APACE Design for architectural and engineering services for the construction of #5 Fire Station.

On March 12, 2007 Council authorized the acceptance of a grant from the Illinois Clean Energy Community Foundation in the amount of \$81,950. This grant is for engineering and design of potential green features to be included in the construction of #5 Fire Station. The requested change order is necessary to authorize APACE Design to perform those engineering and architectural services. The City will pay APACE Design for those services and then be reimbursed by grant receipts. As a result there are no additional costs to the City for these services.

The original agreement with APACE Design was in the amount of \$214,950. There has been one previous change order in the amount of \$5,000. With this change order the total amount of the agreement with APACE design is \$301,900. Payment will be made from x40100-70050.

Respectfully,

Keith Ranney
Fire Chief

Tom Hamilton
City Manager

RESOLUTION NO. 2007 - 27**A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE
AMOUNT OF \$81,950 IN THE CONTRACT BETWEEN THE CITY OF
BLOOMINGTON AND APACE DESIGN FOR ARCHITECTURAL AND
ENGINEERING SERVICES FOR THE CONSTRUCTION OF #5 FIRE STATION**

WHEREAS, the City of Bloomington has previously entered into a contract with APACE Design for Architectural and Engineering Services for the Construction of #5 Fire Station; and

WHEREAS, for the reasons set forth in a staff report dated April 9, 2007 it was necessary to perform engineering and design of potential green features; and

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the April 9, 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 \$81,950 in the contract between the City of Bloomington, and APACE Design for Architectural and Engineering Services for the Construction of #5 Fire Station be approved.

PASSED this 9th day of April, 2007.

ADOPTED this 10th day of April, 2007.

APPROVED

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the Change Order in the amount of \$81,950 be approved, and the Resolution adopted.

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

Ayes: Aldermen Matejka, Huette, Schmidt, Finnegan, Gibson, Hanson, Crawford and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Amendment to City State Agreement for Local Agency Maintenance of Traffic Control Devices

On May 29, 2001, Council approved the City - State Master Agreement for the Maintenance of Traffic Signals on State routes in or near the City. The State has proposed an amendment to that agreement which commits the City to replace incandescent lamps with Light Emitting Diode (LED) lamps at ninety-two (92) signalized locations on State routes within our maintenance area. The estimated total cost of the work is as follows:

State Share	\$42,919.00
City Share	\$26,388.00
Total Estimated Cost	\$71,749.00

The City is required to purchase the materials from the State of Illinois Central Management Services procurement contracts and perform all the work. The cost of the City's share is unbudgeted, but will be paid from line item #16230-70590 Other Repair and Maintenance.

Staff respectfully recommends that Council approve the amendment to the City State Agreement for Local Agency Maintenance of Traffic Control Devices and the Resolution adopted.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

RESOLUTION NO. 2007 - 28

A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE AMOUNT OF \$26,388 IN THE CONTRACT BETWEEN THE CITY OF BLOOMINGTON AND ILLINOIS DEPARTMENT OF TRANSPORTATION FOR MAINTENANCE OF TRAFFIC SIGNALS ON STATE ROUTES

WHEREAS, the City of Bloomington has previously entered into a contract with Illinois Department of Transportation for maintenance of traffic signals on State routes; and

WHEREAS, for the reasons set forth in a staff report dated April 9, 2007 it was necessary to replace incandescent lamps with Light Emitting Diode (LED) lamps at ninety-two (92) signalized locations on State routes within our maintenance area; and

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the April 9, 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 \$26,388 in the contract between the City of Bloomington and Illinois Department of Transportation for replace incandescent lamps with Light Emitting

April 9, 2007

1789

Diode (LED) lamps at ninety-two (92) signalized locations on State routes within our maintenance area be approved.

PASSED this 9th day of April, 2007.

ADOPTED this 10th day of April, 2007.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the Change Order be approved in the amount of \$26,388, and the Resolution adopted.

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

Ayes: Aldermen Matejka, Huette, Schmidt, Finnegan, Gibson, Hanson, Crawford and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Renewal of Proposal for Towing Under 10,000 Gross Vehicle Weight

On July 24, 2006, Council approved the proposal from Joe's Towing and Recovery for towing, winching, vehicle storage services for City owned vehicles under 10,000 GVW. Joes Towing and Recovery has performed very well for the City since entering into the contract.

At Council's direction, the Request for Proposals (RFP) for these services was to be for a three (3) year period, renewable annually upon council approval. Additionally, the City receives a \$42,250 per year franchise fee.

Staff respectfully recommends renewing the proposal for towing under 10,000 GVW with Joe's Towing and Recovery for one (1) additional year upon receipt of the payment of \$42,250 franchise fee. This will be the second year of the possible three (3) year proposal.

Respectfully,

Daniel E. Augstin
Director Fleet Management

Tom Hamilton
City Manager

Alderman Hanson stated the Council had asked for more information regarding towing rotation. He had heard nothing within the last year. Mayor Stockton questioned if there had been any inquiries from other towing firms regarding towing bids. Tom Hamilton, City Manager, had heard nothing from the other firms within the last year. He has heard from the Police Department and the Fleet Management. Things were going well with Joe's Towing. Mayor Stockton concurred.

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the proposal for towing under 10,000 GVW with Joe's Towing and Recovery be renewed for one (1) additional year upon receipt of payment of the FY 07/08 franchise fee in the amount of \$42,250, and the Purchasing Agent be authorized to issue a Purchase Order for same.

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

Ayes: Aldermen Matejka, Huette, Schmidt, Finnegan, Gibson, Hanson, Crawford and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Acquisition of Easement from Bloomington Partnership A1002 for the Brokaw Road Sanitary Sewer

The City needs an easement across some property owned by Bloomington Partnership A1002 to construct a gravity sewer that will take the flow from the sewer force mains being installed to serve the Grove at Kickapoo Creek Subdivision to the sewerage treatment plant on West Oakland Avenue. The property to be burdened with the easement lies immediately south of and adjacent to the Norfolk Southern Railroad tracks west of Abraham Road. The proposed easement runs along the tracks across the full width of the property. It is thirty (30") feet wide

and contains approximately two (2) acres. The City also needs a temporary easement for construction purposes across a strip of land fifty (50') feet in width lying south of the permanent easement.

Bloomington Partnership A1002 has agreed to grant the permanent and temporary easement for construction purposes to the City for a total payment of \$4,980. Staff believes this fairly compensates Bloomington Partnership A1002 for the easement and respectfully requests that Council approve the agreement and that the Mayor and City Clerk be authorized to execute the necessary documents.

Respectfully,

Hannah R. Eisner
Deputy Corporation Counsel

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the Easement 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 Matejka, Huette, Schmidt, Finnegan, Gibson, Hanson, Crawford 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, the Area Vocational Center (AVC) and the Code Enforcement Division of PACE, 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 was destroyed by fire. The previous homeowners donated the lot/structure to the City in lieu of demolition. Community Development Block Grant funds were expended to demolish the structure and prepare the lot for redevelopment. Upon the completion of the construction, the City began advertising for the sale of the property in September, 2006, as well as providing notices to local nonprofit agencies who work with potential home buyers.

The house contains two bedrooms and two full baths, was constructed to meet Energy Star standards and is handicap accessible. The house has appraised at \$127,900. Although there has been a lot of interest in the property since last September, only one (1) written offer has been received. An offer to purchase by a first-time home buyer, Jaimie Streenz, was received on March 23, 2007, for the purchase price of \$110,000. This offer was accepted by the Code Enforcement Division. The offer is further subject to the purchaser obtaining financing and Council approval.

Staff respectfully requests that Council approve the sale of 703 N. Mason Street to Jaimie Streenz in the amount of \$110,000 and that the Mayor and City Clerk be authorized to execute the necessary documents. All proceeds from the sale of this dwelling will be returned as program income to Community Development and will be used for future CDBG funded activities.

Respectfully,

Mark R. Huber
Director of PACE

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the Contract for Purchase of Real Estate with Jaimie Streenz 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 Matejka, Huette, Schmidt, Finnegan, Gibson, Hanson, Crawford and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Disposition of 530 N. East Street – Parking Lot

In approximately 1972, the then Urban Renewal Department, expending Community Development Block Grant funds, acquired land located near the intersection of East and Locust in the Downtown to accommodate a State of Illinois road improvement project. Since then, the City has maintained a small triangular site that contains a thirteen space parking lot located at 530 N. East Street. The site has been used for parking and a place for some local businesses to

locate dumpsters for their use. In our effort to dispose of our excess/surplus land inventory, the City has been advertising the sale of this property since August, 2006. The site was appraised in September, 2005 at \$72,000. The City has received an offer to purchase the site from Brian Novotny in the amount of \$75,000, subject to financing and Council approval.

Therefore, staff respectfully requests that the Council approve the sale of the property to Brian Novotny in the amount of \$75,000 and the Mayor and City Clerk be authorized to execute the necessary documents. All proceeds from the sale of this property will be returned as program income to Community Development and will be used for future CDBG funded activities. Funds will be deposited into budget line item number 57110 Sale of Land.

Respectfully,

Mark Huber
Director of PACE

Tom Hamilton
City Manager

(WARRANTY DEED ON FILE, MCLEAN COUNTY RECORDER'S OFFICE, DOCUMENT NO. 2007 - 12227; SETTLEMENT SHEET ON FILE IN CLERK'S OFFICE)

Alderman Schmidt was glad a buyer had been found for this property. She questioned if the buyer needed to obtain prior approval to make changes to the property due to the Main Street Corridor study. Tom Hamilton, City Manager responded affirmatively. The buyer would have to appear before the Main Street Corridor Committee for any modification over \$3,000 before December 31, 2007.

Mayor Stockton questioned were if there any issues regarding sale of this property . Mr. Hamilton responded negatively. It had been reviewed and was on the 500 block of N. Main Street. The buyer was limited in what he could do with the property because a public alley was located adjacent.

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the Contract for Purchase of Real Estate with Brian Novotny 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 Matejka, Huette, Schmidt, Finnegan, Gibson, Hanson, Crawford and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Disposition of 403 N.Morris/1017 W. Monroe Street

In 1999, the Community Development Division initiated the construction of a duplex located at 403 N. Morris and 1017 W. Monroe in conjunction with the Area Vocational Center (AVC). The use of the duplex, after its completion, originally was for transitional housing for the homeless. With the increase in maintenance and utility costs and decreases in Community Development Block Grant (CDBG) funds, the City intends to dispose of this property.

The appraised value of the property is \$137,400. The City has advertised the sale of this property in the Pantagraph and placed a sign in the yard. An offer to purchase from Kandi Currie has been received and accepted for the purchase price of \$137,000, subject to obtaining financing and Council approval.

Staff respectfully requests that Council approve the sale in the amount of \$137,000, and authorize the Mayor and City Clerk to execute the necessary documents. All proceeds from the sale of this dwelling will be returned as program income to Community Development and will be used for future CDBG funded activities. Funds will be deposited into budget line item number 57110 Sale of Land.

Respectfully,

Mark Huber
Director of PACE

Tom Hamilton
City Manager

(WARRANTY DEED ON FILE , MCLEAN COUNTY RECORDER'S OFFICE, DOCUMENT NO. 2007 – 21447; SETTLEMENT SHEET ON FILE IN CLERK'S OFFICE)

CONTRACT FOR SALE OF REAL ESTATE

THIS IS INTENDED TO BE A LEGAL DOCUMENT. AN ATTORNEY AT LAW SHOULD BE CONSULTED PRIOR TO THE EXECUTION OF THIS DOCUMENT.

THIS CONTRACT is entered into between the City of Bloomington, hereinafter referred to as Seller, and Kandi Currie, hereinafter referred to as Buyer, who agree as follows:

1. **DESCRIPTION, PRICE and PAYMENT:** Seller sells the following described real estate, to-wit:

Lot 1 in C.D. Commons Subdivision in the City of Bloomington, McLean County, Illinois.

with improvements, commonly known as 405 N. Morris located thereon, to Buyer, who agrees to pay \$141,750.00 therefore ~~in the manner following: \$ (inclusive of earnest money) upon the execution of this Contract:~~

~~_____ A. To be held in escrow until evidence of merchantable title is approved by Buyer's attorney, and financing is approved as per Paragraph 8;~~

~~_____ B. To be held in escrow until closing;~~

~~_____ C. To be delivered to Seller, receipt of which is hereby acknowledged;~~

~~and the remainder by cashier's check, certified funds or the equivalent on or before the 31st day of August, 2007, and on receipt of deed.~~

2. **EVIDENCE OF TITLE:** Not less than 14 days prior to closing, Seller will furnish Buyer with written commitment from a title insurance company duly authorized to do business in Illinois, showing title to said premises subject only to matters to which this sale is subject by the terms hereof and to the customary exceptions contained in owners policies issued by such company. If written commitment discloses defects in title other than matters to which this sale is subject by the terms hereof and the customary exceptions in such policies, then Seller shall have until date for delivery of deed to correct such defects. Owners title policy, in amount of the purchase price for said premises, will be paid for by Seller and issued to Buyer after delivery of deed.

3. **DEED AND POSSESSION:** Seller will cause fee simple title to said real estate to be conveyed to Buyer, or to such party as Buyer may direct, by Warranty Deed (or Trustee's Deed or Executor's Deed, where applicable), and shall deliver possession to Buyer upon payment being made as herein provided, on or before the 31st day of August, 2007. Seller shall pay all owners' association(s) dues and/or assessments, and water, sewer and public utility service charges incurred for improvements on said real estate up to the time when possession passes to Buyer.

4. **INSURANCE:** This Contract is subject to the State of Illinois Uniform Vendor and Purchaser Risk Act (765 ILCS 65/1), which provides, in general, that Seller shall bear the risk of loss until transfer of possession or receipt of deed, whichever occurs first.

5. **TAXES:** Unless otherwise provided for herein, all general real estate taxes shall be prorated as of the date of delivery of possession of the premises to Buyer, and by allowance of Seller's share thereof being a credit against the purchase price at closing, based upon the latest tax information available. Further, the parties agree that the real estate taxes shall be re-prorated for a given year upon receipt of the actual real estate tax bills. The re-proration shall be done by the party receiving the tax bill with notice to the other party. If the re-prorated amount differs from the credit amount by \$100.00 or more, the Seller shall pay Buyer, or Buyer shall pay Seller, the appropriate adjustment within 15 days from receipt of the re-proration computation (or receipt of the actual real estate tax bill, whichever is received first by the party obligated to pay

the adjustment). All transfer taxes shall be paid by Seller. This provision shall survive closing and delivery of deeds.

6. ENCUMBRANCES:

- A. Mortgages, if any, shall be satisfied out of purchase price and released when deed is delivered. Seller's obligation to obtain the mortgage release shall continue until the release is obtained and recorded.
- B. Easements and building or use restrictions of record, and zoning and building ordinances, if any, which shall not be considered as rendering title unmerchantable or unacceptable, provided same are not violated by the existing improvements or the use thereof.

7. PERSONAL PROPERTY: The purchase price expressed above includes the following items which pass to Buyer for no additional consideration: None

8. FINANCING: ~~This Contract is subject to Buyer obtaining (check one of the following)~~

~~___ Conventional ___ ARM ___ FIXED ___ VA ___ FHA ___ Other~~

~~financing in an amount equal to ___% of the purchase price, (check one of the following)~~

~~___ amortized over ___ years, at an initial interest rate not to exceed ___% and points charged not in excess of _____. (or)~~

~~___ at the prevailing loan interest rate and terms.~~

~~Buyer agrees to make a good faith effort to apply for said financing on or before the ___ day of _____, 2007. In the event Buyer is unable to obtain same and Buyer so notifies Seller in writing on or before the ___ day of _____, 2007, this Contract shall become null and void, and any down payment paid or escrowed shall be refunded to Buyer.~~

9. TERMITE PROVISION: Not less than fourteen (14) days prior to closing, Seller shall furnish Buyer a current written statement, on that form as currently approved for use by the Department of Veteran's Affairs and Department of Housing and Urban Development, from a recognized exterminator that based upon careful visual inspection of accessible areas there is no evidence of termite or other wood destroying insect infestation in the subject property, or evidence of any previous infestation. In the event the inspection reveals a current active infestation, then Seller shall bear the costs of extermination. In the event the inspection reveals active infestation or previous infestation, then Buyer shall have the right to have the premises inspected by a qualified person of Buyer's choice, and at Buyer's expense, for the purpose of determining whether or not there is damage to any structural members. In the event it is determined that structural damage exists, Buyer shall cause a copy of the written report of the inspection for structural damage to be delivered to Seller not less than seven (7) days prior to

closing. Seller shall then have the option of correcting such structural damage, or rescinding the Contract and returning the down payment to Buyer. Should Seller elect to rescind, Seller must give notice of such election to Buyer not less than five (5) days prior to closing. Should Seller elect to rescind, Buyer shall still have the right to consummate the purchase transaction, taking the property in "as in" condition with respect to the reported structural damage. Buyer must give Seller or Seller's attorney written notice of this intention within four (4) days of receiving Seller's notice of rescission.

10. **EQUIPMENT & INSPECTIONS:**

A. **EQUIPMENT:** To the best of Seller's knowledge, all mechanical equipment and appliances, being a part of the transfer of the real estate and its improvements, will be in working condition on the day of closing, unless otherwise stated in writing and agreed to by Buyer. However, Seller makes no warranty expressed or implied with respect to the mechanical equipment and appliances.

~~B. **INITIAL INSPECTIONS:** At Buyer's expense, Buyer shall have the right to have the property inspected. Inspections may include but are not limited to: heating, cooling, electrical and plumbing systems, remaining appliances, roof, foundation, well and septic systems, radon, and toxic or hazardous waste. Buyer shall submit results of inspections and Buyer's specific objections regarding defects to Seller in writing on or before the ____ day of _____, 1998. If defects are reported, then Seller shall have one of the following options, and shall give written notice to Buyer or Buyer's attorney within seven (7) days of receiving Buyer's report:~~

~~(1) Treat the condition and repair the defect at Seller's own cost and expense;~~

~~(2) Give Buyer a credit for the cost of the repair at settlement;~~

~~(3) Rescind the Contract and return the down payment to Buyer.~~

~~Should Seller elect to rescind, Buyer shall still have the right to consummate the purchase transaction, taking the property in "as is" condition, with respect to the reported defects. Buyer must give Seller or Seller's attorney written notice of this intention within four (4) days of receiving Seller's notice to rescind.~~

~~C. **RADON TESTING:** If Buyer tests for radon pursuant to the provisions of Paragraph 10.B and said test indicates radon levels equal to or in excess of 4.0 picocuries per liter, such radon levels shall be considered a defect. Buyer shall submit objections and results of inspections to Seller in writing within the time set forth in Paragraph 10.B. Upon receipt of Buyer's objections, Seller shall have one of the following options, and shall give written notice to Buyer or Buyer's attorney within seven (7) days of receiving Buyer's report:~~

~~(1) Provide for radon mitigation at Seller's expense. The mitigator must have the EPA RCP designation. Upon completion of mitigation,~~

~~Seller shall pay for retesting by a qualified tester using the same criteria as the original test. Seller shall provide Buyer with a description of mitigation procedures, specifications and warranty, as well as a copy of the post mitigation test results,~~

- ~~(2) Rescind the Contract and return the down payment to Buyer. Should Seller elect to rescind, Buyer shall have the right to consummate the purchase transaction, taking the property with whatever radon levels exist. Buyer must give Seller or Seller's attorney written notice of this intention within four (4) days of receiving Seller's notice of rescission.~~

~~**D. WELL/SEPTIC TESTING:** If Buyer has the water well and/or private waste disposal system inspected pursuant to the provisions of Paragraph 10.B, and said inspection(s) reveal insufficient water service or that the water well is contaminated in excess of County ordinances or Board of Health regulations or it appears that the private waste disposal system is not operating properly, such condition shall be considered a defect. Buyer shall submit objections and results of inspections to Seller in writing within the time set forth in Paragraph 10.B. Upon receipt of Buyer's objections, Seller shall have one of the following options, and shall give written notice to Buyer or Buyer's attorney within seven (7) days of receiving Buyer's report:~~

- ~~(1) Treat the condition and correct the defeat at Seller's own expense;~~

- ~~(2) Rescind the Contract and return the down payment to Buyer. Should Seller elect to rescind, Buyer shall still have the right to consummate the purchase transaction, taking the property with whatever well or private waste disposal problems exist. Buyer must give Seller or Seller's attorney written notice of this intention within four (4) days of receiving Seller's notice of rescission.~~

E. TOXIC OR HAZARDOUS WASTE: Seller is unaware of any toxic or hazardous waster materials being stored or having been stored on the premises or the existence of any underground fuel storage tanks on the property, and further represents that no notices have been received from the Illinois Environmental Protections Agency or the Illinois Environmental Pollution Control Board or any other governmental entity with regard to a toxic or hazardous waste problem with the property, except as stated in the Residential Real Property Disclosure Report.

F. FINAL INSPECTION: Buyer shall have the right to make a final inspection of the property immediately prior to settlement to verify that its condition has not deteriorated from the date Buyer last inspected the property prior to the execution of this Contract, ordinary wear and tear excepted.

11. LEAD-BASED PAINT AND/OR LEAD-BASED HAZARDS:

A. Buyer acknowledges receipt of a federal lead information pamphlet required by the Federal Residential Lead-Based Paint Hazard Reduction Act.

B. Check one of the following sub-sections, 1, 2, or 3:

- X 1. The premises subject to this Contract were built after 1977. No risk assessment or inspection for the presence of lead-based paint or lead-based hazards is required.
- _____ 2. The premises to this Contract were built before 1978, but Buyer has knowingly and voluntarily waived the right to conduct a risk assessment or inspection for the presence of lead-based paint and lead-based hazards.
- _____ 3. This Contract is contingent upon a risk assessment or inspection of the property for the presence of lead-based paint and/or lead-based paint hazards at Buyer's expense until 5:00 p.m. on the tenth calendar day after the effective date of this Contract. This contingency will terminate at the aforesaid predetermined deadline unless Buyer delivers to Seller a written notice listing the specific existing deficiencies and corrections needed, together with a copy of the inspection and/or risk assessment report. Seller may, at Seller's option, within two days of delivery of the notice, elect, in writing, whether to correct the condition(s) prior to the time of final settlement of this Contract. If Seller will correct the condition(s), Seller shall furnish Buyer with certification from a risk assessor or inspector demonstrating that the condition(s) has been remedied before the date of final settlement. If Seller does not elect to make the repairs or remediation, or if Seller makes a counter-offer, Buyer shall have two (2) days to respond to the counter-offer or remove this contingency and take the property with whatever lead-based paint and/or lead-based hazards exist, otherwise, this Contract shall become null and void and Seller shall return the down payment to Buyer. Buyer may remove this contingency at any time without cause. (See the Disclosure Statement attached hereto and make a part hereof by this reference.)

12. **SELLER'S WARRANTIES:** Seller hereby provides the following warranties:

- A. That no work has been done upon, or materials furnished to, the premises which could give rise to a lien under the Illinois Mechanics' Lien Act;
- B. Seller has indefeasible title to all of the personal property to which reference is made in Paragraph 7, and all of said property, together with all appliances and mechanical systems built into the premises are free from security interests or liens other than the lien of any real estate mortgage noted in Paragraph 6 herein;

C. Additional Warranties:

13. **ADDITIONAL PROVISIONS:**

- A. Buyer shall assume any assumption or transfer fees incurred as a result of Buyer assuming, or taking subject to, Seller's existing mortgage, and both Seller and Buyer agree to comply with the requirements of the Real Estate Settlement Procedures Act;
- B. Words importing the masculine gender include the feminine, words importing the singular number include the plural, and words importing the plural include the singular;
- C. The covenants and agreements herein contained shall extend to and be obligatory upon the heirs, executors, administrators, and assigns of the respective parties;
- D. The Parties acknowledge that the State of Illinois has enacted a Smoke Detector Act (425 ILCS 60/1, et seq.);
- E. Time is of the essence of this Contract;
- F. *Subject to approval of the City Council;*

~~14. **ESCROWEE:** The parties agree that _____ is hereby designated as Escrowee for the purposes of any escrow created or hereafter required in connection with this Contract. The Escrow conditions are as follows:~~

- ~~A. Escrowee shall hold in escrow the down payment pursuant to the terms of this Contract until closing and not release said funds except with the agreement of all parties, or an order entered by a court of competent jurisdiction;~~
- ~~B. Additional conditions:~~

15. **NOTICES, ETC.:** Title commitments, communications or notices with reference to this Contract shall be delivered by or to the parties or their respective attorneys as shown on the first page hereof.

16. **PREPARATION AND APPROVAL:** This Contract was prepared by Hannah Eisner, Seller's attorney, and approved by _____, _____ attorney.

17. **SETTLEMENT:** Closing shall be held at the office at Buyer's lending institution, or such place as the parties may agree.

18. **SELLER'S DISCLOSURE:** The parties acknowledge that this Contract is *not* subject to the Illinois Residential Real Property Disclosure Act (765 ILCS 77/1, et. seq.) ~~Buyer~~

~~acknowledges receipt of a completed Residential Real Property Disclosure Report prior to the time the Contract was signed and said report is incorporated herein by reference.~~

19. **ATTORNEY'S FEES AND EXPENSES:** Should either Seller or Buyer be required to incur attorney's fees, costs and/or other expenses (including expenses of litigation) as a result of the other party's failure to perform any obligation pursuant to the terms of this Contract, then the party so failing to perform shall be liable to the other party for any reasonable attorney's fees, costs, and expenses (including expenses of litigation) incurred by such other party. This provision shall survive closing and delivery of deeds.

20. **LIQUIDATED DAMAGES:** If Buyer defaults, Seller may elect (a) to retain the down payment (including earnest money) as full compensation for all loss (in which event the earnest money will be treated as liquidated damages), or (b) to pursue any available remedy.

21. **ENTIRE AGREEMENT:** This Contract represents the entire agreement of the parties. Any prior written or oral agreements of the parties regarding the transaction which is the subject of this Contract merge with and are superseded by this Contract.

22. **FORM OF AGREEMENT:** This Contract conforms in all respects with the form Contract for Sale of Real Estate adopted by the McLean County Bar May 21, 1998 with the exception of language contained in the following paragraphs: 18

THIS IS INTENDED TO BE A LEGAL DOCUMENT. AN ATTORNEY AT LAW SHOULD BE CONSULTED PRIOR TO THE EXECUTION OF THIS DOCUMENT.

IN WITNESS WHEREOF, the parties to these presents have executed several counterparts of this Contract, of equal effect.

SELLER

BUYER

Stephen F. Stockton

Date: July 24, 2007

Tracey Covert

Date: July 24, 2007

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the Contract for Purchase of Real Estate with Kandi Currie 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 Matejka, Huette, Schmidt, Finnegan, Gibson, Hanson, Crawford and Purcell.

Nays: None.

Motion carried.**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Application for a Highway Permit from the Illinois Department of Transportation to Place Curb and Gutter and Sidewalk Along East Street (US BR 51 NB) at Mulberry Street Intersection

In order to construct Festival Park in front of the Bloomington Center for the Performing Arts, (BCPA) it is desirable to permanently close vehicular access at the intersection of US Business Route 51 northbound and Mulberry Street. This intersection has been closed temporarily with barricades for more than a year. The Engineering Department is currently in the bidding process for the 2007 Curb and Gutter Improvements Project which includes this work. District 5 of the Illinois Department of Transportation (IDOT) requires that a permit be obtained because this work will occur within state right-of-way.

Staff respectfully recommends that Council approve the permit with IDOT District 5 and that the Mayor and City Clerk be authorized to execute the necessary documents.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

(APPLICATION ON FILE IN CLERK'S OFFICE)

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the permit 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 Matejka, Huette, Schmidt, Finnegan, Gibson, Hanson, Crawford and Purcell.

Nays: None.

Motion carried.

The following was presented:

April 9, 2007

1803

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition from Park Developers, Inc. and RAB2 Corporation for Approval of a Final Plat for the Estates of Eagle View Subdivision First Addition

A Petition has been filed by Park Developers, Inc. and RAB2 Corporation requesting approval of a Final Plat for the Estates of Eagle View Subdivision First Addition. The subdivision is located south of Ft. Jesse Road, and east of Towanda Barnes Road.

Staff has reviewed the Final Plat and find it in conformance with the Revised Preliminary Plan approved by the Council on September 27, 2004. 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 Estates of Eagle View Subdivision First Addition, subject to the Petitioner paying the tap-on fees before recording the plat.

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

ORDINANCE NO. 2007 - 24

**AN ORDINANCE APPROVING THE FINAL PLAT OF FIRST
ADDITION TO THE ESTATES OF EAGLE VIEW SUBDIVISION**

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

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

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

1. That the Final Plat of the First Addition to The Estates of Eagle View 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 9th day of April, 2007.

APPROVED this 10th day of April, 2007.

APPROVED:

Stephan F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

A part of Outlot 507 in the Estates of Eagle View in the City of Bloomington, McLean County, Illinois, according to the plat recorded as Document No. 2005-14819 in the McLean County Recorder's Office, more particularly described as follows: beginning at the Northwest Corner of said Outlot 507. From said Point of Beginning, thence east 150.00 feet along the North Line of said Outlot 507 to the Northwest Corner of Tract No. 2 according to the Deed Recorded as

Document No. 2006-7366 in said Recorder's Office; thence south 200.00 feet along the West Line of said Tract No. 2 which forms an angle to the left of 90°-00'-00" with the last described course; thence east 175.66 feet along the South Line of said Tract No. 2 which is parallel with said North Line and which forms an angle to the left of 270°-00'-00" with the last described course to the Southeast Corner of said Tract No. 2 being a point on the East Line of said Outlot 507 lying 200.00 feet south of the Northeast Corner thereof; thence south 227.44 feet along said East Line which forms an angle to the left of 89°-34'-46" with the last described course to the Southeast Corner of said Outlot 507; thence west 324.18 feet along the South Line of said Outlot 507 which forms an angle to the left of 88°-29'-35" with the last described course to the Southwest Corner thereof; thence north 416.52 feet along the West Line of said Outlot 507 which forms an angle to the left of 91°-55'-39" with the last described course to the Point of Beginning, containing 2.344 acres, more or less.

Motion by Alderman Finnegan, seconded by Alderman Schmidt 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 Matejka, Huette, Schmidt, Finnegan, Gibson, Hanson, Crawford and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Appeal of Action by the Zoning Board of Appeals for Property Located at 604 N. Oak Street

Recently, the home at 604 N. Oak Street sustained fire damage in excess of 100% of its market value. Due to the extent of the damage, the requirement to eliminate nonconforming physical elements as required by the City's Zoning Ordinance became applicable. In this instance, the structure has a nonconforming side yard setback, (4 ft. required, 6 ft. provided), and the site does not contain a covered off-street parking space. To overcome these shortfalls the owner, Lue Walters, requested the variances needed from the Zoning Board of Appeals to proceed with repairs of the structure.

The Zoning Board of Appeals held a hearing on this matter on April 21, 2007. Staff originally objected to the variance requests based on the extent of the damage to the home and the reasonableness of repairs based on value, the extent of the damage, variances needed and the practicality of providing the required covered parking space. Despite staff's concerns, the Board

approved a side yard variance for the structure by a vote 4-1. However, they failed to pass the variance request for the covered parking by the requisite four (4) affirmative votes (3 yes, 2 no). Due to the vote, the petitioner has filed an appeal, requesting that Council overturn the decision of the Zoning Board of Appeals.

Even with the granting of the side yard variance, it is still impractical to provide the covered parking space due to the building's sighting on the lot. Furthermore, since the zoning hearing, the Gridley Allin and Pricketts Form-Based Zoning Ordinance was moved forward by the Planning Commission. This new code, which will be applicable to this property, does not require a covered off-street parking space.

Staff respectfully recommends that Council grant the petitioner's appeal and allow the reconstruction of 604 North Oak Street with out the required covered off-street parking space.

Respectfully,

Mark R. Huber
Director of P.A.C.E.

Tom Hamilton, City Manager
City Manager

Minutes
Zoning Board of Appeals
April 21, 2006

Note: These minutes are preliminary and have not been approved by the Zoning Board of Appeals. They will be presented to the Board at their next regularly scheduled meeting.

The next case, **Z-05-07**, submitted by Mr. Lue Walters, involved property located at 604 N. Oak Street. Mr. Walters explained that he is a deacon of the Mt. Pisgah Church and has had a decades-long commitment to help provided decent affordable housing on the west side of the community. He explained that he has been both an investor and contractor. Mr. Walters disagreed that the house had lost more than 50% of it value and asserted that it made more economic sense to rebuild the remaining structure than to tear it down and start over. Mr. Walters pointed out that the situation is due to a nonconforming structure which had a fire and not to any choice on his part, he just wished to make repairs.

Mark Huber gave the staff report which recommended demolition of this damaged structure and any potential new structure to be built to conform to standards.

Mr. Walters said to build new house would cost at least \$140,000. He said there is not a market for that price in this location. However with the insurance proceeds of \$101,000 he said he could make complete repairs. He observed that about 25% of that number is for clean up and hauling away the debris.

There was discussion on the difficulty of fitting a covered parking space on this site. Mr. Walters asserted that he parks there now in an off-street space. It was noted that the requirement of providing a covered space is a fairly recent change in the Code.

The Commissioners voted 4 to 1, with Mr. Erickson in dissent, to grant a 2' sideyard variance. The Commissioners voted 3 to 2, with Mr. Erickson and Mr. Parker in dissent, to not require a covered parking space. Mr. Ireland announced that since the second vote had less than the required four votes for passage, Mr. Walters could appeal to the City Council for a decision.

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the appeal be granted.

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

Ayes: Aldermen Matejka, Huette, Schmidt, Finnegan, Gibson, Hanson, Crawford and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Public Hearing on the Petition of Commerce Bank as Trustee of Hall Farms Trust dated July 1, 1982 requesting approval of an Amended Annexation Agreement requesting the following zoning district: M-1, Restricted Manufacturing District, for land located at Six Points Road, Section 13, Township 23 North, Range 1 East of the Third Principal Meridian consisting of approximately 44 acres

The Planning Commission held a hearing on this petition on March 28, 2007, and at the request of the Petitioner this item will be laid over until the May 29, 2007 Council meeting.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

Mayor Stockton stated the Petitioner's attorney had requested that this item be laid over until the Council's May 29, 2007 meeting. The citizens' attorney was not available on that date. There is a joint agreement to lay this item over until June 25, 2007. There was potential for lengthy discussion and considerable testimony.

Alderman Matejka expressed his opinion to returned this petition to the Planning Commission (PC) and Zoning Board of Appeals (ZBA). He was concerned that it appeared the citizens that this issue was coming before the ZBA. They missed the opportunity to address the ZBA. The Petitioner's attorney was not prepared for PC's hearing. There were a number of things left unanswered and the Council cannot take appropriate action.

Mayor Stockton expressed his belief the PC incorporates previous testimony while accepting only additional testimony. He did not see the benefit for either body to sit through the same testimonies twice.

Alderman Matejka acknowledged that the two (2) boards were interrelated. There was not a lot of testimony before the ZBA due to the short notice. This board should revisit the Special Use Petition. The PC needed to ensure appropriate zoning and appropriate use while considering adjoining neighborhoods.

Alderman Schmidt questioned if the Council would hear testimony that would address this issue of compatible use.

Alderman Crawford would not support sending this item back to the PC as that would only delay the issue.

Alderman Huette believed the Petitioner may have new information and should reappear before the PC. The PC would take new testimony related to any changes.

Alderman Purcell stated there was additional information. Changes have been made to the business plan. There was the potential for hours of testimony.

Alderman Matejka reiterated the plan was incomplete. It was only fair for the neighbors to rehear this Petition in its entirety.

Mayor Stockton had received correspondence from William Wetzel, Petitioner's attorney, and Guy Fraker, attorney representing several of the home owners. Both gentlemen were present this evening.

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

Motion carried.

Mayor Stockton invited Mr. Wetzel to address the Council.

Mr. Wetzel informed the Council that this Petition involved three (3) issues: 1.) an amended annexation agreement; 2.) rezoning the property; and 3.) a special use petition. The special use petition was required as gravel extraction was only permitted in an M – 1 or M – 2, Manufacturing Districts. He believed that as of this date the Petitioner has City staff's support. He also believed that the City's notice requirements were complied with.

The ZBA imposed conditions upon the Special Use Petition. City staff requested that the annexation Agreement be amended. This was done the day before the PC's hearing. The Council needed to make its decision based upon merits and facts. He noted that there were cost factors involved, (i.e. gravel). He was requesting the delay in order to gather additional information. The Council will make the final decision regarding this petition.

Mayor Stockton expressed his hope that the plan would provide an outline of the advantages and disadvantages. There was little persuasive discussion before the PC. Mr. Wetzel should make the opportunity to meet with neighborhoods' leaders as well as Alderman Matejka, who represented this ward.

Mr. Wetzel had met with Alderman Matejka. The Petitioner understood the Council's burden and responsibility. Mr. Wetzel appreciated the opportunity to present an argument in support of his client's position.

Alderman Schmidt questioned if Mr. Wetzel supported returning this item to the PC. Mr. Wetzel understood the reasoning, however, the PC would submit a recommendation to the Council for the final decision.

Mayor Stockton expressed his belief that the role of staff was to present recommendations to the ZBA regarding special use petitions and to the PC regarding compatibility with the community. Testimony before the Council should be limited. Mr. Wetzel expressed his intention to make a similar presentation before each board.

Alderman Finnegan questioned if there would be expert testimony to address noise. Mr. Wetzel informed the Council that it was his client's intention to engage one. A key question was the impact upon the area. The City would do core sampling on the existing roads to ensure capacity. Currently, there was a lot of construction, (housing, roads), in that area.

Alderman Purcell informed the Council that he had met with representatives from Rowe Construction. He had also visited the site, as well as the gravel pit located in Heyworth. He encouraged the Council and the PC to visit same and observe the extraction process. White Oak Park was the site of a former gravel pit. It was located in a residential area.

Mayor Stockton asked if Rowe Construction was willing to schedule trips to this gravel pit for members of both boards, Council, and concerned citizens.

Mr. Wetzel expressed his appreciation to these two (2) boards' members. Their task would not be easy. They have heard a lot of testimony and were doing a good job.

Mayor Stockton invited Mr. Fraker to address the Council.

Mr. Fraker represented five (5) objectors. He was approached about this case the day before the ZBA hearing. A continuance was requested. The Petitioner requested to proceed. The result was a four to one (4 to 1) vote in favor of the Special Use Petition. The ZBA placed conditions upon this petition. He cited a 1983 McLean County Circuit Court ruling regarding a gravel pit in this area. In 1983, the Petitioner decided not to go forward. A request had appeared before the PC.

The petitioner requested an Amended Annexation Agreement which should have included the gravel pit. When it appeared before the PC, a negotiation agreement between the City and the Petitioner had not been reached. He believed that the concern was issuing a special use permit which would allow a manufacturing use in an area that was zoned agricultural.

His clients had requested a continuance but were denied. He requested time to make a full examination, an additional thirty to sixty (30 or 60) days.

Mayor Stockton questioned if there was agreement between both parties to return this item back to the PC and the ZBA. Mr. Fraker responded affirmatively. He did not believe that the initial hearing was not completed.

Mayor Stockton noted that there might be redundant testimony. The Council has routinely granted petitioners the courtesy of a continuance. Discussion followed regarding positional dates, (for the PC, the ZBA and Council).

Alderman Purcell asked Tom Hamilton if there were previous cases where agricultural land was annexed as manufacturing. Tom Hamilton responded that these cases are rare, but he is sure they have happened in the past.

Motion by Alderman Matejka, seconded by Alderman Crawford for return to order.

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

Ayes: Aldermen Matejka, Huette, Schmidt, Finnegan, Gibson, Hanson, Crawford and Purcell.

Nays: None.

Motion carried.

Motion by Alderman Matejka, seconded by Alderman Purcell that the Amended Annexation Agreement on Hall Farms be returned to the PC and ZBA for rehearing.

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

Ayes: Aldermen Matejka, Huette, Schmidt, Finnegan, Gibson, Hanson, Crawford and Purcell.

Nays: None.

Motion carried.

Mayor Stockton asked the Council for discussion as to what the Council wants to hear from each group. Alderman Matejka stated his belief was the ZBA would contribute the technical input while the PC would deal with the land use compatibility within the Comprehensive Plan for the area. Alderman Purcell stated the site is shown as a park on the Comprehensive Plan. Alderman Matejka added the council needs to think long term regarding the budget and the funds to improve roads, especially Six Points Road. Tom Hamilton stated that Six Points Road is slated as a fall project and the City had an agreement with McLean County.

Mayor Stockton asked if there was any information regarding the extension of JC Parkway. Tom Hamilton stated that there is currently no agreement with the developer because the previous agreement expired December 31, 2006.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Case Z-03-07 Public Hearing on the Petition submitted by Peggy Jo Schluchter, Trust No. H-258, requesting approval of an Annexation Agreement providing for annexation to the City and A-Agriculture District zoning for 2.4 acres, commonly located in the Southwest Quarter of Old Town Township, south of the Norfolk Southern Railroad, approximately 1,628 feet east of Township Road 1800 E (Abraham Road) and approximately 3,300 feet west of Towanda-Barnes Road, along Brokaw Road (Township Road 1150 N)(south of Ward #8)

The Planning Commission opened a public hearing on this petition on March 28, 2007 and continued the public hearing until April 11, 2007 at the request of the petitioner. Staff respectfully recommends that Council open the public hearing and that the item be laid over until the April 23, 2007 Council meeting.

Respectfully,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

Mayor Stockton introduced this item as submitted by Peggy Jo Schluchter, Trust No. H - 258 requesting that the item be laid over until the April 23, 2007 Council meeting. Tom Hamilton, City Manager, stated that this item would appear on the Planning Commission's April 11, 2007 meeting agenda.

Mayor Stockton opened the Public Hearing. No one came forward. Mayor Stockton closed the Public Hearing.

Motion by Alderman Matejka, seconded by Alderman Huette that the public hearing be opened and the item laid over until the April 23, 2007 Council meeting.

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

Ayes: Aldermen Matejka, Huette, Schmidt, Finnegan, Gibson, Hanson, Crawford and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Public Hearing on 2007-2008 and Five-Year Budget and Adoption of an Ordinance titled Budget and Appropriation Ordinance for the Fiscal Year ending April 30, 2008.

Attached is the Budget and Appropriation Ordinance for the Fiscal Year ending April 30, 2008. There have been some minor changes to the capital budget to account for projects that will be let for bid later than thought, but the overall scope of projects was not changed. Otherwise this budget is identical to the one discussed at the Work Session held on March 19, 2007. A summary of the budget is attached.

A public hearing is required and a notice was published on March 30, 2007 announcing this hearing. Staff respectfully recommends that the public hearing be held after which the 2007-2008 Annual Budget and the 2009-2012 Five-Year Budget Ordinance be passed.

The final printed budget document will be filed with the County Clerk and Treasurer within thirty (30) days of the adoption and will be available for distribution.

1814

April 9, 2007

Respectfully,

Brian J. Barnes
Finance Director

Tom Hamilton
City Manager

ORDINANCE NO. 2007 - 25**BUDGET AND APPROPRIATION ORDINANCE
FISCAL YEAR ENDING APRIL 30, 2008
CITY OF BLOOMINGTON**

Make appropriations for all Corporate Purposes for the Fiscal Year beginning May 1, 2007 and ending April 30, 2008, for the City of Bloomington, McLean County, Illinois.

Be It Ordained by the City Council of the City of Bloomington, Illinois: that passage of the Budget Document shall be in lieu of passage of a separate Appropriation Ordinance, as required by 65 ILCS 5/8-2-9 and 5/8-2-9.4.

Section One. That the amounts hereinafter set forth, or so much thereof as may be authorized by law, as may be needed and same is hereby appropriated for such purposes as General Fund, Motor Fuel Tax Fund, Sister City Fund, S.O.A.R. Fund, Board of Election Fund, Drug Enforcement Fund, Cultural District Fund, Cultural District Donations Fund, Cultural District Equipment Replacement Fund, Community Development Fund, Library Maintenance and Operation Fund, Library Equipment Replacement Fund, General Bond and Interest Fund, Market Square TIF Bond Redemption Fund, 2004 Arena Bond Redemption, 2004 Multi-Project Bond Redemption, Capital Improvements Fund, 2003 Bond Project Fund, Central Bloomington TIF Fund, Fixed Asset Replacement Fund, Water Maintenance and Operation Fund, Water Supply/Depreciation Fund, Water Equipment Replacement Fund, IEPA Loan Disb. Fund, Sewer Maintenance and Operation Fund, Sewer Depreciation Fund, Sewer Equipment Replacement Fund, Parking Maintenance and Operation Fund, Coliseum Parking Fund, Parking Equipment Replacement Fund, Lincoln Parking Facility Fund, Storm Water Management Fund, Storm Water Depreciation Fund, Storm Water Equipment Replacement Fund, U.S. Cellular Coliseum Fund, U.S. Cellular Coliseum Equipment Replacement Fund, Employee Group Health Care Fund, Judgment Fund, Flex Cash Fund, Park Dedication Fund, J.M. Scott Health Care Fund, Police Pension Fund and the Fire Pension Fund for the fiscal year of said City of Bloomington, McLean County, Illinois, beginning May 1, 2007 and ending April 30, 2008.

Section Two. The amount appropriated for each object or purpose is set forth in the Annual Budget for the year ending April 30, 2008, a copy of which is available at the City Clerk's Office and incorporated by reference.

(NOTE: Amounts appropriated hereby are contained in the Annual Budget for the year ending April 30, 2008, published in book form, copies of which are available for inspection at City Hall, Bloomington Public Library, and other places throughout the City.)

Section Three. That all sums of money not needed for immediate specific purposes may be invested in City of Bloomington Tax Warrants, Tax Sale Certificate, or Notes of Indebtedness, General Water, Parking or Sewer Revenue Bonds, in securities of the Federal Government, in Federal Insured Savings and Loan Associations, Certificates of Deposit in Commercial Banks, or other instruments as allowed by law.

Section Four. Pursuant to 65 ILCS 5/8-2-9.6, and the home rule authority granted to the City of Bloomington pursuant to Article 7, Section 6 of the 1970 Illinois Constitution, the Finance Director, with the concurrence of the City Manager is authorized to revise the annual budget by deleting, adding to, changing or creating sub-classes within object classes budgeted previously to a Department, Board or Commission, and to transfer amounts within a particular fund established by this Ordinance, with the restrictions that no such action may be taken which shall increase the budget in the event funds are not available to effectuate the purpose of the revision, and that the City Council shall hereafter be notified of such action by written report of the City Manager.

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

Section Six. That all Ordinances or parts of Ordinances conflicting with any of the provisions of this Ordinance be and the same are hereby repealed.

Section Seven. This Ordinance shall be in full force and effect from and after its passage.

PASSED by the City Council of the City of Bloomington, Illinois this 9th day of April, 2007.

APPROVED by the Mayor of the City of Bloomington, Illinois this 10th day of April, 2007.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

(PROPOSED BUDGET AND COMPARISON, FUND EXPENSE SUMMARY FISCAL, NET REVENUE/EXPENSE SUMMARY FISCAL, FUND BALANCE SUMMARY FOR FISCAL YEAR 2007-2008 ON FILE IN CLERK'S OFFICE)

Mayor Stockton introduced the City of Bloomington 2007 – 2008 Budget, the Five Year Budget and Adoption of an Ordinance.

Mayor Stockton opened the Public Hearing. No one came forward to address the Council. Mayor Stockton closed the Public Hearing.

Mayor Stockton stated the proposed budget was the subject of a Work Session on March 19, 2007. Tom Hamilton, City Manager, stated budget amendments were allowed throughout the year. Mayor Stockton had no main concerns.

Alderman Purcell had reviewed the budget. There were a number of projects. He praised staff for their efforts.

Alderman Crawford acknowledged the shift in planning for the coming fiscal year. When he became a Council member, they reviewed the budget for less than two (2) months prior to its approval. The Council now had eight to nine (8 - 9) months to review and consider the budget. Mr. Hamilton noted the budget was larger, more complicated and a year round process now. Mayor Stockton cited the August 14, 2006 Work Session held by the Council.

Mayor Stockton cited another issue: the US Cellular Coliseum, (USCC) and the potential for a substantial loss. He believed the next year would be another year of loss. Mr. Hamilton reminded the Council that throughout the process, it had been determined that if the USCC did not make a profit, then the City had to pay the difference as part of General Fund expenses. There had been money built into the City's fund balance to accommodate such an event. For the short term, the City was fine in that regard. Until the final numbers were available, it was difficult to know.

Alderman Huette did not want to continue to "pump" funds in to the USCC. The USCC profitability should be a priority. Mayor Stockton agreed and had considered making this one of staff's goals.

Alderman Purcell believed that the Council needed to wait and see the USCC's budget and the affect on the City's plans. He questioned if the Council needed to consider retaining a consultant. Mayor Stockton responded negatively. He did not want to micromanage. However, specific goals and accountability were necessary.

Alderman Huette reminded the Council that the USCC was considered a new business. There was always concern of failure with a new business. Alderman Schmidt agreed and requested to see the one time start up costs for the USCC and USCC's impact upon sales tax in the Downtown. Mr. Hamilton stated there have been an estimated 300,000 people in the Downtown who probably would not have been there were it not for the USCC.

Mayor Stockton did not see any problem with the budget. Mr. Hamilton added that the City was within budget.

Motion by Alderman Matejka, seconded by Alderman Crawford to adopt the 2007-2008 proposed budget.

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

Ayes: Aldermen Matejka, Huette, Schmidt, Finnegan, Gibson, Hanson, Crawford and Purcell.

Nays: None.

Motion carried.

MAYOR'S DISCUSSION: Mayor Stockton believed there would be future discussion on the USCC's reporting, goals and why the USCC was operating at a loss.

The logistics and client retention piece for the USCC also needed to be addressed. On July 7, 2007, a Jehovah's Witnesses convention and an Extreme Football game have been scheduled. The Jehovah's Witnesses contract was reviewed. They have use of the facilities from Thursday, July 5 through Sunday, July 8, 2007 and do not have to vacate the facility until July 8, 2007.

Alderman Finnegan questioned if the football could be rescheduled. Mayor Stockton was in discussion with the football league about this issue.

Alderman Matejka reminded the Council of the positive economic impact these outside organizations bring to the area. He added the Jehovah's Witness had given the City a five (5) year commitment. He further stated this type of event helped to offset the USCC's operating losses. It was important to work with these groups.

Alderman Huette questioned why the Council was discussing this issue. He viewed this as micromanaging. Central Illinois Arena Management (CIAM) needed to address this issue. The Jehovah's Witnesses entered into a contract in good faith. They have an agreement.

Alderman Finnegan believed there should be something in place so this would not occur again. Alderman Matejka noted that there should be better communication between the CIAM and the Convention and Visitors Bureau.

Mayor Stockton reiterated the Council wanted to review the USCC's budget and should receive interim reports. Mr. Hamilton noted that the February reports were due in March and had not arrived.

Alderman Matejka requested that CIAM attend Council meetings on a quarterly basis. Alderman Huette suggested a Work Session with CIAM to review the numbers and answer questions. Mayor Stockton requested that the Council be kept informed due to the media reports.

CITY MANAGER'S DISCUSSION: None.

ALDERMEN'S DISCUSSION: Alderman Schmidt appreciated the separate departmental reports. She questioned the status of the Highland Park Golf Course's building.

Alderman Finnegan commended the Parks and Recreation Department for helping the Kiwanis Club's clean up on the Constitution Trail over the weekend.

Motion by Alderman Matejka, seconded by Alderman Huette, that the meeting be adjourned. Time: 9:12 p.m.

Motion carried.

**Tracey Covert
City Clerk**

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