

**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, December 12, 2005.

The Meeting was opened by Pledging Allegiance to the Flag followed by Silent Prayer. Mayor Stockton recognized and welcomed Boy Scout Troop 29 from Normal.

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

The following was presented:

PRESENTATION OF RETIREMENT PLAQUES: Keith Rich, Director of Parks and Recreation, Cindy Rousey, Records Manager - Police Department, and Vicky Williams, Office Manager - Fire Department.

Roger Aikin, Police Chief, addressed the Council. He noted Ms. Rousey's thirty-seven (37) years of service and Ms. Williams' thirty-six (36) years of service to the City. He believed that these three (3) employees had over 100 years of service to the City. He noted that Ms. Rousey had been the supervisor of the Police Department's Records Division. There were no issues during Ms. Rousey's tenure. Ms. Rousey addressed the Council. She thanked the City for giving her the opportunity to serve the City for thirty-seven (37) years. Her employment with the City had been good for her family and herself. She had made many friends over the years.

Keith Ranney, Fire Chief, addressed the Council. He recognized Ms. Williams thirty-six (36) years of service to the City. Ms. Williams was a valued employee who served six (6) Fire Chiefs. She had been directly involved in the administration of the Fire Department for fourteen (14) years. Ms. Williams gave a hundred percent (100%) every day. She will be missed. Ms. Williams addressed the Council. She thanked them for the recognition. She would be on vacation with the City from December 16, 2005 through January 27, 2006. She was facing knee replacement therapy. Years ago she had to choose between to employers: State Farm or the City. She chose the City and made many wonderful friends.

Tom Hamilton, City Manager, addressed the Council. He noted that Mr. Rich would be retiring in a couple of weeks. During Mr. Rich's thirty (30) years of service to the City a system for park development was adopted. The various parks and park programs were evidence of his dedication to the City and his ability to change. He cited the Miller Park Zoo, the Constitution Trail, Tipton and McGraw Parks as examples. He described Mr. Rich as an amazing and extremely honest individual. He had done a great job for the City and would be missed. Mr. Hamilton extended his personal thanks.

Mayor Stockton presented the retirement plaques to Ms. Rousey, Ms. Williams, and Mr. Rich.

Alderman Matejka noted that before Mr. Rich the following items did not exist: Constitution Trail, spray parks, any park east of Veterans Parkway, and two (2) new golf courses, (Prairie Vista and the Den at Fox Creek). He noted that there were few complaints from the Parks & Recreation Department's employees.

Alderman Sprague cited the Parks & Recreation Department's growth. He noted the number of acres of additional park land. It was difficult to say no to Mr. Rich. He extended his personal thanks to Mr. Rich. He was proud of his relationship with Mr. Rich and described him as a great leader.

Mr. Rich addressed the Council. He thanked Mr. Hamilton for the wonderful comments. He expressed his many thanks to the Council and City staff. He cited the adoption of the City's Park's Plan as a highlight of his career. It was an honor to serve the City. It had been a great career as a professional parks and recreation staff member. There had been a number of unusual projects and a variety in the types of same. It had been a great thirty (30) years. It was time to take time for fun. Mayor Stockton questioned if Mr. Rich planned to stay in the community. Mr. Rich responded affirmatively.

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

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

Ayes: Aldermen 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 first partial payment to PSA-Dewberry in the amount of \$3,959.74 on a contract amount of \$40,500 of which \$3,959.74 will have been paid to date for work certified as 10% complete for the Library Expansion Furniture, Fixtures and Equipment. Completion date - November 2006.
2. The third partial payment to Felmley Dickerson, Co., in the amount of \$14,108.13 on a contract amount of \$149,475 of which \$93,957.93 will have been paid to date for work certified as 63% complete for the Police and Fire Computer Aided Dispatch System. Completion date - December 2005.
3. The fourth partial payment to New World Systems in the amount of \$2,550 on a contract amount of \$671,523 of which \$408,839.31 will have been paid to date for work certified as 61% complete for the Police and Fire Computer Aided Dispatch System. Completion date - July 2006.
4. The second partial payment to The Bruce Company of Wisconsin in the amount of \$126,449.90 on a contract amount of \$209,526.90 of which \$164,284.89 will have been paid to date for work certified as 78% complete for the Prairie Vista Golf Course - Hole #18 Renovation. Completion date - January 2006.

5. The ninth partial payment to Thompson Dyke & Associates in the amount of \$4,750 on a contract amount of \$227,450 of which \$196,011.94 will have been paid to date for work certified as 82.46% complete for the Holiday Pool/Park Renovation. Completion date - August 2006.
6. The nineteenth partial payment to Hammond Beeby Rupert Ainge, Inc. in the amount of \$30,067.22 on a contract amount of \$1,993,750 of which \$1,734,562.50 will have been paid to date for work certified as 88% complete for the Phase 3 and 4 Renovation of the Bloomington Center for the Performing Arts. Completion date - August 2006.
7. The thirteenth and fourteenth partial payment to Technical Design Services, Inc. in the amount of \$4,903.48 on a contract amount of \$48,200 of which \$46,093.75 will have been paid to date for work certified as 96% complete for the Cabling System for the US Cellular Coliseum. Completion date - March 2006.
8. The fourth partial payment to Rowe Construction Co. in the amount of \$274,821.08 on a contract amount of \$1,250,603.92 of which \$694,114.66 will have been paid to date for work certified as 56% complete for the US Cellular Coliseum Infrastructure Improvements. Completion date - September 2006.
9. The thirty-second partial payment to Brisbin, Brook, Beynon Architects in the amount of \$23,840.69 on a contract amount of \$1,421,000 of which \$1,396,892.32 will have been paid to date for work certified as 92% complete for the US Cellular Coliseum Architects. Completion date - April 2006.
10. The twenty-second partial payment to Central Illinois Arena Management, Inc. in the amount of \$32,890.09 on a contract amount of \$738,188.75 of which \$537,919.24 will have been paid to date for work certified as 73% complete for the Professional Services. Completion date - December 2005.
11. The first partial payment to Bennett Electronic Service Co., Inc. in the amount of \$81,250 on a contract amount of \$325,000 of which \$81,250 will have been paid to date for work certified as 25% complete for the Sound Reinforcement System for the US Cellular Coliseum and Pepsi Ice Center. Completion date - April 2006.
12. The sixth partial payment to Rowe Construction Co. in the amount of \$72,087.21 on a contract amount of \$745,000 of which \$683,855.87 will have been paid to date for work certified as 91.8% complete for the 2005-2006 General Resurfacing. Completion date - October 2005.
13. The sixth partial payment to Rowe Construction Co. in the amount of \$48,528 on a contract amount of \$341,726.34 of which \$308,339 will have been paid to date for work certified as 90% complete for the Downtown Intersection Improvements. Completion date - December 2005.

14. The twenty-third partial payment to Stark Excavating, Inc. in the amount of \$35,000 on a contract amount of \$2,518,251.70 of which \$2,515,112 will have been paid to date for work certified as 99% complete for the Airport Rd. - Route 9 to Gill Street. Completion date - January 2006.
15. The eighth and final payment to Stark Excavating, Inc. in the amount of \$16,760.70 on a contract amount of \$301,592.70 of which \$301,592.70 will have been paid to date for work certified as 100% complete for the Erickson Avenue - Oakland to Illinois. Completion date - November 2005.
16. The eleventh partial payment to Rowe Construction Co. in the amount of \$21,352 on a contract amount of \$843,492.81 of which \$827,805 will have been paid to date for work certified as 98% complete for the Hershey Road Widening - Yorktown to Eastland. Completion date - December 2005.
17. The fifth partial payment to Foth & Van Dyke/Daily Division in the amount of \$31,511.20 on a contract amount of \$339,497 of which \$82,913.08 will have been paid to date for work certified as 24% complete for the Mitsubishi Motorway Study Design and Specifications. Completion date - January 2006.
18. The third and final payment to Davies Water Equipment in the amount of \$30,238.13 on a contract amount of \$50,000 of which \$49,958.13 will have been paid to date for work certified as 100% complete for the Radio Frequency Meter Reading. Completion date - October 2005.
19. The third partial payment to Clark Dietz in the amount of \$3,250.56 on a contract amount of \$32,000 of which \$10,592.94 will have been paid to date for work certified as 33% complete for the James Place Water Main. Completion date - October 2006.
20. The fifth and final payment to George Gildner, Inc. in the amount of \$14,120.41 on a contract amount of \$75,189 of which \$74,075.91 will have been paid to date for work certified as 100% complete for the East Street Water Main - Mulberry St. to Locust. Completion date - December 2005.
21. The fifth partial payment to George Gildner, Inc. in the amount of \$22,000 on a contract amount of \$336,413 of which \$274,091 will have been paid to date for work certified as 81% complete for the Completion date - December 2005.

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

Respectfully,

Tom Hamilton
City Manager

Alderman Purcell questioned three (3) payments. Payment 8. The fourth partial payment to Rowe Construction Co. in the amount of \$274,821.08 on a contract amount of \$1,250,603.92 of which \$694,114.66 will have been paid to date for work certified as 56% complete for the US Cellular Coliseum Infrastructure Improvements. Completion date - September 2006. Tom Hamilton, City Manager, informed the Council that the work is completed before submission of a bill to the City. This project will be completed on time. Alderman Purcell also questioned Payment 12. The sixth partial payment to Rowe Construction Co. in the amount of \$72,087.21 on a contract amount of \$745,000 of which \$683,855.87 will have been paid to date for work certified as 91.8% complete for the 2005-2006 General Resurfacing. Completion date - October 2005. He questioned if this payment was for the arena. Mr. Hamilton responded negatively. This item was the City's annual resurfacing project. Finally, Alderman Purcell questioned Payment 17. The fifth partial payment to Foth & Van Dyke/Daily Division in the amount of \$31,511.20 on a contract amount of \$339,497 of which \$82,913.08 will have been paid to date for work certified as 24% complete for the Mitsubishi Motorway Study Design and Specifications. Completion date - January 2006. He questioned if this payment was for design work. Mr. Hamilton responded affirmatively. The design work for Mitsubishi Motor Way was a quarter (1/4) complete. The vendor was merged with another firm and the name of the business was changed. Once the design work is completed, then the City would begin the bid process to actually build the road.

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

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

Ayes: Aldermen 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 Pay ADS-McLean County Landfill for Disposal of Soil from West Front Street

During the excavation of West Front Street between Madison Street and Lee Street in preparation for the installation of sewer, it was discovered that some of the soil appeared discolored. Tests were performed on the soil to determine what contaminants might be present. It was determined that the soil was contaminated, however, it could be classified as "non-

special” waste and could be disposed of at the landfill. ADS-McLean County Landfill has submitted an invoice in the amount of \$25,757.20 for disposal of the soil. Rowe Construction has submitted a bill for \$12,623.21 which includes trucking charges and a laboratory analysis of the soil. City staff has reviewed the bills and finds them to be in order.

Staff respectfully requests that Council approve a payment in the amount of \$25,757.20 to ADS-McLean County Landfill and \$12,623.21 to Rowe Construction Company for the disposal of the soil with payment to be made with Sewer Depreciation Funds (X52200-72550).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

Alderman Purcell questioned this item. Tom Hamilton, City Manager, addressed the Council. He noted that the City had to retain a special waste hauler.

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

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

Ayes: Aldermen 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 Seek Request for Proposal for Water Valve Operating Machine

When it is necessary to operate a water valve, staff uses either a portable hand held unit, one that is rigidly mounted to a truck or operated manually. The available powered units are not sufficient for use in a long term program to ensure that all of the water valves in the system are located and in operable condition.

The Water Department is initiating a program to operate all large valves (16” and larger) each year and smaller valves on a multi-year basis. This program includes identifying the valves in the field; the valve boxes cleaned of debris from the ground level to the valve; the locations

recorded via a Global Positioning System; the valves operated to ensure proper working condition, and any valves in need of repair, noted, repaired or replaced. In order to embark upon a program of this magnitude, an efficient valve operating machine must be utilized.

Staff respectfully requests permission to request proposals from suppliers for a portable, trailer mounted water valve operator with a vacuum for cleaning the valve boxes. This piece of equipment was budgeted in the Water Department 2005/06 Fixed Asset Budget.

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

Motion by Alderman Matejka, seconded by Alderman Finnegan that staff be allowed to solicit Request for Proposals for a portable, trailer mounted Water Valve Operator with a Vacuum for cleaning the valve boxes, and return to Council with a recommendation.

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: Bid Analysis for Water Treatment Plant 12" Reclaim Main

Bidding proposals for the Water Treatment Plant - 12" Reclaim Main project were received until 2:00 p.m. on Thursday, December 1, 2005, in the office of the City Clerk at which time and place the bids were opened and read aloud as follows:

George Gildner Inc., Bloomington	\$ 53,855.00
Hoerr Construction, Peoria	\$ 75,510.00
Stark Excavating, Bloomington	\$ 56,905.00

This project involves the construction of a new 12" water main to transport water reclaimed from the sludge lagoon back to the plant for treatment. This 12" line will increase the capacity of the

plant to treat reclaimed water as there is only an 8" line currently available from the reclaim basin to the raw water line.

Staff respectfully recommends that Council accept the low bid of George Gildner, Inc. in the amount of \$53,855 and that the Mayor and City Clerk be authorized to enter into a contract for said work. Payment for this work is to be made with Water Depreciation Funds (X50200-72620). This project was budgeted at \$85,000 in the 2005/06 Water Department Capital Improvement budget.

Respectfully submitted,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

(CONTRACT ON FILE IN THE CITY CLERK'S OFFICE)

Motion by Alderman Matejka, seconded by Alderman Finnegan that the bid be awarded to George Gildner, Inc. in the amount of \$53,855, 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: Waive the Formal Bidding Process and Purchase New Global Positioning System (GPS) Instrumentation for the Engineering and Public Service Departments

The Engineering Department owns and maintains Trimble Mapping Grade GPS instrumentation for the purpose of gathering data for the preparation of Geographic Information for the Citywide Geographic Information System (GIS), part of the McLean County GIS. The proposed instrumentation can and will be used in conjunction with existing GPS equipment to acquire data for both the Engineering Department and the Public Service Department and any other Department that requires accurate location of City owned infrastructure.

The Engineering Department is currently using Trimble Mapping grade GPS units (Geo-Explorer XT's) to locate existing (fixed asset GASB34) infrastructure, i.e. sanitary, storm and combination sewers, etc. The Streets and Sewers Division of the Public Service Department will augment the existing Sewer Televising system with similar Trimble units.

\$18,096 was listed in the proposed 2005-2006 fixed asset replacement budget for the purchase of new instrumentation. The department respectfully requests that Council waive the formal bidding process and approve the purchase of new Mapping Grade GPS instrumentation, two units for the Streets and Sewers Division of the Public Service Department, and one unit for the Engineering Department, Stormwater Management Division.

The Engineering Department has contacted and received a quote at U.S. General Services Administration (GSA) equivalent pricing from one vendor as follows:

Seiler Instrument, St. Louis, MO	\$18,096.00
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The instrumentation proposed by Seiler Instrument is the same Trimble Mapping Grade Units (Geo-Explorer XT's) that were supplied in the previous fiscal year and will meet the needs of the Engineering and Public Service Departments.

Staff respectfully requests that Council waive the formal bidding process and approve the Trimble acquisition from Seiler Instrument and Trimble in the amount of \$18,096, the Purchasing Agent be authorized to issue a Purchase Order for same, and the Resolution adopted. Funds for this purchase are available in Fixed Asset Replacement Funds, F16210-72120 and F16210-72140.

Respectfully,

Douglas A. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

RESOLUTION NO. 2005 - 156

A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND AUTHORIZING THE PURCHASE OF NEW GLOBAL POSITIONING SYSTEM (GPS) INSTRUMENTATION FOR THE ENGINEERING AND PUBLIC SERVICE DEPARTMENTS AT A PURCHASE PRICE OF \$18,096

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 New Global Positioning System (GPS) Instrumentation for the Engineering and Public Service Departments at a Purchase Price of \$18,096.

ADOPTED this 12th day of December, 2005.

APPROVED this 13th day of December, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Matejka, seconded by Alderman Finnegan that the Formal Bidding Process be waived, the New Global Positioning System (GPS) Instrumentation for the Engineering and Public Service Departments be purchased from Seiler Instrument and Trimble in the amount of \$18,096, 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: Waive the Formal Bidding Process and Purchase Communication Center Office Furniture

Office furniture is needed for the new Communications Center. This office space is now being created with the renovation of the Police Department building. The furniture would be of the same style and manufacture as other furniture within the department. Additionally, a set of four lateral files that would be used for the storage of documents in the dispatch area are needed.

Staff respectfully requests permission to waive the formal bidding process and purchase the needed office furniture from Widmer Interiors through the US Communities contract. A quote of \$3,407.82, was received for the office furniture, with funds available from account F15118-72110. A quote of \$3,704.64 was received for the lateral files, with funds available from account G15118-71010. The total for these two purchases is \$7,112.46.

Respectfully,

Roger J. Aikin
Chief of Police

Tom Hamilton
City Manager

RESOLUTION NO. 2005 - 157

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF OFFICE FURNITURE FOR THE
COMMUNICATIONS CENTER BE PURCHASED FROM WIDMER INTERIORS AT A
PURCHASE PRICE OF \$7,112.46**

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

1. That the bidding process be waived and the Purchasing Agent be authorized to Purchase Office Furniture for the Communications Center be purchased from Widmer Interiors at a Purchase Price of \$7,112.46.

Adopted this 12th day of December, 2005.

Approved this 13th day of December, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Huette noted that this item involved the new Police Communication Center. He requested a monthly recap of all expenses for same. He also requested that these figures be compared to the Communication Center budget. In addition, he requested a twelve (12) month recap which would track the number of calls and the number of complaints. All of these items were a part of the discussion which led to Council support for the Center.

Alderman Sprague noted that the internal complaints had stopped when the Council made the decision to leave MetCom. Alderman Huette noted his interest in tracking the City's return on investment. He questioned how the City could measure this service.

Motion by Alderman Matejka, seconded by Alderman Finnegan that the formal bidding process be waived, the Office Furniture for the Communications Center be

purchased from Widmer Interiors in the amount of \$7,112.46, 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 Approve the Upgrade of the Fire Department Breathing Apparatus

Staff respectfully requests that Council waive the formal bidding process and approve the payment of \$10,982 to Municipal Emergency Services Inc. for the upgrade of four (4) Fire Department Self Contained Breathing Apparatuses and eight (8) Breathing Air Cylinders.

Staff has identified upgrading four (4) existing self contained breathing apparatuses as a cost effective option to equip the new aerial apparatus which was recently delivered. The manufacturer offers a free upgrade kit with the purchase of a new breathing air cylinder. The installation of the upgrade kit apparatus must be performed by a factory authorized service center. Municipal Emergency Services Inc. located in Washington, IL is the regional factory authorized service center.

By purchasing the new breathing air cylinders and taking advantage of the manufacturer's upgrade offer, the City realizes a savings of approximately \$9,000 over the purchase of four (4) complete breathing apparatus and four spare cylinders. Funds for these purchases are to be made from fixed asset budget line item F15210-72140.

Respectfully,

Keith Ranney
Fire Chief

Tom Hamilton
City Manager

RESOLUTION NO. 2005 - 158**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF THE UPGRADE OF FOUR (4) FIRE
DEPARTMENT SELF CONTAINED BREATHING APPARATUSES AND EIGHT (8)
BREATHING AIR CYLINDERS AT A PURCHASE PRICE OF \$10,982**

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 the upgrade of four (4) Fire Department Self Contained Breathing Apparatuses and eight (8) Breathing Air Cylinders at a Purchase Price of \$10,982.

ADOPTED this 12th day of December, 2005.

APPROVED this 13th day of December, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Matejka, seconded by Alderman Finnegan that the formal bidding process be waived, the payment to Municipal Emergency Services Inc., in the amount of \$10,982 be approved for the upgrade of four (4) Fire Department Self Contained Breathing Apparatuses and eight (8) Breathing Air Cylinders, 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:

December 12, 2005

1275

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Analysis of Bids for the Oakland Court Storm Sewer

Bidding proposals for the Oakland Court Storm Sewer were received until 2:00 p.m. on Monday, December 5, 2005, in the office of the City Clerk at which time and place the bids were opened and read aloud as follows:

George Gildner, Inc.	\$ 52,158.00 Low Bid
Stark Excavating, Inc.	\$ 65,702.00
Rowe Construction	\$ 72,167.06 * (As Corrected)
Engineer's Estimate	\$ 48,386.00
Budget	\$ 30,000.00 Storm Water Management Funds (X55200-72540)

* Read as \$ \$ 69,587.89

The scope of the Oakland Court Storm Sewer Project is to provide a new 12 inch storm sewer to separate storm water from the current combined 8 inch sewer serving the homes on Oakland Court. This new storm sewer will discharge into the existing 27 inch relief sewer on Mercer Avenue.

As the low bidder has met all requirements, staff respectfully recommends that Council accept the low bid from George Gildner, Inc. in the amount of \$52,158 and that the Mayor and City Clerk be authorized to execute the necessary documents. Payment for this project will be made with Storm Water Management Funds (X55200-72540).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

(CONTRACT ON FILE IN THE CITY CLERK'S OFFICE)

Motion by Alderman Matejka, seconded by Alderman Finnegan that the bid for the Oakland Court Storm Sewer be awarded to George Gildner, Inc. in the amount of \$52,158, 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: Purchase of Replacement Server Hardware for City Finance/Payroll/HR System

In fiscal year 2005-2006, staff has budgeted for the replacement of one of two Hewlett Packard midrange servers that support the Citywide Finance/Payroll/HR system (Banner). This server hardware is now more than five years old. Staff had also planned to replace the second of these servers in fiscal year 2006-2007.

While researching the replacement of these servers, staff found that it would be possible to replace both of these servers with the replacement dollars depreciated and budgeted for in FY 05-06. The progression of this server technology has allowed buying smaller less expensive servers that are actually much more powerful, for less than the City originally paid for one server. By purchasing both of these replacement servers at once, staff is also able to configure them in a cluster that allows both servers to process Banner requests at the same time and to provide fail over capabilities for each other. In this configuration, if one of these servers fail the other will automatically stand in for it, creating a more redundant environment than is currently in place.

In order to create this redundant environment, staff has been working with Hewlett Packard to prove that the environment will actually perform as advertised. Hewlett Packard provided the City with brand new servers as demonstration units and has been working with staff to create this redundant environment and prove that it works with the Banner software. This has been completed and the servers are actually in place and functioning as expected.

As the new servers are actually now in place and functioning, staff respectfully requests Council approval to purchase these demonstration servers from Hewlett Packard at a substantial discount off retail pricing. By purchasing the in place demonstration servers, they are already in place and functioning eliminating the need for staff go through the entire process of creating the redundant environment over again. Pricing for the two replacement servers is \$100,019.54.

Staff respectfully requests that Council authorize the Purchasing Agent to issue a purchase order for \$100,019.54 to Hewlett Packard, with payment to be made with funds budgeted in the Computer Services Equipment Fixed Asset account (F11610-72120).

Respectfully,

Scott Sprouls
I.T. Manager

Tom Hamilton
City Manager

Motion by Alderman Matejka, seconded by Alderman Finnegan that the in place demonstration servers be purchased from Hewlett Packard in the amount of \$100,019.54, and the Purchasing Agent authorized to issue a Purchase Order for same.

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

Ayes: Aldermen 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: Computer Workstations and Servers for the Police and Fire Dispatch Center

As the effort to build and equip the Dispatch Center continues ,it is now necessary to purchase the computer equipment to operate the Computer Aided Dispatch System. Staff has met with representatives of the software vendor, New World Systems, and determined the needs for the workstations and servers necessary for the system. This equipment will be purchased from Hewlett Packard through the Western States Contracting Alliance as approved by Council during the May 9, 2005 meeting. All items include the necessary service agreements as determined by Computer Services.

Staff respectfully requests that Council approve the purchase of this equipment. Although staff will need to return to Council for approval to purchase more data center support items for the equipment listed below, the purchase price of \$44,098.08 is well below the anticipated amount of \$200,000. Funds for this purchase are budgeted in F15118-72120. The needed equipment is detailed in the table below:

Item	Purpose	Cost Each	Qty	Total Cost
HP ProLiant ML350	CAD Server	\$8,145.01	2	\$16,290.02
HP ProLiant DL320	CAD Test Server	\$2,398.00	1	\$2,398.00
HP ProLiant DL360	Message Server	\$5,602.01	1	\$5,602.01
HP Compaq dc7600	Work Stations	\$3,476.61	5	\$17,383.05

HP LaserJet 4350dtn	Printer	\$2,425.00	1	\$2,425.00
			Total Cost	\$44,098.08

Respectfully,

Roger J. Aikin
Police Chief

Scott Sprouls
IT Manager

Tom Hamilton
City Manager

Alderman Huette noted that this item involved the new Police Communication Center. He requested a monthly recap of all expenses for same. He also requested that these figures be compared to the Communication Center budget. In addition, he requested a twelve (12) month recap which would track the number of calls and the number of complaints. All of these items were a part of the discussion which led to Council support for the Center.

Alderman Sprague noted that the internal complaints had stopped when the Council made the decision to leave MetCom. Alderman Huette noted his interest in tracking the City's return on investment. He questioned how the City could measure this service.

Motion by Alderman Matejka, seconded by Alderman Finnegan that the payment in the amount of \$44,098.08 for the Computer Workstations and Servers for the Police and Fire Dispatch Center be approved, and the Purchasing Agent be authorized to issue a Purchase Order for same.

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

Ayes: Aldermen 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 an Amended Intergovernmental Agreement with the Bloomington-Normal Water Reclamation District (BNWRD) for the Long Term Combined Sewer Overflow Control Plan

At the January 26, 2004 Council meeting, Council approved an intergovernmental agreement with the BNWRD to share in the cost of constructing improvements to the Combined Sewer

Overflow (CSO) on Sugar Creek at Caroline Street and at Graham Street. Under the agreement, BNWRD will pay 40% of the cost and City will pay for the remaining 60%. The total estimated cost for the improvements in the original agreement was \$13.8 million for a 60% City share of \$8.3 million. Under the agreement, BNWRD will apply for a low interest loan from the Illinois Environmental Protection Agency (IEPA) to finance the project.

The Amended Agreement differs from the current agreement only in the estimated cost of the improvements. The revised estimated total principal of the IEPA loan is now \$20 million. The City's 60% share is estimated as \$12 million. Funding to repay the City's share of the loan are included in the budget for the Storm Water Management Fund (X55100-74910).

Staff respectfully requests that Council approve the Intergovernmental Agreement between BNWRD and the City for the Long Term CSO Control Plan and concur with BNWRD applying for a low interest loan from the IEPA.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

Motion by Alderman Matejka, seconded by Alderman Finnegan that the amended Intergovernmental Agreement for the Long Term CSO Control Plan with BNWRD be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

Ayes: Aldermen 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 the Contract with P.J. Hoerr, Inc. for the Renovation of the Bloomington Center for the Performing Arts

P.J. Hoerr, Inc. has requested the following change orders to their contract for work associated with the renovation of the Bloomington Center for the Performing Arts. These change orders

were reviewed by Staff, who found them to be acceptable. The total amount of these change orders is \$62,185.62.

#52 Furnish a medium abrasive blasted finish to precast panels	5,115.50
#53 Provide additional flue material & labor in room 121	4,291.32
#56 Accept revised theater seating end standards	- 36,376.00
#58 Provide damp proofing of foundation	3,355.00
#60 Upgrade floor finish on orchestra & balcony of auditorium	48,610.00
#61 Adjust carpet allowance	-5,002.00
#63 Provide revisions to exhaust fans	3,125.56
#64 Relocate fan powered box, duct revisions, add sound attenuator	5,666.00
#65 Provide enlarged piano storage in room 221A	4,836.00
#67 Provide wall modification in room 329	827.00
#69 Provide revised vanity sink supports	11,930.00
#70 Provide & install LVL's for catwalk support	2,606.64
#71 Provide changes to fire protection at various locations	12,020.60
#72 Provide modification to dimmer room	<u>1,180.00</u>
	62,185.62
Total this Change Order	62,185.62
Revised contract	<u>11,213,483.62</u>
New Total Amount	11,213,483.62

This work is outside the existing contract of P.J. Hoerr. These changes were requested to provide for a blasted finish to the precast panels to reduce visibility of pouring flaws. Additional flue material to the boilers were needed and price reductions for using a stock end to the theater seats and changes in carpet were accepted. Staff believed that it was prudent to damp proof the foundation walls as a precautionary measure because the ground water table is extremely high in this area.

There was a need to provide for a better floor finish in the auditorium. This will help reduce additional cracking of the concrete floor, provide for a better surface to attach the seats to and eliminate the need to repaint the audience chamber floors every three to five years.

There was a need to provide for additional structural support for two exhaust fans; relocate a fan powered box; make duct revisions, and add a sound attenuator in room 354. There was a need to enlarge the piano storage area to accommodate an additional piano. An additional stub wall and plumbing chase were needed to accommodate piping that needed to be routed around an existing steel beam. A more rigid support for the lavatory sinks and make up counters were needed as the concrete floor was not as strong or thick enough to accept the originally planned supports. Additional LVL's were needed in the auditorium ceiling joists to lend additional support for the unistrut catwalks. The fire protection system needed to be rerouted at various locations on the second floor to gain access to rooms and spaces blocked by full size steel beams, as well as enlarge the dimmer room and provide a corner enclosure in this space.

This change order amount will be added to the guaranteed bid price and will be paid for out of the renovation contingency fund.

Contingency Fund:	\$600,000.00
Total Change Orders to date:	\$225,283.62
Contingency Balance:	\$374,716.38

Staff respectfully recommends that Council approve this change order to the contract with P.J. Hoerr, Inc. in the amount of \$62,185.62. Payment for this work will come from account X21100-72620 of the Cultural District budget.

Respectfully,

C. Bruce Marquis
Executive Director

Tom Hamilton
City Manager

RESOLUTION NO. 2005 - 159

A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE AMOUNT OF \$62,185.62 IN THE CONTRACT BETWEEN THE CITY OF BLOOMINGTON AND, P.J. HOERR, INC. FOR THE RENOVATION OF THE BLOOMINGTON CENTER FOR THE PERFORMING ARTS

WHEREAS, the City of Bloomington has previously entered into a contract with P.J. Hoerr, Inc. for the Renovation of the Bloomington Center for the Performing Arts; and

WHEREAS, for the reasons set forth in a staff report dated December 12, 2005 it was necessary to provide for a blasted finish to the precast panels to reduce visibility of pouring flaws. Additional flue material to the boilers were needed and price reductions for using a stock end to the theater seats and changes in carpet were accepted. Staff believed that it was prudent to damp proof the foundation walls as a precautionary measure because the ground water table is extremely high in this area;

There was a need to provide for a better floor finish in the auditorium. This will help reduce additional cracking of the concrete floor, provide for a better surface to attach the seats to and eliminate the need to repaint the audience chamber floors every three to five years. There was a need to provide for additional structural support for two exhaust fans; relocate a fan powered box; make duct revisions, and add a sound attenuator in room 354. There was a need to enlarge the piano storage area to accommodate an additional piano. An additional stub wall and plumbing chase were needed to accommodate piping that needed to be routed around an existing steel beam. A more rigid support for the lavatory sinks and make up counters were needed as the concrete floor was not as strong or thick enough to accept the originally planned supports. Additional LVL's were needed in the auditorium ceiling joists to lend additional support for the unistrut catwalks. The fire protection system needed to be reroute at various locations on the second floor to gain access to rooms and spaces blocked by full size steel beams, as well as enlarge the dimmer room and provide a corner enclosure in this space;

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the December 12, 2005 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 \$62,185.62 in the contract between the City of Bloomington and P.J. Hoerr, Inc. for the Renovation of the Bloomington Center for the Performing Arts be approved.

APPROVED this 12th day of December, 2005.

ADOPTED this 13th day of December, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Finnegan questioned this change order. He cited the total dollars involved for the seating change. Bruce Marquis, Cultural District Executive Director, addressed the Council. He cited the cost for casts of the original seat ends. A substitute with decorative ends was selected which was similar in appearance. The original scroll arms would also not be replicated. A substitute which was similar in appearance was selected. Alderman Finnegan questioned the floor finish. Mr. Marquis noted that after the seating was removed it was discovered that there was a problem with the eighty (80) year old concrete deck. It was cracked and in need of repair. The surface was stabilized. It would need to be repainted every three to five (3 – 5) years. Alderman Finnegan questioned the fire protection changes. David Young, Cultural District Facilities Manager and Event Coordinator, addressed the Council. He noted a void between a steel beam and the ceiling joist. There was no space and it was solid steel.

Alderman Purcell questioned if the Cultural District had exceeded the contingency fund. Mr. Young responded negatively.

Motion by Alderman Matejka, seconded by Alderman Finnegan that the Change Order to the contract with P.J. Hoerr, Inc. in the amount of \$62,185.62 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 Improvement to Six Points Road at Heartland Hills

The proposed improvements to Six Points Road at Heartland Hills have been completed. Due to irregularities in the existing pavement, an additional quantity of Bituminous Concrete Surface was needed. The extra cost of the additional quantity of Bituminous Concrete Surface was \$2,242.85.

Original Contract	\$135,381.75
This Change Order	<u>2,242.85</u>
Completed Contract	\$137,624.60

These additions were not reasonably foreseeable at the time the contract was signed and were in the best interest of the City. As this additional work was necessary for the orderly and proper completion of this project, staff respectfully recommends that Council approve this Change Order in the amount of \$2,242.85 with payment to be made with Capital Improvement Funds (X40100-72530).

Respectfully,

Douglas G. Grovesteen
 Director of Engineering

Tom Hamilton
 City Manager

Motion by Alderman Matejka, seconded by Alderman Finnegan that the Change Order 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 to the Contract with Rowe Construction, Inc. for Ft. Jesse Road Improvement - Phase I East of Airport Road to Kaisner Drive

During the construction of this project, which has recently been completed, five items were encountered which resulted in additional costs.

1. At the intersection of Valley Brook Court with Fort Jesse Road, it was necessary to lower the new pavement about two feet to allow for proper sight distance. The construction plans did not include the necessary details of how to transition from the new lower street to the existing higher back yards and fences. To properly complete construction of the new street at this location it was necessary to remove and replace additional sidewalk, to do additional grading, and to construct a block retaining wall. The additional cost of this extra work was \$16,175.85.
2. There was an area of unacceptable soft subgrade which needed to be removed and replaced with acceptable material. The additional cost to remove and replace this subgrade material was \$6,479.44.
3. Due to construction of the new pavement, it was necessary to remove and reroute 200 feet of an existing six inch field tile. The cost of this extra work was \$3,439.95.
4. The contract did not include a pay item to adjust water valve boxes. In this project, there were eight water valve boxes which needed to be adjusted. These valve boxes were adjusted at an additional cost of \$2,800.
5. In order to properly construct the bituminous concrete transition at the east end of this project, it was necessary to remove the existing asphalt surface by constructing a butt joint. This additional work was completed at an additional cost of \$1,350.

Original Contract	\$917,226.95
This Change Order	<u>30,245.24</u>
Completed Contract	\$947,472.19

These additions were not reasonably foreseeable at the time the contract was signed and were in the best interest of the City. As this additional work was necessary for the orderly and proper completion of this project, staff respectfully recommends that Council approve this Change Order in the amount of \$30,245.24 with payment to be made with Capital Improvement Funds (X40100-72530).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

RESOLUTION NO. 2005 - 160

**A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE
AMOUNT OF \$30,245.24 IN THE CONTRACT BETWEEN THE CITY
OF BLOOMINGTON AND ROWE CONSTRUCTION INC. FOR THE FT. JESSE
ROAD IMPROVEMENT - PHASE I EAST OF AIRPORT ROAD TO KAISNER DRIVE**

WHEREAS, the City of Bloomington has previously entered into a contract with Rowe Construction, Inc. for the Ft. Jesse Road Improvement - Phase I East of Airport Road to Kaisner Drive; and

WHEREAS, for the reasons set forth in a staff report dated December 12, 2005 it was necessary to remove and replace additional sidewalk, to do additional grading, and to construct a block retaining wall; remove and replace unacceptable soft subgrade with acceptable material; remove and reroute 200 feet of an existing six inch field tile; adjust eight water valve boxes, and remove the existing asphalt surface by constructing a butt joint.

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the December 12, 2005 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 \$34,245.24 in the contract between the City of Bloomington and Rowe Construction, Inc. for the Ft. Jesse Road Improvement - Phase I East of Airport Road to Kaisner Drive be approved.

APPROVED this 12th day of December, 2005.

ADOPTED this 13th day of December, 2005.

Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

Motion by Alderman Matejka, seconded by Alderman Finnegan that the Change Order to the Contract with Rowe Construction, Inc. be approved in the amount of \$30,245.24, and the Resolution be 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: Professional Services Contracts

Staff has negotiated six contracts to engage persons and/or groups represented by International Music Network, Mongrel Music, Producers, Inc., Cherryholmes and The Rosebud Agency to perform services in the Bloomington Center for the Performing Arts. Contract provisions prohibit public announcements of any persons/groups and/or dates of services until said contracts have been executed by both parties. Base expenses for these six contracts will be \$87,000.

The selections of these individuals and/or groups were 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 Bloomington Center for the Performing Arts.

Staff respectfully recommends accepting the contracts for these performances. 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 CITY CLERK'S OFFICE)

Alderman Purcell questioned payment versus revenue for these six (6) events. Bruce Marquis, Cultural District Executive Director, addressed the Council. Various items help to cover performance costs/artist fees/marketing. He cited donations, concessions, ticket sales, and sponsorships.

Alderman Huette questioned the price range for performance tickets. Mr. Marquis noted that the top ticket prices would range from \$24 – 40. Discounts would also be available. Performances could be bundled. He cited the family series and Saturday matinees.

Motion by Alderman Matejka, seconded by Alderman Finnegan that the contracts from International Music Network, Mongrel Music, Cherryholmes, Producers Inc. and Rosebud Agency be accepted in an amount not to exceed \$87,000, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

Ayes: Aldermen 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 Retain Clark Dietz, Inc. to Provide Professional Services for the Preparation of a Study Evaluating the Elimination of the Locust-Colton Combined Sewer Overflows

Staff has negotiated a proposed contract with Clark Dietz, Inc. to provide professional services for the preparation of a study to the eliminate the two combined sewer overflows located along Locust Street just east of Colton Avenue and along Colton Avenue north of Locust Street. It is anticipated that the study will produce a series of projects with budget estimates needed to completely eliminate the CSOs.

Staff has reviewed the proposal from Clark Dietz, Inc. to provide civil engineering services on a time and material basis for a total fee not to exceed \$140,000 and finds it acceptable. Funds to perform this study are included in the 2006-2007 Fiscal Year Storm Water Management Fund budget.

Staff respectfully recommends that Council approve a contract with Clark Dietz, Inc. for the Preparation of a Study Evaluating the Elimination of the Locust-Colton Combined Sewer Overflows for a total fee not to exceed \$140,000, and that the Mayor and City Clerk be authorized to execute the necessary documents. Payment for this work will be made with Storm Water Management Funds.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

(CONTRACT ON FILE IN THE CITY CLERK'S OFFICE)

Alderman Crawford questioned if this issue would address the Eastgate drainage issue. Tom Hamilton, City Manager, noted that this issue would be a part of the system. Doug Grovesteen, Director of Engineering, addressed the Council. Eastgate would be a part of the drainage basin. A map would be developed over a series of the next few years. City staff would develop a game plan which would address where, the size and the cost. Alderman Crawford expressed his opinion that there were serious issues involved. Mr. Grovesteen stated that the City was addressing CSO, (Combined Sewer Overflow), and storm sewers.

Motion by Alderman Matejka, seconded by Alderman Finnegan that the Contract with Clark Dietz, Inc. for the Preparation of a Study Evaluating the Elimination of the Locust-Colton Combined Sewer Overflows be approved in an amount not to exceed \$140,000, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

Ayes: Aldermen 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: Pipeline Road Transmission Main Illinois Environmental Protection Association (IEPA) Low Interest Loan - Flood Insurance Resolution

The City is in the process of obtaining a low interest loan from the Illinois Environmental Protection Agency to continue the next phase of construction of the 36" water transmission main from the Water Treatment Plant to Ft. Jesse Road in Normal. To obtain a loan from the IEPA, the City is required to adopt a Resolution promising to obtain flood insurance for structures built with IEPA loan funds, which may be eligible for such insurance.

As this is a requirement of the IEPA, and all items are in order, staff respectfully requests that Council adopt a Resolution of intent regarding national flood insurance.

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

RESOLUTION NO. 2005 - 161

RESOLUTION OF INTENT REGARDING NATIONAL FLOOD INSURANCE

Whereas application provisions for loans from the Public Water Supply Loan Program require compliance with the National Flood Insurance Act of 1968 , as amended, and

Whereas the costs of securing and maintaining flood insurance are eligible for loan Participation during the approved construction period, and

Whereas failure to secure flood insurance for eligible construction located in designed flood hazard areas will cause this construction to become ineligible for loan funds.

Now therefore, be it resolved that the City of Bloomington will cooperate and coordinate with the National Flood Insurance Program to acquire and maintain any flood insurance made available for Project L17 2691 for the entire useful life of the insurable construction pursuant of the Flood Insurance Act of 1968, as amended, and that it will secure said flood insurance for each insurable structure, as soon as said insurance is available and will notify the Illinois Environmental Protection Agency in writing that the National Flood Insurance requirement has been satisfied.

Resolved this 12th day of December, 2005

Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

Alderman Sprague questioned if the City needed insurance and if the City had to do this work. Craig Cummings, Director of Water, addressed the Council. He noted that this was an IEPA, (Illinois Environmental Protection Act), requirement. He cited the thirty-six inch (36") pipe line from the Water Treatment Plant to Ft. Jesse Road in Normal. This pipe went from the water treatment plant to the Ft. Jesse pump station. In addition, there was a water tower. Doug Grovesteen, Director of Engineering, addressed the Council. He added that the City would only insure what was actually in the flood plain. This Resolution was a part of the paperwork. If the City builds a structure that is in the flood plain, then it would have to be insured.

Motion by Alderman Matejka, seconded by Alderman Finnegan that the Resolution be 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: A Resolution Authorizing a Representative to Sign Loan Documents

The City project to replace the 1930 water transmission main from the Water Treatment Plant to the Ft. Jesse Road pump station is ongoing. In order to obtain a low interest loan from the Illinois Environmental Protection Agency (IEPA) to finance the next phase, it is necessary to update the IEPA records with the current City representative authorized to sign loan related documents. State law requires that the Mayor be designated as the Authorized Representative.

In order to update the IEPA records with the current Mayor as the Authorized Representative to Sign Loan Documents, staff respectfully recommends that Council adopt a Resolution authorizing the Mayor to sign the loan documents to receive IEPA loan funds.

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

RESOLUTION NO. 2005 - 162

**RESOLUTION AUTHORIZING A REPRESENTATIVE TO SIGN
LOAN DOCUMENTS**

Whereas, application provisions for loans from the Public Water Supply Loan Program for Construction of public water supply facilities require that the City of Bloomington authorize a representative to sign the loan application forms and supporting documents;

Therefore, be it resolved by the City of Bloomington that Stephen F. Stockton, Mayor is hereby authorized to sign all loan application forms and documents.

Resolved this 12th day of December, 2005.

Stephen F. Stockton
Mayor

ATTEST

Tracey Covert
City Clerk

Alderman Purcell questioned the total price for this project. Tom Hamilton, City Manager, stated that the estimated cost for this project was \$18 million.

Motion by Alderman Matejka, seconded by Alderman Finnegan that the Resolution be 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: Approval of 2005 Tax Levy

Attached is the recommended 2005 Tax Levy of \$18,942,504 which is a 4.48% increase over the 2004 extension of \$18,130,311. While a few minor dollar amounts were shifted around to correct some typographical errors, this proposed levy has the same bottom line as was presented previously to Council at the October 24, 2005 Council Session.

The increase in the levy is comprised mainly from 20% increases to the Police Pension and Fire Pension levies and prudent smaller increases to several other levies. The portion of the levy that falls under Truth in Taxation requirement is increasing 2.76%. This is below the 5.00% threshold that requires a public notice and hearing, therefore a public hearing and required public notice are not required.

The recommended levy is based on a projected Equalized Assessed Valuation, (EAV) growth of 4.00% as recommended by the Assessor's Office. This growth rate would yield an estimated 2005 levy EAV of \$1,472,297,506 as compared to the 2004 EAV of \$1,415,670,679. The 2005 taxes should result in a City tax rate of approximately \$1.01060 per \$100 of EAV, which is a slight increase of \$0.0071 per \$100 of EAV in the current City tax rate.

The increase in the Library levy should result in a Library tax rate of approximately \$0.27600 per \$100 of EAV, which is an increase of \$0.00241 per \$100 of EAV in the current Library tax rate. The 2005 rate including both the City and the Library should be up slightly \$0.0059 or 0.46%, but this depends on how closely the actual EAV comes in to the projection.

The following is a comparison of the 2005 recommended levy to the 2004 extension.

	Estimate 2005	Extension 2004	% Increase
General Corporate	2,898,509	\$3,123,536	- 7.20
Police Protection	1,216,961	1,159,010	5.00
Fire Protection	1,216,811	1,158,868	5.00
Public Parks	912,237	868,797	5.00
IMRF Fund	1,237,614	1,190,013	4.00
Social Security Fund	1,222,007	1,175,007	4.00
Fire Pension Fund	1,726,093	1,436,471	20.16
Police Pension Fund	1,826,840	1,518,873	20.28
Judgment Fund	333,812	700,049	-52.32
Public Library Fund	4,063,521	3,873,133	4.92
Public Benefit Fund	155,000	155,016	-0.01
Audit Fund	75,958	72,341	5.00
Truth in Taxation Subtotal	16,885,363	16,431,124	2.76
1991 S.E. Improvement Bonds	695,000	695,000	0.00
1993 Improvement Bonds	393,663	410,988	- 4.22
1996 Police Facility Bonds	517,720	507,990	1.92
2001 Refinancing Issue	84,570	85,209	- 0.75
2003 Capital Impv. Issue	366,188	0	

December 12, 2005

1293

Debt Service Subtotal	2,057,141	1,699,187	21.06
Total Tax Levy	18,942,504	18,130,311	4.48

Staff respectfully recommends the passage of the 2005 Tax Levy of \$18,942,504.

Respectfully,

Brian J. Barnes
Director of Finance

Tom Hamilton
City Manager

ORDINANCE NO. 2005 - 129**AN ORDINANCE LEVYING TAXES FOR THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS, FOR THE FISCAL YEAR BEGINNING MAY 1, 2005 AND ENDING APRIL 30 2006 FOR THE CITY OF BLOOMINGTON**

Be it ordained by the City Council of the City of Bloomington, Illinois:

Section One. (a) The sum of Eighteen Million Nine Hundred Forty-two Thousand Five Hundred and Four dollars (\$18,942,504) being the total sum of the appropriation heretofore legally made which is to be collected from the tax levy of the fiscal year of the City of Bloomington, McLean County, Illinois, beginning May 1, 2005 and ending April 30, 2006, for all corporate purposes and including General Corporate Purposes, Payment of Bonds and Interest on Bonds, Public Library, Fire Pension Fund, Police Pension Fund, Public Parks Fund, Fire Protection Fund, Police Protection Fund, Judgment Fund, IMRF Fund, and FICA Taxes Fund as appropriated for the fiscal year beginning May 1, 2005 and ending April 30, 2006 as passed by the City Council of said City at its regular meeting held on the 25th of April, 2005, shall be and the same is hereby levied on all taxable property within the said City of Bloomington, subject to taxation for said current fiscal year. The specific amounts as levied for the various objects heretofore named appear in the right hand column under the designation "Amount to be raised by Taxation", the said tax so levied being for appropriations heretofore made for said tax levy, the current fiscal year which are to be collected from said tax levy, the total amount of which has been ascertained as aforesaid for the objects and purposes as follows:

CITY OF BLOOMINGTON, MC LEAN COUNTY, ILLINOIS

(b) The tax rate against the said taxable property of the City of Bloomington for the year 2005 for and on account of the aforesaid tax levy be, and the same is hereby set for said taxable year as follows:

I. General Corporate Purposes	\$2,898,509
II. Police Protection Fund	1,216,961
III. Fire Protection Fund	1,216,811
IV. Public Parks	912,237
V. Fire Pension Fund	1,726,093
VI. Illinois Municipal Retirement Fund	1,237,614
VI-A. FICA Taxes Fund	1,222,007
VII. Judgment Fund	333,812
VIII. Police Pension Fund	1,826,840
IX. Public Benefit Fund	155,000
X. General Bond and Interest	2,057,141
XI. Public Library Fund	4,063,521
XII. Audit Fund	75,958
	<u>\$18,942,504</u>

Section Two: The City Clerk shall make and file with the County Clerk of said County of McLean, a duly certified copy of this Ordinance; the amount levied by Section One of this Ordinance is required by said City to be levied by taxation as aforesaid and extended upon the appropriate tax books for the fiscal year of said City beginning May 1, 2005 and ending April 30, 2006.

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

Section Four: Where a rate is shown in the Table in Section 1(b), the County Clerk is directed to levy a tax at that rate without regard to either statutory rate for such levy or the number of dollars shown in that fund. Where no rate is shown in the Table above, the rate of tax for each such fund shall be the rate necessary to collect the number of dollars levied by the City for such fund. The rate at which a tax shall be levied for General Corporate purpose shall be that rate necessary, after rates for all other funds are established, to result in a total levy of \$18,942,504.

Section Five: This Ordinance is enacted pursuant to and as an exercise of the City of Bloomington's authority as a home rule unit pursuant to Article VII, Section 6 of the 1970 Constitution of the State of Illinois. Any and all provisions of the Statutes of the State of Illinois regarding rates of tax are hereby declared to be superseded to the extent that they conflict herewith.

Section Six: This Ordinance shall be in full force and effect from and after its passage, signing, approval, and recording, according to law.

Approved:

Stephen F. Stockton
Mayor

Attest:

Tracey Covert
City Clerk

Passed by the City Council of the City of Bloomington, Illinois, this 12th day of December, 2005.

Approved by the Mayor of the City of Bloomington, Illinois, this 13th day of December, 2005.

Recorded this _____ day of _____, 2005.

CERTIFICATE OF COMPLIANCE
TRUTH IN TAXATION

I, Stephen F. Stockton, the duly qualified Mayor of the City of Bloomington, McLean County, Illinois, and the presiding officer of the City Council of said City, do hereby certify that the 2005 tax levy of said City attached hereto was adopted in full compliance with the provisions of Sections 4 through 7 of the Illinois "Truth in Taxation Act". The 2005 aggregate levy was less than 105% of the previous year's extension, so a public hearing and notice was not required.

IN WITNESS WHEREOF, I have pleaded my official signature on this 12th day of December, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

(EXHIBIT ONE ON FILE IN CLERK'S OFFICE)

Alderman Sprague questioned Exhibit One. He noted that under the heading City Manager there was an entry for City Manager and Asst. City Manager. He questioned if both positions would be contained in the proposed budget. He questioned the line entitled Purchased Services. Brian Barnes, Finance Director, noted that this category consisted of fifteen to twenty (15 – 20) line items. He cited telephone as an example. Alderman Sprague questioned the line entitled Benefits. Mr. Barnes stated FICA and IMRF.

Alderman Sprague addressed the heading Legal. He cited the entry entitled Liquor Inspector/ROW. Tom Hamilton, City Manager, addressed the Council. This one position would perform both functions. Todd Greenburg, Corporation Counsel, addressed the Council. Discussions were held with the Legal Department's support staff. These individuals were willing to incur over time to address liquor issues. He noted that the Police Department currently uses buy back to assign police officers to liquor issues. He added that there were funds in this year's budget to address this issue. He cited the "GP" Gasoline Packaged licenses. The Legal Department was also working with the City Clerk's office to address license conditions.

Alderman Sprague questioned when the Legal Department's staff would be available to address right of way issues. Mr. Greenburg noted that Hannah Eisner, Deputy Corporation Counsel, was working with the Engineering Department. Alderman Schmidt also questioned City staff's availability for right of way work. Mr. Greenburg expressed

his opinion that it would be more cost effective to retain an attorney and/or realtor as needed on a contractual basis.

Alderman Sprague addressed the heading Fire. He noted that there was only one (1) Deputy Chief (Operations) listed. He recalled that there were two (2).

Alderman Crawford had compared the tax levy, (estimate and extension). He cited the increase to Police and Fire Pensions, each had increased by over twenty percent (20%). Mr. Barnes noted that the pension amounts were based upon actuarials. The numbers were realistic. The City had raised its unfunded obligation by increasing the number of uniformed police and fire personnel. In addition, the state legislature has approved increases to these pensions, (statutes).

Motion by Alderman Matejka, seconded by Alderman Finnegan that 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: Abatement of Tax Levy

Attached please find the following Resolutions abating taxes:

1. Abatement for tax levy for \$5,440,000 Market Square Tax Increment General Obligation Bonds, Series 1987.
2. Abatement for tax levy for \$11,650,000 General Obligation Bonds, Series 1995.
3. Abatement for tax levy for \$4,965,000 General Obligation Refunding of Market Square Tax Increment Bonds Series 1994.
4. Abatement for tax levy for \$4,965,000 of Market Square Increment General Obligation Bonds Series 1994.

5. Abatement for tax levy to pay the rent payable under the Lease Agreement between the Public Building Commission, McLean County and the City of Bloomington for the old Champion Building and the expansion of the parking garage.
6. Abatement for tax levy for \$6,380,000 General Obligation Refunding Bonds (of \$6,600,000 authorized), Series 2001.
7. Abatement for tax levy for \$15,600,000 Variable General Obligation Bonds, Series 2004.
8. Abatement for tax levy for \$29,455,000 Taxable General Obligation Bonds, Series 2004.
9. Abatement for tax levy for \$9,900,000 Fixed General Obligation Bonds, Series 2005.

Staff respectfully requests that the Resolutions be adopted.

Respectfully,

Brian J. Barnes
Finance Director

Tom Hamilton
City Manager

RESOLUTION NO. 2005 - 163

**A RESOLUTION ABATING TAX LEVY FOR MARKET SQUARE TAX
INCREMENT GENERAL OBLIGATION PURPOSE BONDS, SERIES 1987**

WHEREAS, the City of Bloomington is a home rule unit pursuant to the provisions of Article VII, Section 6 of the 1970 Constitution of the State of Illinois, which Section authorizes home rule units to incur debt without referendum; and

WHEREAS, the City of Bloomington, pursuant to procedures adopted in Ordinance No. 1975-30 as shown in Chapter 16, Article VI of the Bloomington City Code, 1960 as amended, decided to issue Five Million Four Hundred Forty Thousand Dollars (\$5,440,000) in Market Square Increment General Obligation Bonds pursuant to Ordinance No. 1987-24, passed March 23, 1987; and

WHEREAS, pursuant to the authority of said home rule ordinances in said election and provisions of all ordinances relating thereto, taxes would be extended against all the taxable property within the City of Bloomington for the year 2005, payable in the year 2006; and

WHEREAS, there are surplus funds on hand from incremental property and sales tax revenues and interest from the investment of these revenues in an amount sufficient to pay the principal and interest obligations due on said issues in the year 2006.

NOW, THEREFORE, BE IT RESOLVED by the City of Bloomington, McLean County, Illinois, that the \$2,150,235 levy against taxable property in the City of Bloomington for the year 2005, payable in 2006 and on account of the aforesaid Five Million Four Hundred Forty Thousand Dollars (\$5,440,000) in Market Square Tax Increment General Obligation Bonds Series 1987 is hereby abated for said taxable year, and the County Clerk of McLean County, Illinois is authorized and directed not to extend the same on the tax books of the City of Bloomington property for the year 2005.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be delivered to the County Clerk of McLean County, Illinois under official seal of the Clerk of the City.

ADOPTED this 12th day of December, 2005.

APPROVED this 13th of December, 2005.

APPROVED:

STEPHEN F. STOCKTON, Mayor

ATTEST:

TRACEY COVERT, City Clerk

RESOLUTION NO. 2005 - 164**A RESOLUTION ABATING TAX LEVY FOR \$11,650,000 GENERAL
OBLIGATION BONDS, SERIES 1995**

WHEREAS, the City of Bloomington is a home rule unit pursuant to the provisions of Article VII, Section 6 of the 1970 Constitution of the State of Illinois, which Section authorizes home rule units to incur debt without referendum; and

WHEREAS, the City Council on February 27, 1995 passed Ordinance No. 1995-8, "An Ordinance Authorizing the Issuance of \$11,650,000 General Obligation Bonds, Series 1995 of the City of Bloomington"; and

WHEREAS, Section 8 of said Ordinance included a levy of taxes on all taxable real estate within the City of Bloomington corporate limits to pay principal and interest on the bonds issued thereby; and

WHEREAS, said Section 8 provided for the levy of \$1,194,037.50 in 2005 to pay off a portion of said principal and interest due in 2006, but the City of Bloomington has funds on hand available to pay such principal and interest, and that \$130,262.50 has previously been abated leaving a remaining balance for the 2005 levy of \$1,063,775.00.

NOW, THEREFORE, BE IT RESOLVED by the City of Bloomington, McLean County, Illinois, that the levy against taxable property in the City of Bloomington for the levy year 2005 payable in 2006 and on account of the aforesaid \$11,650,000 in bonds be and the same is hereby abated for said taxable year, and the County Clerk of McLean County, Illinois is authorized and directed not to extend the remaining \$1,063,775.00 in real estate taxes for levy 2005.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be delivered to the County Clerk of McLean County, Illinois under official seal of the Clerk of the City.

ADOPTED this 12th day of December, 2005.

APPROVED this 13th day of December, 2005.

APPROVED:

STEPHEN F. STOCKTON
Mayor

ATTEST:

TRACEY COVERT
City Clerk

RESOLUTION NO. 2005 - 165

**A RESOLUTION ABATING TAX LEVY FOR \$4,965,000 GENERAL
OBLIGATION REFUNDING BONDS, SERIES 1994**

WHEREAS, the City of Bloomington is authorized under the provisions of the Tax Increment Allocation Redevelopment Act (65 ILCS 5/11-74.4-1, et seq.) to issue general obligation bonds for the purpose of financing improvements in the increment financing areas; and

WHEREAS, the City Council on March 28, 1994 passed Ordinance No. 1994-25, "An Ordinance Authorizing the Issuance of \$4,965,000 General Obligation Refunding Bonds, Series 1994 of the City of Bloomington"; and

WHEREAS, Section 8 of said Ordinance included a levy of taxes on all taxable real estate within the City of Bloomington corporate limits to pay principal and interest on the bonds issued thereby; and

WHEREAS, said Section 8 provided for the levy of \$431,960.00 in 2005 to pay off a portion of said principal and interest due in 2006, but the City of Bloomington has funds on hand available to pay such principal and interest.

NOW, THEREFORE, BE IT RESOLVED by the City of Bloomington, McLean County, Illinois, that the levy against taxable property in the City of Bloomington for the year 2005 and on account of the aforesaid \$4,965,000 in bonds be and the same is hereby abated for said taxable year, and the County Clerk of McLean County, Illinois is authorized and directed not to extend the \$431,960.00 in real estate taxes.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be delivered to the County Clerk of McLean County, Illinois under official seal of the Clerk of the City.

ADOPTED this 12th day of December, 2005.

APPROVED this 13th day of December, 2005.

APPROVED:

STEPHEN F. STOCKTON
Mayor

ATTEST:

TRACEY COVERT
City Clerk

RESOLUTION NO. 2005 - 166**A RESOLUTION ABATING TAX LEVY FOR MARKET SQUARE TAX
INCREMENT GENERAL OBLIGATION PURPOSE BONDS, SERIES 1994**

WHEREAS, the City of Bloomington is a home rule unit pursuant to the provisions of Article VII, Section 6 of the 1970 Constitution of the State of Illinois, which Section authorizes home rule units to incur debt without referendum; and

WHEREAS, the City of Bloomington, pursuant to procedures adopted in Ordinance No. 1975-30 as shown in Chapter 16, Article VI of the Bloomington City Code, 1960 as amended, decided to issue Four Million Nine Hundred Sixty Five Thousand Dollars (\$4,965,000) in Market Square Increment General Obligation Bonds pursuant to Ordinance No. 1994-26, passed March 28, 1994; and

WHEREAS, pursuant to the authority of said home rule ordinances in said election and provisions of all ordinances relating thereto, taxes would be extended against all the taxable property within the City of Bloomington for the year 2005, payable in the year 2006; and

WHEREAS, there are surplus funds on hand from incremental property and sales tax revenues and interest from the investment of these revenues in an amount sufficient to pay the principal and interest obligations due on said issues for the 2005 levy of \$436,382.50 payable in the year 2006.

NOW, THEREFORE, BE IT RESOLVED by the City of Bloomington, McLean County, Illinois, that the levy of \$436,382.50 against taxable property in the City of Bloomington for the year 2005, payable in 2006 and on account of the aforesaid Four Million Nine Hundred Sixty Five Thousand Dollars (\$4,965,000) in Market Square Tax Increment General Obligation Bonds Series 1994 is hereby abated for said taxable year, and the County Clerk of McLean County, Illinois is authorized and directed not to extend the same on the tax books of the City of Bloomington property for the levy year 2005.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be delivered to the County Clerk of McLean County, Illinois under official seal of the Clerk of the City.

ADOPTED this 12th day of December, 2005.

APPROVED this 13th day of December, 2005.

APPROVED:

STEPHEN F. STOCKTON, Mayor

ATTEST:

TRACEY COVERT, City Clerk

RESOLUTION NO. 2005 - 167

A RESOLUTION ABATING TAX LEVY FOR RENT PAYABLE UNDER LEASE AGREEMENT BETWEEN THE PUBLIC BUILDING COMMISSION, MCLEAN COUNTY AND THE CITY OF BLOOMINGTON FOR THE OLD CHAMPION BUILDING AND THE EXPANSION OF THE PARKING GARAGE

WHEREAS, the City of Bloomington is a home rule unit pursuant to the provisions of Article VII, Section 6 of the 1970 Constitution of the State of Illinois, which Section authorizes home rule units to incur debt without referendum; and

WHEREAS, the City of Bloomington, pursuant to procedures adopted in Ordinance No. 2001-121 as shown in Chapter 16, Article VI of the Bloomington City Code, 1960 as amended, decided to enter into an agreement with the Public Building Commission to lease a portion of the old Champion Building and to expand the parking garage, passed November 13, 2001; and

WHEREAS, pursuant to the authority of said home rule ordinances in said election and provisions of all ordinances relating thereto, taxes would be extended against all the taxable property within the City of Bloomington for the year 2005, payable in the year 2006; and

WHEREAS, there are surplus funds on hand from incremental property and sales tax revenues and interest from the investment of these revenues in an amount sufficient to pay the principal and interest obligations due on said issues in the year 2006.

NOW, THEREFORE, BE IT RESOLVED by the City of Bloomington, McLean County, Illinois, that the levy against taxable property in the City of Bloomington for the year 2005, payable in 2006 for \$919,685.00 and on account of the aforesaid agreement is hereby abated for said taxable year, and the County Clerk of McLean County, Illinois is authorized and directed not to extend the same on the tax books of the City of Bloomington property for the tax year levy 2005.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be delivered to the County Clerk of McLean County, Illinois under official seal of the Clerk of the City.

ADOPTED this 12th day of December, 2005.

APPROVED this 13th day of December, 2005.

APPROVED:

STEPHEN F. STOCKTON, Mayor

ATTEST:

TRACEY COVERT, City Clerk

RESOLUTION NO. 2005 - 168**A RESOLUTION ABATING TAX LEVY FOR GENERAL OBLIGATION REFUNDING BONDS , SERIES 2001**

WHEREAS, the City of Bloomington is a home rule unit pursuant to the provisions of Article VII, Section 6 of the 1970 Constitution of the State of Illinois, which Section authorizes home rule units to incur debt without referendum; and

WHEREAS, the City of Bloomington, pursuant to procedures adopted in Ordinance No. 1975-30 as shown in Chapter 16, Article VI of the Bloomington City Code, 1960 as amended, decided to issue Six Million Three Hundred Eighty Thousand Dollars (\$6,380,000) in General Obligation Refunding Bonds, Series 2001 (of \$6,600,000 authorized) pursuant to Ordinance No. 2001-123, passed November 26, 2001; and

WHEREAS, pursuant to the authority of said home rule ordinances in said election and provisions of all ordinances relating thereto, \$450,100 in taxes would be extended against all the taxable property within the City of Bloomington for the tax year 2005, payable in the year 2006; and that \$145,540 of this amount has already been abated leaving a remainder of \$304,560 to be levied for the tax year 2005, payable in 2006; and that there are surplus funds on hand from other revenues and interest from the investment of these revenues in an amount sufficient to pay an additional \$219,990 of the principal and interest due on said issues in the tax year 2005.

NOW, THEREFORE, BE IT RESOLVED by the City of Bloomington, McLean County, Illinois, that the levy against taxable property in the City of Bloomington for the tax year 2005, payable in 2006 and on account of the aforesaid Refunding Bond Issue, Series 2001 is hereby partially abated by an additional \$219,990 of the amount due, leaving a net levy of \$84,570 to be levied for said taxable year, and the County Clerk of McLean County, Illinois is authorized and directed to extend the same on the tax books of the City of Bloomington property for the tax levy year 2005.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be delivered to the County Clerk of McLean County, Illinois under official seal of the Clerk of the City.

ADOPTED this 12th day of December, 2005.

APPROVED this 13th day of December, 2005.

APPROVED:

STEPHEN F. STOCKTON, Mayor

ATTEST:

TRACEY COVERT, City Clerk

RESOLUTION NO. 2005 - 169

**A RESOLUTION ABATING TAX LEVY FOR \$15,600,000 GENERAL
OBLIGATION BONDS, SERIES 2004**

WHEREAS, the City of Bloomington is a home rule unit pursuant to the provisions of Article VII, Section 6 of the 1970 Constitution of the State of Illinois, which Section authorizes home rule units to incur debt without referendum; and

WHEREAS, the City Council on September 27, 2004 passed Ordinance No. 2004-90, "An Ordinance Providing For The Issue Of General Obligation Demand Bonds, Series 2004, Of The City Of Bloomington, McLean County, Illinois, And For The Levy Of A Direct Annual Tax Sufficient To Pay The Principal Of and Interest On Such Bonds And For Certain Revenue Sources To Pay The Principal Of And Interest On Such Bonds, And Related Matters."; and

WHEREAS, Article III of said Ordinance included a levy of taxes on all taxable real estate within the City of Bloomington corporate limits to pay principal and interest on the bonds issued thereby; and

WHEREAS, said Article III provided for the levy of \$1,207,999.99 in tax year 2005 to pay off a portion of said principal and interest due in 2006, but the City of Bloomington has funds on hand available to pay such principal and interest.

NOW, THEREFORE, BE IT RESOLVED by the City of Bloomington, McLean County, Illinois, that the levy against taxable property in the City of Bloomington for the levy year 2005 payable in 2006 and on account of the aforesaid \$15,600,000 in bonds be and the same is hereby abated for said taxable year, and the County Clerk of McLean County, Illinois is authorized and directed not to extend the \$1,207,999.99 in real estate taxes for levy 2005 payable in 2006.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be delivered to the County Clerk of McLean County, Illinois under official seal of the Clerk of the City.

ADOPTED this 12th day of December, 2005.

APPROVED this 13th day of December, 2005.

APPROVED:

STEPHEN F. STOCKTON, Mayor

ATTEST:

TRACEY COVERT, City Clerk

RESOLUTION NO. 2005 - 170**A RESOLUTION ABATING TAX LEVY FOR \$29,445,000 TAXABLE
GENERAL OBLIGATION BONDS, SERIES 2004**

WHEREAS, the City of Bloomington is a home rule unit pursuant to the provisions of Article VII, Section 6 of the 1970 Constitution of the State of Illinois, which Section authorizes home rule units to incur debt without referendum; and

WHEREAS, the City Council on April 12, 2004 passed Ordinance No. 2004-21, "An Ordinance of the City of Bloomington, McLean County, Illinois, Providing for the Issuance of Taxable General Obligation Bonds, Series 2004, Providing the Details of Such Bonds and for a Levy of Taxes to Pay the Principal of and Interest on Such Bonds, and Related Matters"; and was amended by Ordinance No, 2004-49 passed on June 28, 2004; and

WHEREAS, Section 8 of said Ordinance 2004-21 included a levy of taxes on all taxable real estate within the City of Bloomington corporate limits to pay principal and interest on the bonds issued thereby; and

WHEREAS, said Section 8 provided for the levy of \$2,750,000.00 in 2005 to pay off a portion of said principal and interest due in 2006, but the City of Bloomington has funds on hand available to pay such principal and interest, and that \$896,868.00 has previously been abated leaving a remaining balance for the 2005 levy of \$1,853,132.00.

NOW, THEREFORE, BE IT RESOLVED by the City of Bloomington, McLean County, Illinois, that the levy against taxable property in the City of Bloomington for the levy year 2005 payable in 2006 and on account of the aforesaid \$29,445,000 in bonds be and the same is hereby abated for said taxable year, and the County Clerk of McLean County, Illinois is authorized and directed not to extend the remaining \$1,853,132.00 in real estate taxes for levy 2005.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be delivered to the County Clerk of McLean County, Illinois under official seal of the Clerk of the City.

ADOPTED this 12th day of December, 2005.

APPROVED this 13th day of December, 2005.

APPROVED:

STEPHEN F. STOCKTON, Mayor

ATTEST:

TRACEY COVERT, City Clerk

RESOLUTION NO. 2005 - 171

**A RESOLUTION ABATING TAX LEVY FOR \$9,900,000 GENERAL
OBLIGATION BONDS, SERIES 2005**

WHEREAS, the City of Bloomington is a home rule unit pursuant to the provisions of Article VII, Section 6 of the 1970 Constitution of the State of Illinois, which Section authorizes home rule units to incur debt without referendum; and

WHEREAS, the City Council on October 24, 2005 passed Ordinance No. 2005-109 "An Ordinance Of The City Of Bloomington, McLean County, Illinois, Providing For The Issuance Of General Obligation Demand Bonds, Series 2005, Providing the Details of Such Bonds And For The Levy Of Taxes To Pay The Principal Of and Interest On Such Bonds And For Certain Revenue Sources To Pay The Principal Of And Interest On Such Bonds, And Related Matters."; and

WHEREAS, Article 8 of said Ordinance included a levy of taxes on all taxable real estate within the City of Bloomington corporate limits to pay principal and interest on the bonds issued thereby; and

WHEREAS, said Article 8 provided for the levy of \$388,910.00 in tax year 2005 to pay off a portion of said principal and interest due in 2006, but the City of Bloomington has funds on hand available to pay such principal and interest.

NOW, THEREFORE, BE IT RESOLVED by the City of Bloomington, McLean County, Illinois, that the levy against taxable property in the City of Bloomington for the levy year 2005 payable in 2006 and on account of the aforesaid \$9,900,000 in bonds be and the same is hereby abated for said taxable year, and the County Clerk of McLean County, Illinois is authorized and directed not to extend the \$388,910.00 in real estate taxes for levy 2005 payable in 2006.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be delivered to the County Clerk of McLean County, Illinois under official seal of the Clerk of the City.

ADOPTED this 12th day of December, 2005.

APPROVED this 13th day of December, 2005.

APPROVED:

STEPHEN F. STOCKTON, Mayor

ATTEST:

TRACEY COVERT, City Clerk

Alderman Sprague questioned the abatement for the Den at Fox Creek. Brian Barnes, Director of Finance, addressed the Council. This abatement was a part of Resolution No. 2005 – 164, A Resolution Abating Tax Levy for \$11,650,000 General Obligation Bonds, Series 1995. This 1995 bond issue was for over \$11 million in General Obligation bonds and addressed all infrastructure. Alderman Sprague questioned if Mr. Barnes could break out the golf course costs from the total. He questioned if this golf course had been profitable over the last five (5) years. He cited the revenue generated by this golf course. Mr. Barnes noted that the golf course revenue was not intended to cover the entire debt service. The intent was to direct half of these revenues towards golf course operations and the remaining half was directed towards the debt. He offered to provide detail information after the budget process was completed. Alderman Sprague noted that the abatement would expire when the bond issue is retired.

Alderman Huette requested a five (5) year history of each of the City's three (3) golf courses. He requested that these figures include any debt service. Alderman Sprague questioned if there was any debt service for Prairie Vista. Mr. Barnes responded negatively.

Motion by Alderman Matejka, seconded by Alderman Finnegan that the Resolutions be 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: Petition from HOS II, LLC for Approval of an Easement Vacation Plat for Lot 2 and 3 in Route 150 Business Park Subdivision, 1st Addition

A Petition has been received from HOS II, LLC for approval of an Easement Vacation Plat for Lot 2 and 3 in Route 150 Business Park Subdivision, 1st Addition. The request is to vacate the existing 10 foot utility easement centered on the south and west line of Lot 2, adjacent to Lot 3. All relevant private utility companies have reviewed the plat and granted their approval of the easement vacation. City staff has also reviewed the plat and find no conflicts with existing or proposed public utilities and drainage ways.

December 12, 2005

1309

Staff respectfully recommends that Council approve the Petition and adopt an Ordinance approving the Easement Vacation Plat for Lot 2 and 3 of Route 150 Business Park Subdivision, 1st Addition.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

ORDINANCE NO. 2005 - 130

**ORDINANCE PROVIDING FOR THE VACATION OF UTILITY EASEMENTS OF
LOTS 2 & 3 ROUTE 150 BUSINESS PARK FIRST ADDITION**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois a Petition requesting the vacation of utility easements;

WHEREAS, said Petition complies in all respects with the Ordinances of said City and the statutes of the State of Illinois in such case made and provided; and

WHEREAS, the City Council of the City had the power to pass this Ordinance and grant said vacation; and

WHEREAS, it is reasonable and proper to vacate said utility easements as requested in this case.

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

1. That the utility easements described in the Easement Vacation Plat attached hereto are hereby vacated.
2. That this Ordinance shall be in full force and effective as of the time of its passage this 12th day of December, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Legal Description of Easement Vacation

A part of Lot 2 and 3 in Route 150 Business Park First Addition, according to the Plat thereof recorded as Document No. 2005-00013767, in the NE¼ of Section 15, Township 23 North, Range 2 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois, being a tract of land ten (10) feet of even width lying five (5) feet on each side of the following described line: Beginning at the southeast corner of Lot 2 in Route 150 Business Park First Addition; thence S.90°-00'-00"W. 173.12 feet to the southwest corner of said Lot 2; thence N.00°-39'-18"W. 218.58 feet to the Point of Termination at the northwest corner of said Lot 2, Except the North 10 feet thereof adjoining the north line of Lot 2 and 3 in said Route 150

Business Park First Addition and also Except the East 25 feet thereof adjoining the westerly right of way line of U.S. Route 150/S.B.I. Route 39.

(EXHIBIT B ON FILE IN THE CITY CLERK'S OFFICE)

Motion by Alderman Matejka, seconded by Alderman Finnegan that the Vacation 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: Petition from Mercer Turner as Trustee of McLean County Land Trust CC-1, for Approval of an Easement Vacation Plat for Lot 333 in Fox Creek Country Club Subdivision, 9th Addition

A Petition has been received from Mercer Turner as Trustee of McLean County Land Trust CC-1, for approval of an Easement Vacation Plat for Lot 333 in Fox Creek Country Club Subdivision, 9th Addition. The request is to vacate the existing south 3 feet of the utility easement located on the northeast 15 feet of Lot 333. All relevant private utility companies have reviewed the plat and granted their approval of the easement vacation. City staff has also reviewed the plat and find no conflicts with existing or proposed public utilities and drainage ways.

Staff respectfully recommends that Council approve the Petition and adopt an Ordinance approving the Easement Vacation Plat for Lot 333 of Fox Creek Country Club Subdivision, 9th Addition.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

PETITION FOR APPROVAL OF UTILITY EASEMENT VACATION PLAT

STATE OF ILLINOIS)
)SS.
COUNTY OF McLEAN)

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

Now comes Mercer Turner as Trustee of Land Trust CC-1 hereinafter referred to as your
Petitioner respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold estate of the premises hereinafter
described in Exhibit A attached hereto and made a part hereof by reference;
2. That your petitioner seeks approval of the Utility Easement Vacation Plat for Lot 333
Ninth Addition to Fox Creek Country Club, Bloomington, Illinois, which Utility
Easement Vacation Plat is attached hereto and made a part hereof;

WHEREFORE, your Petitioner prays that the Utility Easement Vacation Plat for Lot 333 Ninth
Addition to Fox Creek Country Club submitted herewith be approved with the exemptions or
variations as requested herein.

Respectfully Submitted,

Mercer Turner, as Trustee of Land
Trust No. CC-1

ORDINANCE NO. 2005 – 131**AN ORDINANCE APPROVING THE UTILITY EASEMENT VACATION PLAT**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois a Petition for approval of the Utility Easement Vacation Plat of Lot 333 Ninth Addition to Fox Creek Country Club Bloomington, Illinois, legally described in Exhibit A attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition is valid and sufficient and conforms to the requirements of the statutes in such cases made and provided and the Utility Easement Vacation Plat 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 Utility Easement Vacation Plat 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 12th day of December, 2005.

APPROVED this 13th day of December, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

3 Foot Wide Utility Easement to be Vacated:

The Southwest 3 Feet of the Northeast 15 Feet of Lot 333 in the Ninth Addition to Fox Creek Country Club in the City of Bloomington, McLean County, Illinois, according to the Plat recorded as Document No. 2003-56459 in the McLean County Recorder's Office, except therefrom the Northwest 10 feet thereof and also, except the Southeast 15 Feet thereof.

PIN 20-24-226-001

Motion by Alderman Matejka, seconded by Alderman Finnegan that the Vacation 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: An Ordinance Amending “An Ordinance Describing and Designating an Area Located Partially Within the City of Bloomington, the Town of Normal and Unincorporated McLean County as an Enterprise Zone”

At the November 14, 2005 Council meeting, four (4) Ordinances were approved by Council as follows:

1. 2005-114 - An Ordinance Amending “An Ordinance Describing and Designating an Area Located Partially Within the City of Bloomington, the Town of Normal and Unincorporated McLean County as an Enterprise Zone”. This Ordinance extended the Enterprise Zone duration.
2. 2005-115 - An Ordinance Amending “An Ordinance Describing and Designating an Area Located Partially Within the City of Bloomington, the Town of Normal and Unincorporated McLean County as an Enterprise Zone”. This Ordinance expanded the boundaries of the current Enterprise Zone.
3. 2005-116 - An Ordinance Amending “An Ordinance Describing and Designating an Area Located Partially Within the City of Bloomington, the Town of Normal and Unincorporated McLean County as an Enterprise Zone” - Fees. This Ordinance adopted an Enterprise Zone Certification Fee.
4. 2005-117 - An Ordinance Authorizing the Execution of an Amended Intergovernmental Agreement Enterprise Zone. This Ordinance amended the Intergovernmental Agreement regarding the collection of the Enterprise Zone Certification Fee.

Attached please find an Ordinance Amending “An Ordinance Describing and Designating an Area Located Partially Within the City of Bloomington, the Town of Normal and Unincorporated McLean County as an Enterprise Zone”. It was discovered that there was a

technical error in the Economic Development Council's publication. A new advertisement was published and a public hearing was held. All three (3) units of local government will take action to pass this amended Ordinance.

Staff respectfully requests that Council pass the amended Ordinance.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

ORDINANCE NO. 2005-132

AN ORDINANCE AMENDING "AN ORDINANCE DESCRIBING AND DESIGNATING AN AREA LOCATED PARTIALLY WITHIN THE CITY OF BLOOMINGTON, THE TOWN OF NORMAL AND UNINCORPORATED MCLEAN COUNTY AS AN ENTERPRISE ZONE"

WHEREAS, the City of Bloomington did on December 26, 1984, adopt Ordinance No. 1984-131, which ordinance describes and designates an area located partially within the City of Bloomington, Town of Normal and unincorporated McLean County as an Enterprise Zone; and

WHEREAS, the City of Bloomington did on February 25, 1985, by Ordinance No. 1985-10, amend Ordinance No. 1984-131 by revising the functions of the designated zone organizations and the powers and duties of the zone administrator; and

WHEREAS, the City of Bloomington did on October 28, 1985, by Ordinance No. 1985-103, amend Ordinance No. 1985-10 by lengthening the duration of the Enterprise Zone and providing certain tax abatements therein; and

WHEREAS, the City of Bloomington did on May 27, 1986, by Ordinance No. 1986-56 amend Ordinance No. 1985-103 by amending the territory included in the Enterprise Zone; and

WHEREAS, the City of Bloomington did on December 14, 1998, by Ordinance No. 1998-118 amend Ordinance No. 1986-56 by extending the duration of the Enterprise Zone to December 31, 2005, and remove local tax incentives in the Enterprise zone post December 31, 1998; and

WHEREAS, the City now desires to extend the duration of the Enterprise Zone to December 31, 2015; and

WHEREAS, a public hearing regarding such amendment has been held as provided by law.

WHEREAS, the City of Bloomington now desires to enact certain amendments to the Enterprise Zone to amend the territory included in the Enterprise Zone, to extend the duration of the Enterprise Zone to December 31, 2015; to adopt an Enterprise Zone certification fee; to enact a technical correction regarding the issuance of a Certificate of Eligibility for Sales Tax Exemption in order to claim a sales tax exemption on building materials for eligible projects; and to clarify that the local sales tax exemption on building materials for eligible projects is available for nonresidential projects; and

WHEREAS, a public hearing regarding such amendments has been held as provided by law.

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

SECTION ONE: That Appendix "A", which is attached to Ordinance No. 1984-131 and incorporated by reference in Section One of said ordinance and amended by Ordinance No. 1986-56, shall be and the same, is hereby further amended to read as set forth in the Second Amended Appendix "A", a copy of which is attached hereto, marked Second Amended Appendix "A", and incorporated herein by reference.

SECTION TWO: That Section Three of Ordinance No. 1984-131, as amended, is hereby further amended to read as follows:

SECTION THREE: Duration. The duration of the zone shall be for a period extending not later than December 31, 2015.

SECTION THREE: That Section Eight of Ordinance No. 1984-131, as amended, is hereby further amended to add at the end of such Section Eight the following:

The Enterprise Zone Administrator is hereby authorized and directed to collect a certification fee from any applicant for construction or renovation in the Enterprise Zone in order to be certified as eligible for Enterprise Zone benefits. Such certification fee shall accompany Enterprise Zone application forms as developed by the administrator and shall be 1 per cent of construction and/or renovation costs determined at the time of certification of the project by the Enterprise Zone Administrator, provided, however, no fee shall exceed \$250,000. The certification fee collected by the Zone Administrator shall be disbursed as follows: 100 per cent to the Economic Development Council of the Bloomington-Normal Area.

SECTION FOUR: That Section Four of Ordinance No. 1984-131, as amended, is hereby further amended to read as follows:

SECTION FOUR: Local incentives with respect to the Enterprise Zone shall not be extended beyond December 31, 1998. Only the State incentives for an Enterprise Zone shall be available from and after January 1, 1999 through December 31, 2015. The exemption provided in Section Six with respect to retailers occupation taxes collected by the Illinois Department of Revenue, which taxes include, without limitation, the Home Rule Municipal Retailers' Occupation Tax, shall be deemed to be a State incentive for purposes of this Section Four.

SECTION FIVE: That Section Six of Ordinance No. 1984-131, as amended, is hereby further amended to read as follows:

SECTION SIX: Each retailer in Illinois who makes a sale of building materials to be incorporated into real estate in the Bloomington/Normal/McLean County Enterprise Zone, as supplemented and amended, by remodeling, rehabilitation or new construction, may deduct receipts from such sales when calculating retailers occupation taxes. No credit or refund of retailers occupation taxes shall be authorized or allowed unless the remodeling, rehabilitation or new construction to which the same relates (1) is a nonresidential improvement to the property; (2) is of the nature and scope for which a building permit is required by the City of

Bloomington Municipal Code and said required permit has been obtained; and (3) has received a certificate of eligibility from the Enterprise Zone Administrator qualifying the construction, a copy of which is required to be provided by the applicable retailer at the time of sale, along with a signed purchasers' statement and maintained by such retailer in its books and records for the purposes of documenting any such deduction.

SECTION SIX: That the provisions of Ordinance No. 1984-131 as previously amended and as hereby amended, being "An Ordinance Describing and Designating an Area Located Partially within the City of Bloomington, the Town of Normal, and Unincorporated McLean County as an Enterprise Zone" shall remain in full force and effect.

SECTION SEVEN: That Ordinance Number 2005-117, adopted on November 14, 2005, authorizing execution of an amendment to the Intergovernmental Agreement approved by Ordinance Number 1984-131, is hereby ratified in all respects.

SECTION EIGHT: That this ordinance shall be in full force and effect from and after its passage and approval and publication as required by law and from and after its approval by the Illinois Department of Commerce and Economic Opportunity.

SECTION NINE: That the City Clerk be and she is hereby directed and authorized to publish this ordinance in pamphlet form as required by law and forward a certified copy of this ordinance to the Illinois Department of Commerce and Economic Opportunity for its approval and to file a certified copy of this ordinance with County Clerk for McLean County.

SECTION TEN: That this ordinance is adopted pursuant to the authority granted the City of Bloomington by the Illinois Enterprise Zone Act, and pursuant to Home Rule Authority.

SECTION ELEVEN: That the Enterprise Zone Administrator is hereby authorized and directed to cause application to be made to the State of Illinois pursuant to the Illinois Enterprise Zone Act.

Passed this 12th day of December, 2005.

Approved this 13th day of December, 2005.

APPROVED:

Mayor Stephen F. Stockton

ATTEST:

Tracey Covert, City Clerk

(SEAL)

SECOND AMENDED APPENDIX A

Legal Description on file in the Office of the City Clerk and attached hereto by reference.

Alderman Matejka stated that he was glad to see this project proceed.

Motion by Alderman Matejka, seconded by Alderman Finnegan that the Amended 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: Public Hearing on the Petition submitted by Paul F. Nord and Ronald S. Nord requesting approval of an Annexation Agreement and Petition for Annexation and Rezoning requesting B-1 Highway Business District zoning for approximately 4.22 acres of vacant land located east of Mitsubishi Motorway, north of Illinois Route 9, south of Old Peoria Road, and west of Wroughtonian Farms Subdivision (north of Ward # 7) (Case Z-21-05)

BACKGROUND INFORMATION:

Adjacent Zoning

north: (County) Agriculture District
 south: (City) B-1 Highway Business
 east: (County) Agriculture District
 west: (County) C- Commercial District

Adjacent Land Uses

north: vacant
 south: vacant
 east: single family dwellings
 west: cropland

Comprehensive Plan recommends: "heavy industrial" use.

The property in question is a tract of approximately 4.22 acres, containing cropland and vacant land. The B-1 Highway Business District zoning is requested so that a medical and health services office building can be constructed on the property in question. Such building would

contain up to 12,000 square feet of floor area and be located on 2.14 acres. Staff has reviewed the proposed Annexation Agreement and has identified the following issues and concerns:

1. Page 2, Paragraph III, item B.- The first sentence of item B. should be revised to read:

B. Preliminary Subdivision Plan Approval - The City ~~hereby~~ **agrees to approve** a Preliminary Subdivision Plan for the property, a copy of which is attached hereto and made a part hereof as Exhibit B.

2. Page 3, Paragraph IV, item A.1. D.- Revise to read:

D. Entrances to Lots 1 and 2 on Illinois Route 9 and Mitsubishi Motorway, as shown on the Preliminary Plan, shall be Right-In/Right-Out only. Mitsubishi Motorway shall have a barrier median in this area. **Approval by the Illinois Department of Transportation is required for the entrances to Illinois Route 9 and Mitsubishi Motorway.**

3. Pages 3 & 4 , Paragraph IV, item A.1. E.- insert a new item "E" to read :

E. Owner shall provide an adjacent substandard road improvement bond for Old Peoria Road, based on \$ 125.00 per front foot for the amount of frontage that the property has on Old Peoria Road.

4. Page 4, Paragraph IV, item B.1.- Revise to read:

1. Owner may tap and use the existing 20" water main along the east side of Mitsubishi Motorway with the payment of a tap-on fee in the amount of ~~\$22~~ **\$25** per lineal foot of frontage.

5. Page 5, Paragraph IV, item C. 4.-

The City is willing to cap the tap-on fee to the existing sewer at \$1,100 per acre, however, the Nords still need to pay their share of the proposed extension. If Paul S. Nord and Ronald S. Nord wish to utilize the 40 acre tap-on credit contained in item 3b of the 1995 easement agreement, they must produce acceptable documentation that they are authorized to claim said credit on behalf of Nord Farms, Inc. and the beneficiaries of Trust No. PBB-150.

6. Page 5 , Paragraph IV, item D.- Revise to read:

D. Storm Water Drainage - Owner, at ~~Owner's~~ **City's** election, may either provide storm water detention on site on a lot by lot basis, or may pay a storm water detention fee in lieu of providing on site detention.

PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission held a public hearing on this petition on November 9, 2005 and recommends the same. At the November 9th public hearing, Mr. Kenneth Emmons, City Planner, noted that City staff recommended that this proposed Annexation Agreement in Case Z-21-05 be approved provided that it is revised to adequately address the issues and concerns as cited herein.

Mr. Frank Miles, Attorney at Law, 202 N. Center Street, presented arguments in favor of this petition and Annexation Agreement at this public hearing. He noted that the intent had been to present the Annexation, Rezoning request, and Preliminary Plan together. He noted that there had been some miscommunication between his office and the City Clerk's office and not all the paperwork was conveyed and thus the notice was not published for the Preliminary Plan. He continued that the matter has been corrected and he anticipated that the Preliminary Plan would be coming to the Planning Commission at its next meeting on November 30, 2005 and all three of the items going on to City Council together on December 12, 2005.

Mr. Miles displayed a copy of the Preliminary Plan and described it as a two-lot subdivision with right-turn access from Illinois Route 9 and from Mitsubishi Motorway. He explained that traffic would exit onto Old Peoria Road to be able to turn left and drive back towards Bloomington. He commented that the southern lot is to be offered to Order of Saint Francis, Saint Joseph Hospital for a medical services facility. Mr. Miles stated the petitioners were aware that approval by the Illinois Department of Transportation was needed for the entrances onto Illinois Route 9 and Mitsubishi Motorway. He stated that the petitioners were agreeable to staff's concerns.

Commissioner Brandt noted that there is a north-south running tree line to the west of the residential area to the east on the south side of Old Peoria Road. She inquired if this was on the petitioners' property and whether it would remain. Mr. Miles indicated that the tree line was on the petitioners' property and that it had not yet been determined how that portion of the lots would be utilized.

Mr. Joseph Miller, 9151 Polaris, Supervisor of Dry Grove Township, testified that having a medical facility is a positive development for the west side. He noted his concern that part of the frontage on Old Peoria Road would be within the City and the remainder to the east would remain in Dry Grove Township. He expressed his preference that the City accept a jurisdictional transfer on the whole section lying east of Mitsubishi Motorway. He expressed that the remainder of the area should be annexed to the City as well. Mr. Emmons noted that the City has no authority to forcibly annex property that is not surrounded, nor larger than 60 acres. This area is not surrounded by the City's corporate limits.

Mr. Doug Grovesteen, Director of Engineering, stated that a road transfer or a maintenance agreement had not been discussed at the last staff development meeting. He indicated that he would bring it up for discussion at the next meeting. Commissioner Sage inquired regarding who maintained Mitsubishi Motorway. Mr. Grovesteen replied that maintenance is provided by the Illinois Department of Transportation. Commissioner Rackauskas commented that the City should have anticipated the Old Peoria Road maintenance concerns and that her preference would be that a written agreement be obtained by the next Planning Commission meeting on November 30, 2005.

No other testimony was presented in favor of or in opposition to this petition at this public hearing.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission closed the public hearing on this petition on November 9, 2005 and passed a motion by a vote of 8 to 0 recommending Council approval of the Annexation Agreement in Case Z-21-05, as revised to be consistent with the revisions cited herein and recommended by staff.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission's recommendation for approval of the revised Annexation Agreement in Case Z-21-05.

Respectfully,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

ANNEXATION AGREEMENT

PURSUANT to legislative authorization found in Article 11 Division 15.1 of the Illinois Municipal Code of 1961, and as an exercise of the Home Rule powers of the City of Bloomington, and for and in consideration of the mutual promises contained herein and other good and valuable consideration, the undersigned CITY OF BLOOMINGTON, ILLINOIS, a Municipal Corporation, hereinafter referred to as "City", PAUL F. NORD, RONALD S. NORD, and RONALD S. NORD as Trustee under the provisions of a Trust Agreement dated the 22nd day of December, 2000 and known as McLean County Land Trust PFN-52, hereinafter referred to as "Owner" of property, a legal description of which is included in Exhibit "A", AGREE AS FOLLOWS:

- I. ANNEXATION PETITION. The Owner, subject to the terms and conditions set forth in this annexation agreement, has petitioned the City of Bloomington, requesting annexation of a tract of land described in Exhibit "A" (hereinafter referred to as "the tract") to the corporate limits of the City of Bloomington, Illinois. The City has heretofore published and given such notices and conducted such public hearings as may be required to annex the subject tract, including specifically a public hearing on this annexation agreement conducted after notice as required by law and ordinance on the 12th day of December, 2005.
- II. ANNEXATION. The City agrees to adopt an ordinance annexing the tract, in whole or in part, to the City of Bloomington within 30 days from the date of submission of an annexation plat depicting the area to be annexed and all required supporting documentation.

III. ZONING, PRELIMINARY PLAN APPROVAL, FINAL SUBDIVISION PLAT APPROVAL, AND SUBSEQUENT DEVELOPMENT.

A. Zoning - Within 30 days of annexation of the tract, the City agrees to rezone the tract B-1 Highway Business District and permit the use of a portion of the property (to-wit: proposed Lot 1 containing 2.14 acres+) as a medical office building containing up to 12,000 square feet of floor area. The public hearing required for such rezoning having been held before the Planning Commission of the City of Bloomington on the 10th day of November, 2005, after notice required by law and ordinance.

B. Preliminary Subdivision Plan Approval - Within 30 days of annexation of the tract, City agrees to approve a Preliminary Subdivision Plan for the property, a copy of which is attached hereto and made a part hereof as Exhibit B. The public hearing required for such plan approval having been before the Bloomington Planning Commission on the 30th day of November, 2005, after notice as required by law and ordinance. After the preparation by the Owner and approval by the City of required construction drawings and the completion of or bonding for all public improvements, the City agrees to approve a Final Subdivision Plat, provided such plat is in substantial accordance with the approved Preliminary Plan.

IV. PUBLIC IMPROVEMENTS. With regard to the approval of the preliminary plan and final subdivision plat, the installation of public improvements within and serving the tract, and the use and development of the tract during the term of this Agreement, the following agreements and conditions shall apply in place of those that might otherwise apply during subdivision or development of the site:

A. Streets & Sidewalks

1. Route 9 and Mitsubishi Motorway –

A. Owner shall dedicate such right-of-way as is required by the Intersection Design Study currently being conducted for the extension of Mitsubishi Motorway south of Route 9, or as may otherwise be reasonably required, based on accepted engineering practices.

B. Owner may subdivide, develop and use property adjacent to Route 9 and Mitsubishi Motorway without the payment of any tap-on fee or connection charge for either road.

C. No access strips shall be shown on the final plat, as depicted on the Preliminary Plan.

D. Entrances to Lots 1 and 2 on Illinois Route 9 and Mitsubishi Motorway, as shown on the Preliminary Plan, shall be Right-In/Right-Out only. Mitsubishi Motorway shall have a barrier median in this area. Approval by Illinois Department of Transportation is required for the entrances to Illinois Route 9 and Mitsubishi Motorway.

2. Interior Driveway - The ingress-egress easement shown on the Preliminary Plan will not be a public street, but the City specifically approves and authorizes the driveway at the location shown on the Plan.

3. Old Peoria Road - At final platting, Owner shall provide an adjacent substandard road improvement bond for Old Peoria Road, based on \$125 per front foot for the amount of frontage that property has on Old Peoria Road.

B. Water

1. Owner may tap and use the existing 20" water main along the east side of Mitsubishi Motorway with the payment of a tap-on fee in the amount of \$25 per lineal foot of frontage.

2. No water main extensions or other water tap-on fees shall be required.

C. Sanitary Sewer –

1. An 8" sanitary sewer shall be built from the northwest corner of proposed Lot 14 as depicted on the Concept Plan, which is a part of an annexation agreement involving Nord property south of Route 9 east of Mitsubishi Motorway, to the north side of Route 9 by Owner, but the cost thereof shall be paid for 100% by City within 30 days from billing.

2. The City will agree to reserve up to 254,380 gallons per day of capacity in the sewer system for the use of the Nord's which they can use either to serve their property south of IL Rt. 9 in the Nord Route 9 West development or for property north of IL Rt. 9 and west of Mitsubishi Motorway. This is equivalent to 36.34 acres at 7,000 gallons/acre/day. The City will accept sanitary flows from the Nord property north of IL Rt. 9 and east of Mitsubishi (to-wit: the property that is the subject of the agreement) into the sewer system (which flows are separate from the previously mentioned 254,380 gallons per day).

3. Owner shall extend the 8" sanitary sewer as depicted on the Preliminary Plan.

4. Owner may tap and use the mains by paying the then established and uniformly applied sanitary sewer tap on fee (computed by taking the City's total sewer installation cost and dividing it by the total acreage served). Owner may elect to use rights Owner obtained in earlier agreements to credit \$1,100/acre for up to 40 acres of land served by these sewer extensions, provided Owner supplies City with appropriate authorization from Nord Farms, Inc. And McLean County Land Trust PBB 150.

D. Storm Water Drainage - Owner, at City's election, may either provide storm water detention on site on a lot by lot basis, or may pay a storm water detention fee in lieu of providing on site detention.

E. Park Land Dedication - No park land dedication shall be required for the property unless the land is used for residential purposes.

F. School Site Dedication - None required.

V. The Owner, not later than thirty (30) days after the date of annexation of the Tract, shall file the necessary petitions to annex that area to the Central Illinois Regional (Bloomington-Normal) Airport Authority and Bloomington and Normal Water Reclamation District.

VI. Except as provided in the agreement, the Owner shall in the use and development of the property comply with all then applicable zoning, subdivision, building and mechanical codes of the City.

VII. This Agreement is declared to be enforceable by the parties for a period of twenty (20) years from the date of its execution. Said Agreement is further binding upon the present Owners, their heirs, successors or assigns and upon the City of Bloomington's designated corporate authorities and successors in office.

DATED at Bloomington, Illinois, this 12th day of December, 2005.

CITY OF BLOOMINGTON,
ILLINOIS, A MUNICIPAL
CORPORATION

BY: Stephen F. Stockton
Mayor

ATTEST:

BY: Tracey Covert
City Clerk

Paul F. Nord

Ronald S. Nord

RONALD S. NORD as Trustee of
McLean County Land Trust PFN-52

PETITION FOR ANNEXATION TO THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS AND FOR AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS

State of Illinois)
) ss.
County of McLean)

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

Now comes Paul F. Nord and Ronald S .Nord hereinafter referred to as your petitioners, respectfully representing and requesting as follows:

1. That your petitioners are the owners of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A which is attached hereto made and a part hereof by this reference, and are a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That said premises presently have a zoning classification of A - Agriculture under the provisions of the McLean County Zoning Ordinance;
3. That there is attached hereto and made a part hereof a proposed Annexation Agreement between said City and your petitioners which provides for the annexation of the premises described in Exhibit A to said City;
4. That said Annexation Agreement provides that, upon annexation of said premises to said City, said premises would be zoned as follows under the provisions of Chapter 44 of the Bloomington City Code-1960, as amended: B – 1, Highway Business District;
5. That your petitioners hereby requests that they Honorable Mayor and City Council of the City of Bloomington, McLean County, Illinois approve said Annexation Agreement, annex said premises to said City and amend the Official Zoning Map of said City to reclassify said premises into the zoning district classification;
6. That said requested zoning classification is more compatible with existing uses and/or zoning of adjacent property than the zoning of said premises to the A-Agriculture District; and
7. 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 petitioners by the zoning of said premises to the A-Agriculture District.

WHEREFORE, your petitioners respectfully pray that said Annexation Agreement be approved, that said premises be annexed to the City of Bloomington, McLean County, Illinois, and 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 to B – 1, Highway Business District.

Respectfully submitted,

By: Frank Miles
Hayes, Hammer, Miles & Cox, LLP
One of their attorneys

ORDINANCE NO. 2005 - 133

**AN ORDINANCE ANNEXING CERTAIN TERRITORY
AS HEREINAFTER DESCRIBED TO THE CITY OF BLOOMINGTON
MCLEAN COUNTY, ILLINOIS**

WHEREAS there has heretofore been entered into a certain Agreement for Annexation between the City of Bloomington and Paul F. Nord and Ronald S. Nord, the owners of the premises hereinafter described on Exhibit A, a copy of which annexation agreement is attached hereto and made a part hereof as Exhibit "B"; and

WHEREAS the City Council of the City of Bloomington, after proper notices were given, conducted a Public Hearing on said Annexation Agreement; and

WHEREAS the City Council of the City of Bloomington has determined that said premises are contiguous to the corporate limits of the City of Bloomington and are not within the confines of any other municipality of the State of Illinois, and that the Owner has given all notices required to be given by Section 7-1-1 of the Illinois Municipal Code (65 ILCS 5/7-1-1);

WHEREAS the City Council of the City of Bloomington has considered the question of annexation and has determined that said Annexation Agreement is proper and in due form according to the statutes of the State of Illinois as in such case made and provided.

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

SECTION ONE: That the City Council of the City of Bloomington, Illinois, determines that the territory described in the attached Exhibit "A" is not within the confines of any municipality of the State of Illinois, but is however, contiguous to the City of Bloomington.

SECTION TWO: That the Annexation Agreement heretofore filed concerning annexation of the aforesaid property has been executed by the record owner of the property described therein, and that the Owner's Acknowledgment has been duly executed, under oath, by the owner of said property.

SECTION THREE: That the property hereinabove described is by this Ordinance hereby annexed to and does by said Ordinance become a part of the incorporated City of Bloomington, McLean County, Illinois and that the boundary of said City is hereby changed to include the property hereinabove described.

SECTION FOUR: That the Annexation Agreement, hereinabove referred to and hereto attached be and the same hereby is ratified and approved.

SECTION FIVE: That this Ordinance shall be in full force.

1330

December 12, 2005

PASSED this 12th day of December, 2005.

APPROVED this 13th day of December, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

ORDINANCE NO. 2005 - 134

**AN ORDINANCE REZONING PROPERTY IN NORD FARMS WEST SUBDIVISION
FROM A, AGRICULTURE TO B-1 HIGHWAY 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 A, Agriculture, to B-1, Highway 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 and APPROVED this 12th day of December, 2005.

APPROVED:

Stephen F. Stockton

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A
Legal Description

A part of Lot 10 in Wrightonian Farm Subdivision, recorded July 8, 1959, in Plat Book 15 on page 322 in the McLean County Recorder of Deeds Office, and part of the SW¹/₄ of Section 36, all in Township 24 North, Range 1 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Beginning at a point on the west line of Lot 10 in Wrightonian Farm Subdivision on the north right of way line of F.A.P. 693 (IL Route 9) as conveyed to the State of Illinois by Warranty Deed recorded June 2, 1986 as Document No. 86-

8455 in the McLean County Recorder of Deeds Office; thence S.89°-33'-20"W. 185.66 feet on said north right of way line; thence N.54°-26'-39"W. 78.06 feet on said north right of way line to the east right of way line of US Route 150 (Mitsubishi Motorway); thence N.08°-02'-50"W. 201.26 feet on said east right of way line; thence N.01°-37'-42"W. 318.43 feet on said east right of way line; thence N.54°-35'-50"E. 111.18 feet on said east right of way line; thence N.01°-37'-42"W. 21.64 feet on said east right of way line to the centerline of T.R. 265 (Old Peoria Road); thence S.69°-10'-30"E. 185.82 feet on said centerline to the northerly extension of the west line of Wrightonian Farm Subdivision; S.02°-14'-04"E. 321.53 feet on said west line of Wrightonian Farm Subdivision to the northwest corner of Lot 10 in said Wrightonian Farm Subdivision; thence S.78°-00'-57"E. 110.72 feet to the northeast corner of said Lot 10; thence S.00°-38'-15"E. 240.12 feet on the east line of said Lot 10 to the north right of way line of F.A.P. Route 693 (IL Route 9) as conveyed to the State of Illinois by Warranty Deed recorded April 29, 1986 as Document No. 86-5857 in the McLean County Recorder of Deeds Office; thence N.84°-44'-02"W. 36.64 feet on said north right of way line; thence S.89°-33'-20"W. 64.34 feet on said north right of way line to the Point of Beginning containing 4.22 acres, more or less, with assumed bearings given for description purposes only.

Tom Hamilton, City Manager, introduced this item. The subject property was located on the northeast corner of IL Rt. 9 and Mitsubishi Motorway. A small office complex was planned. Both the Planning Commission and City staff were in support of this Petition.

Mayor Stockton opened the Public Hearing. Frank Miles, 202 N. Center St., addressed the Council. He represented the Petitioners.

Alderman Sprague questioned if there would be sidewalks. He believed that a medical building was planned for this site. Mr. Hamilton stated that the lot would be developed according to code. Mr. Miles noted that Old Peoria Rd. would be improved. A sidewalk if any would be internal and based upon the development. He noted that none of the existing three (3) streets offered a sidewalk, (Old Peoria Rd., Mitsubishi Motorway, and IL Rt. 9). Mitsubishi Motorway and IL Rt. 9 were both improved streets.

Mayor Stockton closed the Public Hearing.

Motion by Alderman Matejka, seconded by Alderman Crawford that the revised Annexation Agreement and Petition to Annex and Rezone be approved, the Mayor and City Clerk be authorized to execute the necessary documents, and the Ordinances 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, Purcell and Mayor Stockton.

Nays: None.

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

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition submitted by Paul F. Nord and Ronald S. Nord requesting approval of the Preliminary Plan for the 4.22 acre Nord Farms West Subdivision located north of Illinois Route 9, south of Old Peoria Road, east of Mitsubishi Motorway and west of Wrightonian Farms Subdivision (Case PS-13-05) (north of Ward # 7)

BACKGROUND INFORMATION:Adjacent Zoning

north: (County) Agriculture District
 south: (City) B-1 Highway Business
 east: (County) Agriculture District
 west: (County) C- Commercial District

Adjacent Land Uses

north: vacant
 south: vacant
 east: single family dwellings
 west: cropland

Comprehensive Plan recommends: “heavy industrial” use.

The property in question is a tract of approximately 4.22 acres, containing cropland and vacant land. The Preliminary Plan proposes a two lot subdivision to be developed under B-1 Highway Business District zoning after it has been annexed to the City (see Case Z-21-05). The southern corner lot (Lot 1) is the proposed site of a medical services building that would contain up to 12,000 square feet of floor area. This lot will have “right in/right out” driveways along the north side of Illinois Route 9 and the east side of Mitsubishi Motorway and be accessible from Old Peoria Road across an ingress/egress access easement on Lot 2 benefiting Lot 1.

Lot 2 will also be accessible to and from Mitsubishi Motorway and Old Peoria Road. Approximately 186 feet of Old Peoria Road right-of-way adjacent to Lot 2 will be annexed to the City, while the balance of Old Peoria Road east to Illinois Route 9 will remain in Dry Grove Township. Staff has been evaluating the merits of a jurisdictional transfer agreement with Dry Grove Township concerning the repair and maintenance of Old Peoria Road from the property in question, east to Illinois Route 9. The owners will be required to provide an adjacent substandard road improvement bond for Old Peoria Road, based on \$125 per front foot for the amount of frontage that the property has on Old Peoria Road.

The owners may tap and use the existing 20” water main along the east side of Mitsubishi Motorway with the payment of a tap-on fee in the amount of \$25 per lineal foot of frontage. The owners will install an eight inch sanitary sewer along the east side of Mitsubishi Motorway to serve Lots 1 & 2.

At the City's option, the owners will either provide storm water detention on site on a lot by lot basis, or may pay a storm water detention fee in lieu of providing on site detention.

PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission held a public hearing on this petition on November 30, 2005 and recommends the same. At the November 30th hearing, Mr. Kenneth Emmons, City Planner, noted that City staff recommended that the Planning Commission pass a motion to recommend Council approval of the Preliminary Plan for the Nord Farms West Subdivision in Case PS-13-05 as presented.

Mr. Frank Miles, Attorney at Law, 202 N. Center Street, presented arguments in favor of this petition at the November 30th hearing. He stated that he had been before the Commission a month previously to discuss the Annexation Agreement and at that time had reviewed the features of the Preliminary Plan. Mr. Doug Grovesteen, Director of Engineering, related that Mr. Brian Brakebill, Director of Public Service, had talked to the Dry Grove Township Highway Commissioner and had made an agreement whereby the Township would plow snow and add de-icing agents, and the City would perform pavement maintenance on Old Peoria Road, east of Mitsubishi Motorway. Mr. Grovesteen characterized this as a "handshake" or "gentleman's agreement". Commissioner Rackauskas noted her preference for a written agreement. Commissioner Sage concurred with Commissioner Rackauskas.

No other testimony was presented in favor of or in opposition to this petition at this hearing.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission closed the public hearing on this petition on November 30, 2005, and passed a motion by a vote of 9 to 0 recommending City Council approval of the Preliminary Plan for the Nord Farms West Subdivision in Case PS-13-05 as presented.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission's recommendation for approval of the Preliminary Plan for the Nord Farms West Subdivision.

Respectfully,

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

Now comes Paul F. Nord and Ron Nord hereinafter referred to as your Petitioners respectfully representing and requesting as follows:

1. That your petitioners are interested as Owners in the premises hereinafter described in Exhibit A attached hereto and made a part hereof by reference;
2. That your petitioners seek approval of the Preliminary Plan for a subdivision of said premises to be known and described as Nord Farms West Subdivision, which Preliminary Plan is attached hereto and made a part hereof;
3. That your petitioners also seek approval of the following exemptions or variations from the provisions of Chapter 24, of the Bloomington City Code: all those listed on the Preliminary Plan, if any.

WHEREFORE, your Petitioners pray that the Preliminary Plan for the Nord Farms West Subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully Submitted,

Paul F. Nord and Ron Nord

By: Frank A. Miles

ORDINANCE NO. 2005 - 135**AN ORDINANCE APPROVING THE PRELIMINARY PLAN OF THE NORD FARMS WEST 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 Nord Farms West 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: all those listed on the Preliminary Plan, if any 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 Nord Farms West 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 on this 12th day of December, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A
Legal Description

A part of Lot 10 in Wrightonian Farm Subdivision, recorded July 8, 1959, in Plat Book 15 on page 322 in the McLean County Recorder of Deeds Office, and part of the SW¼ of Section 36, all in Township 24 North, Range 1 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Beginning at a point on the west line of Lot 10

in Wrightonian Farm Subdivision on the north right of way line of F.A.P. 693 (IL Route 9) as conveyed to the State of Illinois by Warranty Deed recorded June 2, 1986 as Document No. 86-8455 in the McLean County Recorder of Deeds Office; thence S.89°-33'-20"W. 185.66 feet on said north right of way line; thence N.54°-26'-39"W. 78.06 feet on said north right of way line to the east right of way line of US Route 150 (Mitsubishi Motorway); thence N.08°-02'-50"W. 201.26 feet on said east right of way line; thence N.01°-37'-42"W. 318.43 feet on said east right of way line; thence N.54°-35'-50"E. 111.18 feet on said east right of way line; thence N.01°-37'-42"W. 21.64 feet on said east right of way line to the centerline of T.R. 265 (Old Peoria Road); thence S.69°-10'-30"E. 185.82 feet on said centerline to the northerly extension of the west line of Wrightonian Farm Subdivision; S.02°-14'-04"E. 321.53 feet on said west line of Wrightonian Farm Subdivision to the northwest corner of Lot 10 in said Wrightonian Farm Subdivision; thence S.78°-00'-57"E. 110.72 feet to the northeast corner of said Lot 10; thence S.00°-38'-15"E. 240.12 feet on the east line of said Lot 10 to the north right of way line of F.A.P. Route 693 (IL Route 9) as conveyed to the State of Illinois by Warranty Deed recorded April 29, 1986 as Document No. 86-5857 in the McLean County Recorder of Deeds Office; thence N.84°-44'-02"W. 36.64 feet on said north right of way line; thence S.89°-33'-20"W. 64.34 feet on said north right of way line to the Point of Beginning containing 4.22 acres, more or less, with assumed bearings given for description purposes only.

Tom Hamilton, City Manager, introduced this item. The Petition would implement the Annexation Agreement. There would be a two (2) lot subdivision. A sidewalk is shown along Old Peoria Rd.

Motion by Alderman Matejka, seconded by Alderman Schmidt that the Preliminary Plan for the Nord Farms West Subdivision 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: Appeal of a Decision of the Zoning Board of Appeals

On November 16, 2005 the Zoning Board of Appeals heard the petition of Douglas Reiner requesting two variances that the petitioner believed were needed to construct a two family dwelling (duplex) on a vacant lot at 1106 N. Mason St. The Zoning Board of Appeals failed to

provide the petitioner with the four (4) affirmative votes required for approval. The votes were: 3 yes, 2 no, and 1 abstention. The petitioner has exercised his right to appeal the decision of the Zoning Board to the City Council.

Staff has determined that this request did not meet the standards for variances and argued against the petition before the Zoning Board of Appeals. The petitioner failed in at least three of the five standards, to prove that literal interpretation of the Code was causing an undo hardship.

Based on the vote of the Zoning Board of Appeals and findings that the petitioner has failed to meet the criteria required for variance, staff respectfully recommends that Council deny this appeal for zoning variances at 1106 N. Mason St.

Respectfully,

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

Tom Hamilton
City Manager

Mark Huber, Director of PACE, introduced this item. This request had been heard by the Zoning Board of Appeals. The Petitioner had requested two (2) variances. City staff recommended denial. It was possible to build the duplex without the variances. The Petitioner failed to prove a hardship. The variances were appealed to the Council due to the lack of four (4) affirmative votes. The parking plan would meet the City Code.

Alderman Crawford questioned the size. Mr. Huber noted that the subject property was in an existing neighborhood. He described the lot as small. The duplex could be constructed with no adverse impact on the neighborhood.

Alderman Huette requested the percentage of single family versus multi family dwellings. Mr. Huber noted that this area was zoned R – 2, Mixed Residence District, but primarily made up of single family homes. He provided the following estimate: sixty percent (60%) single family and forty percent (40%) multi family.

Alderman Schmidt noted that a duplex could be built. Mr. Huber stated that either a single family or a multi family structure would be allowed in an R – 2 district. The setbacks (fifteen feet and twelve feet) match the existing setbacks. The usual setback would be twenty-five feet (25').

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

Motion carried.

Doug Smith, 115 W. Front St., addressed the Council as the Petitioner's attorney. He had attended the Zoning Board of Appeals' hearing. The neighborhood had expressed a preference for a single family home. City staff had expressed concerns regarding

parking. A duplex can be attractive to families who need additional living space. He cited City staff's parking concerns and added his belief that a family would have fewer parking needs than students. A key question was who would be attracted to this dwelling.

Alderman Matejka questioned if this would be an owner occupied/rental property. Mr. Smith responded affirmatively. The owner planned to occupy one (1) side and rent the other half. He cited that the zoning allowed for a duplex.

Alderman Huette questioned if the duplex would be a larger model. He cited three (3) bedrooms. Mr. Smith noted the living space overall. Alderman Huette noted that the neighborhood was conducive to families. Mr. Smith cited his client's intention to rent to families. He added that was one reason for the size of the structure. Alderman Huette questioned the impact of a denial. He questioned if the Petitioner planned any other further action.

Alderman Finnegan questioned if the Petitioner had considered a reduction in square footage. Mr. Smith acknowledged that he did not have those figures.

Susie Curtis, 1502 N. Lee St., addressed the Council. She informed them that she resided in the neighborhood for the past seven (7) years. She cited the number of older residents in the neighborhood. She had a Petition which had been signed by the homeowners plus two (2) renters. She acknowledged that the property was zoned R – 2. She stated her preference for a single family home. She expressed her concern about the building's appearance. The lot was small. She believed that parking would become an issue. She presented photographs for the Council's review. She noted that the surrounding homes were small. She cited the number of student rentals. She requested that the Council deny the variances. There was enough rental property in the neighborhood. She restated her preference for a single family home.

Cheryl Hobson, 1406 N. Oak, addressed the Council. She described the area as congested. She believed that snow removal would be an issue. This was an older established neighborhood.

Ron Glenn, 209 W. Seminary, addressed the Council. He believed that this property had already been granted a variance. There were other issues beyond parking. He questioned how long the duplex would be owner occupied. He believed that the duplex would be turned into rental housing. This was a prime area of Illinois Wesleyan University students. The additional cars would create a traffic problem. He also questioned snow removal. The duplex would be located on a snow route. He questioned the City's practice of granting variances. He requested that the Council deny this request. There should be no exceptions.

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

Motion carried.

Alderman Purcell noted that he had received several telephone calls regarding this item. He had looked at the lot in question. He also testified at the Zoning Board of Appeals hearing. He expressed his concern for the family and the limited yard.

Motion by Alderman Matejka, seconded by Alderman Schmidt that the Appeal of the Zoning Board of Appeals decision for zoning variances at 1106 N. Mason St. be denied.

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

Ayes: Alderman 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: Linden Street Traffic Calming

The Neighborhood Traffic Control Committee, (NTCC) has processed three requests for traffic calming from residents of the 400 block of N. Linden Street since 1998. In all three cases staff believed that the minimum criteria were met justifying a vote on the issue. All three initiatives failed to gain sufficient support from the Linden Street residents. The following are the results of the three initiatives:

2/10/99	Proposal failed to attain 70% approval; (petition not returned)
5/14/03	Proposal attained only 67% approval;
3/1/05	Proposal for a 2 hump, (traffic calming device) design attained only 68% approval, while the proposal for a 3 hump design attained only 42% approval.

At the August 8, 2005 Council work session, Council granted residents a variance on the NTCC policy, and directed the NTCC to take another vote on the traffic calming initiative. In this case, ballots were mailed to residents, rather than using the petition method. Results of that vote dropped to only 37% approval.

Council is presented with two options to resolve the Linden Street traffic calming issue: 1.) override NTCC policy and direct the installation of a two hump design traffic calming device in the 400 block of N. Linden Street; or 2.) uphold the NTCC's policy, and past practice of restricting consideration of further traffic calming requests for a minimum period of one year from the most recent such request. The most recent such request in this case, would restrict consideration until August 8, 2006.

Staff respectfully recommends that Council reject the first option and adopt option two, upholding the NTCC's policy and past practice.

Respectfully,

Jeffrey D. Sanders
Asst. Chief of Police

Tom Hamilton
City Manager

Mayor Stockton introduced this item. He noted that this issue was the subject of a Work Session which was held on August 8, 2005. Restricted access had been attempted. Neighborhood residents were searching for resolution.

Alderman Matejka questioned the latest proposal which called for two (2) speed humps. He expressed his belief that the approval figures were sixty-eight percent (68%). Tom Hamilton, City Manager, noted that there was an issue with a single household.

Alderman Crawford noted that the first three (3) petitions had higher approval figures. The latest proposal had a thirty-seven percent (37%) approval rating.

Alderman Schmidt recommended that the City follow its own policy. Mr. Hamilton noted that the neighborhood could petition the City again effective August 8, 2006.

Doug Grovesteen, Director of Engineering, addressed the Council. Two (2) designs had been prepared. City staff used standard guidelines. He noted that there were two or three (2 or 3) designs which would work. Mr. Hamilton noted that the third option would be more difficult to traverse. Alderman Schmidt encouraged City staff to continue to look for alternative plans. Mr. Hamilton noted that City staff began with a traditional approach. City staff looked at the neighborhood and its surrounding area. City staff recommended the best option: speed humps. Alderman Schmidt expressed her opinion that there must be another creative solution. Mr. Hamilton recommend that the City stand by its past practice and policy. A request for traffic calming must wait one (1) year if the petition fails.

Alderman Finnegan questioned which street would be affected. Mr. Hamilton restated Linden St.

Alderman Huetten noted that the residents have requested increased traffic enforcement. Roger Aikin, Police Chief, addressed the Council. He acknowledged that traffic enforcement on this block could be increased. He added that this approach would be expensive. Speed enforcement must be done citywide. Increased enforcement on this block would bring a short term effect. Currently, the Police Department was targeting school zones. The Police Department works with the Engineering Department based upon complaints received.

Alderman Crawford expressed his opinion that through truck traffic was not allowed. He questioned if this had been violated. Chief Aikin noted that this restriction was usually based upon weight. He had not heard that truck traffic was an issue on this block.

Mayor Stockton noted the nearby rental business. Chief Aikin noted that the main complaint involved speed.

Alderman Gibson agreed that there had been a number of complaints regarding speeding. Chief Aikin did not have any firm figures. School zones are addressed with the use of a speed trailer. The Police Department may call in the Engineering Department to perform a traffic study.

Alderman Crawford expressed his interest in increased traffic enforcement.

Alderman Finnegan questioned the fine for through trucks. Chief Aikin recalled that the fine was \$75. Alderman Finnegan recommended that the Police visit the rental business. Chief Aikin noted that his officers can be proactive.

Alderman Schmidt expressed her belief that ordinary citizens were the ones renting the equipment. Chief Aikin offered to follow up with the rental business.

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

Motion carried.

Mayor Stockton noted that he would limit presentations to six to seven (6 – 7) speakers with a limit of three (3) minutes each.

Richard Baxa, 408 N. Linden, addressed the Council. He had resided at this location for forty-three (43) years. He cited his experience with the traffic. He expressed his opposition to speed humps. He added that no alternative to speed humps was considered. He recommended that the speed limit be reduced. He did not want Linden St. compared to Country Club Pl. The sidewalk was adjacent to the street. Safety was an issue. There was no need for justification. There had been four (4) petitions filed in six and a half (6½) years. All of them had failed. The Council should honor the precedent which had been set.

Alderman Schmidt expressed her belief that if there was a problem, then the Council should address it. Mr. Baxa noted that the Council would have to define the scope by looking to the facts. The Council should examine the traffic volume and the speeding statistics for the last six and half (6½) years and compare these figures to the norm. He expressed his opinion that this issue was not pervasive.

Cheryl Esch, 1001 E. Monroe, addressed the Council. She had resided at this address for the last fourteen (14) years. This was a neighborhood issue. Trucks were not an issue. She expressed her belief that there was a problem. Speed humps were voted down.

Speed humps would not solve the problem. She expressed her concern regarding the traffic volume. Safety was the issue. She cited pedestrian and bicycle traffic. Individuals visiting the David Davis Mansion. She cited school children as an example. This residential street was being used as a main thoroughfare. The City has treated the neighborhood's concerns as a request. The City has allowed the Neighborhood Traffic Calming Committee, (NTCC), to study this request and come up with alternative solutions. The request was now being readdressed before the Council.

Alderman Purcell questioned if traffic had increased or decreased over the last four (4) years. Ms. Esch expressed her belief that it had increased.

Mike Kerber, 406 N. Linden, addressed the Council. He noted that forty-eight percent (48%) of the traffic speeds down the street. He cited seventy-four (74) traffic citations which listed speeds in excess for forty-five miles per hour (45 mph). He keeps his blinds closed. He cited that in the last year four (4) cars had slid into the yard across the street from him. The house was hit once. He noted that in St. Louis, Missouri, there were a number of streets which had been closed at one end. Large planters are used. He cited the central west end of the city. Some of these streets were private while others were public.

Alderman Gibson questioned which had been there first the homes or the street. He had lived in this area. The City was growing and traffic was increasing. He would not support closing the street.

Nancy Keith, 424 Linden, addressed the Council. She expressed her hope that the Council was concerned about neighborhoods. The problem was that the street was being used as a cut through. The issue was safety. She cited speed and traffic volume. There were too many violators. She had reviewed the literature as she was not an expert in traffic calming. Traffic calming is supported in communities with pedestrian traffic. This issue would not go away. She encouraged creative thinking.

Alderman Purcell questioned if the sidewalk could be moved back. Ms. Keith noted that the homes were small and modest. She estimated traffic at 300 – 400 vehicles per day.

Alderman Gibson questioned the impact of Constitution Trail. Ms. Keith noted the David Davis Mansion which was described as a jewel. She felt deprived of the ability to enjoy her neighborhood. This was an emotionally charged issue.

Jennifer Swanson, 3 Woodruff, addressed the Council. She had sent the Council an e:mail. Linden was a four (4) lane street until the intersection with Emerson. It was reduced to two (2) lanes. In 1979, a house was hit three (3) times. A guard rail was installed in the front yard. Speed humps versus what, she thought that there would be other options. Alternatives should be looked at. There were four (4) acres which need access. The streets should not be privatized.

Alderman Finnegan recommended that the Council uphold the current policy. City staff could continue to work with the neighborhood. Perhaps a recommendation could be

presented to the Council in August 2006. Ms. Swanson noted that City staff had presented options. Alderman Finnegan added a sensible solution by August 6, 2006.

Alderman Crawford stated that part of the problem had been what would sell at Council. He expressed his interest in a sincere effort to work out the issue. He questioned overriding the majority of residents. The Council needed to give City staff direction to work out a solution.

Alderman Schmidt expressed her belief that communication was an issue. Citizens needed to know more about the NTCC. City staff needed to look for alternatives. Ms. Swanson questioned the procedure for alternatives.

Mayor Stockton noted that trucks were not a major issue. Traffic volume and speed appeared to be the major issues. Ms. Swanson cited speed as the biggest issue. She added that the City had the statistics. Mayor Stockton questioned the issue of safety.

Ray Dean Davis, 314 Davis, addressed the Council. He had resided at this address for the past five (5) years. He cited various incidents. He described this area as a most dangerous place. The Council needed to address this issue. He had been out of town when the last vote occur. He requested that the Council give consideration to speed humps. He was unsure if they would work. It was dangerous to walk. He restated that speed humps would help. He would be happy if vehicles came down the street at twenty miles per hour (20 mph).

Jane Griffin, 428 N. Linden, addressed the Council. She had resided at this address for the past six (6) years. The traffic volume was more than she had expected. The Police Department's trial was shortened. She questioned if the police could use a tripod to hold the radar detector. She added that the area needed to be patrolled.

Mr. Baxa readdressed the Council. There had been collisions on Woordruff from cars traveling through the neighborhood. He rebutted Ms. Swanson's statements.

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

Motion carried.

Alderman Matejka noted that this issue was a City wide problem not a Linden Street problem. The three (3) big concerns were speeding, traffic volume, and individuals who ignore stop signs. Individuals' driving practices showed a general disrespect. The City cannot custom tailor a solution for just one (1) street. Last summer, the City attempted limited access. This was not a solution which could be applied City wide. He recommended that the City give speed humps a six (6) month trial. City staff could gauge if this approach was successful. There was a solution which could be applied to more than this block.

Mayor Stockton acknowledged that speed humps could be tried. There were standards. He questioned if they were portable. He estimated the cost at \$8,000. He added that they do not work well during the winter. He cited snow plowing. He recommended that the trial be done in the summer.

Alderman Sprague noted that he agreed a little with all that he had heard. He had spoken with Al Swanson, Traffic Engineer. There were not many streets within the City with a higher violation rate. He acknowledged that there was a problem and the City was willing to help. There was no magic date. The Council was willing to listen and has acknowledged a problem. Neighbors have met with City staff. The City will continue to work on a solution. There was a traffic problem in the neighborhood. All parties should work collectively on the problem. Alderman Sprague encouraged the Council to listen to Mr. Swanson. He added that this was not a Linden St. problem. It was a neighborhood problem which would require a neighborhood solution.

Alderman Schmidt agreed with Alderman Sprague's statements. She noted that traffic was a City wide problem. Stopping traffic from accessing a street just redirects the traffic.

Alderman Crawford expressed his interest in a new proposal. The speed humps which were installed on Country Club Pl. increased traffic on Washington St. He expressed his concern due to the proximity of the Washington School intersection (Washington and State). There are side effects to traffic calming. One can not know where traffic will reroute itself. That was the purpose of the ninety (90) day trial. The Council did not follow through on Linden St. The Council needed to give City staff leeway.

Alderman Sprague questioned if the Council had the authority to address traffic calming at anytime. Mr. Hamilton responded affirmatively.

Alderman Huette expressed his concern about setting a precedent. He questioned what the City's policy would be.

Alderman Schmidt encouraged the Council to send a signal. The NTCC needed to be flexible and creative in working with the neighbors.

Alderman Sprague stated that fifty-one percent (51%) vote would be needed to bring an idea back to the Council that had been agreed upon. Alderman Huette expressed concern regarding the percentage. Alderman Sprague noted that this would allow the Council to leave the door open.

Mayor Stockton encouraged City staff and the neighborhood residents to be creative, bring something back to the Council, and recommended that the required vote be seventy percent (70%).

Alderman Huette noted a similar issue in Northpointe Subdivision. He added that the Council had become involved in a neighborhood traffic issue. Alderman Sprague expressed his opinion that the NTCC should be more involved.

Alderman Finnegan noted the neighborhood opposition to traffic calming.

Alderman Sprague noted that there was opposition to speed humps. The problem was traffic speed. The goal for the process should be to come up with a solution. Mayor Stockton expressed his belief that the problem was broader.

Alderman Purcell expressed his opinion that the issue was traffic enforcement. He added that in ten (10) days seventy (70) tickets had been issued. Mayor Stockton questioned the goal – traffic volume and/or traffic speed.

Alderman Schmidt described the situation as unusual. The Council interjected itself into the ninety (90) day pilot. Council was now taking another look at this issue.

Mayor Stockton questioned if there was anything which would be out of bounds. It was a public street.

Alderman Matejka noted a benefit of this process. The Council was more aware of the NTCC and had become a part of the process.

Mayor Stockton noted that vehicles had ended up in residents' homes and yards. He noted concerns raised regarding the speed limit. He commented on the percentage of automobiles which enter this street from other areas of the City. The problem appeared to be extreme.

Alderman Huette noted the NTCC's recommendation. He questioned if there was an appeal process in place. Mr. Hamilton cited the seventy percent (70%) rule. Mayor Stockton noted that this mark had not been achieved. Mr. Hamilton stated that citizens can petition the Council. Alderman Huette expressed his concern regarding the role and authority of the NTCC. The Council should act as a resource. All requests should be funneled to the NTCC. Alderman Huette expressed his belief that if a request was denied that there should be an avenue for appeals.

Alderman Sprague noted that this motion would require that there be an agreement. The recommendation would come before the Council. He added that it was the Council's obligation to address neighborhood issues. If an agreement was reached, it would appear before the Council for consideration. He added that the NTCC's guidelines should not be altered.

Alderman Finnegan noted that there were two (2) issues: 1.) Council support for the NTCC's policies; and 2.) the City working towards a solution.

Mayor Stockton stated that before this item could appear before the Council again the majority of the neighborhood must lend its support. All parties should seek an alternative solution which would benefit the City. He looked forward to reviewing the available data. He encouraged all to continue to work on this issue.

Motion by Alderman Sprague, seconded by Alderman Schmidt that no vote be taken regarding the installation of speed humps, (option 1), that the neighborhood continue to work with the NTCC, said neighborhood is bounded by Washington St. on the south; Locust St. on the north, Constitution Trail on the west, and Colton Ave. on the east; if an agreement is reached which is supported by the majority, which is defined as fifty-one (51%), then said agreement would be brought back to the Council, with no timeframe specified.

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

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

Nays: Aldermen Purcell and Gibson.

Motion carried.

MAYOR'S DISCUSSION: None.

CITY MANAGER'S DISCUSSION: Tom Hamilton, City Manager, extended his appreciation to the Public Service crews for the efforts during the recent snow storm. He reminded the Council that the Christmas holidays would fall on the weekend this year. There would be no impact upon regular refuse collection.

ALDERMEN'S DISCUSSION: Alderman Finnegan questioned if the streets adjacent to the arena would be completed on time. Tom Hamilton, City Manager, stated that Lee and Front were done. There was a small piece of Olive and a small piece of Roosevelt that needed to be completed. Alderman Finnegan questioned the coldest temperature for work to continue on these streets. Doug Grovesteen, Director of Engineering, addressed the Council. The contractor would wait for a temperature of thirty-two degrees (32) and rising. They would wait for a good thaw/warmer weather. He restated that Front St. was done.

Alderman Crawford informed the Council that his mailbox had been hit by a City plow. However, he believed that the Public Service crews did an outstanding job with snow removal. Mr. Hamilton noted that by code the City would replace the mailbox or pay a citizen \$25. This had been in the code since 1989. The replacement mailbox would not be anything fancy. City staff would revisit this portion of the code.

Alderman Purcell noted that sidewalks have not been shoveled. The City needed to raise the public's awareness. He believed that this issue was important.

Motion by Alderman Sprague, seconded by Alderman Whalen, that the meeting be adjourned. Time: 10:29 p.m.

Motion carried.

**Tracey Covert
City Clerk**