

**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, September 12, 2005.

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

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

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

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

**The following was presented:**

**Jeff Sanders, Asst. Police Chief, addressed the Council. He presented retirement plaques to Tom Sanders and Mike Scott, Police Officers. Asst. Chief Sanders presented a brief summary of each individual's service. Mr. Scott's retirement was effective August 15, 2005. He was currently employed as the Police Chief of Colfax. Mr. Scott was not present at this evening's meeting. Mr. Sanders was also Asst. Chief Sander's brother.**

**Mayor Stockton noted that these two (2) individuals had over fifty-five (55) years of service to the City. He thanked Mr. Sanders for his twenty-eight (28) years of service to the City. He conveyed his congratulations to Mr. Scott.**

**The following was presented:**

**To: Honorable Mayor and Members of the City Council**

**From: Staff**

**Subject: Opening of One Bid for the 18th Hole Renovation at Prairie Vista Golf Course**

Bids were received by the City Clerk on August 30, 2005 for the 18th Hole Renovation at Prairie Vista Golf Course. The architects estimate for this item is \$308,348. Only one bid was received by the City Clerk and it is City policy in situations where only one bid is received to have the bid opened and read at the Council Meeting.

Staff requests that the City Council authorize the Purchasing Agent to open the bid at the September 12, 2005 meeting and present the City Council with a recommendation prior to the end of the Council Meeting concerning award of the bid.

Respectfully,

Tracey Covert  
City Clerk

Tom Hamilton  
City Manager

**Motion by Alderman Matejka, seconded by Alderman Schmidt that Bid be opened at the Council meeting, referred to staff for analysis and reported back to Council prior to the end of the meeting.**

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

**Ayes: Aldermen 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: Council Proceedings of January 10, 2005; Executive Session of August 22, 2005; Work Sessions of February 14, 2005; March 14, 2005; March 30, 2005; April 11, 2005; May 9, 2005; June 13, 2005; July 11, 2005, and August 8, 2005

The Council proceedings of January 10, 2005; Executive Session of August 22, 2005; Work Sessions of February 14, 2005; March 14, 2005; March 30, 2005; April 11, 2005; May 9, 2005; June 13, 2005; July 11, 2005, and August 8, 2005 have been reviewed and certified as correct and complete by the City Clerk.

Respectfully,

Tracey Covert  
City Clerk

Tom Hamilton  
City Manager

**Motion by Alderman Finnegan, seconded by Alderman Huette that the reading of the minutes of the previous Council Meeting of January 10, 2005; Executive Session of August 22, 2005; Work Sessions of February 14, 2005; March 14, 2005; March 30, 2005;**

**April 11, 2005; May 9, 2005; June 13, 2005; July 11, 2005, and August 8, 2005 be dispensed with and the minutes approved as printed.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Bills and Payroll

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

Respectfully,

Brian J. Barnes  
Director of Finance

Tom Hamilton  
City Manager

(ON FILE IN CLERK'S OFFICE)

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

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

**Ayes: Aldermen 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 fourteenth partial payment to Felmley Dickerson in the amount of \$28,600 on a contract amount of \$611,969 of which \$479,247 will have been paid to date for work certified as 78% complete for the Courthouse Square Streetscape. Completion date - October 2005.
2. The first partial payment to Anderson Spencer Co. LLC in the amount of \$10,134 on a contract amount of \$27,730 of which \$10,134 will have been paid to date for work certified as 37% complete for the Renovation of City Hall Restrooms. Completion date - October 2005.
3. The sixteenth partial payment to Central Illinois Arena Management, Inc. in the amount of \$1,231.69 on a contract amount of \$738,188.75 of which \$336,302.64 will have been paid to date for work certified as 46% complete for the Professional Services. Completion date - December 2005.
4. The twenty-eighth partial payment to Brisbin, Brook, Beynon Architects in the amount of \$15,369.13 on a contract amount of \$1,421,000 of which \$1,236,833.68 will have been paid to date for work certified as 87% complete for the Arena Architects. Completion date - April 2006.
5. The eighth partial payment to Technical Design Services, Inc. in the amount of \$3,216.25 on a contract amount of \$48,200 of which \$27,520.68 will have been paid to date for work certified as 57% complete for the Cabling System for the U.S. Cellular Coliseum. Completion date - March 2006.
6. The sixteenth partial payment to Hammond Beeby Rupert Ainge, Inc. in the amount of \$30,052.34 on a contract amount of \$1,993,750 of which \$1,644,843.75 will have been paid to date for work certified as 84% complete for the Phase 3 & 4 - Renovation of the Bloomington Center for the Performing Arts. Completion date - August 2006.
7. The ninth partial payment to Town of Normal in the amount of \$125,171.06 on percentage basis of which \$1,516,329.94 will have been paid to date for the Wal-Mart Sales Tax & Metro Zone. Completion date - November 2010.
8. The eighth partial payment to Interchange City West, LLC in the amount of \$125,581.16 on a contract amount of \$1,489,060 of which \$908,245.20 will have been paid to date for work certified as 61% complete for the Wal-Mart Sales Tax Rebate. Completion date - November 2010.

9. The nineteenth partial payment to BMJ Development Co. in the amount of \$123,967.02 on a contract amount of \$3,000,000 of which \$2,929,464.34 will have been paid to date for work certified as 98% complete for the Eastland Mall Sales Tax Rebate. Completion date - July 2008.
10. The fourth partial payment to JG Stewart Contractors in the amount of \$4,761.90 on a contract amount of \$180,000 of which \$47,045.70 will have been paid to date for work certified as 26% complete for the 2005-2006 Sidewalk Replacement and Handicap Ramp Program. Completion date - December 2005.
11. The first partial payment to Rowe Construction Co. in the amount of \$221,041.01 on a contract amount of \$500,000 of which \$221,041.01 will have been paid to date for work certified as 44% complete for the 2005-2006 MFT General Resurfacing. Completion date - October 2005.
12. The first partial payment to Rowe Construction Co. in the amount of \$143,408.68 on a contract amount of \$745,000 of which \$143,408.68 will have been paid to date for work certified as 19.2% complete for the 2005-2006 General Resurfacing. Completion date - October 2005.
13. The third partial payment to Terracon Consultants, N.E. Inc. (Dept. 1277) in the amount of \$25,253.75 on a per ton and hour contract of which \$65,471 will have been paid to date for work certified as ongoing for the 2005-2006 Asphalt & Portland Concrete Plant Inspection and Lab Testing. Completion date - July 2006.
14. The eleventh partial payment to Lewis, Yockey & Brown, Inc. in the amount of \$20,808.75 on a contract amount of \$139,500 of which \$133,221.55 will have been paid to date for work certified as 95% complete for the Design of Hamilton Road from Bunn to Commerce. Completion date - October 2005.
15. The third partial payment to Lewis, Yockey & Brown, Inc. in the amount of \$4,784.10 on a contract amount of \$120,000 of which \$35,156.35 will have been paid to date for work certified as 29% complete for the Dr. M.L. King Jr. Drive - Washington to Oakland. Completion date - December 2005.
16. The second partial payment to Daily & Associates Engineering, Inc. in the amount of \$16,149.09 on a contract amount of \$339,497 of which \$27,822.99 will have been paid to date for work certified as 8% complete for the Mitsubishi Motorway Study Design and Specifications. Completion date - January 2006.
17. The twentieth partial payment to Stark Excavating, Inc. in the amount of \$198,928 on a contract amount of \$2,518,251.70 of which \$2,365,628 will have been paid to date for work certified as 94% complete for the Airport Rd. - Route 9 to Gill Street. Completion date - November 2005.

18. The ninth partial payment to Rowe Construction Co. in the amount of \$29,714 on a contract amount of \$917,226.95 of which \$907,765 will have been paid to date for work certified as 99% complete for the Ft. Jesse Road Improvements - Phase I - East of Airport Rd. to Kaisner Dr. Completion date - September 2005.
19. The second partial payment to Rowe Construction Co. in the amount of \$18,261 on a contract amount of \$341,726.34 of which \$66,485 will have been paid to date for work certified as 19% complete for the Downtown Intersection Improvements. Completion date - October 2005.
20. The fifth partial payment to Rowe Construction Co. in the amount of \$66,606 on a contract amount of \$843,492.81 of which \$381,459 will have been paid to date for work certified as 45% complete for the Hershey Road Widening - Yorktown to Eastland. Completion date - October 2005.
21. The ninth partial payment to Stark Excavating, Inc. in the amount of \$17,000 on a contract amount of \$901,234 of which \$725,133 will have been paid to date for work certified as 80.5% complete for the Lake Bloomington Retaining Wall at the Water Treatment Plant. Completion date - October 2005.
22. The eighth partial payment to Consoer Townsend in the amount of \$23,586.39 on a contract amount of \$74,700 of which \$60,411.05 will have been paid to date for work certified as 81% complete for the Comprehensive Water Distribution System Hydraulic Model - a/k/a Master Plan. Completion date - October 2005.
23. The first partial payment to George Gildner, Inc. in the amount of \$37,000 on a contract amount of \$336,413 of which \$37,000 will have been paid to date for work certified as 11% complete for the US Cellular Coliseum Water Main Improvements. Completion date - September 2005.
24. The fifth and final payment to Stark Excavating, Inc. in the amount of \$1,862.39 on a contract amount of \$94,673 of which \$93,112.39 will have been paid to date for work certified as 100% complete for the Greenwood Ave. Sanitary Sewer Relocation. Completion date - September 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 Crawford questioned Payment 23 The first partial payment to George Gildner, Inc. in the amount of \$37,000 on a contract amount of \$336,413 of which \$37,000 will have been paid to date for work certified as 11% complete for the US Cellular**

**Coliseum Water Main Improvements. Completion date - September 2005. He questioned the completion date. Tom Hamilton, City Manager, stated that the percentage reflected the work that had been billed to date. Doug Grovesteen, Director of Engineering, addressed the Council. He stated that the figures were correct. The contractor has until September 30, 2005 to complete the work at Lee and Olive. Front St. would be completed later. The contract contains liquidated damages language.**

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

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

**Ayes: Aldermen 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 for Payment for Road Repairs Following the Repair of a Broken Water Main

Staff respectfully requests approval of a payment to McLean County Asphalt Company, Inc. for the repair of a large asphalt patch in south Madison Street following the repair of a water main break. This patch was quite large due to the extent of the break and complexity of the repair.

Staff has received an invoice from McLean County Asphalt Company, Inc. for \$7,262.77 and finds it to be in order. Payment is to be made with funds from the Water Department/Operation and Maintenance accounts, Repair/Maintenance Infrastructure (Account # X50120-70550).

Respectfully,

Craig M. Cummings  
Water Director

Tom Hamilton  
City Manager

**Motion by Alderman Finnegan, seconded by Alderman the payment be approved.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Waive the Formal Bidding Process and Approve a Payment to Consoer, Townsend Envirodyne, Inc. for Consulting Services in the Investigation of Installing a Temporary Membrane and/or Ion Exchange Technology for Nitrate Removal in the Event of an Emergency

Staff respectfully requests that the formal bidding process be waived and a payment be approved to Consoer, Townsend Envirodyne, Inc. for consulting services related to the investigation of the installation of a temporary membrane or ion exchange plant at the water treatment facility. The investigation is solely to determine the general feasibility of such a temporary installation in the event of an emergency.

Staff respectfully recommends that the formal bidding process be waived, the payment of this invoice from Consoer, Townsend Envirodyne, Inc. for \$5,369.52, be approved, and a Resolution be adopted. Payment for this service will be paid for with funds from the Water Department, Purification Division, Operation and Maintenance accounts, Other Professional and Technical Services (Account # 5010- X50130-70220).

Respectfully,

Craig M. Cummings  
Water Director

Tom Hamilton  
City Manager

**RESOLUTION NO. 2005 - 113**

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND  
AUTHORIZING THE PAYMENT FOR CONSULTING SERVICES IN THE  
INVESTIGATION OF INSTALLING A TEMPORARY MEMBRANE AND/OR ION  
EXCHANGE TECHNOLOGY FOR NITRATE REMOVAL IN THE EVENT OF AN  
EMERGENCY IN THE AMOUNT OF \$5,369.52**

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



1. That the bidding process be waived and the payment be authorized for Consulting Services in the Investigation of Installing a Temporary Membrane and/or Ion Exchange Technology for Nitrate Removal in the Event of an Emergency in the amount of \$5,369.52.

Adopted this 12th day of September, 2005.

Approved this 13th day of September, 2005.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Motion by Alderman Finnegan, seconded by Alderman Huette that the formal bidding process be waived, the payment to Consoer, Townsend Envirodyne, Inc. be approved in the amount of \$5,369.52, 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 Purchasing Lake Bloomington Police Radio System Upgrades

The McLean County dispatch center no longer has the ability to support the radio system currently utilized by the Lake Bloomington Police Department since moving to StarCom radios. Staff has received a quote from Supreme Radio Communications, Inc. for upgrading to a new radio system that offers state-of-the-art features and is the same system that the rest of the County law enforcement agencies are using. The upgrades are as follows:

1. Motorola XTL 5000 single Remote Mount Radio (includes antenna)\$ 4,762.00 each
  2. FutureCom Vehicle Repeater (includes cables, filters, antenna)\$ 7,018.00 each
  3. (2) Motorola XTS 5000 Model 1 portables (includes speaker microphone, battery and charger). \$3973.00 each \$7,946.00 (2)
  4. Installation in Ford Explorer, programming of all units.\$ 410.00
- Grand total    \$20,136.00

These radios will be purchased under State Contract pricing. Staff respectfully requests that Council waive the formal bidding process, the quote from Supreme Radio Communications in the amount of \$20,136 be accepted, the Purchasing Agent authorized to issue a Purchase Order for same, and the Resolution be adopted. Payment for this purchase will be made with funds from the Water Department, Water Equipment Replacement Fund, Equip. Other Than Office (Account # F50300-50140-72140).

Respectfully,

Craig M. Cummings  
Director of Water

Tom Hamilton  
City Manager

#### **RESOLUTION NO. 2005 - 114**

#### **A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND AUTHORIZING THE PURCHASE OF LAKE BLOOMINGTON POLICE RADIO SYSTEM UPGRADES AT A PURCHASE PRICE OF \$20,136**

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 Lake Bloomington Police Radio System Upgrades at a Purchase Price of \$20,136.

Adopted this 12th day of September, 2005.

Approved this 13th day of September, 2005.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Motion by Alderman Finnegan, seconded by Alderman Huette that the formal bidding process be waived, the Lake Bloomington Police Radio System Upgrades be purchased in the amount of \$20,136, the Purchasing Agent be authorized to issue a Purchase Order for same, 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: Waive the Formal Bidding Process and Approve a Contract with Starnet Technologies, Inc. for an Audit/Inventory of the Water Department Supervisory Control and Data Acquisition (SCADA) System

The Water Department's SCADA system is over 10 years old and is in need of increasing maintenance. The system also has various devices such as pressure sensors, door switches, radios, etc. that are attached to the system that are at least the same age. Many of these devices have never been recalibrated since being installed. Many of these devices and other components of the system are critical components which the department should have spare parts for on hand, in the event they need replaced.

Staff has determined that the best way to determine the status of the overall system is to perform a system audit/inventory to determine the working condition of the system, its utilization and the overall ability to keep the system running. Items to be addressed would include the following:

- Determining the calibration of devices and developing a calibration schedule.
- Checking of power supplies and batteries and recommending a battery replacement schedule.
- Determining the total utilization of the system; number of input and output signals used and those still available for expansion of the system.
- Determination of the current spare parts inventory; recommendation of critical spare parts inventory.

Starnet Technologies, Inc., at staff's request, submitted a proposal for this system audit/inventory at a cost of \$11,270. Staff has reviewed this proposal and finds it to be in order.

Staff respectfully requests that Council waive the formal bidding process and approve a contract with Starnet Technologies, Inc. for an audit/inventory of the Water Department SCADA system at a cost of \$11,270 per year. Payment will be made from funds in the Water Department, Purification Division, Operations with fifty percent to be made from Maintenance accounts, Other Professional and Technical Services, account number 50130 - 70220 and the remaining 50% to be made from Water Department, Transmission and Distribution Division, Operations

and Maintenance accounts, Other Professional and Technical Services, account number 50120 - 70220.

Respectfully,

Craig M. Cummings  
Water Director

Tom Hamilton  
City Manager

**RESOLUTION NO. 2005 - 115**

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND  
AUTHORIZING A CONTRACT WITH STARNET TECHNOLOGIES, INC. FOR AN  
AUDIT/INVENTORY OF THE WATER DEPARTMENT'S SCADA SYSTEM IN THE  
AMOUNT OF \$11,270 PER YEAR**

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

1. That the bidding process be waived and authorizing a contract with Starnet Technologies, Inc. for an audit/inventory of the Water Department's SCADA system in the amount of \$11,270 per year.

Adopted this 12th day of September, 2005.

Approved this 13th day of September, 2005.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Motion by Alderman Finnegan, seconded by Alderman Huette that the formal bidding process be waived a contract with Starnet Technologies, Inc. for an audit/inventory of the Water Department's SCADA system be approved in the amount of \$11,270 per year, the Mayor and City Clerk authorized to execute the necessary documents, and the Resolution adopted.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council  
From: Staff  
Subject: Permission to Waive Bids and Purchase Rainbird Irrigation Software

The Parks and Recreation Department has budgeted the purchase of new irrigation software and computer related hardware for all three golf courses. The irrigation systems at each of the three golf courses are operated through a central based computer that communicates with a series of field controllers, or satellites. The software and controllers are obsolete at all three facilities.

Staff has taken advantage of software upgrades, but compatibility with the newer satellites and the communication port that allows communication between the satellites and the computer, is becoming an issue. It has become necessary to upgrade the computers and the software in order to continue to operate the systems efficiently.

HydroLogic is the licensed Rainbird affiliate that has distribution rights in our geographic area. A quote of \$29,988 has been provided by HydroLogic, and it was recently learned that this price would increase if the necessary upgrades are not secured at this time. In addition to the software, HydroLogic will provide stand alone computers for operation and a three (3) year maintenance agreement for the hardware and software.

Staff respectfully requests that Council waive the formal bidding procedure, accept the quote of \$29,988 from HyrdoLogic, authorize the Purchasing Agent to issue a purchase order for same, and a Resolution be adopted. Funds for this equipment will be taken from the Computer Services Fixed Asset account (F11610-72120).

Respectfully,

Jerry Armstrong Asst. Director Parks & Recreation	Scott Sprouls IT Manager	Tom Hamilton City Manager
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**RESOLUTION NO. 2005 - 116**

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND  
AUTHORIZING THE PURCHASE OF RAINBIRD IRRIGATION SOFTWARE AT A  
PURCHASE PRICE OF \$29,988**

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 Rainbird Irrigation Software at a purchase price of \$29,988.

Adopted this 12th day of September, 2005.

Approved this 13th day of September, 2005.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Alderman Finnegan questioned what this item would do. Keith Rich, Director of Parks & Recreation, addressed the Council. All three (3) City golf courses would use the same software. Irrigation would be coordinated through radio frequency. This request was for a system upgrade. It was originally installed at Prairie Vista in 1991. It was time to replace the existing system. This proposal would allow for management of the entire course, (where, how much and when to water). The vendor would also supply the computer.**

**Mayor Stockton expressed his opinion that this system would allow for more efficient use of water.**

**Alderman Finnegan questioned if wells would be used. Mr. Rich responded affirmatively for the Den at Fox Creek and Prairie Vista plus run off water.**

**Motion by Alderman Finnegan, seconded by Alderman Huette that the formal bidding process be waived, the Rainbird Irrigation Software be purchased from HydroLogic in the amount of \$29,988, 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 Bid Process and Authorize New Firefighter Training

Staff respectfully requests that Council waive the formal bidding process and approve payment of tuition/training fees in the amount of \$5,500 to the University of Illinois Fire Service Institute. This training is for three (3) new employees. The training is a requirement in order to complete probation.

The Fire Service Institute has been utilized for many years to provide recruit training. The tuition/training fees have not typically been subject to the bid process requirements, as there are normally only one or two probationary firefighters concurrently attending at any one time. In this particular instance the Fire Department has three (3) new recruits attending training and have been advised that Council approval is necessary prior to payment of the \$5,500 tuition/training fee. Payment is to be made from the Training line item budget #G15210-70790.

Staff respectfully requests that the formal bidding process be waived, and firefighter training from the University of Illinois Fire Service Institute be approved, in and amount not to exceed \$5,500, the Purchasing Agent authorized to issue a Purchase Order for same, and the Resolution adopted.

Respectfully,

Keith A. Ranney  
Fire Department

Tom Hamilton  
City Manager

**RESOLUTION NO. 2005 - 117**

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND  
AUTHORIZING THE PURCHASE OF FIREFIGHTER TRAINING FROM THE  
UNIVERSITY OF ILLINOIS FIRE SERVICE INSTITUTE IN AND AMOUNT NOT TO  
EXCEED \$5,500**

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 firefighter training from the University of Illinois Fire Service Institute, in and amount not to exceed \$5,500.

Adopted this 12th day of September, 2005.

Approved this 13th day of September, 2005.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Motion by Alderman Finnegan, seconded by Alderman Huette that the formal bidding process be waived, the firefighter training from the University of Illinois Fire Service Institute be approved, in an amount not to exceed \$5,500, 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, Finnegan, Gibson, Sprague, Matejka and Purcell.**

**Nays: None.**

**Abstained: Alderman Schmidt**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Change Order No. 2 for Lake Bloomington Retaining Wall at Water Treatment Plant

During construction of the new retaining wall for the shoreline at Lake Bloomington near the Water Plant, it was determined from field measurements that the intake pipes were more shallow than the old Water Plant plans indicated. In order to protect the intake pipes from the retaining wall panel, a beam needs to be constructed to support the panel over the intakes.

Stark Excavating proposes to construct and install this beam at a cost of \$7,695. Staff has reviewed this Change Order and find it to be reasonable.

Original Contract	\$853,039.00
Change Order No. 1	\$ 48,195.00
Change Order No. 2	<u>\$ 7,695.00</u>
Completed Contract	\$908,929.00



Staff respectfully recommends that Council approve the Change Order in the amount of \$7,695 to the contract with Stark Excavating, Inc. for the extra work to be done on the Lake Bloomington Retaining Wall project. Payment will be made with Water Depreciation Funds (X50200-72620).

Respectfully,

Craig M. Cummings  
Water Director

Tom Hamilton  
City Manager

**Motion by Alderman Finnegan, seconded by Alderman Huette that the Change Order to the contract with Stark Excavating, Inc. in the amount of \$7,695 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: Purchase of New and Replacement Ruggedized Laptop Computers

In the FY 2005-2006 budget, staff has budgeted funds to purchase new and to replace existing, fully depreciated and obsolete ruggedized laptop computers. These laptops are specially designed to function in harsh environments and withstand the shock and stress that a typical laptop or desktop computer cannot. Staff uses these ruggedized laptops in mobile and garage environments where a typical laptop is not appropriate.

Staff is respectfully requests Council approval to purchase a total of nine (9) of these ruggedized laptops. Six (6) are designated for use by the Water Department's mud crews, one (1) is designated for use by the Water Department as a SCADA maintenance laptop, one (1) is designated for Public Service Sewer locates and one (1) will replace an existing ruggedized laptop used in the Public Service garage as a diagnostic for City vehicles. These computers are being used to great benefit by other departments as they provide mobile access to GIS information to aid in locating City infrastructure.

During the May 9, 2005 meeting (as in prior fiscal years), Council waived the formal bidding process and authorized staff to purchase computer-related equipment directly from the State of

Illinois Joint Purchasing Contract. Recent price checks have confirmed the State of Illinois contract (contract #TCVS-03-04, serviced by CDS Office Technologies of Springfield, IL) still provides the lowest price for this equipment.

Panasonic Toughbook 73 - Qty 9	CDS Office Technologies, Springfield, IL	\$32,796.00
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Staff, therefore, respectfully requests that Council authorize the Purchasing Agent to issue a purchase order for \$32,796.00 to CDS Office Technologies, with payment to be made with funds budgeted in the Computer Services (F11610-72120) and Water Department's (F50300-72120) Equipment Fixed Asset accounts.

Respectfully,

Scott Sprouls  
IT Manager

Brian Barnes  
Finance Director

Tom Hamilton  
City Manager

**Alderman Huette questioned the term ruggedized. Scott Sprouls, IT Manager, noted that there were government specifications which resist external forces such as water and dropping. Tom Hamilton, City Manager, addressed the Council. These laptops would be used by the City's field inspectors. Mr. Sprouls noted that these laptops would be used in the field.**

**Alderman Huette questioned these laptops life expectancy. Mr. Sprouls stated that the goal was four (4) years. Alderman Huette questioned the cost difference.**

**Motion by Alderman Finnegan, seconded by Alderman Huette that the ruggedized laptops be purchased from CDS Office Technologies in the amount of \$32,796, 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: Purchase Microsoft Operating System and Microsoft Office Platform Licensing

In the FY 2005-2006 budget, staff was provided funds to begin the City's migration from Lotus SmartSuites (WordPro, 123, Approach and Freelance Graphics) to Microsoft Office (Word, Excel, Access, Publisher and PowerPoint) productivity suite. Staff currently has difficulty exchanging documents with most outside sources, as most (if not all) use Microsoft Office.

Translating files between these two formats has become problematic at best. Also, many vertical applications (including some currently in use by City departments) are designed to be used with Microsoft Office to output word processing or spreadsheet documents. For these vertical applications, staff may simply lose access to a particular feature without installing MS Office.

During the May 9, 2005 meeting (as in prior fiscal years), Council waived the formal bidding process and authorized staff to purchase computer-related equipment directly from the State of Illinois Joint Purchasing Contract.

Staff has researched ways of purchasing the Microsoft licensing required for the migration and has found Microsoft's Enterprise Agreement to be the most cost effective. The Enterprise Agreement, recently signed between State of Illinois agencies and Microsoft, allows the City to purchase the necessary licensing at State of Illinois volume pricing. The agreement is in effect for three years and actually spreads the cost of the licensing over those three years. In effect, it becomes an interest-free loan with three payments over the three years of the contract. This will allow the City a lower entry point for purchase, while being the least expensive overall way to obtain the licensing.

CDWG, Inc. of Vernon Hills, IL has been named the State of Illinois Microsoft Enterprise Agreement licensing provider, limiting the City's ability to purchase this type of licensing to them. By entering into this agreement, the City is committing to the contract for the next three years. Staff will return to council twice more (once in FY06-07 and once in FY07-08) for approval to purchase the next two yearly installments of the contract. The base amount will be identical for all three payments, and the cost will only increase in future years if the City needs to add more licenses. The cost for the license is as follows:

Microsoft Enterprise Agreement	CDWG, Inc. - Vernon Hills, IL	\$96,934.21
MS Office Platform License		

Staff respectfully requests that Council approve the Microsoft Enterprise Agreement, authorize the Purchasing Agent to issue a purchase order for \$96,934.21 to CDWG, Inc., and the Mayor and City Clerk be authorized to execute the necessary documents. Payment will be made with funds budgeted in the Computer Services Equipment Fixed Asset (F11610-72120).

Respectfully,

Scott Sprouls  
IT Manager

Brian Barnes  
Finance Director

Tom Hamilton  
City Manager

**Alderman Crawford expressed his opinion that the City was moving in the right direction.**

**Motion by Alderman Finnegan, seconded by Alderman Huette that the Microsoft Enterprise Agreement be approved, the Purchasing Agent be authorized to issue a Purchase Order in the amount of \$96,934.21 to CDWG, Inc., 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 New and Replacement Microcomputers, Printers, Servers and Accessories

In the FY 2005-2006 budget, staff has provided funds to purchase new office computers and printers, and to replace fully depreciated obsolete servers, computers, printers and peripheral equipment. After research into today's industry technology and pricing standards, staff is again proposing to purchase from Hewlett Packard's Western States Contracting Alliance (WSCA) buying consortium, which provides deep discounts on these technology items.

During the May 9, 2005 meeting (as in prior fiscal years), Council waived the formal bidding process and authorized staff to purchase directly from Hewlett Packard's WSCA program.

FY 05-06 Equipment Purchase	HP Western States Contracting Alliance	\$233,584.02
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Staff respectfully requests that Council authorize the Purchasing Agent to issue a purchase order for \$233,584.02 to HP Western States Contracting Alliance, with payment to be made with funds budgeted in the Computer Services Equipment Fixed Asset (F11610-72120) and Office and Computer Supplies (G11610-71010) accounts.

Respectfully,

Scott Sprouls  
IT Manager

Brian Barnes  
Finance Director

Tom Hamilton  
City Manager

**Motion by Alderman Finnegan, seconded by Alderman Huette that the new and replacement microcomputers, printers, servers and accessories be purchased from HP**

**Western States Contracting Alliance in the amount of \$233,584.02, 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: Letter of Intent with the State of Illinois Department of Transportation (IDOT) for Improvement of Lincoln Street between Bunn Street and Morrissey Drive

This project consists of constructing Lincoln Street on a mostly new alignment between Bunn Street and Morrissey Drive. The proposed pavement is anticipated to be a 3-lane section and will include a traffic signal at the intersection of Lincoln and Morrissey. Additionally, U.S. Route 150 (Morrissey Drive) will also be improved to a 3-lane section from the end for the curbed section south of Redwood to 500 feet north of Lincoln Street. Construction of this project is currently listed in the City's 2007-2008 Budget. Staff has requested that IDOT program this project in the State's 2008 fiscal year.

Included with this Council memo is a Letter of Intent with IDOT which summarizes conversations between the Engineering Department staff and IDOT District 5 representatives. As stated in the Letter of Intent, this letter is the first step in creating a City/State agreement for this improvement. The letter does not commit the State to a specific program year. IDOT has verbally agreed to participate in the cost of improving U.S. Route 150 (Morrissey Drive) up to a maximum of \$600,000.

Staff respectfully recommends that Council approve the Letter of Intent and authorize the Mayor and City Clerk to execute the necessary documents.

Respectfully,

Douglas G. Grovesteen  
Director of Engineering

Tom Hamilton  
City Manager

**Illinois Department of Transportation**

Division of Highways / Region 3 / District 5  
13473 IL Highway 133 / P.O. Box 610 Paris, Illinois 61944  
Telephone 217/465-4181

August 15, 2005

**LETTER OF INTENT**

FAU 6366 (Lincoln Street)  
Local Section 92-00283-00-RP  
State Section (1) -1  
City of Bloomington  
McLean County

Mr. Douglas G. Grovesteen, P.E.  
Engineering Department Director  
401 ½ S. East Street  
Bloomington, Illinois 61701

Dear Mr. Grovesteen:

As you are aware, the STATE OF ILLINOIS, acting through its Department of Transportation and City of Bloomington propose joint improvements to the intersection of US Route 150 (FAU 6406/Morrissey Drive) and Lincoln Street (FAU 6366) in conjunction with construction of new segments and improving existing segments of Lincoln Street (FAU 6366) from just west of Bunn Street (FAU 6403) easterly to just east of Morrissey Drive (US 150/FAU 6406).

This letter of intent confirms the following division of responsibilities between the CITY and the STATE:

**CITY RESPONSIBILITIES:**

1. The CITY agrees to make or cause to make the surveys, obtain all necessary rights-of-way, cause necessary relocation of utilities, and prepare plans and specifications, and shall assemble all plans and specifications into contracts.
2. The CITY agrees to provide necessary rights-of-way along the STATE Route in the name of the STATE in accordance with STATE requirements.
3. The CITY agrees to pay for all right-of-way, utility relocation, and preliminary engineering costs.
4. The CITY shall receive bids and award the contract, furnish engineering inspection during construction and cause the improvement to be built in accordance with the plans, specifications and contract.

5. To maintain, for a minimum of 3 years after the completion of the contract, adequate books, records and supporting documents to verify the amounts, recipients and uses of all disbursements of funds passing in conjunction with the contract; the contract and all books, records and supporting documents related to the contract shall be available for review and audit by the Auditor General and the department; and the LOCAL AGENCY agrees to cooperate fully with any audit conducted by the Auditor General and the department; and to provide full access to all relevant materials. Failure to maintain the books, records and supporting documents required by this section shall establish a presumption in favor of the STATE for the recovery of any funds paid by the STATE under the contract for which adequate books, records and supporting documentation are not available to support their purported disbursement.

6. Upon completion of the improvement, the CITY will maintain or cause to be maintained those portions of the improvement which are not maintained by the STATE in its entirety.

**STATE RESPONSIBILITIES:**

1. The STATE shall provide written approval of the plans and specifications prior to the advertising the project for letting.

2. The STATE will seek funding to reimburse the CITY for the costs of all work on US Route 150, up to an estimated maximum of \$600,000.

The final amount of STATE participation shall be determined prior to preparation of the joint agreement based on the estimated cost of all eligible items plus 15% for engineering. Reimbursement will be a lump sum amount deposited in the CITY MFT account following execution of the contract and receipt of an approved billing from the CITY.

3. Upon completion and final acceptance of the project, the STATE shall maintain US Route 150.

Reimbursement will be scheduled when funding becomes available. This LETTER OF INTENT will be the basis for a formal CITY-STATE agreement to be Prepared by the STATE.

Obligations of the STATE and CITY will cease immediately without penalty or further payment being required if, in any fiscal year, the Illinois General Assembly source fails to appropriate or otherwise make available funds for this contract.

This Letter of Intent between City of Bloomington and the STATE will provide confirmation of agreed items from our coordination with you and will become a part of the formal agreement prepared by the STATE.

Two (2) copies of this Letter of Intent are enclosed. Please sign one (1) copy and return it to us. Upon receipt of this copy, we will assume that you agree to all terms stated herein.

Very truly yours,

Joseph E. Crowe, P.E.  
Deputy Director of Highways  
Region Three Engineer

Stephen F. Stockton, Mayor  
September 13, 2005

**Motion by Alderman Finnegan, seconded by Alderman Huette that the Letter of Intent 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: Highway Permit Application from the Illinois Department of Transportation (IDOT) for the Installation of a Communication Conduit across Illinois Route 9 (E. Locust Street) Right-of-Way

A Highway Permit from IDOT is required whenever work is performed in the State's right-of-way. Additionally, IDOT requires the City to sign the application form and adopt a Resolution for the performance of the work holding IDOT harmless for any damages to persons or properties.

As required, Council must approve the IDOT Highway Permit Application for the installation of a Communication Conduit across Illinois Route 9 (E. Locust Street) right-of-way approximately 200 feet east of Busn. Rt. U.S. 51 (Main St.). The communication conduit will link the Cultural District Learning Resource Center with the Performing Arts Center.

Staff respectfully recommends that Council approve the permit application, the Mayor and City Clerk be authorized to execute the necessary documents and Resolution be adopted.



Respectfully,

Douglas G. Grovesteen  
Director of Engineering

Tom Hamilton  
City Manager

(CONTRACT AND RESOLUTION NO. 2005-118 ON FILE IN THE CITY CLERK'S OFFICE)

**Motion by Alderman Finnegan, seconded by Alderman Huette that the application be approved, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: ILEAS Grant for Critical Criminal Justice Facilities Target Hardening

The Bloomington Police Department has been awarded a Department of Homeland Security grant in the amount of \$50,000 through the Illinois Law Enforcement Alarm System (ILEAS). The purpose area for the grant award was: Critical Criminal Justice Facilities Target Hardening.

If the grant is accepted, the funds will be used to secure the parking decks, stairwells, and elevator in the Police Building. The project includes the purchase and installation of gates and barriers, as well as electronic components, including cameras, controllers, and personnel/vehicle access devices. The total estimated project cost is \$107,718.70. The remainder of funds for the project will be taken from account F15110-72140, Police Department Fixed Asset Replacement Fund, Capital Outlay Equipment other than office.

Staff respectfully requests that Council accept the ILEAS Grant for Critical Criminal Justice Facilities Target Hardening, and that the Mayor and City Clerk be authorized to execute the necessary documents.

Respectfully,

Roger J. Aikin  
Chief of Police

Tom Hamilton  
City Manager

**Alderman Finnegan questioned this item. Tom Hamilton, City Manager, addressed the Council. He stated that this grant would provide for a security system for the parking garage. There will be roll up gates. He noted that individuals have been found in the parking garage. This will be money well spent.**

**Motion by Alderman Finnegan, seconded by Alderman Huette that the ILEAS Grant for Critical Criminal Justice Facilities Target Hardening be accepted, 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: Walgreen's Redevelopment Agreement 1410 N. Main St.

Recently, the Blackstone Group has developed a proposal for redevelopment of the entire block of land bordered by Main, Emerson, Center and Seminary. This redevelopment includes demolition of all existing structures and construction of a new Walgreen's Drug Store. However, due to the complexity of several lease agreements, relocation of existing businesses, and the short time frame of variances granted by the Zoning Board of Appeals, Walgreen's and the Blackstone Group require an approval of their site plan that will last longer than staff can warrant. This has prompted the Blackstone Group to request a redevelopment agreement with the City Council containing a time frame that will allow them to complete the project.

The proposed agreement by the Blackstone Group requests that the site plan approval include that it remain valid until the start of work in August of 2007. This agreement would allow them adequate time to work through all of the issues without concern of lost variances or changes in ordinances requiring alterations of their plans.

Staff respectfully requests the Council approve the proposed redevelopment agreement with the Blackstone Group for the property commonly referred to as 1410 N. Main St.

Respectfully,

Mark R. Huber  
Director of Planning and Code Enforcement

Tom Hamilton  
City Manager

## **DEVELOPMENT AGREEMENT**

THIS AGREEMENT is made and entered into by and between the City of Bloomington, McLean County, Illinois, herein referred to as "CITY," and BLACKSTONE GROUP, herein referred to as "BLACKSTONE".

WHEREAS, BLACKSTONE is the contract owner or owner of the properties bordered by Main Street on the East, Emerson Street on the North, Center Street on the West and Seminary Street on the South.

WHEREAS, **BLACKSTONE** and the **CITY** are desirous of having the **PREMISES** maintained for development of a Walgreen's Drug Store.

THEREFORE, IT IS AGREED BY THE **CITY** AND **BLACKSTONE** AS FOLLOWS:

1. The **CITY** will review the submitted engineered site plan and other civil drawings for compliance with all drainage, parking configuration, curb cuts, and building foot print. Once finalized, the approval will stay in effect for the term of this agreement.
2. The **CITY** will allow the parking lot landscape variance granted by the Zoning Board of Appeals on July 20, 2005, to remain in effect for the term of this agreement.
3. The **CITY**, having approved the sign drawings submitted for this project will maintain that approval for the term of this agreement.
4. **BLACKSTONE** agrees that construction of this project will commence on or before August 31, 2007. Demolition of existing structures will be deemed "construction" for purposes of this agreement.
5. The **CITY** agrees that Blackstone Group may assign its interest in this agreement to Walgreens.
6. The term of this Agreement shall end on the completion of construction of this project, which the parties anticipate shall be no later than August 31, 2008.

Date: September 27, 2005

City of Bloomington

By: Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert  
City Clerk

Date: Oct. 3, 2005

Blackstone Group

By: Joseph M. Hurwitz, Partner

**Alderman Sprague noted that he did not understand this agreement. Tom Hamilton, City Manager, addressed the Council. This agreement will allow the entire square block to be redeveloped. Blackstone Group had been granted a variance and provided with a six (6) month time frame. The existing businesses would be relocated. The Blackstone Group would be allowed to retain the City Code as is in place until August 2007 plus the variance. The process of purchasing the entire block was in process.**

**Alderman Finnegan questioned Walgreen's existing plans. Mr. Hamilton stated that he did not know.**

**Motion by Alderman Finnegan, seconded by Alderman Huette that the Redevelopment Agreement with Blackstone Group 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: Members of the City Council

From: Liquor Commission

Subject: Application of Kevin and Varunee Tuuk, d/b/a Thai House, located at 805 Morrissey Dr., for an RBS liquor license, which will allow the sale of beer and wine by the glass for consumption on the premises seven (7) days a week

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to hear the application of Kevin and Varunee Tuuk, d/b/a Thai House, located at 805 Morrissey Dr., requesting an RBS liquor license which allows the sale of beer and wine by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Stephen Stockton and Marabeth Clapp; Hannah Eisner, Deputy Corporation Counsel, Lt. Tim Stanesa, Police Department, and Tracey Covert, City Clerk; Kevin Tuuk, owner and Applicant representative.

Commissioner Stockton requested that the Applicant explain the business plan. Kevin Tuuk, owner and Applicant representative, addressed the Commission. The Thai House offers 50 - 55 seats. Eighty-five percent (85%) of all business is dine in. The remaining fifteen percent (15%) represents take out orders. Business has been steady, better than Mr. Tuuk anticipated. There have been numerous request from patrons for an alcoholic drink to accompany dinner. Some patrons have attempted to bring their own. Commissioner Stockton acknowledged that this applicant's intention was for the alcohol to accompany food orders.

Mr. Tuuk informed the Commissioner that the restaurant is open for lunch and dinner. The restaurant closes for an afternoon break. Closing time has been set for 9:00 p.m. during the week and 10:00 p.m. on the weekends.

Commissioner Stockton questioned Mr. Tuuk's interest in the business. Mr. Tuuk informed the Commission that the Thai House was a family run business. It had been in the planning stages for the last four to six (4 - 6) years. Two (2) key issues were location and rent due to their limited budget. Thai House has been open for three and a half (3 ½) months. Either his wife or his stepchildren are present on premise during business hours.

Commissioner Clapp questioned the number of tables. Mr. Tuuk responded thirteen to fourteen (13 -14) tables. During the week, they average sixty (60) dinner meals. The weekend average is 100 - 120 dinner meals. Lunch trade averages forty (40) meals.

Commissioner Clapp questioned if the Thai House would host special events. Mr. Tuuk responded negatively as there would be no space to host an event.

Commissioner Stockton noted that the Thai House was located in the former Kip's Restaurant. Mr. Tuuk informed the Commission that the Thai House had maxed out the available space.

Commissioner Stockton questioned the additional responsibility of a liquor license. Mr. Tuuk informed the Commission that he and his wife were willing and aware of the additional responsibility. They had agreed to limit the selection. Thai House only has two to three (2 - 3) servers. He and his wife will keep a close eye on the wait staff. Commissioner Stockton questioned if Thai beer would be available. Mr. Tuuk responded affirmatively. He restated that his wife is normally present. He usually worked in the evening. In the event that neither would be available, the adult stepchildren would be present.

Based on the above, the Liquor Commission recommends to the City Council that an RBS liquor license for Kevin and Varunee Tuuk, d/b/a Thai House, located at 805 Morrissey Dr., be created, contingent upon compliance with all applicable health and safety codes.

Commissioner Stockton noted that the motion reflected the fact that this application would be a restaurant with limited hours.

Respectfully,

Stephen F. Stockton  
Chairman of Liquor Commission

**Motion by Alderman Finnegan, seconded by Alderman Huette that an RBS liquor license for Kevin and Varunee Tuuk, d/b/a Thai House located at 805 Morrissey Dr., be created, contingent upon compliance with all applicable health and safety codes.**

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

**Ayes: Aldermen 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: Amendment to City Code Chapter 15, Electricity

In an effort to keep the City's codes and ordinances up to date, staff is proposing changes in Chapter 15 of the Municipal Code. These changes are intended to clean up language, clarify scope of work permitted under special license categories, and update miscellaneous fee schedules. These changes were evaluated by the City's Electrical Commission and recommended for approval by its members. Additionally, staff held a public hearing to allow input from electrical contractors and the general public in August of 2005. There were no objections raised at that meeting.

Staff respectfully requests the Council approve the proposed changes to Chapter 15, Electricity, of the Bloomington Municipal Code, and that the Ordinance be passed.

September 12, 2005

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Respectfully,

Mark R. Huber,  
Director of Planning and Code Enforcement

Tom Hamilton  
City Manager

**ORDINANCE NO. 2005 - 92****AN ORDINANCE AMENDING BLOOMINGTON CITY CODE CHAPTER 15**

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

SECTION 1. That Bloomington City Code Chapter 15, Section 3, shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

Electrical Contractor. The term "Electrical Contractor" as used in this Chapter means any person, firm, or corporation engaged in the business of installing or altering by contract electrical equipment and apparatus for utilization of electricity supplied for light, heat, or power, not including radio apparatus or equipment for wireless reception of sounds and signals and not including apparatus, conductors, and other equipment installed for or by public utilities including common carriers, which are under the jurisdiction of the Illinois Commerce Commission, for use in their operation as public utilities but the term "Electrical Contractor" does not include employees employed by such contractor to do or supervise such work.

SECTION 2. That Bloomington City Code Chapter 15, Section 4, shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

All electrical work in the City shall be done by a registered electrical contractor or his employees except as otherwise provided in this Chapter. Before any person, firm, or corporation shall engage in the business of electrical contracting in the City and before any person, firm, or corporation now engaged in said business or any class thereof shall continue in said business of electrical contracting in the City, such person, firm, or corporation shall be required to register and pay a registration fee of Fifty Dollars (\$50.00) yearly, which Certificate of Registration issued thereunder shall expire on the 31st day of December of the year in which it was issued. ~~However, if the persons, firm, or corporation is registered for the current year and has paid a registration fee of Fifty Dollars (\$50.00) in any City or Village in the State of Illinois which has an Electrical Commission or examining procedure similar to that in Bloomington, they shall not be required to be registered or to pay a registration fee to engage in electrical contracting for such year in the City.~~ The City Clerk shall keep a suitable record of all registrations. No electrical contractor registration will be offered to a contractor outside of McLean County who is not registered in his own area of residence, in order for that contractor to perform one or more jobs in this jurisdiction.

SECTION 3. That Bloomington City Code Chapter 15, Section 5(b) and (e), shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

(b)Before a Certificate of Registration shall be issued, the applicant or his or its representative shall, following reasonable advance notice, present himself for examination before the Electrical Commission at a time and place set by them and pay an examination fee of Fifty Dollars



(\$50.00). Said Commission shall examine such applicant as to his practical knowledge of the installation and alteration of electrical equipment and his knowledge of the rules and regulations for the installation of electrical wiring devices and equipment as set forth in the Code of the City and in the ~~2002 edition of the~~ then current edition of the National Electrical Code, as published ~~adopted~~ by the National Fire Protection Association. Such examination shall be in whole or in part in writing and shall be of practical character as determined by the Commission but sufficiently strict to test thoroughly the experience and qualifications of the applicant. In the event any applicant fails to pass the examination given either with the City of Bloomington or the Town of Normal, he shall not present himself for reexamination in either municipality before six (6) months shall elapse from the date of his last examination.

(e) The Electrical Commission may issue a limited Certificate of Registration to a person, firm, or corporation licensed as a heating contractor in the City of Bloomington. The Certificate would permit the holder to do branch circuit electrical power wiring to new heating or cooling equipment being installed in existing residential buildings. The work to be performed under this limited certificate shall include not more than the actual branch circuitry required to serve or connect four ton or less of air conditioning or five horse power of air conditioning and heating combined, or 7,000 watts of air conditioning and heating combined. This certificate shall not permit the installation of wiring for electric heating equipment which uses electricity as the primary source of fuel, and/or heat through the use of resistance type elements or other electricity-to-heat-converter systems. The examination for this registration shall be similar to paragraph (b) above, but more limited in scope as established by the Electrical Commission. The examination fee shall be ~~Twenty five Dollars (\$25.00)~~ Fifty Dollars (\$50.00). The annual renewal fee shall be Fifty Dollars (\$50.00).

SECTION 4. That Bloomington City Code Chapter 15, Section 9, shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

There is hereby adopted by the City for the purpose of establishing rules and regulations for the safe and practical installation, alteration and use of electrical equipment, including permits and penalties, that certain Electric Code known as the National Electrical Code, as published ~~adopted~~ by the National Fire Protection Association, being particularly the ~~2002~~ 2005 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which not less than one (1) copy is on file in the office of the Clerk of the City and the same are hereby adopted and incorporated as fully as if set out at length herein and from the date on which the Ordinance shall take effect, the provisions thereof shall be controlling in the installation, alteration, and use of electrical equipment within the corporate limits of the City and on City owned property outside the corporate limits of the City.

SECTION 5. That Bloomington City Code Chapter 15, Section 16, shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

The provisions of this Article shall control the design and construction of all new installations of electrical conductors, fittings, devices, and fixtures for light, heat, and power

service equipment and all equipment used for power supply, including those for and with information technology equipment, communications circuits and their related systems and to radio and television receiving systems and amateur radio transmission systems in buildings and structures; and all alterations or extensions to existing wiring systems therein to insure safety. All such installations shall conform to the provisions of this Article and accepted installation and engineering practice. ~~as defined in the National Electrical Code.~~

SECTION 6. That Bloomington City Code Chapter 15, Section 17, shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

No electrical wiring for light, heat, or power or maintenance or repair of or to any electrical conductor, equipment or material regulated by The National Electrical Code or as adopted and or modified in this Chapter or other purposes shall be installed in a building or structure nor shall an alteration or extension of an existing electrical wiring system be made without being appropriately licensed and or registered and until a permit has been issued therefore.

All electrical equipment shall be installed, altered, or changed under the supervision of the Electrical Inspector of said City, and no person shall use any electricity in said electrical equipment without first having said equipment inspected and approved according to these rules and regulations and the Code of the City.

All work on a particular job must be performed by the registered contractor or his employee representative who the permit was issued to. The only exception, including any registered subcontractor, would be charitable work performed for non-profit organizations.

The provisions of this Section shall not apply to:

(a) Repairs and Maintenance. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

(b) Public Service Agencies. The installation, alteration, or repair of electrical equipment for the operation of communications and signals or the transmission of intelligence by wire by public service agencies.

(c) Power Companies. The installation, alteration, or repair of electrical equipment of a power or public service company for its use in the generation, transmission, distribution, or metering of electricity; and such other maintenance or construction as may be required to insure the safe and adequate transmission of electricity to the premises being served by said power company.

(d) Temporary Testing Systems. The installation of any temporary system required for the testing or servicing of electrical equipment or apparatus. Such system must be approved as safe for the location wherein or on it is to be used by the Electrical Inspector.

(e) Railway Utilities. The installations or equipment employed by a railway utility in the exercise of its functions as a public carrier and located outdoors or in buildings used exclusively for that purpose.

(f) Transmitting Equipment. The electrical equipment used for radio or television transmission, except the equipment and wiring for power supply and installation of towers and antennae.

SECTION 7. That Bloomington City Code Chapter 15, Section 20, shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

In lieu of an individual permit required for each ~~work~~ procedure under Section 17 above, the maintenance ~~or alteration~~ of an already approved electrical installation in a company or establishment may be performed under an annual limited permit subject to the following:

(a) The permit shall be issued to the firm, company or corporation only if it has under regular employment a qualified company electrician who is responsible for all work covered by the permit.

(b) The permit is applied for and a fee paid in the amount of Two Hundred Fifty Dollars (\$250.00).

~~(c) In the absence of the qualified company electrician for any reason whatsoever for a period of thirty (30) days shall result in the cancellation of the permit unless another qualified company electrician is declared with the department or a registered electrical contractor hired to do the work.~~

(c) SCOPE OF WORK

(1) Repair of existing luminaries (lighting fixtures).

(2) Replacement of damaged or defective devices, such as,

a. Switches and receptacles.

b. Motion sensors.

c. Time clocks.

(3) The disconnecting and or reconnecting of motors for motor driven equipment from their existing electrical connection.

(4) The disconnecting and or reconnecting of modular office partitions from existing electrical supply.

(5) This permit does not allow for the installation of service conductors or distribution equipment or their related systems, such as sub panels, motor control centers and conduit systems.

(6) This permit does not allow for the installation of new branch circuits or lighting circuits or their related devices to accommodate building and room additions.

(d) Instead of a qualified company electrician being employed by a company, work allowed in the permit ~~may~~ shall be performed by a registered electrical contractor upon notification of and approval by the Director of Planning and Code Enforcement or his designee department.

~~(e) All substantial work to be done under the permit shall be inspected by the Electrical Inspector.~~

(e) To be a qualified company electrician, one must appear before the Electrical Commission and pass its required examinations.

(f) The annual limited permit shall at no time be used for work performed beyond the premises for which it was issued.

(h) The examination fee for the qualified company electrician test shall be Fifty Dollars (\$50.00) ~~Twenty five Dollars (\$25.00).~~

SECTION 8. That Bloomington City Code Chapter 15, Section 23(b), shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

(b) Any petition for a variance/interpretation from the Electrical Commission shall be filed with the Planning and Code Enforcement Department, ~~City Clerk~~ accompanied by a fee of ~~Fifty Dollars (\$50.00)~~ One Hundred Twenty Five Dollars (\$125.00) payable to the City of Bloomington.

SECTION 9. That Bloomington City Code Chapter 15, Section 29, shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

~~SEC. 29 INJURING ELECTRIC APPARATUS—PENALTY.~~

~~Any person breaking, mutilating, obstructing, injuring or in any way interfering with any public or private electric light situated in or upon any street, alley or public place, or with any pole, wire, support or apparatus connected with any such light shall be fined not less than Ten Dollars nor more than One Hundred Dollars for each offense.~~

SECTION 10. That Bloomington City Code Chapter 15, Section 30, shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

Any person who shall violate any provision of this Chapter shall, upon conviction, be punished by a fine of not less than ~~Twenty Dollars (\$25.00)~~ Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), and each day's failure to comply with any such provision shall constitute a separate offense

SECTION 11. Except as provided herein, the Bloomington City Code, as amended, shall remain in full force and effect.

SECTION 12. The City Clerk shall be, and she is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 13. This Ordinance is enacted pursuant to the authority granted to the City as a home rule unit by Article VII, Section 6 of the 1970 Illinois Constitution.

SECTION 14. This Ordinance shall take effect ten (10) days after passage and approval.

PASSED this 12th day of September, 2005.

APPROVED this 13th day of September, 2005.

APPROVED:

STEPHEN F. STOCKTON  
Mayor

ATTEST:

TRACEY COVERT  
City Clerk

**Motion by Alderman Finnegan, seconded by Alderman Huette that the Text Amendments be approved and the Ordinance be passed.**

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

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

**Nays: None.**

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

To: Honorable Mayor and Members of the City Council  
From: Staff  
Subject: Amendment to Lease with Easter Seals Rehabilitation Center

The City currently leases 140 acres on Lake Bloomington to the Easter Seals Rehabilitation Center for a camping, conference and recreational facility. Easter Seals plans to improve these facilities and has obtained a loan from CEFCU to finance a part of the construction costs.

The loan will be secured with a mortgage on Easter Seal's interest in the lease with the City. CEFCU reviewed the City's lease and asked that it be amended to include language acknowledging their interest as the mortgage holder. Staff reviewed the requested amendments and found them to be acceptable. The requested amendments do not change any of the basic terms of the lease, they simply clarify CEFCU's rights and obligations in the event of a default on the loan.

This lease incorporates the additional language requested by CEFCU and also makes another change. The City currently has two leases with Easter Seals. One was entered into on December 10, 1990 and includes a 115 acre tract, referred to as the "Scout Camp Property". The other was entered into on June 10, 1991 and includes a 25 acre tract referred to as "Clover Leaf Park". The two leases are identical in all other respects. There is no need to have two documents, and in fact, it would be preferable to have all of the property on one lease. Thus, staff took this opportunity to further amend the leases by combining them into one.

Staff respectfully requests that Council approve the amended lease with Easter Seals Rehabilitation Center for the Scout Camp Property and Clover Leaf Park at Lake Bloomington, and that the Mayor and City Clerk be authorized to execute the necessary documents.

Respectfully,

Hannah R. Eisner  
Deputy Corporation Counsel

Tom Hamilton  
City Manager

**Motion by Alderman Finnegan, seconded by Alderman Huette that the amended lease with Easter Seals Rehabilitation Center for the Scout Camp Property and Clover Leaf Park at Lake Bloomington 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: Lake Bloomington Lease Transfer request for Lot 14, Block 0 in Camp Peoria Point, Mr. Robert Archibald to Robert A. and Julie Dobski

Staff has reviewed the Lake Bloomington Lease Transfer request and the McLean County Health Department septic system evaluation report for Lot 14, in Camp Peoria Point. There was one deficiency noted in this report that the alarm on the system was not functioning. Staff understands that this deficiency has been corrected.

Staff respectfully requests that Council approve the Lake Bloomington Lease Transfer for Lot 14, Block 0 in Camp Peoria Point, and the Mayor and City Clerk be authorized to execute the necessary documents.

Respectfully,

Craig M. Cummings  
Director of Water

Tom Hamilton  
City Manager

**Motion by Alderman Finnegan, seconded by Alderman Huette that the Lake Lease 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: Lake Bloomington Lease Transfer request for Lot 1, Block 22 in Camp Potawatomie; Thomas and Cynthia Eckols transferring to CDTD, LLC

Staff has reviewed the Lake Bloomington Lease Transfer request and the evaluation letter from the McLean County Health Department for Lot 1, Block 22 in Camp Potawatomie. The evaluation letter referring to the septic system evaluation report, notes that the system is currently operating satisfactorily, but has several deficiencies.

The buyers have indicated to City staff that they plan to utilize the residence only as a second home for a short term followed by their intention to demolish the existing structure and build a new one, at which time a new septic system would be required. Staff has agreed to recommend Council approval of this lease transfer with the following conditions: 1.) no repairs are necessary to the existing septic system unless the system fails; 2.) the system must be brought up to current Illinois Department of Public Health and McLean County Health Department codes within one year of such time as the buyers occupy the premises as a permanent residence, or 3.) the septic system must be brought up to current Illinois Department of Public Health and McLean County Health Department codes if the residence is rebuilt, modified or added to.

Staff respectfully requests that Council approve the Lake Bloomington Lease transfer for Lot 1, Block 22, in Camp Potawatomie contingent upon the conditions noted in this memo, and further, that the Mayor and City Clerk be authorized to execute the necessary documents.

Respectfully,

Craig M. Cummings  
Director of Water

Tom Hamilton  
City Manager

**Motion by Alderman Finnegan, seconded by Alderman Huette that the Lake Lease 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: Petition from Commerce Bank, Trustee of McLean County Land Trust LDB-52, Requesting Approval of a Final Plat for the 4th Addition to Hawthorne Commercial Subdivision

A Petition has been received from Commerce Bank, Trustee of McLean County Land Trust LDB-52, requesting approval of a Final Plat for the Fourth Addition to Hawthorne Commercial Subdivision. This subdivision is part of the Hawthorne Commercial Park Subdivision which is commonly located south of G.E. Road, west of Towanda- Barnes Road, east of Windham Hills Subdivision, and north of McGraw Park Subdivision. The residential portion of Hawthorne Commercial Park Subdivision is named "Sapphire Lake Subdivision".

The plat pertains to a two lot subdivision adjacent to Towanda-Barnes Road, and south of G.E. Road. Staff has reviewed the Final Plat and finds it to be in general conformance with the Preliminary Plan approved by Council on November 26, 2001. There are tap on fees due from this subdivision, and a performance guarantee is also required for the unfinished public improvements.

Staff respectfully recommends that Council approve the Final Plat for the Fourth Addition to Hawthorne Commercial Subdivision subject to the Petitioner paying the required tap on fees and posting a guarantee for unfinished public improvements prior to recording of the plat.

Respectfully,

Douglas G. Grovesteen  
Director of Engineering

Tom Hamilton  
City Manager



**ORDINANCE NO. 2005 - 93**

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE FOURTH ADDITION TO HAWTHORNE COMMERCIAL SUBDIVISION**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois a Petition for Approval of the Final Plat of the Fourth Addition to Hawthorne Commercial Subdivision, legally described in Exhibit(s) A attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition requests the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code – 1960, as amended: all those listed on the approved preliminary plan, if and; and

WHEREAS, said Petition is valid and sufficient and conforms to the requirements of the statutes in such cases made and provided and the Final Plat attached to said Petition was prepared in compliance with 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 Final Plat of the Fourth Addition to Hawthorne Commercial Subdivision and any and all requested exemptions and/or variations be, and the same is hereby approved, and all dedications made therein are accepted.
2. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 12<sup>th</sup> day of September, 2005.

APPROVED this 13<sup>th</sup> day of September, 2005.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

## EXHIBIT A

A part of the Northeast Quarter of Section 31, Township 24 North, Range 3 East of the Third Principal Meridian, Bloomington, McLean County, Illinois, more particularly described as follows: Beginning at the Southwest Corner of Lot 4 in the First Addition to Hawthorne Commercial Subdivision in the City of Bloomington, Illinois, according to the Plat recorded as Document No. 2004-10361 in the McLean County Recorders Office. From said Point of Beginning, thence east 294.00 feet along the South Line of said Lot 4 and the South Line of Leslie Drive in said First Addition to the Southeast Corner of said Drive; thence north 17.00 feet along the East Right-of-Way Line of said Leslie Drive which forms an angle to the left of 270°-00'-00" with the last described course to the Southwest Corner of Lot 10 in the Third Addition to Hawthorne Commercial Subdivision in the City of Bloomington, Illinois, according to the Plat recorded as Document No. 2005-6798 in said Recorder's Office; thence east 362.74 feet along the South Line of said Lot 10 which forms an angle to the left of 90°-00'-00" with the last described course to the Southeast Corner of said Lot 10 being a point on the West Line of a Tract of land described in Condemnation Case No. 2001 ED 9 filed August 23, 2001 in the McLean County Circuit Clerk's Office; thence south 389.11 feet along said West Line which forms an angle to the left of 90°-13'-36" with the last described course; thence south 250.90 feet along said West Line which forms an angle to the left of 179°-41'-18" with the last described course; thence west 433.91 feet along a line which is parallel with the South Line of said Lot 10 and which forms an angle to the left of 90°-05'-06" with the last described course to a point on the Southerly Extension of the West Right-of-Way Line of said Leslie Drive lying 623.00 feet south of the Southeast Corner of said Lot 4; thence north 379.00 feet along said Southerly Extension which forms an angle to the left of 90°-00'-00" with the last described course to a point lying 244.00 feet south of the Southeast Corner of said Lot 4; thence west 224.00 feet along a line which is parallel with the South Line of said Lot 4 and which forms an angle to the left of 270°-00'-00" with the last described course to a point on the Southerly Extension of the West Line of said Lot 4 lying 244.00 feet south of the Point of Beginning; thence north 244.00 feet along said Southerly Extension which forms an angle to the left of 90°-00'-00" with the last described course to the Point of Beginning, containing 7.600 acres, more or less.

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

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

**Ayes: Aldermen 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 Pinehurst Development, Inc. for Approval of a Final Plat of Third Addition to Fox Hollow Subdivision

A Petition has been received from Pinehurst Development, Inc. requesting approval of the Final Plat for the Third Addition to Fox Hollow Subdivision. This subdivision is commonly located north of Fox Creek Road, west of Interstate 55&74. Staff has reviewed the Final Plat and found it to be generally in conformance with the approved Preliminary Plan dated September 11, 2000.

Per the Annexation Agreement with Pinehurst Development, Inc., there are tap-on fees due for this development. A performance guarantee is also required to be posted for the completion of all public improvements in the subdivision.

Additionally, the Final Plat submitted for review did not include the same utility easement locations as the construction plans. The engineer for the developer is revising the final plat to show corrected utility easements.

Staff respectfully recommends that Council approve the Final Plat for the Third Addition to Fox Hollow Subdivision subject to the Petitioner paying the required tap on fees, posting a guarantee for unfinished public improvements, and submitting a corrected plat, prior to recording of the plat.

Respectfully,

Douglas G. Grovesteen  
Director of Engineering

Tom Hamilton  
City Manager



**ORDINANCE NO. 2005 - 94**

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE THIRD ADDITION TO  
FOX HOLLOW SUBDIVISION BLOOMINGTON, ILLINOIS**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois a Petition for Approval of the Final Plat of the THIRD ADDITION TO FOX HOLLOW SUBDIVISION BLOOMINGTON ILLINOIS, legally described in Exhibit "A" attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition requests the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code – 1960, as amended: N/A;

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

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

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

1. That the Final Plat of the THIRD ADDITION TO FOX HOLLOW SUBDIVISION BLOOMINGTON, ILLINOIS and any and all requested exemptions and/or variations be, and the same is hereby approved, and all dedications made therein are accepted.
2. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 12<sup>th</sup> day of September, 2005.

APPROVED this 13<sup>th</sup> day of September, 2005.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**EXHIBIT A**

Part of Section 18, Township 23 North, Range 2 East of the 3<sup>rd</sup> Principal Meridian in McLean County, Illinois More Particularly Described as Follows:

Beginning at the Northwest corner of Outlot 55 in the Second Addition of Fox Hollow Subdivision thence North 01°-34'-39" West 260.24 feet;

Thence North 87°-51'-43" East 342.97 Feet;  
Thence South 01°-35'-20" East 35.91 Feet;  
Thence North 87°-51'-43" East 305.73 Feet;  
Thence South 02°-08'-16" East 110.10 Feet;  
Thence North 87°-51'-44" East 12.13 Feet;  
Thence South 01°-36'-01" East 170.00 Feet;  
Thence North 87°-51'-44" East 68.00 Feet;  
Thence North 77°-28'-22" East 118.21 Feet;

Thence South 01°-36'-01" East 463.16 Feet to the North East Corner of Lot 26 in the Second Addition to Fox Hollow Subdivision;

Thence South 88°-23'-59" West 292.12 Feet to the North West Corner of Lot 23 in the Second Addition to Fox Hollow Subdivision;

Thence South 01°-36'-01" East 17.88 Feet along West line of Said Lot 23 to the North East corner of Lot 22 in the 2<sup>nd</sup> Addition to Fox hollow Subdivision;

Thence South 88°-22'-54" West 277.07 Feet to the Northwest Corner Lot 21 in the 2<sup>nd</sup> Addition to Fox Hollow Subdivision;

Thence 01°-36'-01" West 318.47 Feet to the Northeast Corner Lot 16 in the 2<sup>nd</sup> Addition to Fox Hollow Subdivision;

Thence South 71°-17'-24" East 27.14 Feet;

Thence North 35°-33'-35" East 143.61 Feet;

Thence South 62°-43'-16" East 109.10 Feet;

Thence Northeasterly 90.47 Feet Along a 220.00 Foot Radius Curve to the left whose Chord bears North 15°East 89.83 Feet to the Northeast Corner of Outlot 55;

Thence South 87°-51'-44" West 111.46 Feet along the Northeast line of Outlot 55 in the Second Addition of Fox Hollow Subdivision;

Thence North 84°-10'-48" West 402.87 Feet along the Northeast line of Outlot 55 in the Second Addition of Fox Hollow Subdivision to the Point of Beginning.

Said Property contains 9.71 Acres (3.92.95 Hectares) more or less.

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



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

**Ayes: Aldermen 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 submitted by Trinity Lutheran Church and Lutheran Services of Illinois, Inc. requesting approval of the Preliminary Plan for Luther Oaks Subdivision, which is commonly located southeast of Trinity Lutheran School, north of Lutz Road, and west of Wittenberg Woods at Prairie Vista, consisting of approximately 10 acres (Case PS-09-05)

BACKGROUND INFORMATION:

Adjacent Zoning

north: S-2 Public Lands & Institutions District  
south: R-1 (County zoning)

east: S-2 Public Lands & Institutions District  
west: S-2 Public Lands & Institutions District

Current Zoning: S-2  
Current Land Use: vacant

Adjacent Land Uses

north: Trinity Lutheran School  
south: single family dwelling & greenhouse  
east: park & detention pond  
west: single family dwelling & timber

1998 Comprehensive Plan recommends: "low to medium density residential" use for this property.

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

The Preliminary Plan for this property in question is a 10.0 acre tract that the petitioner wishes to develop as the site of a 146 unit four story retirement center with a mix of ninety (90) independent senior living apartments, forty (40) senior assisted living apartments, and sixteen (16) units for memory support or dementia care.

A January 17, 2005 correspondence to Mr. Chris D. Johnson, P.E., Shive-Hattery, Inc., from Mr. Robert E. "Bud" Green, AIA, the petitioners' architect, (as revised on August 18, 2005)

estimates the total population of this project at 190 persons. This estimate is based on 1.4 residents per unit “typical” occupancy for the ninety (90) independent senior units or 126 persons, 1.0 resident per unit for the thirty-two (32) senior assisted one bedroom units (32 persons), 2.0 residents per unit for the eight (8) senior assisted two bedroom units (16 persons), and 1.0 resident per unit for the sixteen (16) units for memory support or dementia care (16 persons).

The City’s Land Subdivision Code requires the dedication of at least 10 acres of land per 1,000 persons (0.01 of an acre per person) of expected population in a residential subdivision or the payment of a fee in lieu of such dedication equal to the fair market value of the land that would otherwise be required to be dedicated. The minimum public park dedication requirement for a resident population of 190 persons in this scenario would be 1.90 acres (190 persons multiplied by 0.01 of an acre of park land per person). The fee in lieu of dedicating land for public park would be \$47,880 for 1.90 acres, based on a fair market value of \$25,200 per acre and a multiplier of 0.01 of an acre of park land per person.

Staff, for purposes of comparison, has also calculated the public park dedication requirement for a “maximum” resident population of 276 persons for this retirement center based on the following assumptions:

- 2.0 residents per unit “maximum density” for the 90 independent senior units (180 persons)
- 2.0 residents per unit “maximum density” for the 32 senior assisted one bedroom units (64 persons),
- 2.0 residents per unit “maximum density” for the eight senior assisted two bedroom units (16 persons), and
- 1.0 residents per unit “maximum density” for the 16 units for memory support or dementia care (16 persons).

The minimum public park dedication requirement for this “maximum” resident population of 276 persons based on these assumptions would be 2.76 acres. The fee in lieu of dedicating land for public park would be \$69,552 for 2.76 acres.

After collecting occupancy information from two other retirement centers in the community, staff reached the conclusion that it is more appropriate and reasonable to use the “typical” occupancy information cited by Mr. Green to derive the fee in lieu of dedicating land for public park at \$47,880 for 1.90 acres.

The City Development Committee has reviewed the Preliminary Plan for Luther Oaks Subdivision and recommends that the following sentences be added on the Preliminary Plan Cover Sheet C 1.0:

- The Developer shall extend an eight (8) inch water main from the northeast corner of the site east through the City park to connect with the existing City water main at the corner of Wirsing Way and Bach Drive in the Wittenberg Woods Development.

- The Developer shall also connect to a water main extended along Lutz Road (to the south) when available.

PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission held a public hearing on this petition on August 24, 2005 and recommends the same. The following persons submitted testimony in favor of this petition at this public hearing:

- Mr. Frank Miles, Attorney at Law, 202 N. Center Street
- Mr. Donovan Gardner, Lutheran Home Services, 417 W. Tinervan Street, Pontiac, Illinois
- Mr. Dave Fedor, #1 Brickyard Drive

Mr. Miles stated that the Trinity Lutheran Church has always planned to have this site for the school, church related services, and intergenerational housing. This ten (10) acres in the southeast corner of the larger tract is not being sold, but long-term leased in order to give the church control of the land should the project ever close. He stated that the eight (8) inch water main connecting across the park to the east would be only for the duration of construction. After occupancy, a twelve (12) inch water main would be installed to the south along Lutz Road. He explained that the water main would run south along South Morris Avenue and then west along Lutz Road.

Mr. Miles recalled that the City had requested a dedication of parkland along the east to add to the park already acquired just east of the subject tract's eastern border. He said the Trinity Lutheran Church wanted to limit the tract to ten (10) acres and so favored payment in lieu of dedicating land. He stated that the design orients more open space along the east side in consideration that Constitution Trail will run just east of their border.

He noted that there are differences in how density might be calculated (for parkland dedication cost.) Mr. Gardner referred to the January 17, 2005 "Greystone" letter addressed to Mr. Chris D. Johnson, P.E., Shive-Hattery, Inc., from Mr. Robert E. "Bud" Green, AIA, the petitioners' architect, that had been included in the mail-out. Chairperson Cain commented that it is the Council's responsibility to decide which fee in lieu of parkland dedication the City is willing to accept.

Commissioner Sage noted that the only access is from Lutz Road. He inquired whether the petitioners were willing to proceed knowing that it may be years before it is improved. Mr. Miles assured that the petitioners are willing to proceed although they would like to see the road improved soon. He noted that the Church site and Wittenberg Woods tract have already agreed to pay adjacent substandard road improvement fees.

Mr. Grovesteen, Director of Engineering, stated that there is a plan for road improvements on South Morris Ave. from West Hamilton Street toward Lutz Road in the budget this year. Any improvement south of that road project and west on Lutz is not in the five-year budget. Chairperson Cain noted that the five-year budget is reviewed annually and hoped that the recent significant changes in this area would now make it a higher priority.

Mr. Grovesteen commented that this project probably would not be occupied until 2007 and he is unsure how many additional cars would be involved. Realistically, he said it could be four, five, or six years before the roadwork is done.

Commissioner Rackauskas said she favored the project, but is very concerned about the road conditions. She said the road should be improved first. Commissioner Sage agreed, but commented that the community needs such an assisted living facility. Commissioner Baughan commented that it is not ideal, but acknowledged that it is realistic that the road will eventually be improved to "catch up."

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

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission closed the public hearing this petition on August 24, 2005, and passed a motion by a vote of 7 to 2 recommending Council approval of the Preliminary Plan for the Luther Oaks Subdivision in Case PS-09-05 providing that it is revised in accordance with staff's concerns, and with the understanding that Council will make a judgment about the appropriate parkland dedication figure, and with a strong recommendation that when the next review of the Five-year Capital Improvement Budget is undertaken that the relevant portions of South Morris Avenue and Lutz Road be included for earliest possible construction.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission recommendation and respectfully recommends approval of this Preliminary Plan with a \$47,880 fee in lieu of dedicating land for public park being paid at final platting and with the following sentences being inserted on the Preliminary Plan Cover Sheet C 1.0:

- The Developer shall extend a eight inch water main from the northeast corner of the site east through the City park to connect with the existing City water main at the corner of Wirsing Way and Bach Drive in the Wittenberg Woods Development.
- The Developer shall also connect to a water main extended along Lutz Road (to the south) when available.

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

Now comes Trinity Lutheran Church and Lutheran Home Services of Illinois, Inc. hereinafter referred to as your Petitioner respectfully representing and requesting as follows:

1. That your petitioner is interested as Owner and Developer in the premises hereinafter described in Exhibit A attached hereto and made a part hereof by this reference;
2. That your petitioner seeks approval of the Preliminary Plan for a subdivision of said premises to be known and described as Luther Oaks Subdivision which Preliminary Plan is attached hereto and made a part hereof;
3. That your petitioner also seeks approval of the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code, 1960: all those listed on the approved preliminary plan, if any;
4. That your Petitioner also seeks approval of the following exemptions or variations from the provisions of Chapter 24, of the Bloomington City Code: Those enumerated on the Preliminary Plan or otherwise permitted by annexation agreements of record.

WHEREFORE, your Petitioner prays that the Final Preliminary Plan for the Luther Oaks subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

Trinity Lutheran Church and  
Lutheran Home Services of Illinois,  
Inc.

By: Frank A. Miles

**ORDINANCE NO. 2005 - 95****AN ORDINANCE APPROVING THE PRELIMINARY PLAN OF THE LUTHER OAKS  
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 Luther Oaks Subdivision, legally described in Exhibit A attached hereto and made a part hereof by this reference;

WHEREAS, said Petition requests the following exemptions or variations from the provisions of the Bloomington City Code, 1960 as amended: Those enumerated on the Preliminary Plan or otherwise permitted by annexation agreements of record 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 Luther Oaks 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 12<sup>th</sup> day of September, 2005.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**EXHIBIT "A"****Legal Description**

A part of the Southwest Quarter of Section 17, Township 23 North, Range 2 East of the 3<sup>rd</sup> Principal Meridian, McLean County, Illinois more particularly described as follows:

Commencing as a Point of Reference at a Stone Marking the Southeast Corner of the Southwest ¼ of said Section 17, Thence North 1°-34'-05" west (assumed bearing) 40.02 feet along the East Line of the Southwest Quarter of Section 17 to the Point of Beginning.

From Said Point of Beginning thence North 90°-00'-00" West 381.51 feet Parallel with the South Line of the East Half of the Southwest ¼ of Section 17;

Thence North 1°-51'-29" West 241.98 Feet;

Thence North 90°-00'-00" West 285.95 Feet;

Thence North 1°-34'-05" West 504.27 Feet;

Thence North 88°-25'-55" East 668.43 Feet to the East Line of the Southwest Quarter of Section 17;

Thence South 1°-34'-05" East 764.50 Feet to the Point of Beginning.

Parcel Contains 10.00 Acres More or Less.

**Alderman Sprague expressed his opinion that this program would be an asset to the community. He noted the waiver of park land dedication due to the low occupancy of the facility. He encouraged City staff to consider an ordinance change which would fit the City's needs. Tom Hamilton, City Manager, addressed the Council. He noted that the only reason for this request was the density and the population served (elderly). He added that this facility would fit the needs of our growing community.**

**Alderman Matejka noted that park land dedication had been waived for Habitat for Humanity. He noted the nature of development. Alderman Sprague added his belief that there had been three (3) exceptions in the last year. Mr. Hamilton noted that City staff had checked similar developments in the community. He added that the Petitioner had proposed this waiver for this development.**

**Motion by Alderman Finnegan, seconded by Alderman Huette that the Preliminary Plan be approved with a \$47,880 fee in lieu of dedicating land for public park being paid at final platting and the following sentences inserted on the Preliminary Plan Cover Sheet C 1.0: 1.) the Developer shall extend a eight inch water main from the northeast corner of the site east through the City park to connect with the existing City water main at the corner of Wirsing Way and Bach Drive in the Wittenberg Woods Development, and 2.) the Developer shall also connect to a water main extended along Lutz Road (to the south) when available, 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 submitted by Trinity Lutheran Church and Lutheran Home Services of Illinois, Inc., requesting approval of a Special Use Permit to allow convalescent homes, homes for the aged, nursing homes, shelter care homes, including Dementia units in the S-2, Public Lands and Institutions District on approximately 10 acres commonly located west of Wittenberg Woods Subdivision, north of Lutz Road, and south of Trinity Lutheran School (Case SP-05-05)

BACKGROUND INFORMATION:

Adjacent Zoning

north: S-2 Public Lands & Institutions District  
south: R-1 (County zoning)  
east: S-2 Public Lands & Institutions District  
west: S-2 Public Lands & Institutions District

Adjacent Land Uses

north: Trinity Lutheran School  
south: single family dwelling & greenhouse  
east: park & retention pond  
west: single family dwellings & timber

Current Land Use: vacant

1998 Comprehensive Plan: recommends low to medium density residential use for this property.

Proposed Comprehensive Plan: recommends low to medium density residential use for this property

The property in question is a 10.0 acre tract that the petitioner wishes to develop as the site of a 146 unit, four story retirement center with a mix of ninety (90) senior independent living units, forty (40) senior assisted living units, and sixteen (16) rooms for Dementia care. The proposed building will contain 158,156 square feet of floor area with 105,965 square feet (67 %) for senior independent living, 24,468 square feet (18 %) for senior assisted living, 11,071 square feet ( 7 %) for Dementia care, and 12,652 square feet (8 %) in common space. The proposed parking lots will contain a total of 185 parking spaces, including eight (8) handicapped accessible spaces. Section 7.30 (7) of the Zoning Code stipulates the following standards and conditions for this special use:



- (1) Minimum fencing / screening requirements: Parking lots shall be screened from adjacent dwellings in accordance with Section 4.73 (a) of this Code.
- (2) Minimum Lot Area: Four hundred (400) square feet per occupant plus two thousand (2,000) square feet for the supervisor's dwelling where applicable.
- (3) Minimum lot width: sixty (60) ft.
- (4) Minimum yard requirements are the same as required in the zoning district in which the Special Use is proposed to be located.
- (5) Maximum Height: Thirty-five (35) feet or two (2) stories, whichever is lower.
- (6) Additional requirements: Parking spaces shall be provided in accordance with Section 7.22 of this Code for these special uses. One (1) parking space for every four hundred (400) square feet of gross floor area, or 287 spaces) If applicable, the licensing requirements of Chapter 30 of the Bloomington City Code shall be complied with.

The petitioners have filed separate applications for a variation of the two story maximum building height limit to allow a four story building and a variation of the 287 space minimum parking space requirement to require only 185 parking spaces. The petitioners should also commit to a plan to bring an adequate public water supply to this property from south Morris Avenue or Greenwood Avenue. The eight (8) inch diameter water main that now serving Trinity Lutheran School and the entire Wittenberg Woods at Prairie Vista Subdivision will not be able to handle this retirement center. A water main extension will be necessary along south Morris Avenue or Greenwood Avenue to Lutz Road and across Lutz to the front of the property in question.

#### BOARD OF ZONING APPEALS' PUBLIC HEARING:

The Board of Zoning Appeals held a public hearing on this petition on August 17, 2005 and recommends the same. Mr. Frank Miles, Attorney at Law, 202 N. Center Street, was present to speak in favor of this petition on behalf of the petitioner. He testified that Lutheran Home Services of Illinois, Inc., will extend an eight (8) inch water main from the northeast corner of the site, east through Wittenberg Woods Park to connect with the existing City water main at the corner of Wirsing Way and Bach Drive in the Wittenberg Woods Development, and will also connect to a water main extended along Lutz Road (to the south) when it's available.

No testimony was presented at this public hearing in opposition to this petition. Seventeen property owners near the property in question were sent written notice of this public hearing.

Mr. Kenneth Emmons, City Planner, recommended that if the Board of Zoning Appeals grants these two requested variations, that the Board of Zoning Appeals pass a motion recommending Council approval of this petition with the stipulation that the petitioners commit to a plan to bring an adequate public water supply to this property.

BOARD OF ZONING APPEALS' RECOMMENDATION:

The Board of Zoning Appeals approved the requested variation of the two story maximum building height limit to allow a four story building and the variation of the 287 space minimum parking space requirement to require only 185 parking spaces after this public hearing on August 17, 2005. After having given due consideration to this petition and the testimony presented the Board of Zoning Appeals passed a motion by a vote of 6 to 0 recommending Council approval of this petition with the stipulation that the petitioners commit to a plan to bring an adequate public water supply to this property, which has been done by Lutheran Home Services of Illinois, Inc.

The Board of Zoning Appeals bases this recommendation on its conclusion that the petitioner does meet the following standards as applicable by Chapter 44, Section 7.30 (d), (2) in finding of facts:

1. That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, comfort or general welfare;
2. That special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
3. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district;
4. That adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided;
5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
6. That the special use shall, in all other respects, conform to the applicable regulations of the district in which is located, except as such regulations may be modified by the Council pursuant to the recommendations of the Board of Zoning Appeals.

STAFF RECOMMENDATION:

The City staff concurs with the Board of Zoning Appeals and respectfully recommends Council approval of this petition.

Respectfully,

Kenneth Emmons  
City Planner

Tom Hamilton  
City Manager

**PETITION FOR A SPECIAL USE**

State of Illinois            )  
  )ss.  
County of McLean        )

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

Now comes Trinity Lutheran Church and Lutheran Home Services of Illinois, Inc. 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 and made a part hereof by this reference, or is a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, leasee, or any other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That said premises presently has a zoning classification of S-2, Public Lands and Institutions District under the provisions of Chapter 44 of the Bloomington City Code, 1960;
3. That under the provisions of Chapter 44, Section 7.30 (K) of said City code convalescent homes, rest homes, home for the aged, nursing homes, shelter care homes, etc., are allowed a Special Use in the S-2, Public Lands and Institutions zoning district;
4. That the establishment, maintenance, or operation of said special use on said premises will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
5. That said special use on said premises will not be injurious to the sue and enjoyment of other property in the immediate vicinity of said premises for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
6. That the establishment of said special use on said premises will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the S-2 Public Lands and Institutions zoning district;
7. That the exterior architectural treatment and functional plan of any proposed structure on said premises will not be so at variance with either the exterior architectural treatment and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood adjacent to said premises;

8. That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided to said premises for said special permitted sue;
9. That adequate measures have been or will be taken to provide ingress and egress to and from said premises so designed as to minimize traffic congestion in the public streets; and
10. That said special permitted use on said premises shall, in all other respects, conform to the applicable regulations of the S-2, Public Lands and Institutions zoning district in which it is located except as such regulations may, in each instance, be modified by the City Council of the City of Bloomington pursuant to the recommendations of the Bloomington Board of Zoning Appeals.

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

Respectfully submitted,

Trinity Lutheran Church and  
Lutheran Home Services of Illinios,  
Inc.

By: Frank A. Miles

**ORDINANCE NO. 2005 - 96**

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A CONVALESCENT HOMES, REST HOMES, HOME FOR THE AGED, NURSING HOMES, SHELTER CARE HOME ETC. IN THE S-2, PUBLIC LANDS AND INSTITUTIONS DISTRICT**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting a special use permit for a convalescent homes, rest homes, home for the aged, nursing homes, shelter care homes, etc. in the S-2, Public Lands and Institutions District for certain premises hereinafter described in Exhibit A; and

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

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

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

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

1. That the special use permit for a convalescent home, rest homes, home for the aged, nursing homes, shelter care homes, etc. in the S-2, Public Lands & Institutions District on the premises hereinafter described in Exhibit(s) A shall be and the same is hereby approved.
2. That this Ordinance shall take effect immediately upon passage and approval.

PASSED this 12<sup>th</sup> day of September, 2005.

APPROVED this 13<sup>th</sup> day of September, 2005.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

## EXHIBIT "A"

## Legal Description

A part of the Southwest Quarter of Section 17, Township 23 North, Range 2 East of the 3<sup>rd</sup> Principal Meridian, McLean County, Illinois more particularly described as follows:

Commencing as a Point of Reference at a Stone Marking the Southeast Corner of the Southwest ¼ of said Section 17, Thence North 1°-34'-05" west (assumed bearing) 40.02 feet along the East Line of the Southwest Quarter of Section 17 to the Point of Beginning.

From Said Point of Beginning thence North 90°-00'-00" West 381.51 feet Parallel with the South Line of the East Half of the Southwest ¼ of Section 17;

Thence North 1°-51'-29" West 241.98 Feet;

Thence North 90°-00'-00" West 285.95 Feet;

Thence North 1°-34'-05" West 504.27 Feet;

Thence North 88°-25'-55" East 668.43 Feet to the East Line of the Southwest Quarter of Section 17;

Thence South 1°-34'-05" East 764.50 Feet to the Point of Beginning.

Parcel Contains 10.00 Acres More or Less.

Part of 21-17-376-004

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

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Waive the Formal Bidding Process and Approve Permission to Extend 50/50 Sidewalk Contract for Improvements to O'Neil Park Baseball Field

In the 2005-06 Fiscal Year budget, the City has budgeted \$100,000 to make improvements in the O'Neil Park Baseball Field. These improvements include new fencing, restroom renovation, bleachers, bleacher pads, and sidewalks for accessibility. It is the intention of the Parks and Recreation Department to bring this facility up to current codes and make it handicapped accessible.

The bleachers that were at the facility when the City terminated its agreement with the American Legion were scrapped due to their condition and the fact that they did not comply with current codes. The plan is to pour concrete bleacher pads and sidewalks so they will be accessible and easy to clean under.

J.G. Stewart Contractors, Inc. has the current 50/50 sidewalk replacement contract with the City. The price for four (4) inch thick concrete in this contract is \$3.75 per square foot. It is estimated that 8,000 square feet of concrete would be required for this project at \$3.75 per square foot would come to \$30,000.

J.G. Stewart Contractors has agreed to extend the 50/50 contract price to do this work. Staff respectfully requests that Council waive the formal bidding process and approve an extension in the 50/50 Sidewalk Contract to J.G. Stewart Contractors, Inc. for work not to exceed \$30,000, the Purchasing Agent authorized to issue a Purchase Order for same, and the Resolution be adopted. This would leave a balance of \$60,710.30 in the Capital Improvement Fund, account X40100-72570 to complete this project.

Respectfully,

Jerry Armstrong,  
Asst. Director Parks & Recreation

Tom Hamilton  
City Manager

**Alderman Huette questioned if this item would be linked to the replacement program. Doug Grovesteen, Director of Engineering, addressed the Council. The total cost would be split between the parties. Alderman Huette questioned if the figures included tear out. Keith Rich, Director of Parks & Recreation, addressed the Council. He noted that there would be no tear out. An entrance would be created, plus two (2) bleacher pads and a patio for the concession area would be installed.**

**Alderman Huette questioned how this cost would compare to an average sidewalk. Mr. Grovesteen noted that each was the minimum size per location. No average cost was provided. Alderman Huette noted that a typical sidewalk was a few hundred square feet.**

**This project would cost \$30,000 with no tear out. He expressed his opinion that this was a different project which should have been bid with an end result of significant cost savings.**

**Alderman Sprague questioned if this project could be delayed. Mr. Rich responded affirmatively. This project could be saved until after the baseball season was over. This fall the City could put the concrete down, order the bleachers and bid the fencing. The restrooms would be remodeled this winter. The facility would be ready by spring 2006. Baseball practice would begin in March 2006.**

**Alderman Huette questioned the turn around time for a bid. Mr. Grovesteen informed the Council the time frame would be five to six (5 – 6) weeks.**

**Mr. Hamilton questioned the design work. Mayor Stockton questioned if City staff could negotiate with JG Stewart. Mr. Rich noted that the contractor provided a quotation of \$3.75, standard charge. Alderman Huette requested that City staff go back to the contractor, provide a table to the Council which would avoid going out for bid. Mr. Hamilton stated that City staff would have to be authorized to waive bids, negotiate a price, and report back to the Council at their September 26, 2005 meeting.**

**Jerry Armstrong, Asst. Director of Parks & Recreation, addressed the Council. In 2002, the City paid \$3.15 for Bittner Park. In 2003, the City paid \$3.55 for Tipton Park. In 2005, the City would pay \$3.75 for O'Neil Park. He expressed his opinion that this was a good price. He had spoken with Greg Kallevig, Program Engineer. City staff believed the price was reasonable. He added his belief that there was a separate cost for tear out in the City's 50/50 program.**

**Alderman Purcell questioned forming. He requested that the Council vote on this item as the price appeared to be fair.**

**Motion by Alderman Finnegan, seconded by Alderman Huette that the item be laid over until the Council's September 26, 2005 Council meeting, and City staff be authorized to negotiate a price.**

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

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

**Nays: Aldermen Matejka and Purcell.**

**Motion carried.**

**The following was presented:**



September 12, 2005

753

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Public Hearing on the Petition submitted by RBT of Illinois, LLC, and St. Patrick's Church of Merna, requesting approval of an Annexation Agreement and rezoning to R-1C, High Density Single Family Residence District, R-2, Mixed Residence District, and S-2 Public Lands and Institutions District, and B-1 Highway Business District zoning for property north of Illinois Route 9 East, and east of Towanda Barnes Road, consisting of approximately 124 acres. (Case Z-16-05 ) (east of Ward #3)

The Bloomington Planning Commission opened a public hearing this petition on August 24, 2005 and continued such hearing until September 28, 2005 at the petitioners' request. Staff respectfully recommends that Council continue its September 12, 2005 public hearing on this Annexation Agreement in Case Z-16-05 until the October 10, 2005 Council meeting in order to allow the Planning Commission to complete its public hearing process and provide its recommendation on such agreement.

Respectfully,

Kenneth Emmons  
City Planner

Tom Hamilton  
City Manager

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

**Motion by Alderman Matejka, seconded by Alderman Schmidt that the public hearing on this Annexation Agreement be opened and the item laid over until the October 10, 2005 City Council meeting.**

**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 James Edward Grady & Habitat for Humanity of McLean County requesting approval of the Annexation Agreement and Petitions to Annex and Rezone from R-1 Single Family Residential District (County zoning) to R-1C High Density Single Family Residence District zoning for property located at the northeast corner of South Bunn Street and East Lafayette Street, consisting of 0.66 acres (south of Ward # 1) (Case Z-14-05)

#### BACKGROUND INFORMATION:

##### Adjacent Zoning

north: R-1C Single Family Residence District  
 south: R-1 Single Family (County zoning)  
 east: A- Agriculture District  
 west: R-1C Single Family Residence District

##### Adjacent Land Uses

north: single family dwellings  
 south: trucking business  
 east: single family dwellings  
 west: single family dwellings

Comprehensive Plan recommends: “low to medium density residential ” use.

The petitioners wish to annex the subject property into the City and rezone it to R-1C Single Family Residence District in order for Habitat for Humanity of McLean County to construct an affordable single family dwelling.

In Paragraph 4 of the proposed annexation agreement: 1.) the owner would agree to dedicate the required right-of-way for East Lafayette Street (an additional eight inches required) and/or Bunn Street (none required); 2.) the City would agree to waive any adjacent street improvement obligation for East Lafayette Street (\$23,708.75) and/or Bunn Street (none required); 3.) the City and Habitat would agree to share equally the cost of extending a sanitary sewer to serve the subject property with Habitat’s share not exceeding \$7,500; and 4.) the City would agree to permit the tap of an existing water main and waiving the tap-on fee (\$2,988.37).

In Paragraph 5 of the proposed annexation agreement, the City would agree to waive any storm water detention requirements or the fee in lieu thereof (\$850). In Paragraph 6 of the agreement, the City would agree to waive any park land dedication requirements or the fee in lieu thereof for one house (\$1,019). The July 7, 2005 memorandum from Mr. Doug Grovesteen, Director of Engineering, states, these waivers will result in approximately \$36,066 in lost revenues for the City. The dedication of eight (8) inches of additional right-of-way for east Lafayette Street will be a cost savings of around \$1,517. The granting of such waivers will assist Habitat in implementing its affordable housing program.

#### PLANNING COMMISSION PUBLIC HEARINGS:

The Planning Commission opened a public hearing on this petition on July 27, 2005 and continued such hearing until August 10, 2005, in order to allow more time to study the drainage

problems north of and adjacent to the property in question. Mr. Frank Miles, Attorney at Law and Habitat for Humanity legal counsel, requested that the Planning Commission lay over consideration of this petition from August 10, 2005 until its next regular meeting on August 24, 2005, to allow more time to consider the concerns of the neighbors and evaluate alternative development plans. The Planning Commission then held another public hearing on August 24, 2005.

At the July 27, 2005 hearing, Mr. Frank Miles, Attorney at Law, 202 N. Center Street, testified that this is fairly straightforward annexation. He indicated that the home would likely face Bunn Street. The following persons voiced concerns about this petition at this July 27th hearing:

- Mr. Adam Morris, 1518 S. Bunn Street.
- Ms. June Newberry, 1513 S. Bunn Street.

Mr. Morris inquired whether the sidewalk (running along the north side of Lafayette Street) would be built eastward of Bunn Street to connect up to the portion of existing sidewalk. Mr. Keith Rich, Director of Parks and Recreation, responded that Constitution Trail is to be extended along the north side of Lafayette Street. Mr. Morris stated that heavy rains cause ponding in the rear of his property. Mr. Grovesteen, Director of Engineering stated that he could address some issues as property is annexed to the City. He noted that he is somewhat limited by not having a say over land that is still outside of the City limits.. Mr. Grovesteen also noted that improvement of Lafayette Street is in the Capital Improvement Budget's five year plan, and commented that anyone building here would be required to submit a grading plan prior to construction.

Ms. Newberry stated that she is appearing in behalf of her neighbor, Ms. Linda Phillips, 1520 S. Bunn St. who lives at the property just north of the subject site, and was unable to attend. She inquired whether front yards would be torn up to work on sewer lines. Mr. Miles responded that no one has authority to get beyond utility easements. He stated that anyone doing work would have to stay within easements or contact the owner for permission. Ms. Newberry agreed there is a ponding problem in the back yards.

At the August 10, 2005 hearing, Mr. Grovesteen indicated that he had met with Mr. Bruce Williams, the Director of Habitat for Humanity, and had walked the site. It was noted that this site is considerably higher than the neighbor to the north. He noted that he is going to meet with the neighbor to the north the following day. He also noted that Mr. Morris was not in the audience and that he was not sure about what Mr. Morris had regarded as "flooding." Mr. Grovesteen pointed out that drainage water flows in a ditch toward the north.

At the August 24, 2005 hearing, Mr. Frank Miles noted that this is to be the site of only one single family home.

He stated that there had been a meeting held with the neighbor to the north addressing: 1.) that the utilities not cross the neighbors property, he related that it is now agreed that all utilities will run only in the easement in public right of way, and 2.) drainage along the rear of properties, relating that the subject property is higher, but how it is graded may improve the situation. The neighbor is satisfied that building a house in this location would not make anything worse.

Mr. Grovesteen stated that the waterway is overgrown with brush and is silted in some areas. He indicated that it is in the City budget, within two years, to do the work to clean out and re-grade the waterway. He indicated that he would check into completing this work sooner.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission closed the public hearing for this petition on August 24, 2005, and passed a motion by a vote of 7 to 0 recommending Council approval of the Annexation Agreement and Rezoning from R-1 Single Family Residential District (County zoning) to R-1C High Density Single Family Residence District zoning for the property in question.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission and recommends approval of this petition and annexation agreement.

Respectfully,

Kenneth Emmons  
City Planner

Tom Hamilton  
City Manager

**ANNEXATION AGREEMENT**

THIS AGREEMENT is entered into and between the CITY OF BLOOMINGTON, McLEAN COUNTY, ILLINOIS, hereinafter referred to as City, and James Edward Grady and Habitat for Humanity of McLean County, Inc. hereinafter referred to as Owner, the parties agree effective on this 13<sup>th</sup> day of September, 2005, to this annexation agreement.

Recitals:

1. The owner is the owner of record of the premises hereinafter described in Exhibit(s) A attached hereto and made a part hereof by this reference.
2. The owner is desirous of having said premises annexed to the City and the City is desirous of annexing said premises.
3. Said premise is not within the corporate limits of any municipality but is contiguous to the City.
4. The owner is desirous of having said premises zoned R-1C upon annexation to the City and permit the use thereof as a single family residence.
5. The owner has given all notices required to be given by section 7-1-1 of the Illinois Municipal Cod (ILL. Rev. Stat., Ch. 24, Sec. 7-1-1).

Agreement:

1. City agrees to annex said premises to the City.
2. City agrees to zone said premises into the R-1C zoning classification and permit the use thereof as a single family residence.
3. Owner agrees that upon execution of this Agreement, the owner will petition for annexation of said premises to all other units of local government required by Chapter 8.5, Section 202 of the Bloomington City Code – 1960, as hereinafter amended, and diligently pursue to a final decision such petitions for annexation within ninety (90) days of the date of notification by such other units of local government that said premises meets the statutory qualifications for annexation to such other units of local government.
4. ~~Owner agrees to reimburse City, at the time of construction for one half the construction cost of the improvement of all public streets that are adjacent to said premises from their present condition to a 30 foot wide improved street with curb and gutter for the full extent that such streets are adjacent to said premises. For purposes of definition of this agreement, streets shall be considered adjacent to said premises if:~~
  - a. ~~any portion of said streets are contiguous to any portion of said premises; or~~
4. (a) Owner agrees to dedicate required right-of-way for Lafayette Street and/or Bunn Street.
  - (b) City agrees to waive any adjacent street improvement obligation for Lafayette Street or Bunn Street.
  - (c) City and Habitat agree to share equally the cost of extending a sanitary sewer to serve the subject property. Habitat’s share not to exceed \$\_\_\_\_\_.
  - (d) City agrees to permit the tap of an existing water main and waive any tap-on fee.
5. City agrees to waive any storm water detention or fee in lieu thereof.
6. City agrees to waive any park land dedication or fee in lieu thereof.

This Agreement shall be in full force and effect until \_\_\_\_\_.

City of Bloomington  
By: Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

Owner:

James Edward Grady

Habitat for Humanity of Mclean  
County, Inc.

By: Bruce T. Williams, Executive  
Director

EXHIBIT A

The South 1/2 of Lot 2 and all of Lot 3 in McClun's Subdivision of Lot 11 of Assessor's Subdivision of the Southwest 1/4 of Section 10, Township 23 North, Range 2 East of the Third Principal Meridian, excepting therefrom the West 15 feet thereof taken by the City of Bloomington in an Order entered April 15, 1994 in Case No. 73 TX 133.

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

**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 James Edward Grady and Habitat for Humanity of McLean County, Inc. 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 a part hereof by this reference, of is a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That said premises presently has 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: R-1C and permit the use thereof as a single family residence;

5. That your petitioners hereby request that the 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 R-1C and permit the use thereof as a single family residence.

Respectfully submitted,

Habitat for Humanity of McLean  
County, Inc.

By: Bruce T. Williams, Executive  
Director

James Edward Grady

**ORDINANCE NO. 2005 - 97****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 James Edward Grady and Habitat For Humanity of McLean County, the owner of the premises hereinafter described, which Agreement is attached hereto and made a part hereof by this reference as Exhibit A; 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 (ILL. Rev. Stat., Chapter 24, Section 7-1-1); and

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. Said City Council has further determined that the proposed zoning, as established in the aforesaid Agreement, follows the general comprehensive plan and development theme heretofore established by the corporate authorities of the City of Bloomington and should be placed in effect as to said land upon the annexation of same, all as by Statute specifically 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 Acknowledgement has been duly executed, under oath, by the owner of said property.

\*If the property is held in a land trust, the name and address of each beneficiary of such land trust shall be identified in compliance with Chapter 148, Sec. 72 (ILL. Rev. Stat.)

SECTION THREE: That the property hereinabove described is by this Ordinance hereby annexed to and does by said Ordinance becomes 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 is ratified, affirmed, and incorporated into this Ordinance.

SECTION FIVE: That this Ordinance shall be in full force and shall be effective as of the time of its passage this 12<sup>th</sup> day of September, 2005.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

EXHIBIT A

The South ½ of Lot 2 and all of Lot 3 in McClun's Subdivision of Lot 11 of Assessor's Subdivision of the Southwest ¼ of Section 10, Township 23 North, Range 2 East of the Third Principal Meridian, excepting therefrom the West 15 feet thereof taken by the City of Bloomington in an Order entered April 15, 1994 in Case No. 73 TX 133.

**ORDINANCE NO. 2005 - 98****AN ORDINANCE REZONING CERTAIN PROPERTY FROM A, AGRICULTURE TO R-1C, SINGLE FAMILY RESIDENCE DISTRICT AND PERMIT THE USE THEREOF AS A SINGLE FAMILY RESIDENCE**

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 R-1C Single Family Residence District and permit the use thereof as a single family residence.
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 12 day of September, 2005.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**EXHIBIT A**

The South ½ of Lot 2 and all of Lot 3 in McClun's Subdivision of Lot 11 of Assessor's Subdivision of the Southwest ¼ of Section 10, Township 23 North, Range 2 East of the Third Principal Meridian, excepting therefrom the West 15 feet thereof taken by the City of Bloomington in an Order entered April 15, 1994 in Case No. 73 TX 133.

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

**Motion by Alderman Crawford, seconded by Alderman Matejka that the Annexation Agreement and Petitions to Annex and Rezone be approved, 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 and Purcell, and Mayor Stockton.**

**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 TGFP, LLC, requesting approval of the Annexation Agreement and Petitions to Annex and Rezone from A-Agriculture District to B-1, Highway Business District zoning for the property located east of the Pony League Baseball Fields,; north of Norfolk & Southern Railroad; west of County Highway 29 (Towanda Barnes Road); and east of the Links at Ireland Grove Road, consisting of approximately 6.103 acres (Case Z-13-05)

BACKGROUND INFORMATION:

Adjacent Zoning

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

Adjacent Land Uses

north: cropland  
south: Illinois Power Substation  
east: cropland  
west: Pony League Ball Fields

1998 Comprehensive Plan recommends: "Parks and Open Space" use for this land.

Proposed Comprehensive Plan recommends: " Regional Highway Commercial" use for this land.

Project Rating of Development Proposal for Consistency with Local & Regional Comprehensive Plans: Provides minimal features or acceptable alternatives with 0 to 5 optional features- Favorable recommendation is possible.

The petitioner requests that this tract be commercial use as it is located at the intersection of two (2) major roadways and ideally situated for business. It is further noted that the other three corners of this intersection are designated for "Regional / Highway Commercial" use. The annexation of the Pony League Ball Fields in Case Z-12-05 would make this piece contiguous to the City.

Staff has reviewed the draft of the Annexation Agreement and suggests the following recommended revisions:

- Page 2, Item 4-C. This tap-on fee of \$3,341 represents the Golwitzer Commercial Subdivision share of the Links outfall sewer. It should be paid to the developers of the Links at Ireland Grove who paid for the sewer.

This is not the only tap-on fee for sanitary sewers that must be paid by TGFP, LLC, the owners (per the July 7, 2005 Memorandum from Mr. Douglas Grovesteen, Director of Engineering). The following additional tap-on fees should be included in this annexation agreement:

1.) Towanda-Barnes Outfall Sewer: \$560.00 per acre + 6% simple interest from Oct. 1997; 2.) White Eagle Outfall Sewer: \$435.00 per acre + 6% simple interest from Aug. 1996; 3.) Ireland Grove Rd Outfall Sewer: \$190.00 per acre + 6% simple interest from Dec. 1976; and 4.) Little Kickapoo Pump Sta. & East Side Interceptor: \$450 per acre + 6% simple interest from Sept. 1994.

- Page 2, Item 4. I.- Approval of the Preliminary Plan for Golwitzer Commercial Subdivision (Exhibit "B") a separate public hearing on such plan (Case PS-10-05) was held on August 10, 2005, after the proper public notice was published in the local newspaper as required by City Code.
- Note #4 on Sheet 1 of 3 of Exhibit "B" should state that the storm water detention area shall be privately maintained.
- Note #6 on Sheet 1 of 3 of Exhibit "B" should state that the sanitary sewer easement for the 8" sanitary sewer in the rear of lot shall be 15' wide (not 10' wide) with paved hard surface access to the two manholes in rear yards.
- Sheet 3 of 3 of Exhibit "B"- The 10' wide utility easement on the east side of the "Typical Cross Section A-A" should be 15' wide.
- Sheet 3 of 3 of Exhibit "B"- The 15" storm sewer along the west side of Towanda-Barnes Road should be maintained by the McLean County Highway Department.

#### PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission opened a public hearing on this petition on July 13, 2005. The hearing was continued until August 10, 2005, to allow for the deferral of the preliminary plan

approval for the Golwitzer Commercial Subdivision, until after such plan had been the subject of a separate public hearing on August 10, 2005 and after proper public notice publication as required by Bloomington City Code. The following persons submitted testimony in favor of this petition at the July 13, 2005 hearing:

- Mr. William Wetzel, Attorney at Law, 115 W. Jefferson Street
- Mr. Neil Finlen, P.E. Farnsworth & Wylie, Inc. 2709 McGraw Drive

Mr. Wetzel stated that the original intent was to have the plan approved along with the annexation agreement, but acknowledged the oversight and indicated that they would abide by Code. He requested that the discussion of the annexation agreement be deferred until the Preliminary Plan had been discussed.

Commissioner Baughan noted that the site floods badly and drainage should be addressed. Mr. Wetzel agreed and stated that it would be taken into account. He suggested that this is a good use for an 'orphan' piece of property with Pony League to the west, a major intersection to the east, and the Illinois Power facility to the south.

Mr. Finlen commented that this is a "package deal", both annexation agreement and preliminary plan of Case Z-13-05 and the Case Z-12-05 together. He assured that the drainage problems would be addressed.

Mr. Homer Bozarth, RR#1, Box 101, Downs, Illinois, submitted testimony in opposition to this petition at the July 13, 2005 hearing. Mr. Bozarth inquired whether sewer treatment would be handled by the proposed Kickapoo Pump Station. Mr. Grovesteen, Director of Engineering, replied that it would be handled by the *existing* "Little Kickapoo" Pump Station, not the proposed new one. Mr. Bozarth said he preferred to see the site stay farmland.

Mr. William Wetzel, 115 W. Jefferson Street, Suite 400, submitted testimony in favor of this annexation agreement at the August 10, 2005 public hearing. Mr. Wetzel commented that this hearing was picking up where the July 13, 2005 hearing left off. He reaffirmed that the petitioners are agreeable to staff's concerns.

Mr. Doug Grovesteen, Director of Engineering, stated his desire to delete the line in the staff report that reads; "*The agreement should address street lighting along Towanda-Barnes Road and who pays when such lighting is needed.*" He recalled that the Commissioners had not wanted to make the provision retroactive but had urged that a policy be written in the Code. The Commission concurred. Mr. Wetzel had no objection. No other testimony was presented at this August 10, 2005 public hearing.

#### PLANNING COMMISSION RECOMMENDATION:

The Planning Commission closed the public hearing this petition on August 10, 2005, and passed a motion by a vote of 6 to 0 recommending Council approval of the annexation agreement in Case Z-13-05 as revised in accordance with staff's concerns.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission and respectfully recommends approval of this revised agreement.

Respectfully,

Kenneth Emmons  
City Planner

Tom Hamilton  
City Manager

**ANNEXATION AGREEMENT**

THIS AGREEMENT is made and entered into by and between the City of Bloomington, McLean County, Illinois (herein referred to as "City"), and TGFP, LLC, (herein referred to as "Owner").

WHEREAS, Owner is the owner of the property described on Exhibit "A" which is attached hereto and by this reference made a part hereof; and

WHEREAS, Owner is desirous of having the premises described in Exhibit "A" annexed to the City and the City is desirous of annexing said property; and

WHEREAS, after annexation, Owner and City are desirous of having the premises zoned into the following zoning classification: B-1, Highway Business District.

THEREFORE, IT IS AGREED BY AND BETWEEN THE CITY AND THE OWNER AS FOLLOWS:

1. City agrees to annex the real estate described in Exhibit "A".
2. City agrees to zone said premises as B-1, Highway Business District.
3. Owner agrees that upon execution of this Agreement it will petition for annexation of said premises to all other units of local government required by the ordinances of the City and diligently pursue to a final decision such petitions for annexation within ninety (90) days of the date of notification by such other units of local government that the premises meet the statutory qualifications for annexation to such other units of local government.
4. In connection with the property described on Exhibit "A" the following shall be required:
  - A. There will be no required adjacent substandard street fees for either Ireland Grove Road or Towanda-Barnes Road.

B. A water main shall be extended along the north edge of the property adjacent to and parallel with Ireland Grove Road. The City will reimburse the Owner for the reasonable cost difference between a 16-inch water main and an 8-inch water main. Owner will dedicate to the City an appropriate utility easement area in which such water main shall be located.

C. A sanitary sewer shall be extended along the north edge of the property adjacent to and parallel with Ireland Grove Road of a size and in a manner acceptable to the City. Owner will pay a sanitary sewer tap on fee in the amount of \$3,341.00 plus 6% simple interest from January 2005 per acre at the time of final platting for permission to connect to the sanitary sewer.

D. Owner will construct and maintain on site storm water detention facilities in accordance with the City Code.

E. Owner will obtain permits from the McLean County Highway Department to access the premises from Towanda-Barnes Road and Ireland Grove Road.

F. City will not require the payment of any park land dedication fees so long as none of the property is used for residential purposes.

G. Owner shall not be required to provide more than one access to each lot shown on the preliminary plan.

H. City will permit access to the property described in Exhibit "A" through an easement over property to the west as shown on the preliminary plan.

I. City accepts and approves the proposed preliminary plan for the Golwitzer Commercial Subdivision, which preliminary plan is attached hereto as Exhibit "B". City agrees that any final plat which substantially conforms to the preliminary plan hereby approved shall be approved by appropriate action by the City.

This Agreement is binding upon the Owners and upon the City and their successors and assigns. The term of this Agreement shall be in full force and effect for twenty (20) years from the date of its execution by the parties hereto.

City of Bloomington

By: Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

Owner:

TGFP, LLC

BY: David Golwitzer  
ITS: Managing Member

EXHIBIT A

Lot 3 in the Resubdivision of Lot 2 in Illinois Power Company Subdivision according to the Plat thereof recorded September 3, 2003 as Document No. 2003-44693, in McLean County, Illinois (TGFP Tract)

24-22-18-200-005

**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

The undersigned, the owner of the property described on Exhibit "A", respectfully represents and requests as follows:

1. That it is the owner of the premises described on Exhibit "A" which is attached hereto and made a part hereof;
2. That the property described on Exhibit "A" is currently zoned under the provisions of the McLean County Zoning Ordinance;
3. That attached hereto and by this reference made a part hereof is an Annexation Agreement between the City of Bloomington, McLean County, Illinois and TGFP, LLC;
4. That your Petitioner hereby requests that the Honorable Mayor and City Council of the City of Bloomington, McLean County, Illinois approve the Annexation Agreement, annex said premises to the City and amend the official Zoning Map of said City to classify the premises described on Exhibit "A" as B-1, Highway Business District;
5. 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;
6. That no electors reside on the premises;



7. That the premises described on Exhibit "A" are not currently contiguous to the City of Bloomington. Filed simultaneously with this Petition is a Petition by McLean County Pony Baseball, Inc. and if the property described in the Petition filed by McLean County Pony Baseball, Inc. is annexed to the city then the property which is the subject of this Petition will be contiguous to the City of Bloomington.

WHEREFORE, your petitioner respectfully prays that the 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 assign to said premises a classification of B-1, Highway Business District.

Respectfully submitted,

TGFP, LLC

By: David L. Golwitzer

STATE OF ILLINOIS )  
 )ss:  
COUNTY OF LOGAN )

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY THAT David L. Golwitzer personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he signed, sealed and delivered the said instrument for and on behalf of TGFP, LLC for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 23<sup>rd</sup> day of June, 2005.

Ruth Green  
Notary Public

**ORDINANCE NO. 2005 - 99****AN ORDINANCE ANNEXING AND REZONING CERTAIN TERRITORY AS  
HEREINAFTER DESCRIBED TO THE CITY OF BLOOMINGTON, McLEAN  
COUNTY, ILLINOIS**

WHEREAS there has heretofore been filed by TGFP, LLC., a Petition for Annexation together with a proposed Annexation Agreement, relating to the property described on Exhibit "A". The Annexation Agreement is attached hereto 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 described on Exhibit "A" 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 (ILL. Rev. Stat., Chapter 24, Section 7-1-1); and

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. Said City Council has further determined that the proposed zoning, as established in the aforesaid Agreement, follows the general comprehensive plan and development theme heretofore established by the corporate authorities of the City of Bloomington and should be placed in effect as to said land upon the annexation of same, all as by Statute specifically 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.

SECTION THREE: That the property hereinabove described is by this Ordinance hereby annexed to and does by said Ordinance becomes 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 is ratified, affirmed, and incorporated into this Ordinance.

SECTION FIVE: That the entire property described in Exhibit "A" is hereby zoned B-1, Highway Business District and shall retain said classification until changed as provided for in the Annexation Agreement.

SECTION SIX: That this Ordinance shall be in full force and effect from and after the date of its adoption.

PASSED this 12<sup>th</sup> day of September, 2005.

APPROVED this 13<sup>th</sup> day of September, 2005.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

#### EXHIBIT A

Lot 3 in the Resubdivision of Lot 2 in Illinois Power Company Subdivision according to the Plat thereof recorded September 3, 2003 as Document No. 2003-44693, in McLean County, Illinois (TGFP Tract)

24-22-18-200-005

**Mayor Stockton opened the Public Hearing. Not one came forward to address the Council. Mayor Stockton closed the Public Hearing.**

**Motion by Alderman Matejka, seconded by Alderman Schmidt that that the revised Annexation Agreement and Petition to Annex and Rezone be approved and the Ordinances 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, and Mayor Stockton.**

**Nays: None.**

**Motion carried.**

**Alderman Sprague thanked the developer, property owner, project engineer, and City staff to create a foot path. The plan was well done.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition submitted by TGFP, LLC and McLean County Pony Baseball, Inc. requesting approval of the Preliminary Plan for Golwitzer Commercial Subdivision, for the property located east of the Pony League Baseball Fields, north of Norfolk & Southern Railroad; west of County Highway 29 (Towanda Barnes Road); and south of Ireland Grove Road, consisting of approximately 6.103 acres (Case PS-10-05) (east of Ward # 8)

**BACKGROUND INFORMATION:****Adjacent Zoning**

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

**Adjacent Land Uses**

north: cropland  
 south: Illinois Power Substation  
 east: cropland  
 west: Pony League Ball Fields

1998 Comprehensive Plan recommends “Parks and Open Space” use for this property.

Proposed Comprehensive Plan recommends: “Regional Highway Commercial” use for this property.

TGFP, LLC, a limited Liability Corporation, is proposing to annex the property in question and have the City rezone it into the B-1 Highway Business District under the provisions of a proposed annexation agreement in Case Z-13-05. The Preliminary Plan for Golwitzer Commercial Subdivision shows this 6.103 acres being subdivided into four lots.

These lots would have vehicular access to/from Towanda- Barnes Road and Ireland Grove Road by way of a privately owned 25 foot wide frontage road, west of, and parallel to Towanda-Barnes Road; and south of, and parallel to, Ireland Grove Road. The east intersection of this frontage road with Towanda-Barnes Road is centered on the common side lot line separating Lot #3 from Lot #4, while the north intersection of this frontage road with Ireland Grove Road is centered about 240 feet west of the west lot line of Lot #1 on property owned by McLean County Pony Baseball, Inc.

A permit for access to Towanda-Barnes Road needs to be secured from the McLean County Highway Department. An access easement for access to Ireland Grove Road needs to be obtained from the Pony League. This frontage road will be owned by an association of the owners of the commercial lots and will be privately maintained. No sidewalks will be constructed along this frontage road. The City will construct Constitution Trail along the south side of Ireland Grove Road to Towanda-Barnes Road.

The petitioners are requesting the following waivers:

1. Waiver to allow detention pond release to tile with inadequate capacity with overflow to Ireland Grove Road (1200 N.) south side ditch;
2. Waiver to allow private street and driveways with a 25 foot width, face-to-face; and curb and gutter on one side only with break in curb for flood routing.

On-site storm water detention will be provided in compliance with City Code. The storm water release will be to an eight (8") inch tile located parallel to Ireland Grove Road flowing westward and then crossing Ireland Grove Road and flowing northward near the Links at Ireland Grove Subdivision. This tile will not likely have enough capacity to receive the three-year rainfall recurrence interval. Due to the unavailability of storm sewer and inadequate tile capacity, the detention pond will fill. The pond overflow will have a flood route to the south road ditch of Ireland Grove Road, filling the ditch around the tile inlet and then flowing east along the south road ditch.

A 16" water main will be installed from the west property line of the Pony League to Towanda-Barnes Road along the south side of Ireland Grove Road. An 8" water main will be installed along the west side of Towanda- Barnes Road to the south property line of this proposed subdivision. A 10" sanitary sewer will be installed from the west property line of the Pony League to the rear lot utility easement of the proposed subdivision. An 8" sanitary sewer will be installed in the rear of the lot, southward from Ireland Grove Road to Lot #4 of this proposed subdivision. All sanitary sewers and water mains shall be built in public right of way or utility easements and shall be dedicated to the City.

Staff has reviewed the Preliminary Plan for Golwitzer Commercial Subdivision and recommends the following revisions:

1. Note #4 on Sheet 1 of 3 should state that the storm water detention area shall be privately maintained.
2. Note #6 on Sheet 1 of 3 should state that the sanitary sewer easement for the eight inch sanitary sewer in the rear of the lot shall be 15' wide (not 10' wide) with paved hard surface access to the two manholes in rear yards.
3. Sheet 3 of 3 of Exhibit "B"- The 10' wide utility easement on the east side of the "Typical Cross Section A-A" should be 15' wide.
4. The 15" storm sewer along the west side of Towanda-Barnes Road should be maintained by the McLean County Highway Department.
5. That a 10 foot wide strip on the northern edge of Mr. Golwitzer's property be dedicated for pedestrian use.

PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission held a public hearing on this petition on August 10, 2005, and recommends the same. The following persons submitted testimony in favor of this petition at the August 10, 2005 hearing:

- Mr. William Wetzel, Attorney at Law, 115 W. Jefferson Street, Suite 400
- Mr. Neil Finlen, P.E. Farnsworth Group Inc. 2709 McGraw Drive

Mr. Wetzel reminded the Commission that they had reviewed annexation of this tract and had recommended approval of the adjacent Pony League tract at a previous meeting, (July 13, 2005). He stressed that the two annexations and this preliminary plan are together one inseparable project. He stated that the staff's concerns were acceptable and would be incorporated. Mr. Wetzel indicated that a concern is to keep access into this tract as far from the major intersection (Towanda-Barnes Road and Ireland Grove Road) as possible. He stated that access to the lots by means of a frontage road seemed a good solution and that the four lots might suit a smaller commercial business like a convenience store or a dry cleaners.

Mr. Finlen addressed the concerns of drainage and traffic. He noted that the Pony League Group (a 24 member board) had requested that he share that they and the other petitioners have been meeting in a two year process and in a cooperative effort. He noted that this project (Golwitzer Commercial Subdivision) creates a shared entrance that gives the Pony League a second entrance. This project will also bring water and sewer service enabling the Pony League a tap on. He noted that the County Highway Department had reviewed and approved the entrance location. Additionally, Mr. Finlen acknowledged that there were "huge" problems to overcome at this site, and that the culvert under the existing Pony League entrance was grossly undersized, (15 inch) and acted like a dam to back up water. He stated that 1.) the existing culvert would be replaced with two 42 inch culverts; 2.) that water would be diverted to the west (the lakes at the Links) and north under Ireland Grove Road, and 3.) that the existing eight inch subsurface tile would at times be inadequate but would be compensated by surface routing of the excess. Finally he noted that the lower part of the site would be raised in elevation. Chairperson Cain inquired as to why the petitioner would not replace the eight inch tile with larger tile. Mr. Finlen replied that it would still connect into eight inch tile off the site, so little would be gained.

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 for this petition on August 10, 2005, and passed a motion by a vote of 6 to 0 recommending Council approval of the Preliminary Plan for Golwitzer Commercial Subdivision, Bloomington, Illinois, with the following requested waivers and as revised in accordance with staff concerns:

1. Waiver to allow detention pond release to tile with inadequate capacity with overflow to Ireland Grove Road (1200 N.) south side ditch;
2. Waiver to allow private street and driveways with 25 foot width face-to-face and curb and gutter on one side only with break in curb for flood routing.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission and recommends approval of this preliminary plan with the three requested waivers.

Respectfully,

Kenneth Emmons  
City Planner

Tom Hamilton  
City Manager

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

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

NOW COMES TGFP, LLC and MCLEAN COUNTY PONY BASEBALL, INC., hereinafter referred to as your Petitioner respectfully representing and requesting as follows:

1. Petitioners are interested as Owners in the premises described on the attached Exhibit "A" attached hereto and made a part hereof by this reference;
2. Petitioners seek approval of the Preliminary Plan for a subdivision of said premises to be known and described as "Golwitzer Commercial Subdivision, Bloomington, Illinois" which Preliminary Plan is attached hereto and made a part here;
3. That Petitioners submit this in connection with a previously filed Petition for Annexation and proposed Annexation Agreement;
4. Petitioners also seek approval of the following exemptions or variations from the provisions of the Bloomington City Code":

WAIVERS:

- a. Detention pond release to tile with inadequate capacity with overflow to Ireland Grove Road (1200 N) South Side Ditch;
- b. Sidewalks;
- c. Private street and driveways with 25' width face to face and curb and gutter on one side only with break in curb for flood routing.

WHEREFORE, Petitioners pray that the Preliminary Plan for the "Golwitzer Commercial Subdivision, Bloomington, Illinois" submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

TGFP, LLC and McLean County  
Pony Baseball, Inc.

By: William C. Wetzel, Its Attorney



**ORDINANCE NO. 2005 – 100**

**AN ORDINANCE APPROVING THE PRELIMINARY PLAN OF THE GOLWITZER  
COMMERCIAL SUBDIVISION BLOOMINGTON, ILLINOIS**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois a Petition for Approval of the Preliminary Plan of the GOLWITZER COMMERCIAL SUBDIVISION BLOOMINGTON ILLINOIS, legally described in Exhibit “A” attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition requests the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code – 1960, as amended:

**WAIVERS:**

- A. Detention pond release to tile with inadequate capacity with overflow to Ireland Grove Road (1200 N.) South Side Ditch;
- B. Sidewalks;
- C. Private street and driveways with 25” width face to face and curb and gutter on one side only with break in curb for flood routing.

WHEREAS, said Petition is valid and sufficient and conforms to the requirements of the statutes in such cases made and provided and the Preliminary Plan attached to said Petition was prepared in compliance with the requirements of the Bloomington City Code and the previously filed Petition for Annexation and proposed Annexation Agreement between the City of Bloomington and TGFP, LLC and McLean County Pony Baseball, Inc.; 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 Golwitzer Commercial Subdivision, Bloomington, Illinois, and any and all requested exemptions and/or variations be, and the same is hereby approved.
2. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 12<sup>th</sup> day of September, 2005.

APPROVED this 13<sup>th</sup> day of September, 2005.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

EXHIBIT A

Lot 3 (shown and divided into Commercial Lots 1, 2, 3 and 4) of a subdivision known as "Resubdivision of Lot 2 in Illinois Power Company Subdivision" in McLean County, Illinois Said Lot 3 containing 6.103 +/- acres (TGFP).

Also the North 80 feet of the East 140 feet of Lot 1 in Illinois Power Company Subdivision, in McLean County, Illinois, and the East 25 feet of said Lot 1, except the North 80 feet thereof, containing 0.76 of an acre more or less (Pony League).

**Tom Hamilton, City Manager, addressed the Council. He wanted to clarify a point. He referred the Council to the Preliminary Plan. The motion would include the cost of the sidewalk (\$37,000) which would be paid for by the developer.**

**Alderman Huette questioned the location of the trail. Mr. Hamilton noted along the north side.**

**Motion by Alderman Matejka, seconded by Alderman Finnegan that the Preliminary Plan be approved and the ordinance passed with the following waivers: 1.) waiver to allow detention pond release to tile with inadequate capacity with overflow to Ireland Grove Road (1200 N.) south side ditch; 2.) waiver to allow private street and driveways with 25 foot width face-to-face and curb and gutter on one side only with break in curb for flood routing; and 3.) that a 10 foot wide strip on the northern edge of Mr. Golwitzer's property be dedicated for pedestrian use.**

**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.**

**City staff reported back to Council regarding the one bid for the 18th Hole Renovation at Prairie Vista Golf Course. Tom Hamilton, City Manager, requested that this item be laid over until the Council's September 26, 2005 Council meeting.**

**Motion by Alderman Sprague, seconded by Alderman Crawford that the one bid for the 18th Hole Renovation at Prairie Vista Golf Course be laid over until the Council's September 26, 2005 meeting.**

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

**Nays:** None.

**Motion carried.**

**MAYOR'S DISCUSSION:** Mayor Stockton requested a water report. Tom Hamilton, City Manager, noted that Lake Bloomington was down eight feet (8'). Lake Evergreen still smelled. Repairs on the dam and the seawall continued. This maintenance was necessary.

Alderman Crawford expressed his opinion that the report was interesting. March to August 2005 had been the third driest on record.

Mayor Stockton questioned what would be typical. Mr. Hamilton noted that the two (2) lakes were down ten feet (10'). Historically, this figure was some what lower. He added that given this summer the lakes were in good shape.

Alderman Finnegan questioned if the dam would be raised.

**CITY MANAGER'S DISCUSSION:** None.

**ALDERMEN'S DISCUSSION:** Alderman Schmidt noted that it was bird season. She requested that Barb Adkins, Community Affairs Specialist, find a way to address this issue. Soules Bird had been contacted. She expressed her hope that the City would come up with a solution for the City's older neighborhoods. Tom Hamilton, City Manager, noted that birds roost in large mature trees.

Mayor Stockton questioned who from the City would address the starlings. Mr. Hamilton stated Ms. Adkins. Alderman Schmidt noted that a meeting was scheduled with the neighborhood association.

Alderman Schmidt questioned the status of the dispatch center.

Alderman Matejka questioned the City's readiness given the tragic events of the last two (2) weeks. He noted the City's thirty (30) point check list. Mr. Hamilton informed the Council that the last complete drill had been held a number of years ago. The plan is updated annually by the City's Fire Department. Alderman Matejka added that computer simulators and role play would do the City well.

Mayor Stockton noted that the plan was available for Council review. He encouraged the Council to contact him with any new thoughts. He had spoken with the Town of Normal and McLean County about holding a meeting.

**Alderman Finnegan noted that he had some of the same questions. The largest risk for the City would be a tornado. Mayor Stockton noted that June and July held the largest potential. Mr. Hamilton restated that the Fire Chief would be in charge of such an event.**

**Keith Ranney, Fire Chief, addressed the Council. The plan was updated every two (2) years. The plan was due by October 30, 2005 in order to comply with National Incident Management. The plan will include training for the Council. There was a national format. The work was sixty percent (60%) complete. He expressed his opinion that the City had a good handle on this issue.**

**Mayor Stockton requested a Work Session on this topic. Chief Ranney added that the plan's format would be similar to McLean County. The plan would be accredited by ESDA (Emergency Services and Disaster Agency) and tied to FEMA (Federal Emergency Management Administration).**

**Alderman Finnegan noted his assistance with the Labor Day Parade. He drove the golf cart.**

**Motion by Alderman Sprague, seconded by Alderman Matejka, that the meeting be adjourned. Time: 8:30 p.m.**

**Motion carried.**

**Tracey Covert  
City Clerk**