

**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, July 10, 2006.

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, Michael Matejka, John Hanson, Jim Finnegan, Steven Purcell, and Mayor Stephen F. Stockton.

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

Absent: Aldermen Joseph “Skip” Crawford and Karen Schmidt.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Proclamation

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

1. Declaring July, 2006 as “Not in Our Town” Month.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

Tom Hamilton, City Manager, informed the Council that he had presented the Proclamation earlier that day. Mayor Stockton read the Proclamation. The “Not in Our Town” group was active in the community. He encouraged those present to think about how they might become involved.

Motion by Alderman Matejka, seconded by Alderman Finnegan that the proclamation be made a matter of record.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Work Session Minutes of May 8, 2006

The Work Session Minutes of May 8, 2006 have been reviewed and certified as correct and complete by the City Clerk.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

Motion by Alderman Matejka, seconded by Alderman Finnegan that the reading of the minutes of the previous Work Session of May 8, 2006 be dispensed with and the minutes approved as printed.

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

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

Nays: None.

Motion carried.

The following was presented:

July 10, 2006

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Payments from Various Municipal Departments

1. The seventh partial payment to Economic Development Council of Bloomington/Normal in the amount of \$3,750 on a contract amount of \$45,000 per year, of which \$26,250 will have been paid to date for work certified as 58% complete for the McLean County Economic Development. Completion date - December - 2008.
2. The fifteenth partial payment to PJ Hoerr, Inc. in the amount of \$947,939.81 on a contract amount of \$11,545,542.53 of which \$10,246,837.31 will have been paid to date for work certified as 89% complete for the Renovation of the Bloomington Center for the Performing Arts. Completion date - June 2006.

3. The twelfth partial payment to Terracon in the amount of \$728.51 on an as needed contract of which \$16,790.55 will have been paid to date for work certified as ongoing for the Inspection Services for the Renovation of the Bloomington Center for the Performing Arts. Completion date - As needed.
4. The tenth partial payment to Rowe Construction Co. in the amount of \$196,650 on a contract amount of \$1,250,603.92 of which \$1,134,046.68 will have been paid to date for work certified as 91% complete for the US Cellular Coliseum Infrastructure Improvements. Completion date - September 2006.
5. The second partial payment to McLean Regional Planning Commission in the amount of \$98,815.32 on a contract amount of \$275,471.99 of which \$197,950.11 will have been paid to date for work certified as 72% complete for the Pinnacle Mapping Technologies, Inc. a/k/a Aerial Photography. Completion date - April 2007.
6. The second partial payment to APACE Architects & Design in the amount of \$1,960 on a contract amount of \$214,950 of which \$11,295 will have been paid to date for work certified as 5% complete for the Design of Fire Station #5. Completion date - May 2008.
7. The second partial payment to Laskowski Plumbing Inc. in the amount of \$35,337 on a contract amount of \$73,340 of which \$68,340 will have been paid to date for work certified as 95% complete for the Boiler Replacement for Fire Station #1. Completion date - June 2006.
8. The twentieth partial payment to New World Systems in the amount of \$817.37 on a contract amount of \$671,523 of which \$489,318.72 will have been paid to date for work certified as 73% complete for the Police & Fire Computer Aided Dispatch System. Completion date - July 2006.
9. The twenty-first partial payment to New World Systems in the amount of \$12,830.36 on a contract amount of \$671,523 of which \$502,149.08 will have been paid to date for work certified as 75% complete for the Police & Fire Computer Aided Dispatch System. Completion date - July 2006.
10. The twenty-second partial payment to New World Systems in the amount of \$5,530 on a contract amount of \$671,523 of which \$507,679.08 will have been paid to date for work certified as 76% complete for the Police & Fire Computer Aided Dispatch System. Completion date - July 2006.
11. The second and final payment to MidCo Inc. in the amount of \$53,859.35 on a contract amount of \$107,718.70 of which \$107,718.70 will have been paid to date for work certified as 100% complete for the Bloomington Police Department Gate Additions. Completion date - January 2006.

12. The first partial payment to Farnsworth Group in the amount of \$3,615.10 on a contract amount of \$41,173 of which \$3,615.10 will have been paid to date for work certified as 9% complete for the Highland Park Golf Course. Completion date - December 2006.
13. The fifth and final payment to Lohmann Golf Design in the amount of \$1,772.50 on a contract amount of \$20,625 of which \$21,535 will have been paid to date for work certified as 100% complete for the Prairie Vista - Renovation #18. \$910 of this last payment includes reimbursable travel expenses per contract. Completion date - June 2007.
14. The sixth partial payment to PJ Hoerr Inc. in the amount of \$236,541.22 on a contract amount of \$2,281,937.27 of which \$923,081.11 will have been paid to date for work certified as 40% complete for the Holiday Pool Renovation. Completion date - July 2006.
15. The first partial payment to JG Stewart Contractors in the amount of \$7,877.25 on a contract amount of \$210,000 of which \$7,877.25 will have been paid to date for work certified as 4% complete for the 2005-2006 Sidewalk Replacement and Handicap Ramp Program. Completion date - November 2006.
16. The twelfth partial payment to Terracon Consultants, N.E. Inc., (Dept. 1277) in the amount of \$2,593.38 on a per ton and hour contract of which \$108,912.63 will have been paid to date for work certified as ongoing for the 2005-2006 Asphalt & Portland Concrete Plant Inspection and Lab Testing. Completion date - July 2006.
17. The tenth partial payment to Foth & Van Dyke/Daily Division in the amount of \$10,046.76 on a contract amount of \$339,497 of which \$228,771.68 will have been paid to date for work certified as 67% complete for the Mitsubishi Motorway Study Design and Specifications. Completion date - August 2006.
18. The second partial payment to Stark Excavating, Inc. in the amount of \$100,999 on a contract amount of \$1,399,893.75 of which \$312,021.80 will have been paid to date for work certified as 22% complete for the Euclid Avenue - Oakland to Washington. Completion date - November 2006.
19. The seventh partial payment to Farnsworth Group in the amount of \$19,274.83 on a contract amount of \$284,520 of which \$116,700.43 will have been paid to date for work certified as 41% complete for the Kickapoo Force Main Design - Property Surveys and Brokaw Road Surveys. Completion date - November 2006.
20. The thirteenth and final payment to Stark Excavating, Inc. in the amount of \$76,168.59 on a contract amount of \$928,176.59 of which \$928,176.59 will have been paid to date for work certified as 100% complete for the Lake Bloomington Retaining Wall at Water Treatment Plant. Completion date - May 2006.

21. The thirty-ninth partial payment to Brisbin, Brook, Beynon Architects in the amount of \$9,918.53 on a contract amount of \$1,611,964.52 of which \$1,425,285.73 will have been paid to date for work certified 88% complete for the US Cellular Coliseum Architects. Completion date - April 2006.
22. The first partial payment to Alvord, Burdick & Howson, LLC in the amount of \$2,380 on a contract amount of \$29,000 of which \$2,380 will have been paid to date for work certified as 8% complete for the Water Department Rate Study. Completion date - December 2006.
23. The third partial payment to Clark Dietz in the amount of \$5,245.44 on a contract amount of \$68,800 of which \$28,613.80 will have been paid to date for work certified as 58% complete for the Main Replacement on Hinshaw/Barker. Completion date - December 2006.
24. The thirteenth partial payment to Clark Dietz in the amount of \$310 on a contract amount of \$22,000 of which \$12,293.41 will have been paid to date for work certified as 56% complete for the Water Department Emergency Response Plan. Completion date - December 2006.
25. The fifth partial payment to Consoer Townsend & Associates in the amount of \$2,880.79 on a contract amount of \$185,000 of which \$43,578.47 will have been paid to date for work certified as 24% complete for the Water Department Electrical Improvements at Lake Bloomington. Completion date - December 2006.
26. The first partial payment to Consoer Townsend & Associates in the amount of \$1,117.14 on a contract amount of \$74,800 of which \$1,117.14 will have been paid to date for work certified as 1% complete for the Water Department In-Line Booster Station at Mitsubishi Motorway Manufacturing. Completion date - December 2006.

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

Respectfully,

Tom Hamilton
City Manager

Alderman Finnegan questioned Payments 8. The twentieth partial payment to New World Systems in the amount of \$817.37 on a contract amount of \$671,523 of which \$489,318.72 will have been paid to date for work certified as 73% complete for the Police & Fire Computer Aided Dispatch System. Completion date - July 2006; 9. The twenty-first partial payment to New World Systems in the amount of \$12,830.36 on a contract amount of \$671,523 of which \$502,149.08 will have been paid to date for work certified as 75% complete for the Police & Fire Computer Aided Dispatch System. Completion date - July

2006; 10. The twenty-first partial payment to New World Systems in the amount of \$12,830.36 on a contract amount of \$671,523 of which \$502,149.08 will have been paid to date for work certified as 75% complete for the Police & Fire Computer Aided Dispatch System. Completion date - July 2006; and 11. The second and final payment to MidCo Inc. in the amount of \$53,859.35 on a contract amount of \$107,718.70 of which \$107,718.70 will have been paid to date for work certified as 100% complete for the Bloomington Police Department Gate Additions. Completion date - January 2006.

Tom Hamilton, City Manager, informed the Council that these payments were within the contract amount. He offered to provide the final numbers for each one.

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

Bernice Stuart, 1604 W. Olive, addressed the Council. She questioned Payment 18. The second partial payment to Stark Excavating, Inc. in the amount of \$100,999 on a contract amount of \$1,399,893.75 of which \$312,021.80 will have been paid to date for work certified as 22% complete for the Euclid Avenue - Oakland to Washington. Completion date - November 2006. She had been a resident of the City for forty-five (45) years. This street was under construction without the necessary permits. Nicor was on site performing work. She questioned the August 2006 completion date. Mr. Hamilton addressed the Euclid St. project. Ms. Stuart stated that the sewer work had been completed. During the last rain storm, the sewer backed up. The sewer was inspected and her sewer was clean. She noted the need to use Oakland Ave. which was costly due to the price of gas. Mayor Stockton noted the Council understood of her concerns.

Alderman Matejka stated that the storm sewer had been inadequate. Other homes have had sewer back ups in the past. Doug Grovesteen, Director of Engineering, addressed the Council. He noted the existing fifteen inch (15") combination sewer. This type of sewer is susceptible to back ups. The City had built a storm sewer on Olive St. with the intent of placing as many homes as possible on it. The water main must also be constructed before the City could begin paving the street. The railroad has some of the necessary paperwork. The City was waiting on the railroad.

Alderman Matejka questioned the completion date. Mr. Grovesteen offered to check the contract. He did not believe that this project was scheduled for completion by August. A technician had visited with Ms. Stuart. This sewer had been a chronic problem. Her home was on the system. The City was trying to improve the sewer.

Alderman Matejka noted that he was unaware of any permit delays. He encouraged City staff to notify the neighborhood. He requested that the Council be notified when the City's receives the permit. He also requested a time line for this project.

Mayor Stockton informed the Council that he had been informed. City staff would follow up on the Council's concerns. The City cannot compel the rail road. He encouraged City staff to communicate with the Council via email and also with the neighbors.

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

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Members of the City Council
From: Stephen Stockton, Mayor
Subject: Appointments to Various Boards and Commissions

I ask that you concur with the following appointments:

Planning Commission:

Greg Kennett, 2511 Driftwood Rd., Bloomington, IL. His term will expire April 30, 2010.

Housing Authority Board:

Barb Nathan, 22 Downing Circle, Bloomington, IL. Her term will expire April 30, 2011.

Respectfully,

Stephen F. Stockton
Mayor

Mayor Stockton introduced Barb Nathan, Community Cancer Center's, (CCC) Executive Director. Ms. Nathan addressed the Council. She expressed her appreciation to the Council for their consideration. She was willing to serve on Housing Authority Board.

Alderman Gibson expressed his interest in Ms. Nathan's appointment. He had worked at the CCC.

Mayor Stockton noted that Greg Kennett was unable to attend this evening's meeting.

Alderman Purcell questioned if the City had other vacancies on any of the other Boards and Commissions. Mayor Stockton responded affirmatively. He encouraged the Council to refer interested individuals to the City's Administrative office.

Motion by Alderman Matejka, seconded by Alderman Finnegan that the appointments be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Request to Pay the Illinois Environmental Protection Agency (IEPA) for a Combined Sewer Non Point Discharge Elimination System (NPDES) Permit

The IEPA requires that all cities with combined sewer overflows obtain a yearly permit. For a City of our size, with over 25,000 in population, the permit fee is \$20,000 per year. The City has received a notice from the IEPA that the fee is now due for the period 07/01/06 through 06/30/07.

Staff respectfully requests that Council authorize payment to the Illinois Environmental Protection Agency for our combined sewer NPDES Permit in the amount of \$20,000 with payment to be made from the Storm Water Management Fund (X55100-70550).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Request to Pay York International, Corp. for Repairs to the City Hall Chillers

In the fall of 2005, staff was informed by the York International Service Department that metal was discovered in the refrigeration piping for the City Hall #1 chiller. Given the age and number of hours on the chiller, the service technician believed that the problem was in the upper part (valves) of the compressor.

Due to the cooling season being over, staff believed that the proper action was to defer the repair until spring. Waiting until spring would allow staff to obtain quotes and budget for the repair. In the spring of 2006, York International, the lowest quote provider, conducted an internal inspection of the chiller and discovered that not only did the valves need to be replaced, but the connecting rods and other internal parts were also in need of replacement.

At the time the problems were discovered, the compressor was already torn down and York's service people were on site to perform the additional repairs. Staff believed that York International was the best option for making these repairs ensuring that City Hall's AC system would operate at full capacity.

Staff has reviewed the invoice submitted by York International, and found it to be in order. Staff respectfully requests that Council approve the payment of \$6,850 to York International Corp. for repairs to the City Hall chiller system. Funds for this work have been budgeted for and will come from the Building Alterations Account (G15480-72520).

Respectfully,

Bob Floyd
Facility Manger

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

Tom Hamilton
City Manager

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Request for Payment for Parking Gates at the Lincoln Parking Garage

Previously, Council approved the purchase of an automated parking access and security system to allow staff to remotely manage various activities from City Hall. The goal was to incorporate all City-owned parking facilities into one centralized automated system. Since the inception of this project, new gates have been added to the Market Street parking garage, the US Cellular Coliseum parking garage, and plans are in motion for upgrading the Snyder underground parking facility.

Security Parking, Inc., has been selected to provide the ScanNet Parking Access System, including the initial installation of the automated parking access and security system, and the maintenance and monitoring of the parking gate equipment and the software package.

Funds were included in the Fiscal Year 2006/07 to replace the gates at the Lincoln garage with the new ScanNet technology. Parking staff inadvertently purchased new parking gate equipment from the former vendor, Parking Systems, Inc., for a total of \$11,432. This purchase included one (1) ticket dispenser with two (2) dispenser mechanisms, two (2) gates, and the delivery and labor costs for complete installation at the Lincoln Parking Garage.

The new equipment at the Lincoln Parking Garage will be independent from the upgraded system that all of the other parking facilities will be consolidated into. Parking staff has recognized the errors, however, the system is in place and operational at this time. Therefore, staff respectfully requests Council approval of the payment of \$11,432 to Parking Systems, Inc. to be made from purchase order number P0083802, which was processed on June 15, 2006.

The funds for this procurement are budgeted in F54200-72140, Parking Fixed Asset Equipment Replacement fund.

Respectfully,

Brian Barnes
Finance Director

Mike Clem
Supervisor of Parking

Tom Hamilton
City Manager

Alderman Finnegan questioned if these gates would be controlled by City Hall. Tom Hamilton, City Manager, responded affirmatively. These gates would be controlled via computer.

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

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

Ayes: Aldermen Huette, Finnegan, Gibson, Hanson, Matejka 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 Trench Shoring Equipment

Staff respectfully requests that Council waive the formal bidding process and approve the purchase of air powered trench shoring equipment and aluminum trench shielding. This equipment will be used to improve trench shoring and shielding capabilities. Staff has used the shoring and shielding equipment from Prospan Manufacturing Company, Inc. in a demonstration at the Water Department's Division Street operations center and found that it meets the needs of the department.

Staff respectfully recommends that Council approve the purchase of this specialty equipment from Prospan Manufacturing Company, Inc. in the amount of \$11,668, and that the Resolution be adopted. Funds for this purchase will be taken from the Water Department, Operations and Maintenance Fund, Repair/Maintenance Infrastructure (Account #5010- 50120-70220).

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 93

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF TRENCH SHORING EQUIPMENT FROM
PROSPAN MANUFACTURING COMPANY, INC., IN THE AMOUNT OF \$11,668**

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 Trench Shoring Equipment from Prospan Manufacturing Company, Inc., in the amount of \$11,668.

Adopted this 10th day of July, 2006.

Approved this 11th day of July, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Matejka, seconded by Alderman Finnegan that the formal bidding process be waived, the Trench Shoring Equipment be purchased from Prospan Manufacturing Company, Inc., in the amount of \$11,668 and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Change Order No. 1 for the Design of the Water Mains on North Morris Avenue and North Calhoun Street

The water main replacement project on James Place/Charles Place has been designed and bid. During the design of this project, a section of water main on North Morris Avenue experienced two (2) breaks within a week. These breaks only added to a number of breaks that have occurred on this section of water main in the last few years. Staff believes that a contributing factor for this problem is that the North Morris Avenue water main, north of Seminary Street, terminates in a dead end at Sugar Creek. This dead end water main is unsatisfactory when it comes to circulating water for water quality, and it is also prone to intensified water hammer when pumps turn on and off, because there is nowhere for water to move once it reaches the end of the main.

Additionally, just to the east of Morris Avenue on Calhoun Street, another water main terminates in a dead end at Sugar Creek. The water main on Calhoun Street provides fire protection to the Asta Care Center as well as the residences along this one block stretch, but is only supplied from one direction, thus could be improved.

Since the City was in the design phase of the James Place/Charles Place water main at the time that the water main on North Morris Avenue was broken, staff approached the design firm, Clark Dietz, Inc., about adding the Morris Avenue water main replacement design to their scope of work.

Clark Dietz, Inc. provided a quote of \$4,900 which was reviewed by staff and found to be very competitive. Staff respectfully requests that the North Morris Avenue and North Calhoun Street project be added to their scope of work while they were mobilized locally for the James Place/Charles Place project.

The North Morris Avenue water main replacement project will provide a relatively quick response to a poor performing water main while eliminating two (2) dead water mains, improving water circulation in the area and providing better fire flows. Clark Dietz, Inc. has performed this additional work at the agreed upon \$4,900. Staff has reviewed the invoice and found them to be in order.

Original contract for James Place/ Charles Place water main	\$32,000.00
Change Order Number 1 for the design of the North Morris Avenue main	<u>\$ 4,900.00</u>
Total	\$36,900.00

Staff respectfully recommends that Council approve the Change Order No. 1 in the amount of \$4,900 to Clark Dietz, Inc., for the extra work done on the North Morris Avenue water main replacement project. Funds for this additional work will be paid from the Water Department/Depreciation Fund, Consultant Services (Account # X50200-70050).

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

Motion by Alderman Matejka, seconded by Alderman Finnegan that the Change Order to the Contract with Clark Dietz, Inc. for the Design of the Water Mains on North Morris Avenue and North Calhoun Street be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Text Amendment to Chapter 17 of the Bloomington City Code for the Modification of Fire Department Composition

As the result of several recent retirements there have been numerous promotions within the Fire Department. Prior to these promotions, a member of the department, holding the rank of Lieutenant, had been serving in the position of Public Education Officer. As the result of these recent retirements, this member is eligible for promotion to the rank of Captain.

Staff respectfully requests to amend Chapter 17 to include the addition of one (1) Captain position, and reduce one (1) Lieutenant position in order to accommodate the department's desire for this member to continue in the position of Public Education Officer.

This amendment does not increase or decrease the total department staffing level and is consistent with previous modifications of Chapter 17 to accommodate the promotions of the department's Training Officer and Deputy Chief - Administration to Asst. Chief.

Respectfully,

Keith Ranney
Fire Chief

Tom Hamilton
City Manager

ORDINANCE NO. 2006 - 72**AN ORDINANCE AMENDING BLOOMINGTON CITY CODE CHAPTER 17
THEREBY CHANGING THE COMPOSITION OF THE FIRE DEPARTMENT**

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

SECTION 1. That Bloomington City Code Chapter 17, Section 1(a), be amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

(a) There is hereby established an executive department of the municipal government of the City of Bloomington which shall be known as the Fire Department. The Fire Department shall consist of the Fire Chief, who shall be Director of the Department; a Deputy Chief of Operations; and a Deputy Chief of Administration; six (6) Assistant Chiefs; ~~twelve (12)~~ thirteen (13) Captains; ~~ten (10)~~ nine (9) Lieutenants; sixty-six (66) Firefighters; and such civilian employees as may be provided for in the City budget from time to time by the City Council. Included in such ranks are the Training Officer, and the Public Education Officer. Nothing in this Section shall be interpreted as prohibiting an Assistant Chief from simultaneously serving in the capacity of a Deputy Chief, a Training Officer, or a Public Education Officer.

SECTION 2. Except as provided herein, the Bloomington City Code, as amended, shall remain in full force and effect.

SECTION 3. The City Clerk shall be, and she is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 4. This Ordinance is enacted pursuant to the authority granted to the City as a home rule unit by Article VII, Section 6 of the 1970 Illinois Constitution.

SECTION 5. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 10th day of July, 2006.

APPROVED this 11th day of July, 2006.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Matejka, seconded by Alderman Finnegan that the Text Amendment be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Petition from Nova Enterprises, Requesting Approval of a Final Plat for Towanda Barnes Business Park, Eighteenth Addition

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

The public improvements have been finished, therefore, no performance guarantee is required for this addition. As per the agreement, there are no tap on fees from the subdivision.

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

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

PETITION FOR APPROVAL OF FINAL PLAT

State of Illinois)
)ss.
County of McLean)

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

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

1. That your petitioner is the owner of the freehold or lesser estate thereinof the premises hereinafter legally described in Exhibit A attached hereto and made a part hereof by this reference;
2. That your petitioner seeks approval of the Final Plat for the subdivision of said premises to be known and described as Eighteenth Addition to Towanda-Barnes Business Park, Bloomington, Illinois, which Final Plat is attached hereto and made apart hereof;
3. That your petitioner also seeks approval of the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code, 1960.

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

Respectfully submitted,

By: John Albee

Gene Shrader

Glenn E. Benckendorf
Managing Partners

ORDINANCE NO. 2006 - 73

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE
EIGHTEENTH ADDITION TO TOWANDA-BARNES BUSINESS PARK
SUBDIVISION**

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

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

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

WHEREFORE, said exemptions and/or variations are reasonable and in keeping with the intent of the Land Subdivision Code, Chapter 24 of the Bloomington City Code-1960, as amended.

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

1. That the Final Plat of the Eighteenth Addition to Towanda-Barnes Business Park Subdivision and any and all requested exemptions and/or variations be, and the same is hereby approved.
2. That this Ordinance shall be in full force and effective as of the time of its passage this 11th day of July, 2006.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

A part of the Northeast Quarter of Section 7, Township 23 North, Range 3 East of the Third Principal Meridian, in the City of Bloomington, McLean County, Illinois, described as follows: Beginning at the Southeast Comer of Lot 17 in the Ninth Addition to Towanda Barnes Business Park in the City of Bloomington, Illinois, according to the plat recorded as Document No. 2003-5615 in the McLean County Recorder's Office. From said point of beginning, thence south 100.00 feet along the West right-of-way line of Olympia Drive as dedicated in the thirteenth addition and the seventeenth addition to Towanda Barnes Business Park in the City of Bloomington, Illinois, according to the plats recorded as Document No. 2004-42700 and Document No. 2006-5815, respectively, in said Recorder's Office; thence west 476.81 feet along a line which forms an angle to the left of 90°-00'-00" with last described course to West Line of Tract 1 Conveyed by Deed recorded as Document No. 92-33913 in said Recorder's Office; thence north 100.00 feet along the West line of said tract 1, which forms an angle to the left of 90°-00'-00" with the last described course to the Southwest Corner Of Said Lot 17; thence cast 476.81 feet along South Line of said Lot 17, which forms an angle to the left 90°-00'-00" with the last described course to the Point of Beginning, containing 1.09 acres, more or less.

Motion by Alderman Matejka, seconded by Alderman Finnegan that the Final Plat be approved and the Ordinance be passed.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition from Pinehurst Development, Inc. Requesting Approval of a Final Plat for Fox Hollow Subdivision Fifth Addition

A petition has been received from Pinehurst Development, Inc. requesting Council approval of a Final Plat for Fox Hollow Subdivision Fifth Addition. This subdivision is commonly located north of Fox Creek Road, west of Interstate 55&74. Staff has reviewed the Final Plat and found it to be in conformance with the approved Preliminary Plan dated March 13, 2006.

As per the annexation agreement with Pinehurst Development, Inc., there are tap-on fees due for this development. A performance guarantee also needs to be posted for the completion of all public improvements in the subdivision.

Staff respectfully recommends that Council approve the Petition and adopt an Ordinance approving the Final Plat for Fox Hollow Subdivision Fifth Addition.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

PETITION FOR APPROVAL OF FINAL PLAT

State of Illinois)
)ss.
County of McLean)

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

Now comes PINEHURST DEVELOPMENT, INC., hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A which is attached hereto and made a part hereof by this reference.
2. That your petitioner seeks approval of the Final Plat for the subdivision of said premises to be known and described as Fifth Addition to Fox hollow Subdivision, Bloomington, Illinois, which Final Plat is attached hereto and made a part hereof.
3. That your petitioner also seeks approval of the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code, 1960.
4. That your Petitioner hereby dedicates to the public, all public rights of way and easements shown on said Final Plat.

WHEREFORE, your petitioner respectfully prays that said Final Plat for the Fifth Addition to Fox Hollow Subdivision Bloomington, Illinois submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

By: William C. Wetzel,
Its Attorney

ORDINANCE NO. 2006 - 74**AN ORDINANCE APPROVING THE FINAL PLAT OF THE
FIFTH ADDITION TO FOX HOLLOW SUBDIVISION, BLOOMINGTON, ILLINOIS**

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 FIFTH ADDITION TO FOX HOLLOW SUBDIVISION, BLOOMINGTON, ILLINOIS, legally described in Exhibit "A" attached hereto and made a part hereof by this reference; and

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

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

WHEREFORE, said exemptions and/or variations are reasonable and in keeping with the intent of the Land Subdivision Code, Chapter 24 of the Bloomington City Code-1960, as amended.

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

1. That the Final Plat of the FIFTH ADDITION TO FOX HOLLOW SUBDIVISION, BLOOMINGTON, ILLINOIS and any and all requested exemptions and/or variations be, and the same is hereby approved.
2. That this Ordinance shall be in full force and effective as of the time of its passage this 10th day of July, 2006.

PASSED this 10th day of July, 2006.

APPROVED this 11th day of July, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Part of Section 18, Township 23 North, Range 2 East of the 3rd Principal Meridian in Mclean County, Illinois more particularly described as follows:

Beginning at the northeast corner of Lot 135 in the Resubdivision of Lot 56 First Addition to Fox Hollow Subdivision thence South $51^{\circ}-32'-20''$ West 92.43 Feet along the northwesterly line of said Lot 135 to the southeast corner of Lot 108 in the Fourth Addition to Fox Hollow Subdivision;

Thence North $60^{\circ}-48'-21''$ West 131.92 feet along the easterly line of said Lot 108;

Thence 144.22 feet along a 160 foot radius curve concave westerly (the chord of said curve bears North $03^{\circ}-22'-21''$ East 139.38 feet) along the easterly right of way of Grey Fox Trail and Fox Trot Trail;

Thence North $22^{\circ}-26'-57''$ West 103.42 feet along the easterly right of way of Fox Trot Trail;

Thence 205.22 feet along a 250 foot radius curve concave southwesterly (the chord of said curve bears North $45^{\circ}-57'-57''$ West 199.51 feet) along the easterly right of way of Fox Trot Trail;

Thence North $20^{\circ}-31'-04''$ East 145.53 feet;

Thence North $88^{\circ}-00'-02''$ East 96.50 feet along the North line of Lots 17 and 18 in the Subdivision of the northeast quarter of Section 18, Book 2 of Plats, Page 99; to the southwesterly right of way of F.A.I. Route 03 Sec. 57-6, (Marked I-55 & I-74), Book 14 of Plats, Page 125;

Thence South $22^{\circ}-26'-57''$ East 454.19 feet along said southwesterly right of way line of F.A.I. Route 03 Sec. 57-6;

Thence South $00^{\circ}-22'-35''$ East 94.47 feet along said southwesterly right of way line of F.A.I. Route 03 Sec. 57-6;

Thence North $88^{\circ}-17'-01''$ East 37.96 feet along said southwesterly right of way line of F.A.I. Route 03 Sec. 57-6;

Thence South $22^{\circ}-26'-57''$ East 7.36 feet along said southwesterly right of way line of F.A.I. Route 03 Sec. 57-6 to the Point of Beginning.

Said property contains 1.74 acres (0.706 Hectares) more or less.

For the purposes of this survey the northwesterly line of Lot 135 in the Resubdivision of Lot 56 First Addition to Fox Hollow Subdivision is assumed to bear South $51^{\circ}-32'-20''$ West.

Motion by Alderman Matejka, seconded by Alderman Finnegan that the Final Plat be approved and the Ordinance be passed.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition submitted by Pinehurst Development, Inc., requesting approval of the Resubdivision of Lots 1, 2, 6, 8, 9 and Outlot 54 of Fox Hollow Subdivision, Second Addition, which is located north of Fox Creek Road, south of Grey Fox Trail, east of Savanna Road and east of Ridgewood Subdivision (Ward # 2) Case FS-04-06

BACKGROUND INFORMATION:

Adjacent Zoning

north - R-2 Mixed Residence District
south - R-1C High Density Single Family Residence District
east - R-2 & A - Agriculture (County)
west - A- Agriculture District (County)

Adjacent Land Uses

north - single family dwellings & vacant
south - single family dwellings & vacant
east - house & wood shop
west - house & retention pond

Present Zoning: R-2 Mixed Residence District.

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

Pinehurst Development, Inc., is proposing to re-plat five (5) platted residential lots and one outlot (Lots 1, 2, 6, 8, 9 and Outlot 54) into the following four (4) larger residential lots:

- Lot 1- 2607 Fox Creek Rd. (0.51 acres)
- Lot 2- 2608 Grey Fox Trail (0.44 acres)
- Lot 3- 2604 Grey Fox Trail (0.36 acres)
- Lot 4- 2303 Savanna Rd. (0.21 acres)

This petition requests the following waivers of the Bloomington Land Subdivision Code:

- 1.) waiver of the requirement that the final plat not contain more than three lots
- 2.) waiver of the Preliminary Plan requirement;

These waivers should be approved since this re-subdivision is just an enlargement of lot areas to incorporate Outlot 54 into parts of four new residential lots. This outlot site was originally to be developed as a small storm water detention basin in the Fox Hollow Preliminary Plan that Council approved on June 11, 2001. Storm water detention is now provided for on two (2) larger outlots to the northeast and northwest. All of the public improvements, including streets, sidewalks, water mains, sanitary sewers and storm sewers to serve these lots have been installed to service these lots.

PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission held a public hearing on this petition on June 28, 2006 and recommends the same. Mr. Kenneth Emmons, City Planner, recommended that the Planning Commission pass a motion to recommend Council approval of the petition in Case FS-04-06 approving the Final Plat of the Resubdivision of Lots 1, 2, 6, 8, 9 and Outlot 54 of Fox Hollow Subdivision, Second Addition, as presented with the requested waivers cited herein.

Mr. Phil Bussman, Pinehurst Development, Inc. representative, 2201 Eastland Drive, presented arguments in favor of this petition at this hearing.. Mr. Richard W. Glass, the CEO of the Marc Center, 1606 Hunt Drive, Normal, stated that the Marc Center owned the two family dwellings at 2607 Fox Creek Road (Lot # 1) and was in favor of the approval of this petition. No other testimony was given at this June 28th public hearing.

PLANNING COMMISSION RECOMMENDATION:

After having considered this petition and the testimony presented at this hearing, the Planning Commission passed a motion by a vote of 6 to 0, recommending Council approval of the petition in Case FS-04-06 approving the Final Plat of Resubdivision of Lots 1, 2, 6, 8, 9 and Outlot 54 of Fox Hollow Subdivision, Second Addition, as presented with the requested waivers cited herein.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission's recommendation for Council approval of this petition in Case FS-04-06 as presented with the requested waivers.

Respectfully submitted,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

**REQUEST FOR APPROVAL OF FINAL PLAT PURSUANT TO EXPEDITED
PROCEDURE**

State of Illinois)
)ss.
County of McLean)

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

Now comes Pinehurst Development, Inc., by its attorneys, Livingston, Barger, Brandt & Schroeder and requests approval of the Final Plat of the “RESUBDIVISION OF LOTS 1, 2, 6, 8, 9 AND OUTLOT 54 SECOND ADDITION FOX HOLLOW SUBDIVISION BLOOMINGTON, ILLINOIS” and in support thereof states as follows:

1. That it is the Owner of the property described in Exhibit “A” attached hereto and by this reference made a part hereof.
2. That it has caused the preparation of the Final Plat of the “RE-SUBDIVISION OF LOTS 1, 2, 6, 8, 9 AND OUTLOT 54 SECOND ADDITION FOX HOLLOW SUBDIVISION, BLOOMINGTON, ILLINOIS” and a copy of said Plat is filed simultaneously herewith.
3. That the proposed Final Plat contains four lots and Petitioner hereby seeks waiver of the requirement that to qualify for the Expedited Final Plat submission the plat contain not more than three lots.
4. That is seeks approval of the Final Plat pursuant to Chapter 24-3.5.6 of the Land Subdivision Code of the City of Bloomington.
5. That with the waiver requested herein the prerequisites for approval of the Final Plat pursuant to the expedited procedure have been met.
6. Request is hereby made to waive the Preliminary Plan, submission, review and approval procedures.

WHEREFORE, Pinehurst Development, Inc requests that the City of Bloomington waive the Preliminary Plan, submissions, review and approval procedure and approve the Final Plat of the “RE-SUBDIVISION OF LOTS 1, 2, 6, 8, 9 AND OUTLOT 54 SECOND ADDITION FOX HOLLOW SUBDIVISION, BLOOMINGTON, ILLINOS” pursuant to Chapter 24-3.5.6 of the Land Subdivision Code of the City of Bloomington.

Respectfully submitted,

By: William C. Wetzel
Its: Attorney

ORDINANCE NO. 2006 - 75

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE
RE-SUBDIVISION OF LOTS 1, 2, 6, 8, 9 AND OUTLOT 54 SECOND ADDITION FOX
HOLLOW SUBDIVISION BLOOMINGTON, ILLINOIS**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Request for approval of the Final Plat pursuant to expedited procedure of the “RE-SUBDIVISION OF LOTS 1, 2, 6, 8, 9 AND OUTLOT 54 SECOND ADDITION FOX HOLLOW SUBDIVISION BLOOMINGTON, ILLINOIS” legally described in Exhibit “A” attached hereto and made a part hereof by this reference; and

WHEREAS, with the waiver requested, the Final Plat satisfies the requirements of Section 3.5.6 of the Land Subdivision Code of the City of Bloomington and the Final Plat was prepared in compliance with the requirements of the Bloomington City Code; and

WHEREAS, it is appropriate to approve the request and approve the Final Plat.

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

1. That the Final Plat of the “RE-SUBDIVISION OF LOTS 1, 2, 6, 8, 9 AND OUTLOT 54 SECOND ADDITION FOX HOLLOW SUBDIVISION BLOOMINGTON, ILLINOIS” be, and the same is hereby approved, and all dedications made herein are accepted.
2. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 10th day of July, 2006.

APPROVED this 11th day of July, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Part of Section 18, Township 23 North, Range 2 East of the 3rd Principal Meridian in Mclean County, Illinois more particularly described as follows:

Beginning at the southwest corner of Lot 3 in the Second Addition to Fox Hollow Subdivision;

Thence South $87^{\circ}-51'-43''$ West 144.98 feet along the North right of way of Fox Creek Road;

Thence North $01^{\circ}-34'-39''$ West 312.00 feet;

Thence South $87^{\circ}-51'-43''$ West 32.55 feet to the southeast corner Lot 10 in the Second Addition to Fox Hollow Subdivision;

Thence North $31^{\circ}-50'-49''$ East 109.33 feet along easterly line of said Lot 10 to a point on the southerly right of way of Grey Fox Trail;

Thence southeasterly along said southerly right of way of Grey Fox Trail, 55.46 feet along a 95.00 foot radius curve concave to the North, whose chord bears South $74^{\circ}-5'-36''$ East 54.67 feet;

Thence North $88^{\circ}-23'-59''$ East 64.84 feet along said South right of way of Grey Fox Trail;

Thence South $01^{\circ}-35'-24''$ East 85.00 feet along West line Lot 7 in said Second Addition to Fox Hollow Subdivision;

Thence North $88^{\circ}-23'-59''$ East 113.93 feet along South line of said Lot 7 to the West right of way of Savanna Road, also being the southeast corner of said Lot 7;

Thence southwesterly along said West right of way of Savanna Road, 17.91 feet along a 220.00 foot radius curve concave to the West, whose chord bears South $03^{\circ}-30'-52''$ West 17.90 feet;

Thence southwesterly along said West right of way of Savanna Road 36.36 feet along a 280.00 foot radius curve concave to the East, whose chord bears South $02^{\circ}-07'-33''$ West 36.34 feet;

Thence South $01^{\circ}-35'-41''$ East 28.70 feet along said West right of way of Savanna Road to the Northeast corner of Lot 5 in the Second Addition to Fox Hollow Subdivision;

Thence South $88^{\circ}-23'-59''$ West 109.98 feet along the North line of Lot 5 in said Second Addition to Fox Hollow Subdivision to the northwest corner of said Lot 5;

Thence South $01^{\circ}-35'-24''$ East 218.03 feet along the West line of Lots 3,4 and 5 in said Second Addition to Fox Hollow Subdivision to the Point of Beginning.

Said property contains 1.518 acres (0.6143 hectares) more or less.

Motion by Alderman Matejka, seconded by Alderman Finnegan that the petition requesting approval of the Final Plat of Resubdivision of Lots 1, 2, 6, 8, 9 and Outlot 54 of Fox Hollow Subdivision, Second Addition, be approved with the following waivers: 1.) waiver of the requirement that the final plat not contain more than three lots, and 2.) waiver of the Preliminary Plan requirement, and the Ordinance be passed.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Case FS-03-06 Petition submitted by GROWMARK, Inc., a Delaware Corporation, requesting approval of a Final Plat for the Bloomington Seed Plant Subdivision (a 14.539 acre one lot subdivision) commonly located within one and one half miles south of the City Corporate limits, east of US Route 51 and north of Hendrix Road

BACKGROUND INFORMATION:

Adjacent Zoning

north - M-1 Restricted Manufacturing (County)
south - A- Agriculture District (County)
east - M-1 Restricted Manufacturing (County)
west - A- Agriculture District (County)

Adjacent Land Uses

north - agricultural industry
south - agriculture
east - agricultural industry
west - agriculture

Present Zoning: M-1 Restricted Manufacturing (County).

Comprehensive Plan: recommends "Vacant/Agricultural" use for this property.

GROWMARK, Inc., is proposing to plat this property as one 14.539 acre lot so that it can be conveyed to a new owner. Additionally, the following waivers of the Bloomington Land Subdivision Code are requested:

- 1.) waiver of the Preliminary Plan requirement;
- 2.) waiver of the requirement that the final plat include all contiguous property in common ownership or unified control;
- 3.) waiver of the requirement that sanitary sewer and water be extended to the site;
- 4.) waiver of the requirement for storm water detention; and
- 5.) waiver of the requirement that a bond be provided to bring the north half of Hendrix Road up to City standards.

The preliminary plan requirement can be waived if the following prerequisites are met:

- 1.) The plat depicts a total of not more than three lots and outlots;
- 2.) The plat includes all contiguous property in common ownership or unified control;
- 3.) The proposed subdivision shall not necessitate the construction or installation of public street improvements;
- 4.) No waivers of the Code are requested other than waivers of bonds and fees; and
- 5.) The developer has approved construction plans for any public improvements needed.

This proposed one lot subdivision does not include all contiguous property that is owned or controlled by the petitioner. The petitioner has requested the waiver of Prerequisite #2, as cited herein. There is not any need to include all of the abutting farm land in this plat for one 14.539 acre lot. Prerequisite #3 cited herein is met because this one lot subdivision does not require any street improvements. The 10 year adjacent substandard road improvement bond for bringing the north half of Hendrix Road up to City standards can be waived because it is unlikely that this portion of Hendrix Road will be annexed to the City and improved within 10 years.

No construction plans are required in this case because no public improvements are needed. A private well on this lot provides a potable water supply, and waste water flows to a private septic system field south of Hendrix Road. No public sanitary sewer or public water main is reasonably available to this site. On-site storm water detention is not needed at this time because no changes are being made to the physical features of this tract of land.

PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission held public hearings on this petition on June 14, 2006 and June 28, 2006 and recommends the same. Mr. Kenneth Emmons, City Planner, recommended that the Planning Commission pass a motion to recommend Council approval of the Final Plat for the Bloomington Seed Plant Subdivision with the requested waivers cited in this petition.

No testimony was presented at the June 14, 2006 public hearing. Mr. Dan Hall, Attorney at Law, Growmark, Inc., 1701 Towanda Ave., P. O. Box 2500, presented arguments in favor of this petition at the June 28, 2006 public hearing. He stated that a seed plant would be operated on this lot. No other persons testified at this June 28th public hearing.

PLANNING COMMISSION RECOMMENDATION:

After consideration of this petition and the testimony presented at this hearing, the Planning Commission passed a motion on June 28, 2006, by a vote of 6 to 0, recommending Council approval of the Final Plat for the Bloomington Seed Plant Subdivision with the following waivers:

- 1.) waiver of the Preliminary Plan requirement;

- 2.) waiver of the requirement that the final plat include all contiguous property in common ownership or unified control;
- 3.) waiver of the requirement that sanitary sewer and water be extended to the site;
- 4.) waiver of the requirement for storm water detention; and
- 5.) waiver of the requirement that a bond be provided to bring the north half of Hendrix Road up to City standards.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission’s recommendation for Council approval of this petition in Case FS-03-06 .

Respectfully,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

PETITION FOR APPROVAL OF FINAL PLAT

State of Illinois)
)ss.
County of McLean)

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

Now comes Growmark, Inc., a Delaware corporation authorized to do business in the State of Illinois, hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

- 1. That your petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter described in Exhibit “A” attached hereto and made a part hereof by this reference.
- 2. That your petitioner seeks approval of the Final Plat for the subdivision of said premises to be known and described as The Bloomington Seed Plant Subdivision which Final Plat is attached hereto and made a part hereof.
- 3. That your petitioner also seeks approval of the following waivers, exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code, 1960 as amended:
 - a. Requirement of Preliminary Plan;
 - b. Requirement that the proposed subdivision include all contiguous property in common ownership or unified control;

- c. Requirement that sanitary sewer, storm sewer and water be extended to the site;
 - d. Requirement for storm water detention; and
 - e. Requirement that a bond be provided to bring the north half of Hendrix Road up to City standards.
4. That your Petitioner hereby dedicates to the public, all public right of way and easements shown on said Final Plat.

WHEREFORE, your petitioner pray that the Final Plat for The Bloomington Seed Plant Subdivision submitted herewith be approved with the waivers, exemptions or variations as requested herein.

Respectfully submitted,

Growmark, Inc., Petitioner

By: Steven J. Barwick
Its: Vice President, Corporate
Marketing & Operations

ORDINANCE NO. 2006 - 76

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE
BLOOMINGTON SEED PLANT 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 Bloomington Seed Plant Subdivision, legally described in Exhibit A attached hereto and made a part hereof by this reference; and

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

- a. Requirement of Preliminary Plan;
- b. Requirement that the proposed subdivision include all contiguous property in common ownership or unified control;
- c. Requirement that sanitary sewer, storm sewer and water be extended to the site;
- d. Requirement for storm water detention; and
- e. Requirement that a bond be provided to bring the north half of Hendrix Road up to City standards; and

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

WHEREFORE, said waivers, exemptions and/or variations are reasonable and in keeping with the intent of the Land Subdivision Code, Chapter 24 of the Bloomington City Code-1960, as amended.

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

1. That the Final Plat of the Bloomington Seed Plant Subdivision and any and all requested waivers, exemptions and/or variations be, and the same is hereby approved and all dedications made therein are accepted.
2. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 10th day of July, 2006.

APPROVED this 11th day of July, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

A part of the Southeast Quarter of Section 28, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Commencing at the Northwest Corner of Lot 6 in Harbert Subdivision per plat recorded in Book 2 of Plats, page 553, in the McLean County Recorder's Office, said Northwest Corner was monumented per an unrecorded survey prepared by Franklin O. Walters, Illinois Professional Surveyor Number 2111 and dated May 14, 1977; thence west 541.33 feet along the Westerly Extension of the North Line of said Harbert Subdivision as monumented in said unrecorded survey to the Point of Beginning. From said Point of Beginning, thence north 851.14 feet along a line which forms an angle to the left of $92^{\circ}-01'-49''$ with the last described course; thence west 768.00 feet along a line which forms an angle to the right of $90^{\circ}-00'-00''$ with the last described course to the East Right-of-Way Line of F.A.P. 412, Section 57-1 per Condemnation Case No. 83-ED-6 recorded December 14, 1983 as Document No. 83-14878 in said Recorder's Office; thence south 685.90 feet along said East Right-of-Way Line which forms an angle to the right of $89^{\circ}-50'-25''$ with the last described course to a point lying 90.00 feet right of Centerline Station 2057+75.00 for said F.A.P. 412; thence southeast 92.06 feet along said East Right-of-Way Line which forms an angle to the right of $147^{\circ}-05'-37''$ with the last described course to a point lying 140.00 feet right of Station 2056+98.50 on said Centerline; thence southeast 142.06 feet along said East Right-of-Way Line which forms an angle to the right of $139^{\circ}-30'-11''$ with the last described course; thence southeast 35.15 feet along said East Right-of-Way Line which forms an angle to the right of $234^{\circ}-36'-48''$ with the last described course to the centerline of Hendrix Road; thence east 568.46 feet along said centerline which forms an angle to the right of $110^{\circ}-41'-25''$ with the last described course; thence north 2.62 feet along a line which forms an angle to the right of $88^{\circ}-15'-34''$ with the last described course to the Point of Beginning, containing 14.539 acres, more or less.

Motion by Alderman Matejka, seconded by Alderman Finnegan that the petition requesting approval of the Final Plat for the Bloomington Seed Plant Subdivision with the following waivers: 1.) waiver of the Preliminary Plan requirement; 2.) waiver of the requirement that the final plat include all contiguous property in common ownership or unified control; 3.) waiver of the requirement that sanitary sewer and water be extended to the site; 4.) waiver of the requirement for storm water detention; and 5.) waiver of the requirement that a bond be provided to bring the north half of Hendrix Road up to City standards, and the Ordinance be passed.

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

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

Nays: None.

Motion carried.

MAYOR'S DISCUSSION: Mayor Stockton questioned the status of light duty towing. He questioned if the City had extended the agreement with Brown's. He noted that the City had not issued an RFP, (Request for Proposal). Todd Greenburg, Corporation Counsel, addressed the Council. Brown's had contacted the media. There was no effect upon the current agreement. The City maintains the status quo. Tom Hamilton, City Manager, noted that the towing bid would appear on the Council Meeting agenda for Monday, July 24, 2006.

Mayor Stockton addressed the 4th of July fireworks at Miller Park. He noted the large crowd who participated in the daytime events held at the park. He noted the prior night's storm but the ground was ready.

Finally, he recognized Catherine Dunlap, Downtown Business Association's Executive Director. Ms. Dunlap had taken a job with the State of Wisconsin. He thanked her for her efforts on behalf of the Downtown.

CITY MANAGER'S DISCUSSION: Tom Hamilton, City Manager, addressed the Jehovah Witness Convention and parking. City staff responded quickly to the parking situation on Friday, June 30, 2006. The group gravitated to the Lincoln Parking Deck. Monthly pass holders were closed out of the Lincoln lot. There were spaces available in other parking lots. A debriefing meeting was held with the various parties involved. The meeting addressed 1.) discussed what happened; 2.) what went wrong; and 3.) established the number of parking passes.

He informed the Council that the US Cellular Coliseum hosted the IHSA Cheerleading Competition in February.

Alderman Hanson addressed off site parking with a shuttle service. Mr. Hamilton noted that this option had been discussed. The Convention and Visitors Bureau, (CVB), bid on hosting this group. A shuttle service was not a part of the specifications. The CVB did not appear interested in this service. It may have to be a part of any future arrangements. It may be labeled park and ride. Those who held a monthly pass were told to park legally on the street and the City would void any parking tickets. He restated that he was unsure what happened on Friday.

Mayor Stockton cited the fact that maps were provided. He described the first meeting date as a learning experience. There would be other events hosted in the Downtown. The cars from the Disney film Cars were on display at the US Cellular Coliseum from 8:00 a.m. to 2:00 p.m. on a Saturday. This event was held at the same time as the Farmer's Market. There also was local radio promotion of this event.

ALDERMEN'S DISCUSSION: Alderman Finnegan addressed a smoking ban which will take effect on January 1, 2007. Todd Greenburg, Corporation Counsel, noted that this was defined by Ordinance. Criteria must be met. Tom Hamilton, City Manager, cited Eagles and Elks as examples of private clubs.

Alderman Hanson participated in the Council's tent at the Farmer's Market. It was a nice event.

Alderman Matejka invited those present to attend the "Not in Our Town Rally" which will be held on Thursday, July 13, 2006 at 4:30 p.m. in the Illinois Wesleyan University Shirk Center parking lot.

Alderman Purcell expressed his appreciation to the Parks & Recreation Department staff for the 4th of July celebration at Miller Park. He also echoed Alderman Matejka's comments.

Alderman Huette questioned the US Cellular Coliseum's quarterly report. Mr. Hamilton informed the Council that he had received the monthly report. Alderman Huette expressed his interest in the number of events and the number of attendees. Mr. Hamilton believed that the quarterly report would be filed shortly. June/July was a slow time of year. Activities would pick up in September. Mayor Stockton encouraged the Council to look at the big picture.

Alderman Gibson echoed Alderman Purcell's comments regarding the 4th of July.

He expressed his concern regarding the smoking ban. He questioned the legality. The City took away the business owners' rights. He questioned what would be next. The local government was making business decisions. Mayor Stockton anticipated a legal challenge to be filed in Springfield.

Motion by Alderman Matejka, seconded by Alderman Purcell, that the meeting be adjourned. Time: 8:08 p.m.

Motion carried.

Tracey Covert
City Clerk