

**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, March 13, 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: Joseph "Skip" Crawford, Kevin Huette, Allen Gibson, Michael Matejka, Michael Sprague, Jim Finnegan, Steven Purcell, Karen Schmidt and Mayor Stephen F. Stockton.

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

Absent: City Manager Tom Hamilton.

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 the Month of March, 2006 as American Red Cross Month.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

Mayor Stockton read and presented the American Red Cross Month Proclamation to Scott Vogel, American Red Cross of the Heartland - Director of Public Support. Mr. Vogel expressed his appreciation to the Council for the recognition. He cited the number of volunteers who volunteered post Katrina, (eighty-five/85). Six (6) volunteers were also sent to Springfield today. He noted their Annual Evening of Stars. This year the event will be

held on May 3, 2006. The year's event will be held at the Doubletree and the guest speaker will be Payton Manning.

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

Nays: None.

Motion carried.

The following was presented:

Oaths of Office – William Buchannan, Robert Kosack, Kevin Raisbeck, Jared Roth and Paul Swanlund.

Jeff Sanders, Asst. Police Chief, introduced the five (5) Police Patrol Officers, William Buchannan, Robert Kosack, Kevin Raisbeck, Jared Roth and Paul Swanlund. Each had completed their probationary period. William Buchanan was a graduate of Western Illinois University, (WIU). He was currently assigned to second shift. He was accompanied this evening by his wife, their twin sons, his parents and his in-laws. Robert Kosack was currently assigned to second shift. Kevin Raisbeck was a graduate of Illinois State University. He was accompanied this evening by his fiancé. Jared Roth was also a graduate of WIU. He also was assigned to second shift. He was accompanied this evening by his parents and brother. Paul Swanlund currently served in the National Guard. He has served in Iraq. He was accompanied this evening by his wife, their son, and his parents.

Tracey Covert, City Clerk, performed the Oath of Office. Mayor Steve Stockton presented the officers with their certificates. He congratulated the officers and their families. He added that Bloomington was a great place to work and the citizens counted on the Police Department.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Work Session Minutes of February 13, 2006 and Executive Session Minutes of February 27, 2006

The Work Session Minutes of February 13, 2006 and Executive Session Minutes of February 27, 2006 of have been reviewed and certified as correct and complete by the City Clerk.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Crawford that the reading of the Work Session Minutes of February 13, 2006 and Executive Session Minutes of February 27, 2006 of 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 Crawford, Huette, Schmidt, Finnegan, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented:

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

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

Respectfully,

Brian J. Barnes
Director of Finance

Tom Hamilton
City Manager

(ON FILE IN CLERK'S OFFICE)

Motion by Alderman Finnegan, seconded by Alderman Crawford 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 Crawford, Huette, Schmidt, Finnegan, Gibson, Sprague, 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 second partial payment to PSA-Dewberry in the amount of \$8,137.32 on a contract amount of \$40,500 of which \$12,097.06 will have been paid to date for work certified as 30% complete for the Library Expansion Furniture, Fixtures & Equipment. Completion date - November 2006.
2. The fifth partial payment to Main & Veterans General Partnership in the amount of \$55,000 on a contract amount of \$550,000 of which \$275,000 will have been paid to date for work certified as 50% complete for the Main & Veterans Partnership/Toms Foods. Completion date - June 2009.
3. The eleventh partial payment to Town of Normal in the amount of \$211,153.56 on a percentage basis contract of which \$1,934,139.21 will have been paid to date for work certified as ongoing for the Wal-Mart Sales Tax Rebate and Metro Zone. Completion date - November 2010.
4. The tenth partial payment to Interchange City West, LLC in the amount of \$121,071.45 on a contract amount of \$1,489,060 of which \$1,154,032.84 will have been paid to date for work certified as 78% complete for the Wal-Mart Sales Tax Rebate. Completion date - November 2010.
5. The fourth partial payment to Central IL Arena Management Inc. in the amount of \$98,049.20 on a contract amount of \$1,007,697.83 of which \$596,440.49 will have been paid to date for work certified as 59% complete for the Professional Services. Completion date - April 2006.
6. The thirty-fifth partial payment to Brisbin, Brook, Beynon Architects in the amount of \$16,269.66 on a contract amount of \$1,586,964.52 of which \$1,355,856.02 will have been paid to date for work certified as 85% complete for the Arena Architects. Completion date - April 2006.

7. The eleventh partial payment to PJ Hoerr, Inc. in the amount of \$591,265.53 on a contract amount of \$11,321,026.08 of which \$5,660,000.77 will have been paid to date for work certified as 50% complete for the Renovation of the Bloomington Center for the Performing Arts. Completion date - June 2006.
8. The eighth partial payment to New World Systems in the amount of \$840 on a contract amount of \$671,523 of which \$431,812.94 will have been paid to date for work certified as 64% complete for the Police & Fire Computer Aided Dispatch System. Completion date - July 2006.
9. The ninth partial payment to Consoer Townsend in the amount of \$1,823.19 on a contract amount of \$74,700 of which \$62,234.24 will have been paid to date for work certified as 83% complete for the Comprehensive Water Distribution System Hydraulic Model a/k/a Master Plan. Completion date - October 2006.
10. The second partial payment to Consoer Townsend in the amount of \$10,499.95 on a contract amount of \$25,000 of which \$11,426.32 will have been paid to date for work certified as 46% complete for the Water Department Membranes and ION Exchange Study. Completion date - December 2006.
11. The first partial payment to Consoer Townsend in the amount of \$13,214.33 on a contract amount of \$185,000 of which \$13,214.33 will have been paid to date for work certified as 7% complete for the Water Department Electrical Improvements at Lake Bloomington. Completion date - December 2006.
12. The second partial payment to Consoer Townsend in the amount of \$7,473.99 on a contract amount of \$53,580 of which \$10,555.03 will have been paid to date for work certified as 20% complete for the Water Department Master Plan Update of Water Treatment Plant. Completion date - December 2006.
13. The second partial payment to Farnsworth Group in the amount of \$797.50 on a contract amount of \$256,000 of which \$10,270.81 will have been paid to date for work certified as 4% complete for the Kickapoo Force Main. Completion date - November 2006.
14. The first partial payment to George Gildner, Inc. in the amount of \$40,300 on a contract amount of \$53,855 of which \$40,300 will have been paid to date for work certified as 80% complete for the Water Treatment Plan - 12" Reclaim Main. Completion date - April 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

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Payment for O'Neil Park Emergency Repairs

On January 26, 2006, O'Neil Park suffered a power surge resulting in a power outage in two buildings and all general park lights. This power outage was due to an electrical system that dates back to around 1964 when Illinois Wesleyan University donated lights to the American Legion Baseball Committee. The wire installed was a direct burial with a life expectancy of 20 years.

Staff received two quotes for the repair of the system. The quotes were as follows:

FIRM	PRICE
Weber Electric Company (Bloomington, IL)	\$13,423.00
Bulin Electric Company (Lexington, IL)	13,820.00

Due to the emergency nature of this work it was impractical to bid the repairs. Staff respectfully requests that Council approve the payment of \$13,423 to Weber Electric for these emergency repairs. Funds are available in account X40100-72570-91438.

Respectfully,

Dean Kohn
Director, Parks & Recreation

Tom Hamilton
City Manager

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Payment to the Illinois Department of Transportation (IDOT) for the City's Portion of the Veterans Parkway and Hamilton Road/Fox Creek Road Intersection Construction

On June 10, 2003, the City entered into an agreement with the State of Illinois for the construction of the Veterans Parkway and Hamilton Road/Fox Creek Road Intersection project which included funding.

In accordance with federal funding policy and guidelines, the project contract was bid through the Illinois Department of Transportation. Additionally, standard procedure requires that IDOT receive all bills from the contractor. IDOT pays the contractor and bills the City for the local share as described in the authorized City/State Agreement.

Staff has received the bill from IDOT for \$2,142,472.29 (75% of the local share) and has broken down the costs into the following appropriate funds as laid out in a November 24, 2003, Council memo:

\$1,227,647.46	20300-72530 Motor Fuel Tax Fund
\$ 743,000.00	50200-72530 Water Depreciation Fund
\$ 171,824.83	52200-72530 Sewer Depreciation Fund

Staff respectfully recommends that Council approve payment for reimbursement to IDOT per the City/State Agreement documenting the funding for the Construction of the Veterans Parkway and Hamilton/Fox Creek Road Intersection.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Payment for the Annual Renewal of Software Maintenance Agreement for Water Billing

The annual software maintenance agreement with Springbrook Software, Inc., the City's water billing software provider, is due for renewal. This is a recurring annual renewal for the maintenance of the software. This software is also used for sewer, garbage and storm water billing, therefore, the invoice will be appropriately allocated to those users in each department. Springbrook Software, Inc., has submitted an invoice for \$13,679.74.

Staff respectfully requests that Council approve the payment of \$13,679.74 to Springbrook Software, Inc., for the annual renewal of the Software Maintenance Agreement. Funds for this payment will be made with Water Department Operations and Maintenance Funds (X50120-70540) \$6,839.87 and Sewer Operations and Maintenance Funds (X52100-70990) \$6,839.87.

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

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

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, Sprague, 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 Solicit Bids for Lighting Instruments and Related Equipment

Staff respectfully requests permission to solicit bids to secure theatrical lighting instruments and related equipment for the Bloomington Center for the Performing Arts, (BCPA). This equipment includes 281 lighting instruments and two follow spots, as well as related lamps, cables, clamps and accessories needed to provide lighting for performances. Per the BCPA renovation budget, this element was planned to be bid separately from the general construction contract to achieve cost savings.

Staff respectfully requests permission to proceed with this process. Staff will prepare bid documents, review bids submitted and return to Council with a recommendation. Funding for this project will come from account X21100-72621 of the Cultural District budget.

Respectfully,

C. Bruce Marquis
Executive Director

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Crawford that staff be authorized to solicit bids for Lighting Instruments and Related Equipment for the Bloomington Center for the Performing Arts.

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, Sprague, 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 a New Water Distribution Modeling Software for the Purification Division of the Water Department

In mid-2004, staff selected Consoer Townsend Envirodyne Engineers, Inc. (CTE), to update the water model for the water mains in the City's transmission and distribution system, using the software that had been used in previous models. The model is a sophisticated mathematical representation of the various piping, pumps, valves, tanks, and other components that make up the water system. The model can make accurate predictions of pressures, water flow and capacities, and other parameters under differing conditions. The ability of staff to plan, make necessary improvements to provide adequate supply and fire protection for new housing developments; plan water main replacement and expansion, and ensure the operation of pumps, has been greatly improved with the model. CTE has completed the analysis of the distribution system and entered the information into the modeling software. The modeling software has been provided by Bentley Systems/Haested Methods. The model is ready to be delivered.

Since the start of this project in 2004, it has become apparent that the usefulness of this software extends beyond the water engineering aspects. A new set of US Environmental Protection Agency, (USEPA) regulations require that water systems collect water quality samples of water thought to have the longest residence time in the distribution system. The Purification Division has determined that this software will be useful in modeling the residence time of water that is in the distribution system for quality purposes. Staff wishes to purchase an additional license for this software to be used by the Purification Division. Training will provided by the consultant.

Staff respectfully requests that Council waive the formal bidding process, a WaterGems license for the Purification Division be purchased from Bentley Systems in the amount of \$11,700, the Purchasing Agent authorized to issue a Purchase Order for same, and the Resolution adopted. Funds for this purchase will come from Purification Division Fixed Asset Replacement Funds, F50130-72120.

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 22

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF A WATERGEMS LICENSE FOR THE
PURIFICATION DIVISION OF THE WATER DEPARTMENT FROM BENTLEY
SYSTEMS IN THE AMOUNT OF \$11,700**

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 WaterGems license for the Purification Division of the Water Department from Bentley Systems in the amount of \$11,700.

ADOPTED this 13th day of March, 2006.

APPROVED this 14th day of March, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Finnegan, seconded by Alderman Crawford that the formal bidding process be waived, a WaterGems license for the Purification Division be purchased from Bentley Systems in the amount of \$11,700, the Purchasing Agent authorized to issue a Purchase Order for same, and the Resolution adopted.

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, Sprague, 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 Two Vehicles for the Water Department

The Water Department has in its budget to purchase two additional vehicles. The preferred vehicles are a midsize sedan and a midsize SUV. Both of these types of vehicles are available on the State of Illinois Joint Purchasing Contract and on the 2006 Central Illinois Mitsubishi Cooperative Purchasing Program.

On the Mitsubishi Purchasing Program the City may purchase a Mitsubishi Galant DE for \$15,157.95 plus freight of \$595 for a total purchase price \$15,752.95 and a Mitsubishi Endeavor LS 2WD for \$21,112.95 plus freight of \$595 for a purchase price of \$21,707.95.

On the State of Illinois Contract, the City may purchase a Ford Taurus for \$12,595 and a Ford Explorer for \$17,834, both from Dennison Ford. The vehicles purchased through the State of Illinois Contract from Dennison Ford realizes a savings of \$7,031.90, over the vehicles offered through the Mitsubishi Purchasing Program. Funds are available in the Equipment Replacement Fund account F50120-72100 for this purchase.

Staff respectfully recommends that Council waive the formal bidding process and authorize the purchase the two vehicles from Dennison Ford using the State of Illinois Joint Purchasing Contract in the total amount of \$30,429.

Respectfully,

Daniel E. Augstin
Supt. of Equipment Maintenance

Kim Nicholson
Purchasing Agent

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 23**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF TWO VEHICLES FROM DENNISON FORD
USING THE STATE OF ILLINOIS JOINT PURCHASING CONTRACT IN THE
AMOUNT OF \$30,429**

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 two vehicles from Dennison Ford using the State of Illinois Joint Purchasing Contract in the amount of \$30,429.

ADOPTED this 13th day of March, 2006.

APPROVED this 14th day of March, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Finnegan, seconded by Alderman Crawford that the formal bidding process be waived, the two (2) vehicles be purchased from Dennison Ford using the State of Illinois Joint Purchasing Contract in the amount of \$30,429, the Purchasing Agent be authorized to issue a Purchase Order for the same, and the Resolution adopted.

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, Sprague, 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 a Replacement Tractor Mower

The Public Service Department has in its budget to replace a 1997 Tractor Mower for the Refuse Division that is used to mow creek banks and detention basins. John Deere has a contract with the Illinois Association of County Board Members and Commissioners that municipalities are eligible to make purchases through. This contract works the same as the State of Illinois Joint Purchasing Contract.

Cross Implement, Inc., Miner, is authorized to sell John Deere equipment under this contract. The purchase price for this tractor mower is \$71,807. The dealer has offered a trade in allowance of \$13,000 for the old tractor, for a net purchase price of \$58,807. Funds are available for this purchase in the Equipment Replacement Fund F16140-72130.

Staff respectfully requests that Council waive the formal bidding process and approve the purchase of the replacement tractor mower from Cross Equipment, Inc., Miner, in the amount of \$58,807, using the Illinois Association of County Board Members and Commissioners purchasing contract, and that the Resolution be adopted.

Respectfully,

Daniel E. Augstin
Supt. of Equipment Maintenance

Kim Nicholson
Purchasing Agent

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 24

A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND AUTHORIZING THE PURCHASE OF A REPLACEMENT TRACTOR MOWER FROM CROSS EQUIPMENT MINER, IL IN THE AMOUNT OF \$58,807 USING THE ILLINOIS ASSOCIATION OF COUNTY BOARD MEMBERS AND COMMISSIONERS

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

1. That the bidding process be waived and the Purchasing Agent be authorized to Purchase a Replacement Tractor Mower from Cross Equipment Miner, IL in the amount of \$58,807 using the Illinois Association of County Board Members and Commissioners.

ADOPTED this 13th day of March, 2006.

APPROVED this 14th day of March, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Finnegan, seconded by Alderman Crawford that the formal bidding process be waived the replacement tractor mower be purchased from Cross

Equipment Miner, IL in the amount of \$58,807 using the Illinois Association of County Board Members and Commissioners purchasing contract, 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 Crawford, Huette, Schmidt, Finnegan, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Permission to Waive Bids and Purchase a Sprayer for the Parks & Recreation Department

The Parks and Recreation Department has in its budget to replace a windfoil sprayer that is mounted on one of the older mowers. This has been a good working unit, but it has a limited capacity. While attending a trade show, staff discovered a unit which would serve our purposes.

The Z-Max sprayer/fertilizer spreader is a sole source unit which was developed by people who were applicators and professional landscapers. The Z-Max is one of the products that was developed to minimize labor and maximize productivity. This unit is self propelled, has a stainless steel chassis, and a hydraulically driven hopper. The Z-Max can spray and spread at the same time, or each function can work individually. Additionally, it has 50' hose reel for spot spraying and ground speed control for more uniform application. The unit has many of the functions of the larger golf course sprayers but in a smaller package and more reasonably priced. A quote was received from L.T. Rich Products Inc. of Lebanon, Indiana in the amount of \$8,423.21 for a Z-Max sprayer/spreader. Staff believes that this compact unit would be very beneficial to the City's operations. A total of \$8,000 was budgeted in the Fixed Asset Replacement Fund for the replacement of a sprayer. This unit is slightly over the budget, however, the department purchased a vehicle which was under budget by \$3,521 to offset this expense.

Staff respectfully requests that Council waive the formal bidding process, approve the purchase of the Z-Max Sprayer/Spreader from L.T. Rich Products Inc., in the amount of \$8,423.21, the Purchasing Agent authorized to issue a purchase order for same, and the Resolution adopted. There are sufficient funds available in the Fixed Asset Replacement Fund, account F14110-72140 for this purchase.

Respectfully,

Jerry Armstrong
Asst. Director Parks & Recreation

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 25

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF A Z-MAX SPRAYER/SPREADER FROM L.T.
RICH PRODUCTS INC., IN THE AMOUNT OF \$8,423.21**

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

1. That the bidding process be waived and the Purchasing Agent be authorized to Purchase a Z-Max Sprayer/Spreader from L.T. Rich Products Inc., in the amount of \$8,423.21.

ADOPTED this 13th day of March, 2006.

APPROVED this 14th day of March, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Finnegan, seconded by Alderman Crawford that the formal bidding process be waived, the Z-Max Sprayer/Spreader purchased from L.T. Rich Products Inc., in the amount of \$8,423.21, the Purchasing Agent authorized to issue a Purchase Order for same, and the Resolution adopted.

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, Sprague, 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 to Evan Corporation for Extra Work Associated with Installation of the Fall Protection System at the US Cellular Coliseum

Last November Council approved a contract with Evan Corporation to provide the Fall Protection System at the US Cellular Coliseum. This system provides the riggers a safe way to walk the main trusses of the coliseum to set up for shows. This system is an OSHA requirement.

The original contract amount was for \$67,500. This change order request is for an additional \$6,468.75. The additional work was required in the form of overtime in order to expedite the completion of this work. There was no way to avoid this change order. In order to complete this project in time, it would have been necessary to pay the employees overtime to complete the work before the full protection was removed, or pay them the additional costs of restaging their work and additional travel expenses associated with returning to complete it. After consultation with Johnston Contractors, staff believes that it is more prudent to pay the overtime cost to complete the work before the initial floor protection was removed. The cost of either option was approximately the same; therefore, there would be less conflicts by completing the work now, as opposed to returning and restaging.

The original budget for this work was \$100,000. The final amount of this contract including the change order is \$73,968.75. Funds for this change order are available in account F56200-72140, Coliseum Fixed Asset Replacement Fund.

Staff respectfully recommends that Council approve this change order to Evan Corporation in the amount of \$6,468.75.

Respectfully submitted,

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Crawford that the Change Order to Evan Corporation for work associated with installation of the Fall Protection System at the US Cellular Coliseum, in the amount of \$6,968.75 be approved.

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, Sprague, 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 for 2005-2006 Rigid Pavement Patching Program

On October 10, 2005, Council awarded G.M. Sipes Construction, Inc. a \$199,440.10 contract for the 2005-06 Rigid Pavement Patching Program. This program includes replacing failed concrete panels on Lincoln Street east of Mercer Avenue and on Four Seasons Road south of Oakland Avenue. Work will begin on this project on or after May 1, 2006. There is additional patching work that could be completed in this area, and \$250,000 was budgeted for this work. Therefore, staff respectfully recommends that Council approve a Change Order in the amount of \$50,559.90 to complete this work, with payment to be made with Capital Improvement Funds (X40100-72530).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 26

**A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE
AMOUNT OF \$50,559.90 IN THE CONTRACT BETWEEN THE CITY
OF BLOOMINGTON AND G.M. SIPES CONSTRUCTION, INC. FOR THE RIGID
PAVEMENT PATCHING PROGRAM**

WHEREAS, the City of Bloomington has previously entered into a contract with G.M. Sipes Construction, Inc. for the Rigid Pavement Patching Program; and

WHEREAS, for the reasons set forth in a staff report dated March 13, 2006 it was necessary to additional patching work; and

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the March 13, 2006 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 \$50,559.90 in the contract between the City of Bloomington and G.M. Sipes Construction, Inc. for the Rigid Pavement Patching Program be approved.

ADOPTED this 13th day of March, 2006.

APPROVED this 14th day of March, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Finnegan, seconded by Alderman Crawford that the Change Order to the contract with G.M. Sipes Construction, Inc. for the Rigid Pavement Patching Program be approved in the amount of \$50,559.90, and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Proposed Change Order to Stark Excavating, Inc. for Additional Work Completed on the Pipeline Road Water Transmission Main Division B

Stark Excavating, Inc. has recently completed Division B of the Pipeline Road Water Transmission Main. Division B is the second part of a three part project to replace the original 1930 24' inch water main with a new 36' inch water main from Lake Bloomington to the Ft. Jesse Road Pump Station. Division B begins at Northtown Road and extends northward to the T - Intersection of Pipeline Road and 2350 North Road.

During construction of the project, several unanticipated issues occurred that required additional work for Stark Excavating.

The following extra costs were incurred:

1. \$15,382.80 The McLean County Highway Department required the placement of lighted traffic control signage during pipe material delivery.
2. \$858.50 An existing casing pipe, to be utilized on the project, had been damaged and needed repair.
3. \$1,181.70 Field tile were required to be located prior to pipe placement.
4. \$1,333.76 A culvert barrel section needed to be replaced at Sta. 366+00.
5. \$392.39 Removal of the lighted traffic control signage.
6. \$339.87 A 16" cast iron pipe needed to be cut out of the way to allow placement of the main.
7. \$7,373.22 To maintain service, the 24" concrete main had to be tapped at the NICOR facility.
8. \$1,789.96 In order to provide adequate roadway drainage, curb and gutter was installed at the Hudson Road intersection.
9. \$4,847.14 Hot patch pavement repair was necessary at the Hudson Road intersection.
10. \$11,780.55 To maintain service to town, a new 20" valve had to be installed in the existing main at 2300 North Road.
11. \$1,601.17 Overtime labor was necessary to quickly install the new 20" valve to maintain service to town.
12. \$1,698.61 Excess concrete encasement needed to be removed at Sta. 176+25.
13. \$683.10 Adjustment of an air release manhole.
14. \$2,561.35 Repair of 2300 North Road required an 8" concrete base under asphalt.
15. \$635.39 Adjustment of an air release manhole.
16. \$8,287.98 Demolition of existing valves and air release manholes on the main to be abandoned was performed on a time & material basis.
17. \$470.96 Extra work was necessary to adjust piping in the new air release manholes.

- 18. \$5,092.77 It was necessary to install hotpatch paving on Pipeline Road.
 - 19. \$7,422.83 Concrete removal was necessary around the existing 24" main at Sta. 91+17.
 - 20. \$2,999.33 Additional material was necessary including glands and a 24"x20" reducer.
- \$76,733.38 TOTAL EXTRAS**

Additionally, field conditions dictated that plan quantity amounts for bid items be adjusted for several items. The change in the contract amount due to bid items over and under plan quantity were as follows:

\$144,451.20 Items over plan quantity
 (\$198,286.90) Items under plan quantity

(\$ 53,835.70) TOTAL DECREASE DUE TO PLAN QUANTITY UTILIZATION

Total Change Order amount:

\$76,733.38 Extras
 (\$53,835.70) Plan quantity change

\$22,897.68 TOTAL CHANGE ORDER

Original Contract	\$3,765,738.25
Proposed Change Order	<u>\$ 22,897.68</u>
Completed Contract	\$3,788,635.93

This project is being funded through a low interest loan from the Illinois Environmental Protection Agency (IEPA). The City pays Stark Excavating with Water Depreciation Funds (WDF) and then reimburses the WDF with funds received from the IEPA.

The Division B of the new Transmission Main was a very complex and difficult project involving very large diameter water mains. The additional cost was not anticipated when the project was designed, but were necessary for the orderly and proper completion of this project.

Staff, respectfully requests that Council approve a Change Order to Stark Excavating, Inc. in the amount of \$22,897.68 for additional work done as part of Division B of the Pipeline Road Water Transmission Main Project with payment to be made with Water Depreciation Funds (X50200-72540).

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 27

**A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE
AMOUNT OF \$22,897.68 IN THE CONTRACT BETWEEN THE CITY
OF BLOOMINGTON AND, STARK EXCAVATING, INC., FOR THE PIPELINE ROAD
WATER TRANSMISSION MAIN DIVISION B**

WHEREAS, the City of Bloomington has previously entered into a contract with Stark Excavating, Inc., for the Pipeline Road Water Transmission Main Division B; and

WHEREAS, for the reasons set forth in a staff report dated March 13, 2006 the following extra costs were incurred:

1. \$15,382.80 The McLean County Highway Department required the placement of lighted traffic control signage during pipe material delivery.
2. \$858.50 An existing casing pipe, to be utilized on the project, had been damaged and needed repair.
3. \$1,181.70 Field tile were required to be located prior to pipe placement.
4. \$1,333.76 A culvert barrel section needed to be replaced at Sta. 366+00.
5. \$392.39 Removal of the lighted traffic control signage.
6. \$339.87 A 16" cast iron pipe needed to be cut out of the way to allow placement of the main.
7. \$7,373.22 To maintain service, the 24" concrete main had to be tapped at the NICOR facility.
8. \$1,789.96 In order to provide adequate roadway drainage, curb and gutter was installed at the Hudson Road intersection.
9. \$4,847.14 Hot patch pavement repair was necessary at the Hudson Road intersection.
10. \$11,780.55 To maintain service to town, a new 20" valve had to be installed in the existing main at 2300 North Road.

11. \$1,601.17 Overtime labor was necessary to quickly install the new 20" valve to maintain service to town.
12. \$1,698.61 Excess concrete encasement needed to be removed at Sta. 176+25.
13. \$683.10 Adjustment of an air release manhole.
14. \$2,561.35 Repair of 2300 North Road required an 8" concrete base under asphalt.
15. \$635.39 Adjustment of an air release manhole.
16. \$8,287.98 Demolition of existing valves and air release manholes on the main to be abandoned was performed on a time & material basis.
17. \$470.96 Extra work was necessary to adjust piping in the new air release manholes.
18. \$5,092.77 It was necessary to install hotpatch paving on Pipeline Road.
19. \$7,422.83 Concrete removal was necessary around the existing 24" main at Sta. 91+17.
20. \$2,999.33 Additional material was necessary including glands and a 24"x20" reducer; and

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the March 13, 2006 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 \$22,897.68 in the contract between the City of Bloomington and Stark Excavating, Inc., for the Pipeline Road Water Transmission Main Division B be approved.

ADOPTED this 13th day of March, 2006.

APPROVED this 14th day of March, 2006.

Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

Motion by Alderman Finnegan, seconded by Alderman Crawford that the Change Order to Stark Excavating, Inc., for additional work completed on the Pipeline Road Water Transmission Main Division B in the amount of \$22,897.68 be approved and the Resolution adopted.

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, Sprague, 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 for Professional Services Contract with Farnsworth Group for the Main Branch Kickapoo Pump Station Surveys and Forcemain Design, and Property Surveys for the Brokaw Road Sanitary Sewer

On December 27, 2005, Council approved a contract with Farnsworth Group to complete the Main Branch Kickapoo Pump Station Surveys and Forcemain Design, and Property Surveys for the Brokaw Road Sanitary Sewer on a time and materials basis for a total fee not to exceed \$256,000. The contract had a list of additional services, one of which was easement acquisition. It was not included in the original contract. Given the complexity and magnitude of the situation, staff respectfully requests to amend the original contract to include this service.

Per the original contract proposal, Farnsworth Group offered to provide easement acquisition services on a time and materials basis for a total fee not to exceed \$12,000. Staff finds this change to the original contract acceptable. This change order to the contract increases the total contract fee to an amount not to exceed \$268,000. The budgeted amount for this study is \$450,000 which is included in the current (2005-2006) Capital Improvements Fund.

As all items are in order, staff respectfully recommends that Council approve a change order to the contract with Farnsworth Group to provide easement acquisition services on a time and materials basis for a total additional fee not to exceed \$12,000, the Mayor and City Clerk authorized to execute the necessary documents, and the Resolution adopted. Payment will be made with Sewer Depreciation Funds (X52200-72550).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 28

**A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE
AMOUNT OF \$12,000 IN THE CONTRACT BETWEEN THE CITY
OF BLOOMINGTON AND FARNSWORTH GROUP FOR THE MAIN BRANCH
KICKAPOO PUMP STATION SURVEYS AND FORCEMAIN DESIGN, AND
PROPERTY SURVEYS FOR THE BROKAW ROAD SANITARY SEWER**

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

WHEREAS, for the reasons set forth in a staff report dated March 13, 2006 it was necessary to include easement acquisition to the contract; and

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the March 13, 2006 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 \$12,000 in the contract between the City of Bloomington and Farnsworth Group for easement acquisition services be approved.

ADOPTED this 13th day of March, 2006.

APPROVED this 14th day of March, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Finnegan, seconded by Alderman Crawford that the Change Order to the contract with Farnsworth Group for the Main Branch Kickapoo Pump

Station Surveys and Forcemain Design, and Property Surveys for the Brokaw Road Sanitary Sewer be approved to include easement acquisition in the amount of \$12,000, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Pay Differential for EMT-I at the Fire Department

Staff previously negotiated a 2% pay differential for firefighters holding an EMT-I certification from the State of Illinois as compensation for additional job training and job responsibility associated with this credential. While the EMT-I service level provision has not yet been implemented, staff anticipated doing so effective January 1, 2006. Only those that have completed this training and hold the license will be affected by this differential. The potential for this increased service level and differential in pay has been anticipated and budgeted for in this fiscal year. Staff respectfully requests that Council approve a 2% differential increase for firefighters holding an EMT-1 certification in accordance with the agreement between the City and IAFF Local 49 be approved.

Respectfully,

Keith A. Ranney,
Fire Chief

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Crawford that the 2% pay differential for firefighters holding an EMT-I licenses in accordance with the agreement between the City and IAFF Local 49 be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: New Housing Construction Loan

For approximately the past 15 years, Community Development provided Community Development Block Grant (CDBG) funds for the provision of a joint partnership for the construction of a new single-family dwelling with the Area Vocational Center. Although, new construction is normally not an eligible activity for the use of CDBG funds, the federal regulations do provide for exceptions to same. There had been an exception which allowed agencies considered Community Based Development Organizations (CBDO) to use CDBG funds for new housing construction. Earlier interpretations, from previous HUD Community Planning and Development (CPD) representatives, allowed the new housing construction activity based upon this exception. A previous HUD CPD representative considered the Area Vocational Center to be identified as a CBDO. We have found over the years, as CPD representatives change, so do interpretations of the regulations.

This past fall, the City was notified that our use of CDBG funds for new housing construction is an ineligible activity. At this time, City staff is contesting this interpretation, the City has not been notified of HUD's final decision.

In June 2004, Community Development obtained six (6) lots within the Woodbury Estates Subdivision. The purpose of these lots was for new housing construction. This action was prior to the notification from HUD of their current interpretation regarding new housing construction.

The grant agreement with the Illinois Housing Development Authority, (IHDA), states that the City would complete the construction of these six (6) single family dwellings by December, 2007, the end of the grant agreement. There is another request before Council for the donation of four (4) of these lots to Habitat for Humanity. Habitat for Humanity would construct single family dwellings in conjunction with their family partners. The remaining two (2) lots would still be developed by Community Development. It is City staff's intention to maintain the existing partnership with the Area Vocational Center for construction of these two (2) dwellings.

In order to alleviate any future HUD findings regarding to new housing construction, Community Development requests Council approval of the provision for an interest free loan for the construction of two (2) single-family dwellings in the Woodbury Estates Subdivision. The anticipated cost for these two (2) dwellings is approximately \$110,000 each. This action would maintain the partnership with the Area Vocational Center and meet the City's commitment to IHDA.

In addition, Community Development would: (a) retain ownership of the lots during the construction period; (b) develop house plans for each lot to meet Energy Star guidelines, at the minimum; (c) each house will be “visitable” for persons in wheelchairs, at the minimum; (d) the sale of each dwelling, upon completion, would be to a household whose income meets HUD income guidelines based on annual gross income and family size; and (e) repay the construction loan to the General Fund upon the sale and closing for each dwelling.

Therefore, staff requests that Council approve the provision of an interest free construction loan from the General Fund for \$110,000.00 for each of the two (2) dwellings, (maximum of \$220,000.00), in conjunction with the Area Vocational Center or other community partner.

Respectfully,

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

Tom Hamilton
City Manager

Alderman Crawford questioned this item. He specifically questioned if the homes could be sold for more than \$110,000. Connie Griffin, Program Manger – Community Development, addressed the Council. She expressed her hope that \$110,000 would cover the cost of these homes. This figure does not cover the cost of the lot. She hoped these homes would sell in the range of \$120,000 – 130,000.

Motion by Alderman Finnegan, seconded by Alderman Crawford that the provision of an interest free construction loan from the General Fund for \$110,000.00 for each of the two (2) dwellings, (maximum of \$220,000.00), in conjunction with the Area Vocational Center or other community partner be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Donation of Vacant Lots in Woodbury Estates to Habitat for Humanity for New Housing Construction Project

The City Council at its June 14, 2004, meeting, approved Community Development's acquisition of six (6) lots in the Woodbury Estates Subdivision. Six (6) single-family dwellings will be built and sold to low and/or moderate income households. At the time, Community Development anticipated completing this project with our local Area Vocational Classes through School District 87 and/or other local non-profits. There were unexpected delays in the completion of the infrastructure. The deadline requirements for the completion of the houses, based on the Illinois Housing Development Authority's (IHDA) Trust Fund regulations, made it impossible to complete the houses as anticipated. In order to meet timing commitments to IHDA, Community Development would like to partner with Habitat for Humanity of McLean County for the development/construction of four (4) of the six (6) dwellings.

Specifically, Community Development proposes the following:

1. The donation of four (4) vacant lots in the Woodbury Estates Subdivision directly to Habitat for Humanity of McLean County.
2. Habitat for Humanity will construct four (4) single-family dwellings through their regular construction procedures.
3. Habitat for Humanity will sell the houses to family partners who meet HUD's income guidelines, specifically, each family partner's income will not exceed 50% of HUD's income guidelines based on family size and gross annual income.
4. Habitat for Humanity will be responsible for the completion and closing sale of the dwellings prior to December, 2007, as required by the IHDA Trust Fund Grant Program.

Therefore, staff requests the Council approve the donation of four (4) lots, owned by the City, in the Woodbury Estates Subdivision to Habitat for Humanity of McLean County for the construction of single-family dwellings in conjunction with Habitat's family partners, whose income does not exceed 50% of the area median income.

Respectfully,

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

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Crawford that the donation of four (4) lots, owned by the City, in the Woodbury Estates Subdivision to Habitat for Humanity of McLean County for the construction of single-family dwellings in conjunction with Habitat's family partners, whose income does not exceed 50% of the area median income be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Professional Services Contracts

Staff respectfully requests approval of two contracts to engage persons and/or groups represented by Gurtman and Murtha Associates, Inc. and IMG Artists to perform services in the Bloomington Center for the Performing Arts, (BCPA) on agreed upon dates. Base expenses for these two contracts will be \$24,000.

Staff further respectfully advises Council that contract provisions prohibit public announcements of any persons/groups and/or dates of services until said contracts have been executed by both parties.

The selections of these individuals and/or groups was coordinated with the Cultural Commission and the Cultural District's Programming Advisory Committee. Staff and community advisors agree that these visiting professionals would attract broad, positive community involvement and contribute to the public service mission of the Cultural District and the BCPA.

Staff respectfully recommends accepting the contracts for these performances and further that the Mayor and City Clerk be authorized to execute the necessary documents. Funding for these contracts will come from account X21100-70220 of the Cultural District budget, to be offset by future revenues.

Respectfully,

C. Bruce Marquis
Executive Director, Cultural District

Tom Hamilton
City Manager

(CONTRACTS ON FILE IN THE CLERK'S OFFICE)

Motion by Alderman Finnegan, seconded by Alderman Crawford that the contracts from Gurtman and Murtha Associates, Inc. and IMG Artists be approved in an amount not to exceed \$24,000, and that 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 Crawford, Huette, Schmidt, Finnegan, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Illinois Clean Energy Community Foundation Grant Application

Miller Park Zoo has the opportunity to apply for an Illinois Clean Energy Grant. The Illinois Clean Energy Community Foundation offers small grants for educational organizations such as children's museums, nature centers and zoos that provide continuous educational services to K-12 students.

Each grant in the amount of \$10,000 will cover the cost of installing a new 1 kilowatt photovoltaic system to convert sunlight into electrical power. Although small, each system will generate free electricity.

To enhance the educational value of the system, online monitoring is used to provide real time data on the amount of electricity generated. The total cost of the project is \$11,000. The Zoo would be responsible for \$1,000. The \$1,000 can be matching funds or in-kind services.

Staff respectfully requests permission to submit a grant application to Illinois Clean Energy Foundation to support a Solar Energy Panel System to demonstrate an alternate energy source. Funds for this purchase are available in account G14136-72520.

Respectfully,

Dean Kohn
Director Parks and Recreation

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Crawford that the submission of a Grant Application to the Illinois Clean Energy Foundation be approved, and the Mayor and City Clerk authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Agreement for McGraw Park OSLAD Grant Application

Staff has planned for the development of McGraw Park Phase II in the FY 2007-08 budget. This project will be funded in part with a State Grant of \$400,000. Due to the grant cycles, it is necessary for the City to apply for an Open Space Land and Acquisition and Development Grant (OSLAD) by July 1, 2006. This would facilitate the project and allow construction to begin as early as the fall of 2007. Submission of the grant application commits funding for this project.

Staff has received a proposal from Thompson Dyke and Associates to prepare this grant application for a fee of \$8,950. This project agreement describes the scope of services, fees, time schedule and procedures.

Staff respectfully requests approval of the Agreement with Thompson Dyke and Associates in the amount of \$8,950 to prepare and submit the OSLAD Grant Application for the development of McGraw Park Phase II. Funds for this service are available in account P14110-72570.

Respectfully,

Dean Kohn
Director, Parks & Recreation

Tom Hamilton
City Manager

PROJECT UNDERSTANDING

The City of Bloomington completed the first phase of McGraw Park in 2004. The popular support of McGraw phase I and the quicker than anticipated development of the Central Catholic school make the development of McGraw Park phase II a priority for the City of Bloomington. The OSLAD program supported McGraw Park phase I with acquisition funds and with phase I development funds. The prospects for funding in phase II are good given previous IDNR support. That being said, funding support for park projects varies throughout the state depending upon funding availability and other state of Illinois priorities.

The purpose of this proposal is to provide you with an outline of how the Consultant will prepare a grant proposal for City of Bloomington and other consulting services authorized by the Client. TD&A will endeavor to meet all reasonable time requirements and provide the Client with all plans and services in a timely fashion. The McGraw Park grant project can be completed prior to the IDNR deadline; however, time is of the essence.

SCOPE OF SERVICES

The Consultant agrees to provide professional planning services as requested by the Client, including the following:

1.0 The Grant

The Consultant will prepare the following major sections of the State of Illinois OSLAD grant application. The Consultant will maintain the integrity of the information and present a consistent strategy throughout the application.

General Project Data - This section presents general project information about the development and the community requesting the grant.

Development Data - This section presents specific information about the development of this site. The Staff and Advisory Committee awarding the grant require information on your future development plans for the parcel. This development plan will be conceptual in nature, and will include the Parks & Recreation Master Plan prepared under a previous contract.

Resolution of Authorization - The State requires the matching funds to be committed prior to the submittal of the resolution of authorization grant request. The City Council must pass a resolution committing funding.

Assurance Compliance - This is signed by the Mayor committing the City of Bloomington to the perpetuity, program, and maintenance requirements of the OSLAD/LWCF Grant Program.

Environmental Assessment - This section identifies all potential and negative impacts the project will have upon the environment. The report also identifies any proposed impact mitigation measures.

Other Sections - Several other forms and graphics are required for the submittal and will be prepared for the Client. One of the most important is the Narrative Statement, which presents the City's rationale for the funding. The Consultant, with the assistance of the Client, will establish the strategy and rationale guiding the complete submission.

1.1 City Assistance

The Parks and Recreation Department must assist the Consultant in the provision of necessary documents in a timely fashion.

2.0 The Application

The services of the Consultant are to commence on the date of full mutual execution of this contract. All products and services from the Consultant shall be delivered to the Client by May 31, 2006 for review and the final application will be delivered to IDNR by June 30, 2006. Two copies of the grant application are included in the fee and expense proposal.

FEES, TIME SCHEDULE, PROCEDURE.

Our professional fee for the Scope of Services indicated will be \$8,950 for development of a grant application for City of Bloomington. Out-of-pocket expenses required for the preparation of the above scope of services shall be in addition to the fee indicated above. Expenses will not exceed 12% of the fee. Appropriate base material preparation will be the responsibility of the City of Bloomington. A plat of survey must be provided by the City. Additionally, a title commitment or deed indicating clear title will be required. Fees for professional services and reimbursable costs shall be billed regularly and accounts are payable 30 days from the date of the invoice at 213 West Institute Place, Suite 700, Chicago, Illinois 60610. A service charge will be applied of one percent (1%) of the invoice amount (12% annual rate).

We expect that eight weeks will be required to complete the work outline above and meet with the City of Bloomington and other interested parties. Meetings with the City of Bloomington and interested parties are not included in our fee. Additional meetings will be billed according to our rate schedule listed in Appendix A-06. Design work and the services of all non TD&A personnel are not included in this fee proposal. If the project life exceeds more than 3 months through no fault of TD&A, more fees may be requested. We look forward to working with you again and are prepared to begin immediately. We hope this letter agreement meets with your approval. If so, please sign below and return one copy for our files.

Thompson Dyke & Associates, Ltd.
213 West Institute Place, Suite 700
Chicago, IL 60610

City of Bloomington
109 East Olive Street
Bloomington, Illinois 61701

Peter Dyke
President

Stephen F. Stockton
City of Bloomington, Representative
March 14, 2006

Alderman Purcell questioned the time line. Dean Kohn, Director – Parks & Recreation, addressed the Council. The City was applying for a grant for fiscal year 2007 – 2008. The figure for this project was estimated \$2.1 – 2.2 million. Phase II would address the athletic end of the McGraw Park, (softball field, baseball field, etc.).

Motion by Alderman Finnegan, seconded by Alderman Crawford that the Agreement with Thompson Dyke and Associates for McGraw Park, Phase II, OSLAD Grant Application be approved in the amount of \$8,950, and the Mayor and City Clerk authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Approval of Project Agreement for the Renovation of the Miller Park Playground Area

On April 25, 2005, Council approved a Resolution of Authorization for the Parks and Recreation Department to apply for an OSLAD (Open Space Lands Acquisition and Development) grant for the renovation of the playground area in Miller Park. In late January of this year the City was notified by the Illinois Department of Natural Resources, (IDNR) that the application was approved, and the City eligible for \$365,500 in funding to assist with this project.

The renovation includes a new water sprayground, large accessible playground, walkways, gazebo, two picnic areas, new Zoo entry, landscaping, and some parking improvements. A total of \$400,000 is budgeted in the Capital Improvement Fund, X40100-72570 for the City's share of this project.

The IDNR Project Agreement specifies the requirements and timeline for receiving the \$365,500 grant. These are the same requirements that the City was under when grants for Tipton and McGraw Parks were received. Staff believes that there will be no difficulty meeting these requirements. Staff respectfully requests that Council approve this Project Agreement with IDNR to receive the grant funds, and authorize the Mayor and City Clerk to execute the necessary documents.

Respectfully,

Jerry Armstrong
Assistant Director, Parks and Recreation

Tom Hamilton
City Manager

(CONTRACT ON FILE IN THE CLERK'S OFFICE)

Alderman Gibson questioned if there would be a public hearing before any changes were made to the playground. Dean Kohn, Director – Parks & Recreation, addressed the

Council. He informed them that two or three, (2 or 3), meetings had been held last year. There would be additional neighborhood meetings in the next sixty to ninety, (60 – 90), days. Meetings would also be held with groups representing the handicapped. Alderman Gibson noted that the public needed to know what the plans were before hand.

Motion by Alderman Finnegan, seconded by Alderman Crawford that the Project Agreement with the Illinois Department of Natural Resources be approved to receive \$365,500 in grant funds, and the Mayor and City Clerk authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
 From: Staff
 Subject: Proposal for Soils Analysis for Future Public Service Expansion

A proposal for Professional Services has been received from Terracon Consulting Engineers and Scientists to do soil borings and analysis for future expansion of Public Service facilities. These soil borings are necessary to plan for the best location and design requirements for the future facilities expansion. Staff has reviewed the proposal and finds everything in order.

Staff respectfully requests that Council approve an Agreement for Professional Services in the amount of \$6,500 with Terracon Consulting Engineers and Scientists. Payment is to be made from the following accounts:

52100-70990	\$1,300.00
55100-70990	\$1,300.00
16120-70990	\$1,300.00
16130-70990	\$1,300.00
<u>16124-70990</u>	<u>\$1,300.00</u>
TOTAL	\$6,500.00

March 13, 2006

1743

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Brian Brakebill
Director of Public Service

Tom Hamilton
City Manager

March 1, 2006

City of Bloomington
401 ½ South East Street
Bloomington, IL 61702-3157

Attention: Kevin Kothe, P.E.
Design Engineer

Re: Cost Estimate for Preliminary Geotechnical Engineering Services Proposed
Public Service Department Improvements, Bloomington, Illinois
Terracon Proposal No. P1006012

Dear Mr. Kothe:

Terracon appreciates the opportunity to submit our cost estimate to perform a preliminary geotechnical exploration for the above referenced project. This proposal outlines the scope of services to be performed by Terracon for this project and provides the cost estimate for these services.

A. PROJECT INFORMATION

We understand the proposed project will include expansion of the Public Service Department buildings within the City of Bloomington Campus. We understand that the expansions will most likely be single-story, slab-on-grade buildings. The exact building locations and sizes were not available at this time. For this proposal, we have assumed that the building column and wall loads will not exceed 75 kips and 3 kips per lineal feet, respectively. We understand that relatively heavy floor slab loads are anticipated within the new expansion buildings. Information regarding the building locations, sizes and structural loading conditions should be provided to Terracon as soon as available so that revisions/modifications to the proposal/reports can be made.

B. SCOPE OF SERVICES

Field Program – The City of Bloomington has selected to perform eight (8) soil borings spread out within the campus. Based on the available information, we propose to extend the soil borings to a depth of about 20 feet below existing grades.

Samples will be obtained using split-barrel sampling procedure. Once the samples have been collected and classified in the field, they will be placed in appropriate sample containers for transport to our laboratory.

Laboratory Testing — The samples will be tested in our laboratory to determine physical engineering characteristics. Testing will be performed under the direction of a geotechnical engineer. For this project and the anticipated subsurface conditions, the following testing program is proposed:

SPLIT-BARREL SAMPLES

Visual Classification

Moisture Content

Unconfined Compressive Strength (Qp), if cohesive

Engineering Report — After completion of the field and laboratory testing programs, the data and conditions will be summarized on boring logs and in a report prepared under the supervision of an engineer licensed in the State of Illinois. The report will include/address the following;

Computer generated boring logs with soil stratification based on visual soil classification.

Summarized laboratory data.

Site water levels observed during and after drilling.

Boring location plan.

General project description.

Subsurface exploration procedures.

Site conditions (existing).

Soil conditions (existing).

Preliminary allowable bearing capacity for footing foundations.

Anticipated total and differential settlement of foundations.

General site preparation and earthwork recommendations.

Construction considerations.

Schedule - We can generally begin the field exploration program within about two weeks after receipt of authorization to proceed if site and weather conditions permit. The geotechnical report will be completed within two weeks after completion of the field work. In situations where information is needed prior to submittal of our report, we can provide verbal information or recommendations for specific project requirements after we have completed our field and laboratory programs.

Conditions - Items to be provided by the client include the right of entry to conduct the exploration and an awareness and/or location of any subsurface utilities existing in the area. Terracon will contact the "JULIE" locating service to locate underground utilities.

Terracon will not be responsible for underground utilities (public or private) incorrectly marked or not marked by others. Providing information and/or location of private utilities in the project area is the responsibility of the owner. Time to meet with locators on site has not been included in the fees provided below.

Our fee is based on the site being accessible to a standard, 2-wheel, truck-mounted drill rig and Terracon providing approximate layout and elevations of the borings; additional costs may result if this is not the case. Our fee does not include services associated with site clearing, tree clearing, wet ground conditions, or site restoration. If such conditions are known to exist on the site, Terracon should be notified so that we may adjust our scope of services and fee, if necessary.

For safety purposes, all borings would be backfilled immediately after their completion. Excess auger cuttings would be disposed of on the site. Borings located within the pavements will be surface patched (upper 12 inches). Because backfill material often settles below the surface after a period of time, we recommend the boreholes be checked periodically and backfilled if necessary. We could provide this service at your request or grout the holes, but this would involve additional cost.

C. COMPENSATION

For the scope of geotechnical services outlined in this proposal and based on our approved rates with the City of Bloomington, we estimate our fees to be \$6,500.00. Our actual fees would depend on items such as actual tests performed, manpower needs to perform requested tests, project duration, etc.

Should it be necessary to expand our services beyond those outlined in this proposal, we will notify you, then send a supplemental proposal stating the additional services and fee. We will not proceed without your authorization.

D. CLOSURE

This proposal may be accepted by signing the Notice to Proceed and returning one copy along with this proposal to Terracon, Inc. This proposal is valid only if authorized within sixty days from the listed proposal date.

We appreciate the opportunity to provide this proposal and look forward to the continued relationship.

Sincerely,
Terracon Consultants, Inc.

Nilesh R. Lal.
Geotechnical Engineer / Satellite Office Manager

Attachments: Cost Estimate Sheet

NOTICE TO PROCEED:

By: Stephen F. Stockton
Title: Mayor
Date: March 14, 2006

(COST ESTIMATE SHEET ON FILE IN THE CLERK'S OFFICE)

Motion by Alderman Finnegan, seconded by Alderman Crawford that the Agreement with Terracon Consulting Engineers to provide soil borings and analysis be approved in an amount not to exceed \$6,500, 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 Crawford, Huette, Schmidt, Finnegan, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Acquisition of Permanent Easement for 36 Inch Water Transmission Line from Douglas and Cynthia Otto

The City is constructing a new 36" water transmission line between the water treatment plant at Lake Bloomington to the Ft. Jesse Road pump station to replace the one installed in 1929. The construction of Division B was recently completed, which runs along Pipeline Road from Northtown Road to the "T" intersection with County Highway 31. Staff is now ready to proceed with the construction of Division D, which will make the connection with the treatment plant. The City needs to acquire easements to build this section of the pipe.

The line will cross farmland owned by Douglas and Cynthia Otto. The City requires an easement that is 60 feet wide and 2,626 feet long. Additionally, a 30 foot temporary easement is needed for maneuvering space and stockpiling materials during construction. There is a storage shed within the area of the permanent easement that will have to be removed. The Ottos will convey the permanent and temporary easements to the City for a total payment of \$30,791. The payment is broken down as follows: \$5,275 for the permanent easement, \$6,561 for crop

damages within the permanent and temporary easement area, and \$19,000 for replacement cost of the storage shed.

Staff believes that this is fair compensation and respectfully requests that Council approve the payment of \$30,791 to Douglas and Cynthia Otto for the acquisition of a permanent easement, and further that the Mayor and City Clerk be authorized to execute the necessary documents. Payment for this easement will come from Water Depreciation Funds.

Respectfully,

Hannah Eisner
Deputy Corporation Counsel

Craig Cummings
Director of Water

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Crawford that the acquisition of a Permanent Easement from Douglas and Cynthia Otto be approved in the amount of \$30,791, and the Mayor and City Clerk authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Proposed Water Main Extension Agreement from Mary E. Emmert for Property Located at 1702 Six Points Road

Mary E. Emmert, owner of 1702 Six Points Road (Tax ID 21-18-227-001) has requested permission to tap-on to the City's Water Main to serve her property. Currently, the property is outside the City's Corporate Limits. Ms. Emmert has signed a Water Main Extension Agreement with the City, wherein the property can be annexed to the City whenever the City so desires. The required tap on fee due for this property has been paid.

As all items are in order, staff respectfully recommends that Council approve a Water Main Extension Agreement with Mary E. Emmert, owner of 1702 Six Points Road, and further that the Mayor and City Clerk be authorized to execute the necessary documents.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

WATER & PROPOSED WATER
MAIN EXTENSION AGREEMENT

THIS AGREEMENT made and entered into this 13th day of 2006, by and between the City of Bloomington, a Municipal Corporation, hereinafter called "CITY and Mary E. Emmert, Trustee, owner of the real property hereinafter described and hereinafter called "CUSTOMER", WITNESSETH:

For and in consideration of the mutual covenants and undertakings herein made, CITY and CUSTOMER herein covenant and agree as follows:

1. CITY agrees to plan, supervise and permit the construction of approximately 147.68 feet of eight inch water main to be extended along the street(s) and highway (s) known as Six Points Road for use of the CUSTOMER in obtaining water service from the water reservoir and water main system of CITY to and for the benefit of the property or properties in McLean County owned by CUSTOMER and legally described as:

Lot 2, 3 and 4 in the Copeland Subdivision of a part of Lot 8 in the subdivision of the North East 1/4 of Section 18, Township 23 North, Range 2 East of the Third Principal Meridian, in McLean County, Illinois.I.D. No: (Book 05) 21-18-227-001
Commonly know as 1702 Six Points Road

and shown by plat of said area attached hereto and made a part hereof, and in accordance with specifications approved by the CITY.

2. CUSTOMER agrees to pay his share of the cost of the water main completed as follows: the total cost of the water main divided by the number of lineal feet of said main, divided by two, multiplied by the frontage of the above described property. CUSTOMER's contribution is \$3,346.08 payable in advance, or the CUSTOMER agrees that he may pay the amount in three (3) installments. The first installment is payable prior to the customer connecting to the water main. The second installment plus interest is due one year from the date of this agreement. The third installment plus interest is due two years from the date of this agreement. Interest on the unpaid balance shall be 6%. The City may disconnect water if any payment is more than 30 days past due. The payment schedule is attached.

3. CUSTOMER agrees that said extended water main shall become the property of and subject to the control of the CITY as a part of its water distribution system and that CUSTOMER and his/her property shall become subject to and shall be obligated to conform to all ordinances and other rules and regulations of the CITY with regard to the construction, use and maintenance

of water mains and for the payment of charges for water services now in effect and as hereinafter enacted and amended from time to time.

4. CUSTOMER certifies that Mary E. Emmert is the sole owner and mortgagees of said above-described property and there are no other parties who have any other right, title or interest in said property.

5. As a covenant running with the land, CUSTOMER agrees that in the event any portion of the above-described property hereafter becomes contiguous with the corporate boundaries of the City of Bloomington, CUSTOMER will within one hundred eighty (180) days after the City Council adopts a Resolution requiring him to do so, annex said property to the City of Bloomington by petition or if required by the City, by an annexation agreement. Simultaneously or at the earliest time CUSTOMER could legally petition to do so, CUSTOMER will petition for annexation to the Bloomington-Normal Water Reclamation District. Upon failure of CUSTOMER to do any of the foregoing, the CITY in its sole discretion may discontinue water service to said property and may refuse and continue to refuse water service to such property until all such annexations have been completed.

6. This Agreement does not affect the operation of City ordinances. At the time of annexation, CUSTOMER will in an Annexation Agreement:

(1) be required to agree to dedicate street right-of-way abutting his property in such amounts as may be required in the then current street plan;

(2) be required to agree to dedicate any utility easements requested by the CITY at that time;

(3) be required to agree to participate financially to the cost of making local improvements affecting customer's property.

7. CUSTOMER covenants and agrees that he/she will not permit or allow any other person, firm or corporation to connect or annex to said water main or use water therefrom or in any other way benefit from the service provided to CUSTOMER under the terms of this AGREEMENT, except where express written permission has been procured therefore from CITY.

8. CUSTOMER and CITY agree that covenants herein contained are the essence of this Agreement.

IN WITNESSETH WHEREOF the parties have hereunto set their hands and seals the day and year above written.

Mary E. Emmert, Trustee

Section 26(d) of Chapter 6 of the City Code generally prohibits the possession of open containers of alcohol on public property. This applies to City buildings as well as the street and sidewalks. This section has been amended several times over the past few years to make exceptions for some City facilities, including two of the golf courses and inside the Center for Performing Arts. A liquor license was recently granted for the US Cellular Coliseum and this section of the code requires an additional amendment to create an exception for the facility.

This proposed amendment would allow possession of open alcohol at the Coliseum only under the following circumstances. Alcohol must be procured from an individual or entity holding a class W, (Catering), T, (Tavern), or R, (Restaurant) license for the premises. No alcohol may be brought in to the Coliseum. Possession of alcohol is allowed only during the time events are being held at the Coliseum and limited to ninety (90) minutes before and one hour following any event.

Staff respectfully recommends that the Text Amendment be approved and the Ordinance passed.

Respectfully,

Hannah Eisner
Deputy Corporation Counsel

Tom Hamilton
City Manager

ORDINANCE NO. 2006 - 22**AN ORDINANCE AMENDING BLOOMINGTON CITY CODE
CHAPTER 6 SECTION 26(d)**

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

SECTION 1. That Bloomington City Code Chapter 6, Section 26(d), be amended by adding the following paragraphs to read as follows (additions are indicated by underlining; deletions are indicated by strikeouts):

(3) possession of all types of alcohol is permitted inside the City of Bloomington coliseum facility located in the block bounded by Madison Street, W. Front Street, Lee Street and W. Olive under the following conditions:

(a)Alcohol shall only be procured from and served by an individual or entity with a Class W, T or R license authorizing the sale of alcohol in those premises;

(b) Possession of open alcohol other than that procured from the sources enumerated in subsection (i) shall be prohibited;

(c)Possession of open alcohol shall be allowed only during events held at the coliseum and possession of open alcohol at such events shall further be limited to ninety minutes prior to the commencement and one hour following the conclusion of any such event;

(d)All state and local liquor control laws must be obeyed;

(e) All rules and regulations for the coliseum must be obeyed.

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 13th day of March, 2006.

APPROVED this 14th day of March, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Case Z-01-06 Petition submitted by the City, a Municipal Corporation, requesting the amendment of Bloomington City Code, Chapter 44, Sec. 4.40 (c) (5) by making it unlawful to use any Portable on Demand Storage Container or other similar portable structure as an accessory building or accessory structure located on any Residential District lot, except when used temporarily during construction or moving operations of a principal use

BACKGROUND INFORMATION:

Currently, by using the strictest interpretation, the Zoning Code does not specifically permit or allow any Portable On Demand Storage (PODS) containers or other similar portable structures as a principal use or accessory structure to be located in any residential district. In recent months, staff has become aware of more and more of these PODS containers being rented by residents. These PODS are then parked in their driveways and used as a temporary storage solution while in transition to relocate or during home renovation. The PODS containers are transported directly to the customer to pack their belongings into at their convenience and leisure without having to rent a truck. The PODS container supplier provides the transportation service for a fee.

The 8' x 8' x 12' container may hold the contents of about a 1,200 square foot home, while an 8' x 8' x 16' container may hold the contents of about a 1,500 square foot home.

The petition in question proposes the amendment of Bloomington City Code, Chapter 44, Sec. 4.40 (c) (5), by making it unlawful to use any portable on demand, or PODS storage container or other similar portable structure as an accessory building or accessory structure located on any Residential District lot, except when used temporarily during construction or moving operations of a principal use. In order to prohibit long term parking of such containers on Residential District lots, such portable containers or structures must be removed from such lot within fourteen (14) consecutive days after the date of completion of such construction or moving operations.

Other municipalities have adopted a range of restrictions on the amount of time that these containers can be parked on residentially zoned lots. Some allow them as a temporary accessory use during construction or renovation, but not for more than 24 hours during any 72 hour period in anticipation of moving. Some require them to be placed behind the required building setback lines limited just to when used temporarily during construction or moving operations. Some do not allow them at all or have not dealt with this issue.

PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission held public hearings on this petition on January 25, 2006 and February 22, 2006 and recommends the same. At these hearings, Mr. Mark R. Huber, Director of Planning and Code Enforcement, noted that staff recommended that the Planning Commission pass a motion to recommend Council approval of this petition in Case Z-01-06 as presented in the public interest. Mr. Huber noted that currently City Code does not allow for temporary storage in this manner (in portable on demand storage units), but he conceded that there is a need and that it would be good for the community to allow them. He noted that the fourteen (14) day limit allows a reasonable time frame for packing in connection with a move. He also noted that as long as the project is under permit and the work is ongoing, the storage unit may remain.

No testimony was presented in favor of or in opposition to this petition at these public hearings.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission closed the public hearing on this petition on February 22, 2006 and passed a motion by a vote of 6 to 0 recommending Council approval of this petition in Case Z-01-06.

STAFF RECOMMENDATION:

Staff respectfully recommends Council approval of the petition in Case Z-01-06 as presented in the public interest.

March 13, 2006

1755

Respectfully submitted,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

PETITION FOR ZONING TEXT AMENDMENT

STATE OF ILLINOIS)
) ss.
COUNTY OF MC LEAN)

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

Now comes the City of Bloomington, McLean County, Illinois, a Municipal Corporation, hereinafter referred to as your Petitioner respectfully representing and requesting as follows:

1. That the text of Chapter 44, Sections 4.40 (c)(5) of the Bloomington City Code - 1960, as amended, no longer contributes to the public welfare for the following reason(s):

Said Section 4.40 (c)(5) presently does not provide specific restrictions on the length of time and geographic location of portable on-demand storage units in residential zoning districts.

2. That your Petitioners hereby requests that said Sections be amended as hereinafter proposed in Exhibit 1;

3. That the approval of said amendment will substantially reflect the philosophy and intent of Chapter 44 of the Bloomington City Code - 1960, as amended; and

4. That the approval of said amendment will offer benefits to the general public in excess of the hardships, limitations or restrictions imposed upon any definitive faction of the City of Bloomington, McLean County, Illinois that is affected by the proposed text of said Section 4.40 (c)(5).

WHEREFORE, your Petitioner respectfully prays that this petition to amend Chapter 44, Section 4.40 (c)(5) of the Bloomington City Code - 1960, as amended, as stated herein be approved in the public interest.

Respectfully submitted,

THE CITY OF BLOOMINGTON,
A Municipal Corporation,

By: Ken Emmons, City Planner

ORDINANCE NO. 2006 - 23

**AN ORDINANCE TO AMEND THE TEXT OF CHAPTER 44,
SECTION 4.40 (c)(5)
OF THE BLOOMINGTON CITY CODE - 1960, AS AMENDED**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition praying for the amendment of Chapter 44, Section 4.40 (c)(5) of the Bloomington City Code - 1960, as amended; and

WHEREAS, the Bloomington Planning Commission, after proper notice was given, conducted a public hearing on said Petition; and

WHEREAS, the text amendment prayed for in said Petition is in the public interest; and

WHEREAS, the City Council of said City has the power to pass this Ordinance to amend said Section 4.40 (c)(5) of Chapter 44 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 Chapter 44, Section 4.40 (c)(5) of the Bloomington City Code - 1960, as amended, shall and the same are hereby amended as hereinafter printed in Exhibit 1.
2. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 13th day of March, 2006.

APPROVED this 14th day of March, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT 1

Chapter 44, Section 4.40 (c)(5) of the Bloomington City Code amendment

(5) No manufactured home, mobile home, or other similar portable structure or building shall be used as an accessory building or structure except when used incidentally to and temporarily for construction operations of a principal use, ~~Said buildings shall be~~

~~removed at the time of occupancy of the principal use~~ provided however, lawn equipment storage buildings not exceeding one hundred forty-four (144) square feet in area and a maximum height of twelve (12) feet to the highest point on such building are permitted as accessory buildings. Manufactured homes in a licensed manufactured home park or a manufactured home subdivision are permitted as principal structures when in accordance with the applicable R-4 or R-1H requirements of this Code.

It shall be unlawful to use any portable on demand storage container or other similar portable structure as an accessory building or accessory structure located on any Residence District lot except when used temporarily during construction or moving operations of a principal use. Such portable containers or structures shall be removed from such Residence District lot within fourteen (14) consecutive days after the date of completion of such construction or moving operations.

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Case Z-05-06 Petition submitted by Hermes & Sons, Inc. requesting the rezoning of land commonly located at 507 W. Olive Street, from R-3B, High Density Multiple Family Residence District to B-3, Central Business District

BACKGROUND INFORMATION:

Adjacent Zoning

north: R-3B, High Density Single Family Residence District
south: M-1, Restricted Manufacturing District
east: B-3, Central Business District
west: R-3B, see above

Adjacent Land Uses

north: single family dwellings
south: commercial condominiums
east: warehouse storage,
(Hermes Equipment & Co.)
west: single family dwelling

Comprehensive Plan recommends: "low/medium density residential" use for this property.

The subject is a .116 acre tract lying west and adjacent to the tract owned by Hermes Equipment & Company. The Petitioners wish to utilize the subject tract for a commercial parking lot. A commercial parking lot is a permitted use in B-3 but not in R-3B. The Hermes Equipment and Company site is located at the western edge of the B-3 Zoning District.

PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission held a public hearing on this petition on February 22, 2006 and recommends the same. Mr. Kenneth Emmons, City Planner, recommended that the Planning Commission pass a motion to recommend Council approval of rezoning the subject property from R-3B to B-3.

Mr. John Hermes, 205 S. Lee Street, testified that Hermes & Sons, Inc., has ownership of four lots and that three of them are zoned correctly. He stated that they wished to have this vacant lot rezoned in order to have conforming zoning for off-street parking. No testimony was presented in opposition to this petition at this public hearing.

PLANNING COMMISSION RECOMMENDATION:

After having given due consideration to this petition and the testimony presented, the Planning Commission passed a motion by a vote of 6 to 0 recommending Council approval of Case Z-05-06 as presented.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission's recommendation for City Council approval of this petition in Case Z-05-06.

Respectfully submitted,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

PETITION FOR ZONING MAP AMENDMENT

State of Illinois)
) ss.
 County of McLean)

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

Now comes Hermes & Sons, 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, or is a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That said premises legally described in Exhibit "A" presently has a zoning classification of R-3B under the provisions of Chapter 44 of the Bloomington City Code, 1960;
3. That the present zoning on said premises is inappropriate due to error in original zoning, technological changes altering the impact or effect of the existing land uses, or the area in question having changed such that said present zoning is no longer contributing to the public welfare;
4. That your petitioner hereby requests that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended to reclassify said premises into the B-3 zoning district classification;
5. That said requested zoning classification is more compatible with existing uses and/or zoning of adjacent property than the present zoning of said premises; and
6. That said requested zoning classification is more suitable for said premises and the benefits realized by the general public in approving this petition will exceed the hardships imposed on your petitioner by the present zoning of said premises.

WHEREFORE, your petitioner respectfully prays that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended by changing the zoning classification of the above-described premises from R-3B to B-3.

Respectfully submitted,

By: Leo Hermes

ORDINANCE NO. 2006 - 24

**AN ORDINANCE REZONING 507 W. OLIVE STREET
FROM R-3B, HIGH DENSITY MULTIPLE FAMILY RESIDENCE DISTRICT TO B-3,
CENTRAL BUSINESS DISTRICT**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for rezoning of certain premises hereinafter described in Exhibit "A"; and

WHEREAS, the Bloomington Planning Commission, after proper notice was given, conducted a public hearing on said Petition; and

WHEREAS, the City Council of said City has the power to pass this Ordinance and rezone said premises.

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

1. That the premises hereinafter described in Exhibit "A" shall be and the same are hereby rezoned from R-3B, High Density Multiple Family Residence District to B-3, Central Business District.
2. The Official Zoning Map of said City shall be amended to reflect this change in zoning classification.
3. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 13th day of March, 2006.

APPROVED this 14th day of March, 2006.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

The East ¼ of the following described real estate taken as a whole: Lots 3 and 4 in Block 13 in H.H. Painter's Second Addition to the City of Bloomington, Illinois, EXCEPT so much of said Lot 3 as lies North of the East 14 feet and 3 inches of said Lot 4 and EXCEPT the East 14 feet and 3 inches of said Lot 4, ALL IN McLEAN COUNTY, ILLINOIS.

Motion by Alderman Finnegan, seconded by Alderman Crawford that the Rezoning be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Case Z-04-06 Petition submitted by Eric L. Miller requesting the rezoning of land commonly located at 2506 Airport Road, from R-1B, Medium Density Single Family Residence District to R-1C, High Density Single Family Residence District

BACKGROUND INFORMATION:

Adjacent Zoning

north: R-1B, Medium Density Single Family Residence District
 south: R-1B, see above
 east: S-2, Public Lands and Institutions District
 west: R-1B, see above

Adjacent Land Uses

north: narrow strip of vacant land
 south: single family dwelling
 east: athletic club
 west: single family dwellings

Comprehensive Plan recommends: "low/medium density residential" use for this property.

The rezoning of this 142.5' x 157' tract of land from R-1B to R-1C would allow the southern part of this site to be a practical and buildable lot under R-1C zoning after subdividing the 142.5' x 157' tract into two lots. The northern part of the tract is the site of an existing dwelling with no additional land to be utilized. The subject tract is 22,372.5 square feet in size, and meets the

required minimum lot size for R-1B zoning (10,000 square feet minimum lot size), but the vacant land south of the existing dwelling has a width of only 60.25 feet. R-1B zoning requires a lot width of 70 feet and R-1C requires a width of 50 feet. Rezoning to R-1C would allow the southern 50 feet of this lot to be a conforming, buildable lot. There is extensive R-1C zoning to the north of this tract.

PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission held a public hearing on this petition on February 22, 2006 and recommends the same. Mr. Kenneth Emmons, City Planner, recommended that the Planning Commission pass a motion recommending Council approval of rezoning of the subject property from R-1B to R-1C.

Mr. Frank Miles, Attorney at Law, 202 N. Center Street, summarized a resolved lawsuit between the prior owner, Wesley Ates, and current owner, Eric Miller, with the current owner being in receipt of the entire tract.

He noted that the petitioner now wishes to sell the extra land in order to recoup some of his losses from the litigation. Mr. Miles noted that the proposed lot in question would be conforming if located just two lots to the north in a large area of R-1C zoning. He related that the intent is to have one single family detached home built there. He pointed out that there is an existing house on what could be an 82' lot on the northern portion of this tract and there is no more land to enlarge the remainder.

Mr. Michael Schilkofski, 2504 Airport Road, explained that he owns the 102' x 157' property directly south of the proposed lot. He stated that he notes that a 60 foot width is typical of lots further north along this stretch of Airport Road. It was his belief that Mr. Miller's proposed new house on a 50 foot wide lot would be squeezing it in, and expressed doubts that the eventual home would look acceptable.

The Commissioners noted that other lots of 50 foot width, with six foot sideyard setbacks, are not uncommon in the community. Mr. Miles acknowledged that this would be a narrow lot. Commissioner Shaw observed that the result of granting the petition could be likened to shifting the line between the R-1C and R-1B zoning districts two lots to the south. Mr. Miles indicated that there would be a driveway onto Airport Road. Mr. Schilkofski noted that the lots of the Eagle Nest Subdivision were put on a frontage road for exit onto Airport Road. Mr. Grovesteen, Director of Engineering, noted that adding one additional driveway onto Airport Road was not a big concern.

PLANNING COMMISSION RECOMMENDATION:

After having given due consideration to this petition and the testimony presented, the Planning Commission passed a motion by a vote of 4 to 2 recommending approval of Case Z-04-06 as requested

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission's recommendation for Council approval of this petition in Case Z-04-06.

Respectfully submitted,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

PETITION FOR ZONING MAP AMENDMENT

State of Illinois)
) ss.
County of McLean)

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

Now comes Eric L. Miller, 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, or is a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That said premises legally described in Exhibit "A" presently has a zoning classification of R-1B, Medium Density Single Family Residence District under the provisions of Chapter 44 of the Bloomington City Code, 1960;
3. That the present zoning on said premises is inappropriate due to error in original zoning, technological changes altering the impact or effect of the existing land uses, or the area in question having changed such that said present zoning is no longer contributing to the public welfare;
4. That your petitioner hereby request that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended to reclassify said premises into the R-1C, High Density Single Family Residence zoning district classification;
5. That said requested zoning classification is more compatible with existing uses and/or zoning of adjacent property than the present zoning of said premises; and

6. That said requested zoning classification is more suitable for said premises and the benefits realized by the general public in approving this petition will exceed the hardships imposed on your petitioner by the present zoning of said premises.

WHEREFORE, your petitioner respectfully prays that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended by changing the zoning classification of the above-described premises from R-1B, Medium Density Single Family Residence District to R-1C, High Density Single Family Residence District.

Respectfully submitted,

By: Eric L. Miller

ORDINANCE NO. 2006 - 25**AN ORDINANCE REZONING 2506 AIRPORT ROAD FROM R-1B, MEDIUM DENSITY SINGLE FAMILY RESIDENCE DISTRICT TO R-1C, HIGH DENSITY SINGLE FAMILY RESIDENCE DISTRICT**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for rezoning of certain premises hereinafter described in Exhibit "A"; and

WHEREAS, the Bloomington Planning Commission, after proper notice was given, conducted a public hearing on said Petition; and

WHEREAS, the City Council of said City has the power to pass this Ordinance and rezone said premises.

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

1. That the premises hereinafter described in Exhibit "A" shall be and the same are hereby rezoned from R-1B, Medium Density Single Family Residence District to R-1C, High Density Single Family Residence District.
2. The Official Zoning Map of said City shall be amended to reflect this change in zoning classification.
3. This Ordinance shall take effect immediately upon passage and approval.

PASSED and APPROVED this 13th day of March, 2006.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Exhibit A

Lot 1 except the east 13 feet thereof, and also except the north 10 feet thereof in Schreiber's Sunrise Acres, a subdivision of a part of the Northeast ¼ of Section 25, Township 24 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois.

Motion by Alderman Finnegan, seconded by Alderman Crawford that the Rezoning be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Case Z-03-06 Petition submitted by Deneen Brothers, LLC, requesting the rezoning of land commonly located south of Central Catholic High School and McGraw Park, from B-1, Highway Business District to B-2, General Business District

BACKGROUND INFORMATION:

Adjacent Zoning

north: S-2, C-2, Public Lands and Institutions District and Neighborhood Shopping District
south: B-1, Highway Business District
east: B-1, see above
west: R-1B, Medium Density Single Family Residence District

Adjacent Land Uses

north: Central Catholic High School, McGraw Park, and vacant land
south: farm buildings, cropland
east: cropland
west: single family dwellings

Comprehensive Plan recommends: “regional/highway commercial” use for this property.

The Petitioners originally requested rezoning from B-2 to B-1 the northern portion of Lots 1, 2, 3, and 24, as depicted on the Empire Business Park Preliminary Plan and as measured 200 feet south from the centerline of Cornelius Road, in an effort to not have these four lots straddle two zoning districts. The southern portion of these lots is presently zoned B-1. Staff favors the idea of consistency in zoning for these four lots, however, supports the rezoning to the more restrictive B-2, General Business Service District for the whole area south of Cornelius Road and included in Lots 1, 2, 3, and 24 as depicted on the Empire Business Park Preliminary Plan.

PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission held a public hearing on this petition on February 22, 2006 and recommends the same. Mr. Kenneth Emmons, City Planner, recommended that the Planning Commission pass a motion to recommend that Council approve rezoning of the B-1 zoned portion of Lots 1, 2, 3, and 24 to B-2 General Business Service District.

Mr. William C. Wetzel, Attorney at Law, 115 W. Jefferson Street, noted that the petitioners had been before the Commission a month prior with the review of the Preliminary Plan for Empire Business Park. He had noted that some of the lots straddle two zones and that it was the Petitioner's intention to return and request this rezoning for the sake of consistency.

Mr. Wetzel noted that B-1 zoning was requested as it is somewhat less restrictive than the B-2, in an attempt to provide his client more options. He related that the Petitioners were agreeable to the B-2 zoning for the lots, and that their main concern was consistent zoning.

PLANNING COMMISSION RECOMMENDATION:

After having given consideration to this petition and the testimony presented, the Planning Commission passed a motion by a vote of 6 to 0 recommending approval of a revised petition in Case Z-03-06 for the rezoning of the B-1 zoned area of Lots 1, 2, 3, and 24 as depicted on the Empire Business Park Preliminary Plan to B-2, General Business Service District.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission recommendation for Council approval of this revised petition in Case Z-03-06.

Respectfully submitted,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

AMENDED PETITION FOR ZONING MAP AMENDMENT

State of Illinois)
)SS:
County of McLean)

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

NOW COMES DENEEN BROTHERS, LLC, hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

1. That your Petitioner is the Owner or the Contract Purchaser of the property described on Exhibit "A" which is attached hereto and made a part hereof by this reference;
2. That said premises presently have a zoning classification of B-1 Highway Business District under the provisions of Chapter 44 of the Bloomington City Code, 1960;
3. That your Petitioner previously submitted a Petition For Approval of a Preliminary Plan for a proposed subdivision to be developed under the Land Subdivision Code of the City of Bloomington to be known as EMPIRE BUSINESS PARK SUBDIVISION, BLOOMINGTON, ILLINOIS. The proposed Preliminary Plan included certain lots thereon which had dual zoning classifications by reason of a previously approved Annexation Agreement between your Petitioner and the City of Bloomington. In connection with the process of securing approval of the Preliminary Plan your Petitioner agreed to submit a Petition for Zoning Map Amendment that would provide only one zoning classification for a Lot and there would be no Lot that had two zoning classifications. That per that Agreement your Petitioner submitted a previous Petition herein seeking to rezone from B-2 to B-1 certain property owned by it. At the public hearing on the Petition the Staff of the City of Bloomington recommended that a more appropriate zoning classification for the Lots which then had dual zoning would be B-2 rather than B-1. The recommendation of the Staff was accepted by your Petitioner and this Amended Petition is submitted in connection therewith.
4. That your Petitioner hereby requests that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended to reclassify said premises into the B-2 General Business District classification;
5. That said requested zoning classification is more compatible with existing uses and/or zoning of adjacent property than the present zoning of said premises; and
6. That said requested zoning classification is more suitable for said premises and the benefits realized by the general public in approving this petition will exceed the hardships imposed on your Petitioner by the present zoning of said premises.

WHEREFORE, your Petitioner respectfully prays that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended by changing the zoning classification of the above described premises from B-1 Highway Business District to B-2 General Business District.

Respectfully submitted,

DENEEN BROTHERS, LLC

By: William C. Wetzel, Atty.

ORDINANCE NO. 2006 – 26**AN ORDINANCE REZONING PROPERTY IN THE CITY OF BLOOMINGTON
FROM B-1 HIGHWAY BUSINESS DISTRICT TO B-2 GENERAL BUSINESS
DISTRICT**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, an Amended Petition for Rezoning of certain premises hereinafter described on Exhibit "A"; and

WHEREAS, the Bloomington Planning Commission, has previously conducted a public hearing regarding the appropriate zoning classification for the property described on Exhibit "A"; and

WHEREAS, the City Council of said City has the power to pass this Ordinance and rezone said premises.

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

1. That the premises hereinafter described on Exhibit "A" shall be and the same are hereby rezoned from B-1 Highway Business District to B-2 General Business District.
2. The Official Zoning Map of said City shall be amended to reflect these changes in the zoning classification.
3. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 13th day of March 2006.

APPROVED this 14th day of March 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

**EXHIBIT A
Area to be Rezoned from B-1 (Highway Business District)
to B-2 (General Business District)**

All the property currently zoned B-1 (Highway Business District) lying within that part of the Southwest Quarter of Section 31, Township 24 North, Range 3 East of the Third Principal Meridian more particularly described as follows: Beginning at the intersection of the centerline

of Cornelius Road as dedicated per the final plat of Central Catholic/McGraw Park Subdivision final plat approved by City of Bloomington Ordinance No. 2002-90 with the Southerly Extension of the West Line of Lot 1 in said Subdivision. From said Point of Beginning, thence east 1300.00 feet along said centerline to a point of curve; thence northeast 395.09 feet along said centerline being the arc of a curve concave to the northwest with a radius of 495.00 feet and the 384.69 foot chord of said arc forms an angle to the left of $202^{\circ}-51'-57''$ with the last described course to a point of reverse curve; thence northeast 415.90 feet along said centerline being the arc of a curve concave to the southeast with a radius of 967.00 feet and the 412.70 foot chord of said arc forms an angle to the left of $190^{\circ}-32'-41''$ with the last described chord; thence southeast 534.29 feet along a line which forms an angle to the left of $86^{\circ}-35'-23''$ with the last described chord; thence southwest 166.06 feet along a line which forms an angle to the left of $122^{\circ}-24'-57''$ with the last described course; thence west 74.33 feet along a line which forms an angle to the left of $117^{\circ}-30'-59''$ with the last described course; thence southwest 95.50 feet along a line which forms an angle to the left of $210^{\circ}-04'-04''$ with the last described course; thence southwest 209.48 feet along a line which forms an angle to the left of $225^{\circ}-00'-00''$ with the last described course; thence southwest 880.70 feet along a line which forms an angle to the left of $135^{\circ}-00'-16''$ with the last described course; thence northwesterly 103.08 feet along the arc of a curve concave to the southwest with a radius of 900.00 feet and the 103.02 foot chord of said arc forms an angle to the left of $84^{\circ}-51'-50''$ with the last described course to a point of reverse curve; thence northwesterly 442.17 feet along the arc of a curve concave to the northeast with a radius of 900.00 feet and the 437.74 foot chord of said arc forms an angle to the left of $169^{\circ}-12'-23''$ with the last described chord to a point of tangency; thence north 47.51 feet along a line which forms an angle to the left of $165^{\circ}-55'-31''$ with the last described chord; thence west 521.00 feet along a line which forms an angle to the left of $270^{\circ}-00'-00''$ with the last described course; thence south 77.00 feet along a line which forms an angle to the left of $270^{\circ}-00'-00''$ with the last described course; thence west along a line which forms an angle to the left of $90^{\circ}-00'-00''$ with the last described course to the centerline of Airport Road; thence north along said centerline to its intersection with the Westerly Extension of the centerline of said Cornelius Road; thence east along said Westerly Extension to the Point of Beginning.

Motion by Alderman Finnegan, seconded by Alderman Crawford that the Rezoning be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Case PS-01-06 Petition submitted by Pinehurst Development, Inc., requesting approval of the Amended Preliminary Plan for an Easterly Portion of Fox Hollow Subdivision, which is commonly located west of Interstate 55; north of Fox Creek Road; east of Grey Fox Trail; and South of Six Points Road and consists of 1.48 acres, more or less (Ward #2)

BACKGROUND INFORMATION:

Adjacent Zoning

north: (County) Agriculture
 south: R-2 Mixed Residence District
 east: (County) Agriculture
 west: R-2 Mixed Residence District

Adjacent Land Uses

north: cropland
 south: single family dwelling
 east: interstate highway
 west: single family dwellings

Comprehensive Plan recommends: "high density residential" use for this property.

On June 11, 2001, Council approved the Preliminary Plan for the Fox Hollow Subdivision, which included 18 zero lot line lots (Lots 61 through 78) on 1.48 acres along the northeast boundary of the subdivision, east of Grey Fox Trail and west of Interstate 55 & 74, that would be sites for 18 attached single family dwelling units grouped into nine two-unit buildings (nine duplexes) with each dwelling unit on its own lot.

Pinehurst Development, Inc., the developer, now proposes an amendment to this Preliminary Plan for this easterly 1.48 acres that would allow for 16 zero lot line lots (Lots 61 through 76) that would be sites for 16 attached single family dwelling units grouped in four four-unit buildings (four townhouses) with each dwelling unit on its own lot.

With this proposed amendment, an area that formerly was designated for 18 lots holding nine duplexes (18 total units) would be reconfigured for 16 lots holding four buildings of four townhouses (16 total units.) The proposed new plan, therefore has wider lots and a lower dwelling unit density than the plan approved in 2001.

The storm water drainage flowing from Interstate Highways 55 & 74 out falls to the eastern edge of this subdivision. The developer should acquire an Illinois Department of Transportation (IDOT) permit and clean and re-grade this drainage out fall area and connect the drainage flow to the storm sewer in order to prevent problems for future homeowners.

PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission held public hearings on this petition on January 25, 2006 and February 22, 2006 and recommends the same. At the January 25th public hearing, Mr. Kenneth

Emmons, City Planner, noted that staff recommended that the Planning Commission pass a motion to recommend Council approval of the Amended Preliminary Plan for an Easterly Portion of Fox Hollow Subdivision in Case PS-01-06 .

Mr. William C. Wetzel, Attorney at Law, 115 West Jefferson Street, Suite 400, presented arguments in favor of this petition at this hearing. Mr. Wetzel indicated that the petitioner is attempting to meet the market demand for townhouses. He noted that this change actually represents a reduction in density, and that the recommendation cited by staff are acceptable to the petitioners and would be implemented.

Mr. Phil Bussman, Brady Construction, 2201 Eastland Drive, Suite 4, commented that the land use had been reviewed and it was decided to market a different product that they hoped would be appealing to consumers. Commissioners requested to a drawing of the facade, or street view in order to better understand how these proposed townhouses would fit in with the neighborhood. Mr. Wetzel observed that the petitioners have similar townhomes constructed in a project located in the City of Champaign. He offered to obtain information to share with the Commission, and stated that it was his hope that the Commission would then feel more comfortable with the proposed changes. No testimony was presented in opposition to this petition at this January 25th hearing. The Planning Commission continued the hearing until February 22, 2006, so that the Commission could view what these townhouses would look like from the street and how they would fit in with the neighborhood.

On February 22, 2006, Mr. Wetzel testified that the photos provided to the Commission were of units that the developer had built in the City of Champaign and that the Petitioners hoped that the same type of units would serve a similar market niche in the City, that being buyers in search of a moderate priced home. Mr. Bussman noted that the units in the City of Champaign sold for around \$130,000 a unit. It was his expectation that these units would be slightly larger and would sell for \$150,000 a unit. No testimony was presented in opposition to this petition at this February 22nd public hearing.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission closed the public hearing on this petition on February 22, 2006, and passed a motion by a vote of 6 to 0 recommending Council approval of Amended Preliminary Plan for an Easterly Portion of Fox Hollow Subdivision in Case PS-01-06 .

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission's recommendation for approval of Case PS-01-06.

Respectfully submitted,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

**PETITION FOR APPROVAL OF AN AMENDED
PRELIMINARY PLAN FOR A SUBDIVISION**

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

NOW COMES PINEHURST DEVELOPMENT, INC. hereinafter referred to as Petitioner, respectfully representing and requesting as follows:

1. Petitioner is interested as Owner in the premises described on the attached Exhibit "A" attached hereto and made a part hereof by this reference;
2. Petitioner seeks approval of the Amended Preliminary Plan for a Subdivision of said premises to be known and described as "AMENDED PRELIMINARY PLAN FOR A EASTERLY PORTION OF FOX HOLLOW SUBDIVISION" which Amended Preliminary Plan is attached hereto and made a part hereof;
3. That the Amended Preliminary Plan was prepared in accordance with the requirements of the Bloomington City Code; and
4. Petitioner also seeks approval of the following exemptions or variations from the provisions of the Bloomington City Code: NONE.

WHEREFORE, Petitioner prays that the AMENDED PRELIMINARY PLAN FOR A EASTERLY PORTION OF FOX HOLLOW SUBDIVISION" submitted herewith be approved.

Respectfully submitted,

PINEHURST DEVELOPMENT,
INC.

By: William C Wetzel
Its Attorney

ORDINANCE NO. 2006 - 28

**AN ORDINANCE APPROVING THE AMENDED PRELIMINARY PLAN FOR A
EASTERLY PORTION OF FOX HOLLOW SUBDIVISION**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for Approval of the Amended Preliminary Plan For A Easterly Portion of Fox Hollow Subdivision, legally described in Exhibit "A" attached hereto and made a part hereof by this reference; and

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

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

1. That the Preliminary Plan of the Amended Preliminary Plan For A Easterly Portion of Fox Hollow Subdivision and any and all requested exemptions and/or variations be, and the same is hereby approved.
2. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 13th day March, 2006.

APPROVED this 14th day of March, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A
Legal Description

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 as a point of reference at the Northeast Corner of Lot 135 in the Resubdivision of Lot 56 First Addition to Fox Hollow Subdivision;

Thence North 22° - 26' - 57" West 7.36 Feet along the Southwesterly Right of Way line of F.A.I. Route 03 Sec. 57-6, (marked 1-55 & 1-74), Book of Plats, page 125;

Thence South 88° - 17' - 03" West 37.96 Feet along the said Southwesterly Right of Way line of F.A.I. Route 03 Sec. 57-06, (marked 1-55 & 1-74);

Thence North 00° - 22' - 35" West 27.41 Feet along the said Southwesterly Right of Way line of F.A.I. Route 03 Sec. 57-06, (marked 1-55 & 1-74) to The Point of Beginning;

Thence North 79° - 44' - 21" West 130.93 Feet;

Thence Northwesterly 91.34 Feet along a 160 Foot Radius Curve to the left whose Chord bears North 06°-05' - 39" West 90.11 Feet;

Thence North 27°-26' - 57" West 103.42 Feet;

Thence Northwesterly 205.22 Feet along a 250 Foot Radius Curve to the left whose Chord bears North 45° - 57' - 57" West 199.51 Feet;

Thence North 20° -31' - 04" East 145.53 Feet to the North line of Lot 18 in the Subdivision of the Northwest Quarter of Section 18, Book 2 of Plats, page 99;

Thence North 88° - 00' - 02" East 96.50 Feet along the said North line Lot 18 in the Subdivision of the Northwest Quarter of Section 18, to the said Southwesterly Right of Way line of F.A.I. Route 03 Sec. 57-06, (marked 1-55 & 1-74);

Thence South 22° -26' - 57" East 454.19 Feet along the said Southwesterly Right of Way line of F.A.I. Route 03 Sec. 57-06, (marked 1-55 & 1-74);

Thence South 00° - 22' - 35" East 67.07 Feet along the said Southwesterly Right of Way line of F.A.I. Route 03 Sec. 57-06, (marked 1-55 & 1-74) to the Point of Beginning.

Said Property contains 1.48 Acres (.599 Hectares) more or less.

Motion by Alderman Finnegan, seconded by Alderman Crawford that the Amended Preliminary Plan be approved and the Ordinance be passed.

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, Sprague, 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 Jack Ruch, Requesting Approval of a Final Plat for Resubdivision of Lot 3 in the First Addition to Towanda Barnes Business Park

A petition has been received from Jack Ruch requesting Council approval of a Final Plat for the Resubdivision of Lot 3 in the First Addition to Towanda Barnes Business Park. 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 or tap on fees are required for this Addition. Recording of the Final Plat should be delayed until the Public Service Department inspects and approves the sanitary sewer which services the north building.

Staff respectfully recommends that Council approve the Petition and adopt an Ordinance approving the Final Plat for the Resubdivision of Lot 3 in the First Addition to Towanda Barnes Business Park, subject to Public Service inspecting and approving the sanitary sewer.

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 Jack Ruch, 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 thereof the premises hereinafter legally described in Exhibits A which is attached hereto and made a part hereof by this reference, of is a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises.
2. That your petitioner seeks approval of the Final Plat for the subdivision of said premises to be known and described as Resubdivision of Lot 3 in the First Addition to Towanda Barnes Business Park, Bloomington, Illinois.
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: none.

WHEREFORE, your petitioner respectfully prays that said Final Plat for the Resubdivision of Lot 3 in the First Addition to Towanda Barnes Business Park subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

Jack Ruch

ORDINANCE NO. 2006 - 29

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE
RESUBDIVISION OF LOT 3 IN THE FIRST ADDITION TO TOWANDA BARNES
BUSINESS PARK 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 Resubdivision of Lot 3 in the First Addition to Towanda Barnes Business Park, in the City of Bloomington, McLean County, 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 Resubdivision of Lot 3 in the First Addition to Towanda Barnes Business Park, in the City of Bloomington, McLean County, 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 13th day of March, 2006.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

**EXHIBIT A
LEGAL DESCRIPTION**

Lots 35 and 36 in the Resubdivision of Lot 3 in the First Addition to Towanda Barnes Business Park in the City of Bloomington, McLean County, Illinois.

Motion by Alderman Finnegan, seconded by Alderman Crawford that the Final Plat be approved subject to Public Service inspecting and approving the sanitary sewer, and the Ordinance passed.

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, Sprague, 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 Deneen Brothers Farms, LLC, Requesting Approval of a Final Plat for Empire Business Park Subdivision

A petition has been received from Deneen Brothers Farms, LLC, requesting Council approval of a Final Plat for Empire Business Park Subdivision. This subdivision is located south of Golden Eagle South Subdivision, west of Airport Park Subdivision, north of Empire Street, and east of Airport Road. The Final Plat is in conformance with the Preliminary Plan approved on February 13, 2006.

The public improvements have not been finished, therefore, a performance guarantee is required as well as various tap on fees due from this subdivision. Construction Plans for this subdivision have not yet been received. Staff recommends that the subdivision construction plans be reviewed and approved by staff prior to releasing the subject Final Plat for recording.

As all items are in order, staff respectfully recommends that Council approve the Petition and adopt an Ordinance approving the Final Plat for Empire Business Park Subdivision, subject to staff approval of the subdivision construction plans, and the Petitioner posting the necessary performance bond, and paying the tap on fees prior to recording the plat.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

PETITION FOR APPROVAL OF FINAL PLAT

State of Illinois)
) ss:
County of McLean)

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

NOW COMES DENEEN BROTHERS FARMS, LLC, 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 to be known and described as "EMPIRE BUSINESS PARK 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 prays that the Final Plat for the "EMPIRE BUSINESS PARK SUBDIVISION, BLOOMINGTON, ILLINOIS", submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

DENEEN BROTHERS FARMS,
LLC

By: William C. Wetzel, Its Atty

ORDINANCE NO. 2006 - 30**AN ORDINANCE APPROVING THE FINAL PLAT OF
EMPIRE BUSINESS PARK 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 "EMPIRE BUSINESS PARK 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 Chapter 24 of the Bloomington City Code - 1960, as amended:

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

That the Final Plat of the "EMPIRE BUSINESS PARK SUBDIVISION, BLOOMINGTON, ILLINOIS", and any and all requested exemptions and/or variations be and the same is hereby approved, and all dedications made therein are accepted.

That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 13th day of March, 2006.

APPROVED this 14th day of March, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

A part of the Southwest Quarter of Section 31, Township 24 North, Range 3 East of the Third Principal Meridian, in the City of Bloomington, McLean County, Illinois, more particularly described as follows:

Beginning at the Southeast Corner of Cornelius Road as dedicated per the final plat of Central Catholic/McGraw Park Subdivision in the City of Bloomington, Illinois, per Ordinance No. 2002-90 approved by the Bloomington City Council, said Southeast Corner being a point lying 70.00 feet southeast of the Southeast Corner of Lot 2 in said Subdivision. From said Point of Beginning, thence southwesterly 328.65 feet along the South Line of said Cornelius Road being the arc of a curve concave to the northwest with a radius of 530.00 feet and a long chord of 323.41 feet to a point of tangency; thence west 279.49 feet along said South Line which forms an angle to the right of $197^{\circ}-45'-51''$ with the last described chord; thence south 370.51 feet along a line which forms an angle to the right of $90^{\circ}-00'-00''$ with the last described course to a point of curve; thence southeasterly 464.28 feet along the arc of a curve concave to the northeast with a radius of 945.00 feet and the 459.62 foot chord of said arc forms an angle to the right of $165^{\circ}-55'-31''$ with the last described course to a point of reverse curve; thence southeasterly 450.52 feet along the arc of a curve concave to the southwest with a radius of 855.00 feet and the 445.33 foot chord of said arc forms an angle to the right of $181^{\circ}-01'-14''$ with the last described chord to a point of tangency; thence south 128.21 feet along a line which forms an angle to the right of $195^{\circ}-05'-43''$ with the last described chord; thence southwest 41.97 feet along a line which forms an angle to the right of $225^{\circ}-36'-50''$ with the last described course to the North Right-of-Way Line of F.A.P. 693 (Illinois Route 9) as shown on a plat recorded as Document No. 95-5258 in the McLean County Recorder's Office; thence east 150.02 feet along said North Right-of-Way Line which forms an angle to the right of $45^{\circ}-36'-49''$ with the last described course; thence northwest 58.86 feet along a line which forms an angle to the right of $58^{\circ}-08'-11''$ with the last described course; thence north 110.14 feet along a line which forms an angle to the right of $210^{\circ}-38'-10''$ with the last described course to a point of curve; thence northwesterly 396.36 feet along the arc of a curve concave to the southwest with a radius of 945.00 feet and the 393.47 foot chord of said arc forms an angle to the right of $167^{\circ}-59'-03''$ with the last described course; thence northeast 835.24 feet along a line which forms an angle to the right of $249^{\circ}-58'-13''$ with the last described chord; thence northeast 209.48 feet along a line which forms an angle to the right of $135^{\circ}-00'-16''$ with the last described course; thence northwest 621.41 feet along a line which forms an angle to the right of $135^{\circ}-00'-00''$ with the last described course; thence southwesterly 124.33 feet along the arc of a curve concave to the southeast with a radius of 1,002.00 feet and the 124.25 foot chord of said arc forms an angle to the right of $77^{\circ}-49'-25''$ with the last described course to a point of reverse curve; thence southwesterly 81.91 feet along the arc of a curve being the northeasterly continuation of the North Line of said Cornelius Road and having a radius of 460.00 feet and the 81.81 foot chord of said arc forms an angle to the right of $181^{\circ}-32'-48''$ with the last described chord to the Southeast Corner of said Lot 2, also being the Northeast Corner of Cornelius Road as dedicated in said Central Catholic/McGraw Park Subdivision; thence southeast 70.00 feet along the Northeast Line of said Cornelius Road as dedicated in said Subdivision which forms an angle to the right of $95^{\circ}-06'-05''$ with the last described chord to the Point of Beginning, containing 17.72 acres, more or less.

Motion by Alderman Finnegan, seconded by Alderman Crawford that the Final Plat be approved subject to staff approval of the subdivision construction plans, posting the necessary performance bond, paying the tap on fees prior to recording the plat, and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Case PS-03-06 Petition submitted by Eastlake LLC a Limited Liability Corporation, requesting approval of the Preliminary Plan for The Grove on Kickapoo Creek Subdivision, which is commonly located north of Ireland Grove Road, south of East Oakland Ave., east of Towanda Barnes Road and west of Road 2100 E. (east of Ward #8)

BACKGROUND INFORMATION:

Adjacent Zoning

north: (County) Agriculture
south: (County) Agriculture
east: (County) Agriculture
west: (County) Agriculture

Adjacent Land Uses

north: cropland
south: single family dwelling, cropland east:
east: single family dwelling, cropland
west: cropland

Comprehensive Plan recommends: “low to medium density residential, conservation/recreation” use for this property.

This property was the subject of an Annexation Agreement in Case Z-05-05, approved by Council on September 26, 2005. Such property has not yet been annexed to the City, but will be annexed in phases in the future under the provisions of this Annexation Agreement. The property in question is a 441.53 acre tract that is to be subdivided into 808 conventional single family residential lots, 194 zero lot line single family residential lots, and a 20 acre park site. The 25.05 acre future school site to the east of the proposed “Black Oak Boulevard” is being excluded at this time, (Note #1 on the cover sheet should be revised to reflect this exclusion). The petitioner has reached an agreement with the Unit 5 School Board for a 15 acre elementary school site, and will submit a proposed Annexation Agreement that will request S-2, Public

Lands and Institutions District zoning for the 15 acre school site, and R-2 Mixed Residence District zoning for the remaining 10 acres at the northwest corner of Ireland Grove Road and Road 2100 East.

The Preliminary Plan proposes 194 lots zoned R-2 and 808 lots zoned R-1B or R-1C, which adds up to a total of 1,002 dwelling units. All of the R-1B and R-1C lots will comply with the required front, side and rear yard setbacks. All of the interior R-2 lots will provide a 25 foot front yard setback, while the corner R-2 lots will have a 25 foot front yard setback on one frontage and a 20 foot front yard on the other frontage, meeting Code requirements for an R-2 zero lot line single family subdivision.

The proposed public park and storm water detention/greenway/restored streams areas will be zoned S-2 Public Lands and Institutions District. A pedestrian and bicycle trail will be constructed through the greenway and restored streams areas. The City's public park dedication requirements for the 1,002 dwelling units is 23.45 acres. The 10 acre public access way around the detention basin/greenway to the west of the park will function as an extension of the park area in order to comply with the public park dedication requirements, per the approved Annexation Agreement.

This plan is consistent and in harmony with the City of Bloomington Comprehensive Plan that was adopted by Council on October 12, 2005, and the Sketch Plan attached to the Annexation Agreement approved on September 26, 2005. This subdivision will have vehicular access from both Ireland Grove Road and Road 2100 E. This plan proposes a north-south principal arterial street, (Kickapoo Creek Road) through the western portion of the development as recommended in the Long Range Transportation Plan 2030 for Bloomington- Normal Urbanized Area.

The plan proposes that no driveway access will be allowed off of Ireland Grove Road, Road 2100 E. (except for Lot 694), or Kickapoo Creek Road. (Note #9 on the cover sheet should be revised to reflect the Lot 694 exception). The lots along both sides of Kickapoo Creek Road will have direct driveway access to private frontage roads which are accessed from Kickapoo Creek Road. The following proposed interior streets may be "gated" and would be private streets, owned and maintained by homeowners' associations: 1.) Sugarberry Avenue, 2.) Shumard Lane, 3.) Spicebush Circle, 4.) Chinkapin Court, 5.) Winterberry Circle, 6.) Thomastown Avenue, 7.) Smithfield Drive, 8.) Bellflower Drive, and 9.) Blueridge Circle.

A very detailed technical review of the Preliminary Plan in question by the Engineering Department has resulted in the comments cited in the attached February 14, 2006 Memorandum to Mr. Doug Grovesteen from Mr. Mike Frietsch, Civil Engineer, and should be considered as part of the staff's recommendation to the Planning Commission concerning this case.

PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission held a public hearing on this petition on February 22, 2006 and recommends the same. At the February 22nd public hearing, Mr. Kenneth Emmons, City Planner, noted that City staff recommended that the Planning Commission pass a motion to recommend Council approval of a revised Preliminary Plan for The Grove on Kickapoo Creek

Subdivision, in Case PS-03-06 reflecting the revisions cited herein and cited in the attached February 14, 2006 Memorandum to Mr. Doug Grovesteen from Mr. Mike Frietsch, Civil Engineer.

The following persons presented testimony in favor of this petition at this on February 22, 2006 public hearing:

- Mr. Frank Miles, Attorney at Law, 202 N. Center Street
- Ms. Mary Lou Goodpastor, 913 W. Spencer, Taylorville
- Mr. Neil Finlen, P.E. Farnsworth Group Inc. 2709 McGraw Drive

Mr. Miles noted that this project had been reviewed by the Commission for some time. An Annexation Agreement had been negotiated by staff and the developer as to how it would be developed, and a Preliminary Plan had been recently submitted. Mr. Miles noted that this plan was in substantial conformance with the Annexation Agreement and Sketch Plan. He reminded the Commission that there was design for stream bed restoration, a site had been found for the proposed sanitary sewer pump station, and that a process was in place to acquire easements for the force main operation. He expressed his hope that construction could start in the summer of 2006.

Commissioner Baughan questioned if staff's concerns, including the engineer's comments, were acceptable to the petitioners. Mr. Miles confirmed that the petitioners were in agreement. Commissioner Shaw questioned the prospects of extending the trail and greenway further north with new development. Mr. Miles indicated that petitioners hoped to do so.

Ms. Goodpastor testified that there would be an effort to seek grants from the Illinois Department of Natural Resources to help fund the work of the stream bed restoration. She indicated that the stream "re-meandering" work was scheduled to start in Spring 2007. She noted that there would be excavation that would provide a basis for the wetland detention areas.

Mr. Finlen noted that the subdivision work would begin at the southwest corner in 2006 and continue along with work on the streambed in 2007. Many people are excited by the concepts of stream restoration and siltation management. He noted that efforts were made to keep the roads and trail on the higher parts of the topography. The developer would grade the trail, but the City would pave or finish it at it will.

The following persons presented testimony in opposition to this Preliminary Plan at this public hearing:

- Mr. Phil Reynolds, 8270 N. 2200 E. Road, Downs
- Mr. Homer Bozarth, 19564 E 1200 N Road, Downs

Mr. Reynolds distributed maps to the Commissioners showing City, Old Town Township, and County jurisdiction of roads in the area of the subject property. He reported that an agreement between the City and Old Town Township for road maintenance has not been drafted. He noted that Mr. Tom Hamilton, City Manager; had indicated that an offer from the City to the Old

Township had been declined. Mr. Reynolds expressed his concern for the potential volume of traffic until the road is transferred to City jurisdiction.

Mr. Bozarth explained that he owns a tract of land directly west and adjacent to the subject property and questioned how his fence row and drainage tile would be impacted. He questioned if the line between his property and the subject property was certain. Mr. Bozarth noted that his livestock were contained by electrified fence and a row of scrub trees.

Mr. Miles noted that Mr. Bozarth had attended many of the meetings with the petitioners. He reported that Mr. Finlen was willing to walk the property with Mr. Bozarth to ascertain views of any parts of the property line that ownership was questioned. Mr. Miles noted that the boundaries were pretty well known working from surveys, however the land would not be pinned until final platting. Mr. Miles continued that the developers did not intend to alter to the fence row. He observed that elsewhere in the community, a fence row with scrub trees had endured on the eastern edge of the Hedgewood development that was leftover from the farm that is now the Tipton Trails Subdivision. As to drainage, Mr. Miles indicated that new tile would be installed in the development and would serve Mr. Bozarth's property. He noted that there would be a manhole for inspection of the drainage.

Mr. Emmons added that the arterial street, Kickapoo Creek Road, north of Ireland Grove Road, had frontage roads and that they should be privately maintained. Mr. Miles stated that the petitioners were in agreement.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission closed the public hearing on this petition on February 22, 2006, and passed a motion by a vote of 6 to 0 recommending Council approval of the Revised Preliminary Plan for The Grove on Kickapoo Creek Subdivision in Case PS-03-06 reflecting the revisions in the City staff report and as cited in the February 14, 2006 Memorandum to Mr. Doug Grovesteen from Mr. Mike Fritsch, Civil Engineer.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission's recommendation for approval of Case PS-03-06.

Respectfully submitted,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

PETITION FOR APPROVAL OF PRELIMINARY PLAN FOR A SUBDIVISION

State of Illinois)
)ss.
County of McLean)

To: THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF BLOOMINGTON, ILLINOIS.

Now comes Eastlake, LLC, hereinafter referred to as your Petitioner respectfully representing and requesting as follows:

1. That your petitioner is interested as Owner in the premises hereinafter in Exhibit A attached hereto and made a part hereof to be known by this reference;
2. That your Petitioner seeks approval of the Preliminary Plan for a subdivision of said premises to be known and described as The Grove on Kickapoo Creek which Preliminary Plan is attached hereto and made a part hereof;
3. That your Petitioners also seeks approval of the following exemptions or variations from the provisions of Chapter 24, of the Bloomington City Code:

Those listed on the Preliminary Plan or otherwise authorized by the Annexation Agreement applicable to this property.

WHEREFORE, your Petitioner prays that the Preliminary Plan for The Grove on Kickapoo Creek subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

Eastlake, LLC.

By: Frank A. Miles

ORDINANCE NO. 2006 - 27

AN ORDINANCE APPROVING THE PRELIMINARY PLAN OF THE GROVE ON KICKAPOO CREEK SUBDIVISION

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition for approval of the Preliminary Plan of The Grove on Kickapoo Creek Subdivision, legally described in Exhibit A attached hereto and made a part hereof by this reference;

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

those listed on the Preliminary Plan or otherwise authorized by the Annexation Agreement applicable to this property, and;

WHEREAS, said Petition is valid and sufficient and conforms to the requirements of the statutes in such cases made and the Preliminary Plan attached to said Petition was prepared in compliance with the 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 Preliminary Plan of The Grove on Kickapoo Creek 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 the time of its passage on this 13th day of March, 2006.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A
BOUNDARY DESCRIPTION

A part of the southeast quarter of Section 8 and a part of Section 9, all in Township 23 North, Range 3 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows:

Beginning at the southeast corner of said Section 9. From said Point of Beginning, thence North 887.10 feet along the East line of the southeast quarter of said Section 9; thence West 605.00 feet along a line which forms an angle to the right of 90°-00'-00" with the last described course; thence North 720.00 feet along a line which forms an angle to the right of 270°-00'-00" with the last described course; thence East 605.00 feet along a line which forms an angle to the right of 270°-00'-00" with the last described course to said East line; thence North 1,055.52 feet along said East line which forms an angle to the right of 90°-00'-00" with the last described course to the northeast corner thereof; thence North 1,270.69 feet along the East line of the northeast quarter of said Section 9 which forms an angle to the right of 180°-00'-00" with the last described course; thence West 600.00 feet along a line which is parallel with the South line of said northeast quarter and which forms an angle to the right of 90°-58'-34" with the last described course; thence southwest 1,432.61 feet along a line which forms an angle to the right of 132°-50'-42" with the last described course; thence Southwest 415.51 feet along a line which forms an angle to the right of 195°-09'-56" with the last described course to a point on said South line lying 1,948.26 feet West of the southeast corner of said northeast quarter; thence West 1,970.13 Feet along said South line and the South line of the northwest quarter of said Section 9, said South lines form an angle to the right of 211°-59'-23" with the last described course to a point lying 1,400.00 feet East of the southwest corner of said northwest quarter; thence North 1,100.00 feet along a line which is parallel with the West line of said northwest quarter and which forms an angle to the right of 268°-35'-58" with the last described course; thence West 1,400.00 feet along a line which is parallel with said South line and which forms an angle to the right of 91°-241'-02" with the last described course to a point on said West line lying 1,100.00 feet North of the southwest corner of said northwest quarter; thence South 1,100.00 feet along said West line which forms an angle to the right of 88°-351'-58" with the last described course to said southwest corner; thence West 1,337.57 feet along the North line of the southwest quarter of said Section 8 which forms an angle to the right of 271°-141'-21" with the last described course to a stone at the northwest corner of the East half of said southeast quarter; thence South 2,661.94 feet along the West line of the East half of said southeast quarter which forms an angle to the right of 88°-421'-04" with the last described course to the southeast corner thereof; thence West 1,334.77 feet along the South line of the East half of said southeast quarter which forms an angle to the right of 91°-14'-48" with the last described course to the southeast corner of said Section 8; thence East 2,639.83 feet along the South line of the southwest quarter of said Section 9 which forms an angle to the right of 180°-131'-28" with the last described course to the southeast corner thereof; thence East 2,658.88 feet along the south line of the southeast quarter of said Section 9 which forms an angle to the right of 180°-01'-45" with the last described course to the Point of Beginning, containing 466.58 acres, more or less.

Todd Greenburg, Corporation Counsel, introduced this item. The Annexation Agreement was passed in September 2005. A number of items were agreed to in this

contract. The Preliminary Plan is in conformance with the sketch plan. The Council has sixty (60) days to approve this Petition. It was noted that Frank Miles, Attorney, and Neil Finlen, P.E., for Eastlake, LLC, were present at this evening's meeting.

Doug Grovesteen, Director of Engineering, addressed the Council. He restated that the Preliminary Plan was in conformance with the sketch plan.

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

Motion carried.

Phil Reynolds, Old Town Township Road Commissioner, addressed the Council. He expressed his concern regarding township road 2100 E which laid along this property's east border. He expressed his concern regarding the traffic this development would place upon township roads. He noted the cost to the Township. Old Town Township had hired an attorney. He stated that work had begun on the property to remove farm buildings. He expressed his opinion that it was the City's responsibility to control the construction traffic. He added that Ireland Grove Road was located within the City and the Township. Eventually, these roads would be transferred to the City. The City was unwilling to upgrade this road prior to construction of the Grove Subdivision. Township roads were fourteen feet, (14') wide with a 55 mph speed limit. This annexation would take tax dollars from the Township.

Mayor Stockton questioned the status of a road agreement with the Township. Mr. Greenburg noted that a draft agreement had been sent on October 5, 2005. The City offered to take over maintenance of 2100 E when the traffic volume reach 1,500 vehicles per day. Mr. Reynolds offered his apology. The agreement with City had not been returned. He expressed his opinion that 1,500 vehicles per day was too many. He expressed his concern regarding traffic volume and the school site. The traffic count at this time was sixty (60) vehicles per day. He noted the low volume. The Township would have to continue to maintain its fourteen foot, (14') roads. Mayor Stockton noted that the current construction traffic was being managed by the developer.

Frank Miles, 202 N. Center St., addressed the Council. Mr. Reynolds had expressed the Township's concerns. He acknowledged that that his concerns were legitimate. City staff and the developers have tried to negotiate with Old Town Township during the past year. The developer has offered to pay for the bridge. The focus of the negotiations had been the intergovernmental transfer of the roads. There was no role for the developer in this agreement. The issues could have been addressed with a telephone call as this was the first Mr. Miles had heard of Mr. Reynolds' concerns. The developer had hired a firm to perform the demolition work. If debris has fallen off the truck, then it was the developer's responsibility to make the situation right. He requested that Mr. Reynolds contact the Farnsworth Group with his concerns. During construction, there would be an on-site supervisor.

Alderman Matejka noted that at this time of year it would be a challenge to keep the roads clear of mud. He encouraged the developer to be vigilant.

Alderman Crawford noted that initially the Farnsworth Group, (engineer), was the contact. In the near term, there would be an on-site supervisor. Eventually, there would be a project manager.

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

Motion carried.

Alderman Crawford noted that the developer had the best of intentions. He questioned the timing. He noted that an agreement was sent to the Township in October 2005. He cited the time that had lapsed. He encouraged City staff to do what was possible to make good on the City's intentions.

Motion by Alderman Matejka, seconded by Alderman Finnegan that the Revised Preliminary Plan be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Public Hearing for Approval and Authorization to submit the Community Development Block Grant Program Year 2006-2007 Action Plan

On May 1, 2006, the Community Development Division will begin its Fiscal Year 32 (FY 2006-2007). Each year the City of Bloomington has applied for funding under the Federal Community Development Block Grant (CDBG) Program, through the Department of Housing and Urban Development (HUD).

Per federal regulations, the City must submit to HUD, at least forty-five (45) days prior to the start of the fiscal year, an "Action Plan" or budget for the proposed use of CDBG funds. This year the City has been awarded \$621,476.00 in new CDBG funds. The expenditure of CDBG funds must continue to meet the needs of the community as identified in the 2005-2010 Consolidated Plan.

A summary of the proposed "listing of activities" as part of the Action Plan (i.e. Budget) for FY 2006-2007, Program Year 32, is attached for your review.

Staff recommends that the City Council: 1.) approve the one year Action Plan as presented; and 2.) approve the attached Resolution authorizing the filing of the Community Development Application for Program Year Thirty-two".

Respectfully,

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

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 29

**RESOLUTION AUTHORIZING THE FILING OF A COMMUNITY DEVELOPMENT
PROGRAM APPLICATION FOR PROGRAM YEAR THIRTY TWO
(May 1, 2006-April 30, 2007)**

WHEREAS, it is necessary and in the public interest that the City of Bloomington, otherwise known as the Local Public Agency, avail itself of the financial assistance provided by Title I of the Housing and Community Development Act of 1987, to continue a Community Development Program.

WHEREAS, it is necessary for the Local Public Agency to certify that it will carry out the provisions of the Housing and Community Development Act of 1974, regulations.

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

That an application on behalf of the City of Bloomington for a grant under said Title I in the amount of \$621,476.00, as the full amount available for undertaking and financing the thirty-second increment of such program is hereby approved, and

1. The City Manager is hereby authorized and directed to execute and to file such application with the Department of Housing and Urban Development; to act as the certifying officer and assure the status of a responsible Federal Official under the National Environmental Protection Act of 1969; to act as the assuring officer for the City of Bloomington that the Local Public Agency shall comply with those items listed on HUD application forms.
2. The Counsel for the Community Development Division is hereby authorized and directed to file legal certification.
3. The Director of Planning and Code Enforcement, Community Development Division, is hereby authorized and directed to provide such additional information and to furnish such

documents as may be required on behalf of the Department of Housing and Urban Development, and to act as the authorized correspondent of the City of Bloomington.

4. The City Clerk is hereby authorized and directed to certify such documents as needed by the Department of Housing and Urban Development on behalf of the City of Bloomington.

APPROVED and ADOPTED this 13th day of March, 2006.

Stephen Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

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

Alderman Huette addressed this item. This item involved Community Development Block Grant, (CDBG), dollars. The Town of Normal used these dollars for the Midwest Food Bank. Connie Griffin, Program Manager – Community Development, addressed the Council. Public services were eligible for CDBC monies with limitations. The City's emphasis has been on code enforcement. Dollars are directed at owner occupied homes in need of rehabilitation work.

Alderman Schmidt noted that these dollars, (CDBG), were declining. Ms. Griffin acknowledged that for the fifth year in a row the budget had been reduced. She anticipated a twenty-five percent, (25%), reduction next year. This year's draft budget would see the transfer of two (2) Code Enforcement Officers to the General Fund.

Mayor Stockton noted that all cities were experiencing cuts. Ms. Griffin added that the dollars have been cut and there were more communities which were entitled to these dollars. Currently, the City received \$620,000. Next year, the City would receive \$450,000.

Alderman Huette noted that during the last several years dollars had not been directed to public services. Ms. Griffin noted that a significant amount is directed towards activities which address homelessness. These activities were administered through the Continuum of Care. She specifically cited the Downtown Clean Up program which receives fifty percent, (50%), of its funding, (\$3,600), from CDBG dollars.

Motion by Alderman Matejka, seconded by Alderman Finnegan that the Action Plan be approved and the Resolution adopted.

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

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

Nays: None.

Motion carried.

MAYOR'S DISCUSSION: Mayor Stockton noted the level of interest regarding the smoke free issue. The parties were not together on this issue and have not met.

Alderman Huette questioned the time line. Mayor Stockton stated late March or April 2006. A public hearing would be held prior to the Council vote on this issue.

Mayor Stockton questioned the water situation. Craig Cummings, Director of Water, addressed the Council. He noted the modest rain fall. The City was pumping from the Mackinaw River. Both lake levels were up. Lake Bloomington would be full some where in the next seven to ten, (7 – 10), days.

Mayor Stockton recommended that the Council allow a limited amount of time to address the two (2) items which had been removed from the Council Agenda regarding the Coachman Motel located at 408 E. Washington St., (acquisition and redevelopment of this property).

Motion by Alderman Crawford, seconded by Alderman Schmidt to suspend the rules to allow someone to speak.

Motion carried.

Mayor Stockton noted that a number of Aldermen believed that there were unanswered questions. He specifically cited the dollar amount, and if there were any alternatives, (alternative development).

Alderman Schmidt questioned if there was information which should be presented in Executive Session. She specifically cited Eminent Domain. Todd Greenburg, Corporation Counsel, addressed the Council. He stated that in most instances the taking of private property involved the payment of just compensation. There had been no voluntary settlement. There also was a Circuit Court case. It was City staff's opinion that \$620,000 would be a close estimate of a jury award in the case of a lawsuit. He added that the property's EAV, (Equalized Assessed Value) was \$605,000. City staff reviewed recent sales to address the issue of price. An appraiser was not hired. He noted that the advantage of reaching an agreement with the property owner was price and condition. The only thing left undone was the hiring of an appraiser. He estimated the time line at two to three, (2 – 3), months. Code enforcement set the minimum standard. He noted that this was a concrete building. There were few issues with the building's exterior. It will continue to look the same. The building's use would remain the same. It would never be a show place again. Mr. Rave had approached the City four to five, (4 – 5), months ago with a

redevelopment agreement. City staff was given permission to proceed. He believed that the proforma and architectural drawings were complete. City staff stood by its recommendation.

Susie Curtis, 1502 N. Lee St., addressed the Council. She represented the Northwest Neighborhood Association. She expressed her surprise. She noted that people were living in the building. She believed that the developer should purchase the property. She expressed her belief that a new owner would retain the building's current use. Mr. Greenburg noted that no one was living there now. The building does not meet code. Ms. Curtis questioned why the City would give the current owner anything. Mr. Greenburg stated that the City must pay the property's fair market value. The City cannot force the property owner to sell. Ms. Curtis recommended that the property be condemned. Mr. Greenburg restated that the City would still have to pay the fair market value of the property. Ms. Curtis expressed her opinion that this property would need additional things and that the current owner was being rewarded.

Ron Frazier, 413 N. Center St., addressed the Council. He expressed his surprise and thanked City staff for the recommendation. He added that it was about time. He expressed his concern for the people who resided there. He stated his opinion that the building should be demolished.

Charles William, owner Lafayette Apartment Building, 410 E. Washington St., addressed the Council. He had spent fifteen, (15), years restoring the building. The City was rewarding poor stewardship. People living there had limited options. He cited his differences with the City. He expressed his opinion that the Downtown did not need more condominiums. He did not need more competition nor outside developers. He expressed his concern regarding parking. He believed that the lot could hold twenty-four to forty-eight, (24 – 48) vehicles.

Judy Stearns, 306 E. Locust, addressed the Council. She currently served as Cultural District Neighborhood's President. She expressed her opinion that there must be a pragmatic solution to purchase. She addressed code enforcement. The law will not allow the City to simply take the building. She recommended that this property be brought up to the minimum standard. She acknowledged that the building's exterior would look the same. She questioned the City purchasing this property. Mr. Greenburg noted that the purchase negotiation was linked to the property's redevelopment. Mr. Rave approached City staff. The Council was polled and City staff was told to pursue. Ms. Stearns noted that the City's inner neighborhoods suffered from blighted properties. She cited recent articles which appeared in the Pantagraph. Mr. Greenburg restated that City staff pursued the purchase of this property due to the redevelopment proposal.

Mayor Stockton added his opinion that based upon the condition of the building the City needed to take action. Ms. Stearns expressed her confusion and her concern for the taxpayers. She questioned if individuals draft development plans in order to have the City acquire properties on their behalf.

Frank Miles, 202 N. Center, addressed the Council. He informed them that he had received telephone calls at his office. The focus of these calls was eminent domain. He noted that eminent domain would require that this property's use would be to promote a public purpose. He added that this statute does not apply to home rule communities. He encouraged the Council to take an overall look at the City and select what was most important and focus the City's resources on same. The City should make a proposal to the community. A decision should not be made without an invitation to the public to participate.

Motion by Alderman Matejka, seconded by Alderman Schmidt to return to order.

Motion carried.

Mayor Stockton cited his concerns regarding the property. He recalled his experience as a member of the Downtown Task Force. There was a public perception that the City always took the first offer. At this time, there was a party interested in the property. The redevelopment of the property would provide training opportunities within the construction trades. Questions had been raised regarding how well the Council had been informed of this proposal.

Alderman Huette agreed that City staff was directed to move ahead with this project. He expressed his surprise regarding the budget. He cited the City's responsibility to other Downtown property owners. He questioned the fair market value being based upon the property's EAV. He did not believe that this property could be sold for \$600,000. This would be a large investment in one (1) property.

Alderman Matejka expressed his confusion. He stated that Downtown redevelopment and Code Enforcement were two (2) separate issues. The latter involved a minimum habitable standard. He looked to City staff for suggestions and/or ideas on how to tighten up code enforcement. He noted recent Downtown redevelopment agreements, (the Loudon Building, Ensenberger Building, and various facade grants). No Request for Proposal had been solicited for these projects. If the Council wanted to establish a policy, then it needed to do so. In the past, these agreements have been voted on a case by case basis. This had been a difficult property. It appeared that these two (2) issues, (Downtown redevelopment and code enforcement), have been confused.

Alderman Schmidt expressed her belief that the City had done everything in its power to bring this property up to code. She noted the role of the City's nuisance abatement ordinance. She was unclear about City staff attempts to tighten up the code to address recurring problem properties.

Mayor Stockton noted that the Ensenberger building redevelopment project did not involve the City purchasing the property. Downtown TIF, (Tax Increment Financing), funds were used.

Alderman Purcell expressed his concern regarding the cost. He added that the return on investment was unacceptable. The numbers were not workable.

Alderman Huette questioned what would happen if this property is not brought up to code. Todd Greenburg, Corporation Counsel, addressed the Council. The City could petition the Circuit court to appoint a receiver. All repair costs become liens against the property. Failure to pay could result in foreclosure. Mr. Greenburg added that a number of Downtown buildings have vacant second and/or third floors. It has been too expensive to bring these structures up to code. It can be difficult to distinguish which property requires the City's attention.

Alderman Schmidt recommended that City staff inspect vacant properties. There needed to be a plan. She cited the number of vacant properties within her Ward. Some of them have been vacant for years. She added her belief that residents deserved a good place to live.

Alderman Matejka questioned the City's billing policies. Often the City has provided a free loan with the property owner only paying a portion of their total bill.

Mr. Greenburg noted that the goal of the rental housing program was to insure that all units meet code. Occupancy is only permitted in units that are in compliance with same.

Alderman Sprague recommended that there be escalating fines for repeat offenders with the same violation. He added that if these property owners are willing to pay the fines, then the punishment is not acting as a deterrent. Mr. Greenburg stated that the fines could be escalated. The City has the discretion to file with the Circuit Court. He noted that there was the potential for a contempt citation which would result in jail time.

Alderman Schmidt questioned if fines could be escalated for the same offense. Alderman Sprague added within a specified time frame. He described it as a property management program. Mayor Stockton added that the City had set a precedence by escalating liquor violation fines.

Alderman Huette informed the Council that he had heard stories of City staff granting property owners thirty (30) to make repairs without consequences. Mr. Greenburg noted that the individual who owns this property holds other properties. He restated that only those rooms meeting code can be occupied.

Alderman Gibson questioned if this property had been improved. Mr. Greenburg informed the Council that the property was being purchased on contract. Mark Huber, Director of PACE, addressed the Council. Some improvements have been started. The plans submitted were insufficient. There were financing issues. The repair schedule was in limbo. Alderman Gibson expressed his opinion that all units must be brought up to code. Mr. Huber noted the following priorities: 1.) repair leaking roof; 2.) painting; and 3.) repair cracked walls.

Alderman Schmidt addressed the restaurant area. Mr. Huber noted that gutting had begun in this area.

Alderman Finnegan questioned if the property would be deemed inhabitable if the water was shut off. Mr. Humber responded affirmatively.

Alderman Purcell questioned the City's past experience. Mr. Huber questioned if Alderman Purcell was interested in properties within a TIF District, other redevelopment agreements, etc.

Alderman Huette commented on an appraisal. He addressed the expense and questioned if the City would see any gain from this project. He questioned the impact of an appraisal.

Alderman Finnegan expressed his interest in an appraisal which would justify the purchase price. He believed that the appraisal would have a lower value. The City should continue its code enforcement activities.

Mr. Greenburg noted that an appraisal would consider a recent transaction, (sale), which would take precedent plus the EAV. There was nothing forcing the sale of the property. He reminded the Council that an appraisal was merely someone's opinion.

Mayor Stockton encouraged the Council to contact Tom Hamilton, City Manager, with any additional comments/concerns/questions.

Alderman Sprague expressed his support for this redevelopment project regardless of price.

CITY MANAGER'S DISCUSSION: None.

ALDERMEN'S DISCUSSION: Alderman Gibson informed the Council that he had received a letter from Checker Cab requesting that the City look into a shuttle service ordinance within the Downtown. Mayor Stockton encouraged City staff to research what other cities were doing. Mr. Greenburg questioned if current city ordinances were being violated. He noted that the city code was amendable.

Alderman Gibson encouraged City staff to give serious consideration to the skate board park. Every effort should be made to find the dollars to fund this project.

Alderman Crawford added that the City may not be able to complete this project without phasing it in. City staff may need to develop a plan to complete the park in increments.

Alderman Finnegan encouraged City staff to be careful when determining the location of the skate board park. He recommended that this park be implemented over a three (3) year period.

Alderman Purcell informed the Council that he had been talking to his constituents and doing research on the proposed smoke free ordinance.

Alderman Schmidt acknowledged the Police Department's recent drug arrests.

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

Motion carried.

**Tracey Covert
City Clerk**