

**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 p.m., Monday, June 13, 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, Allen Gibson, Michael Matejka, 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.

Absent: Aldermen Michael Sprague and Kevin Huette.

The following was presented:

Ron Stack, Vice President - Utility Services, Corn Belt Energy, addressed the Council. Corn Belt Energy was a cooperative and member owned business. Corn Belt had issued a capital refund for 1957 - 1963 and 2004. He presented the City with a check in the amount of \$14,251.83. Mayor Stockton noted that Corn Belt Energy had grown with the City.

The following was presented:

Alderman Schmidt introduced Carolyn Steele, Old Town Neighborhood Association. Ms. Steele had recently received the Harriet Rust Award at the Women of Distinction banquet. She read from Ms. Steele's nomination. Ms. Steele was an example of citizens and the City working together. Ms. Steele expressed her appreciation to the Council for the City's assistance. She noted that the accomplishments of the Old Town Neighborhood could not have been done alone. Alderman Schmidt thanked Ms. Steele for her continued work to make her neighborhood safer. Mayor Stockton thanked Ms. Steele for her efforts.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Council Proceedings of October 25, November 8, and November 22, 2004

The Council proceedings of October 25, November 8, and November 22, 2004 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 Schmidt that the reading of the minutes of the previous Council Meetings of October 25, November 8, and November 22, 2004 be dispensed with and the minutes approved as printed.

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

Ayes: Alderman Crawford, Schmidt, Finnegan, Gibson, 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 Schmidt that the bills and payroll be allowed and orders drawn on the Treasurer for the various amounts as funds are available.

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

Ayes: Alderman Crawford, Schmidt, Finnegan, Gibson, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Payments from Various Municipal Departments

1. The first partial payment to Peace Meal in the amount of \$2,082 on a contract amount of \$25,000 of which \$2,082 will have been paid to date for work certified as 8% complete for the Peace Meals. Completion date - April 2006.
2. The first partial payment to Peace Meal in the amount of \$621 on a contract amount of \$7,500 of which \$621 will have been paid to date for work certified as 8% complete for the John M. Scott Home Delivered Meals. Completion date - May 2006.
3. The fourteenth partial payment to Stark Excavating, Inc. in the amount of \$68,678 on a contract amount of \$2,518,251.70 of which \$1,576,816 will have been paid to date for work certified as 63% complete for the Airport Rd. - Route 9 to Gill Street. Completion date - November 2005.
4. The second and final payment to McLean County Asphalt Co. in the amount of \$15,392.31 on a contract amount of \$50,032.31 of which \$50,032.31 will have been paid to date for work certified as 100% complete for the Ft. Jesse Rd. - Rexel to 500' East. Completion date - May 2005.
5. The second partial payment to Stark Excavating, Inc. in the amount of \$45,296 on a contract amount of \$285,592.80 of which \$58,107 will have been paid to date for work certified as 20% complete for the Erickson Avenue (Oakland to Illinois) Completion date - July 2005.

6. The fourth partial payment to Rowe Construction Company in the amount of \$184,815 on a contract amount of \$917,226.95 of which \$590,547 will have been paid to date for work certified as 64% complete for the Ft. Jesse Rd. Improvements - Phase I - East of Airport Rd. to Kaisner Dr. Completion date - August 2005.
7. The eighth partial payment to Lewis, Yockey & Brown in the amount of \$3,017.25 on a contract amount of \$139,500 of which \$72,333.30 will have been paid to date for work certified as 52% complete for the Design of Hamilton Road from Bunn to Commerce. Completion date - June 2005.
8. The seventeenth partial payment to Clark Dietz, Inc. in the amount of \$9,093.68 on a contract amount of \$366,591.65 of which \$336,963.30 will have been paid to date for work certified as 92% complete for the Hamilton Rd. - Greenwood to Timberlake Lane. Completion date - June 2005.
9. The thirteenth partial payment to Hammond Beeby Rupert Ainge, Inc. in the amount of \$30,520.86 on a contract amount of \$1,993,750 of which \$1,555,125 will have been paid to date for work certified as 80% complete for the Phase 3 & 4 - Renovation of the Bloomington Center for the Performing Arts. Completion date - August 2006.
10. The second partial payment to PJ Hoerr, Inc. in the amount of \$330,162.30 on a contract amount of \$10,988,200 of which \$519,939.90 will have been paid to date for work certified as 5% complete for the Renovation of the Bloomington Center for the Performing Arts. Completion date - June 2006.
11. The third partial payment to Thompson Dyke & Associates in the amount of \$39,750 on a contract amount of \$227,450 of which \$70,011.94 will have been paid to date for work certified as 30.12% complete for the Holiday Pool/Park - Renovation. Completion date - August 2006.
12. The fourth partial payment to Thompson Dyke & Associates in the amount of \$6,846.65 on a contract amount of \$41,750 of which \$35,980.23 will have been paid to date for work certified as 82% complete for the Miller Park Zoo Development - South End. Completion date - December 2006.
13. The second partial payment to Thompson Dyke & Associates in the amount of \$3,944.52 on a contract amount of \$8,750 of which \$6,444.52 will have been paid to date for work certified as 72% complete for the Miller Park Grant Application. Completion date - December 2006.
14. The fifth partial payment to Stark Excavating, Inc. in the amount of \$125,014.23 on a contract amount of \$1,495,727.60 of which \$1,135,998.87 will have been paid to date for work certified as 75.95% complete for the Tipton Park - Phase II. Completion date - July 2005.

15. The eleventh partial payment to Central IL Arena Management, Inc. in the amount of \$3,852.93 on a contract amount of \$738,188.75 of which \$190,367.96 will have been paid to date for work certified as 26% complete for the Professional Services. Completion date - December 2005.
16. The twenty-fourth partial payment to Brisbin, Brook, Beynon Architects in the amount of \$24,099.46 on a contract amount of \$1,421,000 of which \$1,252,449.59 will have been paid to date for work certified as 82% complete for the U.S. Cellular Coliseum Architects. Completion date - April 2006.
17. The twelfth partial payment to Terracon Consultants, N.E. Inc. (Dept. 1277) in the amount of \$3,846.25 on a per ton and hour contract of which \$61,835.21 will have been paid to date for work certified as ongoing for the 2004-2005 Asphalt & Portland Concrete Plant Inspection & Lab Testing. Completion date - July 2005.
18. The eighth partial payment to Farnsworth Group in the amount of \$5,562.23 on a contract amount of \$28,500 of which \$23,133.51 will have been paid to date for work certified as 81% complete for the Staking of Lake Bloomington Retaining Wall Project. Completion date - June 2005.
19. The thirteenth partial payment to Stark Excavating, Inc. in the amount of \$218,061 on a contract amount of \$3,765,738.25 of which \$3,645,795 will have been paid to date for work certified as 97% complete for the Pipeline Road Water Main, Division B - Water Main from Northtown Rd. to 2350 North Road. Completion date - July 2005.
20. The second partial payment to Farnsworth Group in the amount of \$8,982.14 on a contract amount of \$50,500 of which \$18,535.14 will have been paid to date for work certified as 37% complete for the Preliminary Study for the Location and Sizing of Main Branch of Kickapoo Pump Station, Force Main and Gravity Sewer. Completion date - November 2005.
21. The fifth partial payment to Stark Excavating, Inc. in the amount of \$29,000 on a contract amount of \$201,994.50 of which \$201,441.05 will have been paid to date for work certified as 99% complete for the Szarek Subdivision Sewer Extension. Completion date - June 2005.
22. The first partial payment to Gildner Plumbing, Inc. in the amount of \$94,000 on a contract amount of \$101,340 of which \$94,000 will have been paid to date for work certified as 93% complete for the Irvin Park - Storm Sewer Replacement. Completion date - June 2005.
23. The third partial payment to Technical Design Services, Inc. In the amount of \$350 on a contract amount of \$21,000 of which \$12,167.16 will have been paid to date for work certified as 58% complete for Cabling System for US Cellular Coliseum. Completion date - March 2006.

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

Respectfully,

Tom Hamilton
City Manager

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

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

Ayes: Alderman Crawford, Schmidt, Finnegan, Gibson, 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 Proposal Process and Approve a Contract with Farnsworth Group for ITEP Grant Application

With the approval and support of Council, the staff plans to apply for an Illinois Transportation Enhancement Program (ITEP) grant. This grant will be used to continue the streetscape project in downtown Bloomington on Main Street beginning at Front Street and, depending on the amount of the grant, ending at Locust Street.

The grant is an 80/20 matching grant requiring the City to fund 20 percent of the cost of the project. Staff does not anticipate requesting more than \$2,000,000 in grant funding, thus the City's share of this project would not exceed \$400,000. The timeline for submitting the grant application is very aggressive and must be postmarked by August 1, 2005.

The Illinois Department of Transportation (IDOT) conducted training sessions on grant application guidelines in May, 2005. Catherine Dunlap, Executive Director of the Downtown Bloomington Association, (DBA) and staff attended one of these training sessions. Co-sponsorship, public support, and local governmental support was stressed as an important component of the grant application. It was also emphasized that inclusion of a detailed cost estimate of work to be performed would be prudent and increases the chances of being chosen to

receive a grant. It was also suggested that an engineering or architectural firm familiar with the proposed type of work be used to prepare the cost estimate.

Farnsworth Group designed the streetscape project around the courthouse square and is very familiar with streetscape projects. Staff contacted the Farnsworth Group who provided a quote to assist the City in preparation of the grant application including the detailed cost opinion for both construction and preparation of future engineering and construction drawings, attendance at public meetings, photographs, and compilation of the grant application. The fee to furnish these services are not to exceed \$19,000.

The DBA has agreed to co-sponsor this grant application, and in the near future staff will request that Council adopt a Resolution in support of it. The co-sponsor's support and the Resolution adopted by the Council will be included in the grant application.

Staff respectfully recommends that Council approve the agreement with the Farnsworth Group for a fee not to exceed \$19,000 and authorize the Mayor and City Clerk to execute the necessary documents. Funds for this agreement will be taken from the contingency fund account 1001-19110-70990.

Respectfully,

Brian Brakebill
Director of Public Service

Tom Hamilton
City Manager

RESOLUTION NO. 2005 - 73

A RESOLUTION WAIVING THE PROPOSAL PROCESS AND AUTHORIZING AN AGREEMENT WITH FARNSWORTH GROUP TO ASSIST THE CITY IN PREPARATION OF THE ITEP GRANT APPLICATION BE APPROVED IN AN AMOUNT NOT TO EXCEED \$19,000

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

1. That the proposal process be waived and an agreement with Farnsworth Group to assist the City in preparation of the ITEP Grant Application be approved in an amount not to exceed \$19,000.

Adopted this 13th day of June, 2005.

Approved this 14th day of June, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Schmidt thanked Brian Brakebill, Director of Public Service, and Catherine Dunlap, Executive Director Downtown Bloomington Association, for their efforts. Tom Hamilton, City Manager, addressed the Council. He anticipated a response by December 2005. The project would have a short time frame. The City would hire a professional which would increase the chance of funding.

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the proposal process be waived, the agreement with Farnsworth Group to assist the City in preparation of the ITEP Grant Application be approved in an amount not to exceed \$19,000, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.

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

Ayes: Alderman Crawford, Schmidt, Finnegan, Gibson, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Waive the Formal Bidding Process and Purchase a Forensic Computer for the Police Department

Due to the increase in identity theft and computer crimes, staff requested and received permission to purchase EnCase Forensic V5 software from Guidance Software, Inc. EnCase is a powerful software tool that provides investigators with an effective and efficient means to analyze all electronic data contained on computer drives for forensic evidentiary purposes.

The act of collecting computer evidence and performing forensic analysis of that evidence places demands on a computer system that normal administrative use does not. Through research conducted by staff, Forensic Computers is the sole source provider of the turn-key forensic computing system. Forensic Computers has developed a testing methodology that exceeds these demands and insures data integrity.

Staff respectfully requests permission to waive the formal bidding process and purchase a forensic computer from Forensic Computers, for a purchase price of \$10,795. Funds for this purchase has been budgeted in line item F11610-72120.

Respectfully,

Roger J. Aikin
Chief of Police

Tom Hamilton
City Manager

RESOLUTION NO. 2005 - 74

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF A FORENSIC COMPUTER FOR THE POLICE
DEPARTMENT AT A PURCHASE PRICE OF \$10,795**

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

1. That the bidding process be waived and the Purchasing Agent be authorized to Purchase a Forensic Computer for the Police Department at a Purchase Price of \$10,795.

Adopted this 13th day of June, 2005.

Approved this 14th day of June, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Finnegan questioned this item. Tom Hamilton, City Manager, noted that the Council had already approved the purchase of the forensic software.

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the formal bidding process be waived, the forensic computer purchased from Forensic Computers, in the amount of \$10,795, 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: Alderman Crawford, Schmidt, Finnegan, Gibson, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Waive the Formal Bidding Process and Purchase Ambulance Equipment for the Fire Department

Staff respectfully requests that Council waive the formal bidding process and approve the purchase of five (5) Ferno Model 59-T, E-Z Glide track chairs and accessories for a total cost of \$11,894.75.

These devices are similar to wheelchairs, but are specifically designed to transport patients up and down stairs. They may also be used in applications where wheelchairs are commonly used.

Fire Department staff researched the availability of this product and were able to identify only two (2) manufacturers which produce these units. Representatives from both manufacturers were requested to provide samples for evaluation. Both manufacturers conducted on site demonstrations of their products.

Department ambulance personnel participated in a practical evaluation of each unit considering functionality, limitations, patient comfort and ease of use. The result of the evaluation was the recommendation of the Ferno Model 59-T, E-Z Glide track chairs based on superiority in areas of functionality on stairs, ability to be cleaned and decontaminated, and patient comfort. The list price for each unit, exclusive of accessories and prior to discount are as follows:

Stryker	\$2,454.00
Ferno	\$2,299.00

Ferno-Washington, Inc. is the manufacturer and sole provider of the Ferno Model 59-T, E-Z Glide track chair. Staff respectfully requests that Council waive the formal bidding process and approve the purchase of five (5) Ferno track chairs, for a total purchase price of \$11,894.75, and the Purchasing Agent be authorized to issue a Purchase Order for same. Payment for this purchase is to be made from account # 15210-72140.

Respectfully,

Keith Ranney
Fire Chief

Tom Hamilton
City Manager

RESOLUTION NO. 2005 - 75

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF FIVE (5) FERNO MODEL 59-T, E-Z GLIDE
TRACK CHAIRS AND ACCESSORIES FROM FERNO-WASHINGTON, INC. AT A
PURCHASE PRICE OF \$11,894.75**

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 five (5) Ferno Model 59-T, E-Z Glide track chairs and accessories from Ferno-Washington, Inc. at a purchase price of \$11,894.75.

Adopted this 13th day of June, 2005.

Approved this 14th day of June, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the formal bidding process be waived, the five (5) Ferno Model 59-T, E-Z Glide track chairs and accessories be purchased from Ferno-Washington, Inc., in the amount of \$11,894.75, 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: Alderman Crawford, Schmidt, Finnegan, Gibson, 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 Playground Equipment

The Parks and Recreation Department annually budgets \$100,000 in the Fixed Asset Replacement Fund to replace playground equipment. A previous commitment obligated \$20,000 of that annual \$100,000 this year to assist with playground replacement at Washington School. Leaving a balance in the account of \$80,000.

Staff would like to replace the playground equipment at Brookridge Park that was installed in 1989. This equipment does not meet the current Consumer Product Safety Commission or accessibility guidelines. Staff wishes to purchase a modular unit called Dragon Town from GameTime.

This unit has a list price of \$38,997 and is currently on sale for \$27,300. The sale expires on June 24, 2005. This unit has a wide variety of play functions and staff believes this to be an excellent value at this price. Shipping on this unit would be approximately \$1,500 bringing the total price to \$28,800 which is a savings off the list price of \$10,197.

Staff respectfully requests that Council waive the formal bidding procedure, accept the quote of \$28,800 from GameTime, Inc., and authorize the Purchasing Agent to issue a purchase order for same. This purchase will leave a balance of \$51,200 in the Fixed Asset Replacement Fund for the purchase of playground equipment.

Respectfully,

Jerry Armstrong,
Asst. Director Parks & Recreation

Tom Hamilton
City Manager

RESOLUTION NO. 2005 - 76

A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND AUTHORIZING THE PURCHASE OF REPLACEMENT PLAYGROUND EQUIPMENT FOR BROOKRIDGE PARK FROM GAMETIME, INC. IN THE AMOUNT OF \$28,800

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 replacement playground equipment for Brookridge Park from GameTime, Inc. in the amount of \$28,800.

Adopted this 13th day of June, 2005.

Approved this 14th day of June, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Crawford questioned the amount of funds spent on playground equipment at Washington School. He noted that District 87 had requested assistance. Tom Hamilton, City Manager, informed the Council that funds had been sent aside. Jerry Armstrong, Asst. Director of Parks and Recreation, addressed the Council. The City committed \$20,000. He added that Washington School was not a neighborhood park. Mr. Hamilton added that the City assisted with the original playground. Mr. Armstrong informed the Council that the school had not set the budget. The fundraising efforts have not been done. Volunteers would be used to build the playground. He believed the project would be completed by the end of the 2005 - 06 fiscal year.

Alderman Finnegan noted the nice equipment at Ewing Park.

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the formal bidding process be waived, the replacement playground equipment for Brookridge Park purchased from GameTime, Inc. in the amount of \$28,800, 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: Alderman Crawford, Schmidt, Finnegan, Gibson, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Change Order to the Police and Fire Communication Center Remodel Project

On January 27, 2005, bids were opened for the remodel of space within the Police Department to accommodate the Police and Fire Communication Center. On March 14, 2005, Council approved the low bid of Felmley Dickerson Co. in the amount of \$145,400, contingent upon the Emergency Telephone Service Board (ETSB) approving the City as a Primary Service Area Provider, (PSAP). Due to circumstances beyond the control of the Felmley Dickerson Co., contracts for this project have not been signed and the sixty (60) day bid price guarantee has expired.

At this time the Felmley Dickerson Co. is requesting that the January 27, 2005 bid price of \$145,400 be increased to \$149,475. This increase is due to the escalation of construction costs as seen throughout the country and is still below the next lowest original January 27, 2005, bid of \$149,793.

Funds for this project are budgeted in the Capital Improvement account 4010-72520 for FY 2004-05. Staff respectfully recommends that Council approve the change order to the original bid price to \$149,475 and the Mayor and City Clerk be authorized to execute the necessary documents, contingent upon the McLean County Board approval of an Intergovernmental Agreement and the ETSB approval of the City as a PSAP.

Respectfully,

Robert Floyd
Facility Management

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the Change Order in the amount of \$4,075 to the contract with Felmley Dickerson Co. for Police and Fire Communication Center Remodel Project be approved, and the Mayor and City Clerk be authorized to execute the necessary documents, contingent upon the McLean County Board approval of an Intergovernmental Agreement and the ETSB approval of the City as a PSAP.

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

Ayes: Alderman Crawford, Schmidt, Finnegan, Gibson, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Supplemental Motor Fuel Tax Resolution for the Downtown Intersection Improvements MFT Section 02-00328-00-TL

This project involves improvements at various intersections in the downtown area to facilitate the traffic flow associated with the U.S. Cellular Coliseum. These improvements include pavement widening, curb and gutter replacement, sidewalk replacement, bituminous surface removal, bituminous concrete resurfacing, traffic signal modifications, and related work.

The original resolution was submitted to IDOT on March 7, 2005. It was adopted at the February 28, 2005, Council meeting and was based on engineering fees of \$46,600.00, construction costs of \$191,117.25, plus a contingency that brought the appropriated amount to \$275,000.

Staff modified the plans after that point and now call for the replacement of traffic signals at Front and East, Madison and Front, and Olive and Center. The plans also now call for the replacement of the two (2) single armed mast poles at the southeast corner of Madison and Front with one (1) dual armed mast pole, and the reconstruction of two (2) handholes at East and Front.

Based upon the engineering fees increasing to \$51,996, a successful bid in the amount of \$341,726.34, and a contingency for additional work that may be required, staff is appropriating an additional \$125,000 with this supplemental resolution. The additional funds will come from IDOT.

Staff respectfully requests that Council adopt a Supplemental Resolution appropriating an additional \$125,000 in Motor Fuel Tax Funds to be spent for the Design and Construction of the Downtown Intersection Improvements under Motor Fuel Tax Section 02-00328-00-TL and that the Mayor and City Clerk be authorized to execute the necessary documents.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

(APPLICATION AND IDOT RESOLUTION NO. #2005-77 ON FILE IN THE CITY CLERK'S OFFICE)

Alderman Finnegan questioned this item. The state had provided \$1.5 million for this project. Tom Hamilton, City Manager, addressed the Council. This project involved two (2) projects. The state provided \$1 million grant. The remaining \$500,000 would come

from IDOT, (Illinois Department of Transportation), MFT (Motor Fuel Tax) funds. He added that the City did not need the full amount.

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the Resolution be adopted.

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

Ayes: Alderman Crawford, Schmidt, Finnegan, Gibson, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Justice Assistance Grant Agreement

Staff respectfully requests permission to enter into an agreement to receive federal grant money from the Edward Byrne Memorial Justice Assistance Grant (JAG). The JAG is to be used solely for the purpose of upgrading closed circuit television systems. In order to receive the grant money, the City must agree to use the funds for the purposes of upgrading the closed circuit television systems.

The Police Department intends to use its portion of the award to install closed circuit television systems in the lower level parking deck, the perimeter of the Police Department building and the outside stairwells, to ensure a secure and safe Police Department facility.

The total amount of this award is \$34,035 and will be divided equally between the City, McLean County Sheriff's Department, and the Normal Police Department. Staff respectfully requests permission to enter into the agreement to receive funds from the JAG grant in the amount of \$11,345.

Respectfully,

Roger J. Aikin
Chief of Police

Tom Hamilton
City Manager

GMS APPLICATION NUMBER 2005-F5121-IL-DJ (Mandatory)

**CITY SECRETARY
CONTRACT NO. _____**

THE STATE OF Illinois

KNOW ALL BY THESE PRESENT

COUNTY OF McLean

**INTERLOCAL AGREEMENT BETWEEN THE CITY OF BLOOMINGTON, IL AND
COUNTY OF MCLEAN, IL
2005 BYRNE JUSTICE ASSISTANCE (JAG) PROGRAM AWARD**

This Agreement is made and entered into this 31st day of May, 2005, by and between The COUNTY of McLean, acting by and through its governing body, the Commissioners Court, hereinafter referred to as COUNTY, and the CITY of Bloomington, acting by and through its governing body, the City Council, hereinafter referred to as CITY, both of McLean County, State of Illinois, witnesseth:

WHEREAS, this Agreement is made under the authority of Sections_____,_____ Government Code: and

WHEREAS, each governing body, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance of those payments from current revenues legally available to that party: and

WHEREAS, each governing body finds that the performance of this Agreement is in the best interest of both parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this agreement: and

WHEREAS, the COUNTY agrees to provide the CITY \$11,345 from the JAG award for the security upgrade Program: and

WHEREAS, the CITY and COUNTY believe it to be in their best interests to reallocate the JAG funds.

NOW THEREFORE, the COUNTY and CITY agree as follows:

SECTION 1.

COUNTY agrees to pay CITY a total of \$11,345 of JAG funds.

SECTION 2.

CITY agrees to use \$11,345 for the security upgrade Program until September 30, 2008 (date).

SECTION 3.

Nothing in the performance of this Agreement shall impose any liability for claims against COUNTY other than claims for which liability may be imposed by the _____Tort Claims Act.

SECTION 4.

Nothing in the performance of this Agreement shall impose any liability for claims against CITY other than claims for which liability may be imposed by the _____Tort Claims Act.

SECTION 5.

Each party to this agreement will be responsible for its own actions in providing services under this agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party.

SECTION 6.

The parties to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

SECTION 7.

By entering into this Agreement, the parties do not intend to create any obligations express or implied other than those set out herein; further, this Agreement shall not create any rights in any party not a signatory hereto.

CITY OF Bloomington, IL

COUNTY OF McLean, IL

Tom Hamilton
City Manager

County Judge

ATTEST: APPROVED AS TO FORM:

Tracey Covert
City Clerk

Asst. District Attorney

APPROVED AS TO FORM:

Eric Ruud
Contract Authorization

Todd Greenburg
City Attorney

Michael F. Sweeney, Chairman
McLean County Board

*By law, the District Attorney's Office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contract or legal document on behalf of

other parties. Our view of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval and should seek review and approval by their own respective attorney.

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the Agreement be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

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

Ayes: Alderman Crawford, Schmidt, Finnegan, Gibson, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Members of the City Council

From: Staff

Subject: Renewal of Contract for Bird Control in Downtown Bloomington

For the past decade, the City and McLean County have had a contract with Soules Bird Repellent Company of Decatur for the removal and control of pigeons and starlings in the downtown area. The contract specifically states that the area bounded by Monroe Street on the north, East Street on the east, Front Street on the south and Madison Street on the west as the area where the bird control services are to be rendered. The contract for bird control was initially developed by Bloomington Unlimited. The City and County have always been a funding partner in this contract.

The Soules Bird Repellent Company has provided an effective and outstanding job of controlling nuisance bird populations in the downtown area. Soules has again proposed a two (2) year contract to the City and County for a total of \$12,000 per year. The cost has not increased for several years, and is the same price that the City currently pays.

Soules Bird Repellent Company does not use poison as a method of controlling the birds. The method that is used is a trade secret, and is effective. During the years that Soules has been the contractor, staff has not received a single complaint about dead birds in the downtown area.

Staff discussed the contract with John Zeunik, the McLean County Administrator, due to the old Courthouse being the focus of this bird control contract. Mr. Zeunik recommended that the City continue with Soules Bird Repellent Company.

Staff respectfully requests that Council approve the contract with Soules Bird Repellent Company for a period of 24 months at \$12,000 per year to control nuisance birds in the designated area of downtown Bloomington. The City Manager's budget contains \$6,000 per year to cover the City's 50% of the contract (G11210-70990). McLean County's budget also contains enough funds to cover their half of this contract.

Respectfully,

Tom Hamilton
City Manager

**SOULES BIRD REPELLENT COMPANY
214 EAST MOUND ROAD DECATUR, ILLINOIS 62526**

CONTRACT

THIS AGREEMENT made and entered in to this ____ day of _____, 2005 by and between the CITY OF BLOOMINGTON, ILLINOIS, and SOULES BIRD REPELLENT COMPANY, 214 EAST MOUND ROAD, DECATUR, ILLINOIS 62526.

WITNESSETH:

1. The CITY OF BLOOMINGTON, ILLINOIS hereby engages SOULES BIRD REPELLENT COMPANY to perform the bird elimination of services defined herein in Paragraph 2. In the performance of that work, SOULES is an independent contractor and not an employee of the CITY OF BLOOMINGTON and SOULES shall have full and absolute control over the manner and method of performing the said services within the limits set forth herein.

2. For the consideration herein set forth, SOULES agrees to continue to eliminate 98% of all of the pigeons and starlings located in the business district area of Bloomington, Illinois, described as follows, to-wit:

An area bounded on the North by Monroe Street, on the East by East Street, on the South by Front Street, and on the West by Madison Street. In addition to this area, the same services shall be performed on the McBarnes Building located at the corner of East and Grove Streets in the City of Bloomington.

A. The CITY OF BLOOMINGTON agrees to obtain access to SOULES to any public property as required and to render assistance as required by SOULES in obtaining access to any private property. SOULES agrees that he shall not trespass or otherwise enter into any private property in violation of the rights of any private owner.

B. Said work shall be performed by SOULES in conformity with all applicable State, County, and Municipal statutes, ordinances and codes and SOULES shall make every effort to protect from harm any bird species, except the pigeons and starlings to be eliminated hereunder.

C. SOULES shall continue performance of this agreement on July 1, 2005 until July 1, 2007

3.

A. SOULES shall exercise reasonable care and caution in the performance of said work and shall perform such work in a manner so as not to cause damage to the person or property of individual or corporation. Likewise, he shall reimburse the County of McLean, the City of Bloomington, or any private owner upon whose property he works for any damage to such property caused directly or indirectly by his activity hereunder.

Further, SOULES shall indemnify and hold harmless the City of Bloomington, the County of McLean and any other property owner upon whose premises he does his work hereunder for any demand, claim, injury or damage to the person or property of another caused directly or indirectly by himself, his agents and employees in the performance of the services to be rendered hereunder. This indemnity shall include not only any such claim or demand, but also legal fee and cost incurred by any party in defending such claim or demand.

B. In consideration of the entry of the CITY OF BLOOMINGTON into this contract and in consideration of the consent to the entry of SOULES onto the property of others, whether the City of Bloomington, County of McLean, or some private owner, SOULES does release, waive and forever discharge the County of McLean, the City of Bloomington, and any such property owner from any claim, cause of action or any suit whatsoever for injury to his property or his person by reason of any matter or cause arising out of and due to the condition of any premises upon which he gains access in the performance of this Contract.

Further, SOULES does agree to indemnify and hold harmless the City of Bloomington, County of McLean, and any property owner from any claim asserted out of the presence of any such employee or agent of his upon said premises.

4.

A. In consideration of the services to be provided by SOULES, the CITY OF BLOOMINGTON shall pay SOULES the sum of \$24,000.00 to be paid as follows:

\$6,000.00 on each of the following dates: July 1, 2005, January 1, 2006, July 1, 2006, January 1, 2007

The CITY OF BLOOMINGTON shall have the right to inspect the area in which SOULES services are performed to determine the effectiveness of said services. The CITY OF BLOOMINGTON shall, except for the July 1, 2005 payment, have the right to withhold payment until such time as services have been performed. Likewise, the CITY OF BLOOMINGTON may withhold payment, subject to said standard on the subsequent installment dates.

5. SOULES has provided the following which he shall keep in current effect:

A. Certification of insurance coverage in force during the entire term of this Agreement; which insurance shall include as named insured, the City of Bloomington and McLean County the following coverage:

- (1) Full statutory Workmen's Compensation coverage covering all the employees of SOULES;
- (2) General liability insurance with a limit of liability \$100,000.00, including any liability under the Illinois Structural Work Act;
- (3) Motor vehicle liability insurance on any vehicle of SOULES with a limit of liability of \$500,000.00 per accident.

B. A current pest control permit form the State of Illinois.

Witness our hands and seals the day and year first above written.

SOULES BIRD REPELLENT COMPANY

CITY OF BLOOMINGTON, ILLINOIS

By: James L. Soules May 26, 2005

Stephen F. Stockton

Date: May 26, 2005

Date: June 14, 2005

PIGEON CONTROL MAINTENANCE FEE

CITY OF BLOOMINGTON:

July 1, 2005	\$3000.00
January 1, 2006	\$3000.00
July 1, 2006	\$3000.00
January 1, 2007	\$3000.00

\$12,000.00

COUNTY OF MCLEAN (Collected by the City of Bloomington)

July 1, 2005	\$3000.00	
January 1, 2006	\$3000.00	
July 1, 2006	\$3000.00	
January 1, 2007	\$3000.00	
		<u>\$12,000.00</u>
		<u>\$24,000.00</u>

Alderman Schmidt questioned if this agreement could be expanded outside of the Downtown. There were a lot of birds in the surrounding neighborhoods. Tom Hamilton, City Manager, addressed the Council. He acknowledged that he was not sure of the company's capabilities. It was a small company with only two (2) staff members. He offered to contact the owner. Alderman Schmidt expressed her opinion that in a few months the situation would be awful. Mayor Stockton noted that the agreement removes the birds off the buildings. The birds nest in trees in the residential neighborhoods. Mr. Hamilton offered that perhaps the company could provide the City with advice.

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the contract with Soules Bird Repellent be approved in the amount of \$6,000 per year, 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: Alderman Crawford, Schmidt, Finnegan, Gibson, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Ratification of Collective Bargaining Agreement with Laborers Local 362

The City and Laborers Local 362 - Inspectors held the last negotiation session on May 24, 2005. Serving on the bargaining committee for the City were Jim Hepperly, Mark Huber, Connie Griffin, Angie Brown and Emily Bell. On June 2, 2005 the Tentative Agreement was ratified by the membership of Local 362 - Inspectors.

Highlights of the Agreement are as follows:

- Base wages will be increased by 3% on each May 1 for the three (3) year term of the Agreement.
- Increase in certification pay from .12 cents for each level to .25 cents for levels one through twenty and .20 cents for levels twenty-one to thirty.
- Restructure of eligibility for sick leave buyback to have a combined 75 years of service and age with a minimum of 15 years of service. Elimination of the Health Insurance Account funded by unused sick leave maintained by the City. Allowing employees to contribute up to 100% of unused sick leave (max. 1440 hours) in a Retirement Health Savings Plan currently administer by ICMA.
- Increase Safety Shoes reimbursement to \$200.00.
- Change regular work hours to replace the one hour unpaid lunch and two (2) 15 minute breaks with a half hour paid meal break.
- Employee contribution for health insurance of 20% and Employee plus one and Family at 27%.
- LIUNA contribution increase from \$.12 cents to \$.20 cents effective January 1, 2006.
- Employees with single coverage will receive a one time \$250 bonus.
- Police Department employees will receive a one time \$500 bonus.
- Employees not using any sick leave will be eligible to choose \$100 or Wellness day.

The staff respectfully recommends ratification of the Tentative Agreement by Council.

Respectfully,

Emily Bell
Dir. of Human Resources

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

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the Collective Bargaining Agreement with Laborers Local 362 be ratified, 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: Alderman Crawford, Schmidt, Finnegan, Gibson, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Agreement with Deneen Brothers Farms L.L.C., Sloan Family L.L.C., Bloomington Normal Airport Authority and St. Patrick Catholic Congregation of Merna for the Construction of a Sanitary Sewer

Deneen Brothers Farms L.L.C. and Sloan Family L.L.C. (collectively “Deneens”), Bloomington Normal Airport Authority (BNAA) and St. Patrick Catholic Congregation of Merna (St. Pats) desire to extend sanitary sewer to their properties.

BNAA owns property north of Empire Street (IL Rt. 9) and west of Towanda-Barnes Road which is not currently annexed to the City. St. Pats owns property north of Empire Street (IL Rt. 9) and east of Towanda-Barnes Road which is not currently annexed to the City. Deneens own property south of Empire Street (IL Rt. 9) and east of Towanda-Barnes Road not currently annexed to the City. The City anticipates future development on properties north of Empire Street and east of Towanda-Barnes Road, adjacent to St. Pats, on the Dee and Adams properties which are not yet annexed to the City.

An agreement has been negotiated between Deneen, BNAA, St. Pats and the City providing for the construction of the sewer extension by Deneen. The costs for the sewer which includes design, easement acquisition, and construction, are estimated to be \$740,000. The estimated cost will be divided between Deneen, BNAA, St. Pats and the City as follows:

BNAA: (0%)
Deneen: (55.15%) \$408,110
St. Pats: (2.67%) \$19,758
City: (42.18%) \$312,132

The City’s share represents the Dee and Adam properties from which tap-on fees may be recovered with future development.

The agreement has been reviewed by staff, and found to be in order. Staff respectfully requests that Council approve the agreement with Deneen Brothers Farms L.L.C., Sloan Family L.L.C., Bloomington Normal Airport Authority, and St. Patrick Catholic Congregation of Merna for the construction of a sanitary sewer and authorize the Mayor to sign the agreement on behalf of the City.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

SEWER EXTENSION AGREEMENT

Deneen Brothers Farms, L.L.C. and Sloan Family, L.L.C. (Collectively "Deneens"), a joint venture, the City of Bloomington, a municipal corporation ("City"), St. Patrick Catholic Congregation of Merna ("St. Pats") and the Bloomington-Normal Airport Authority ("BNAA"), a municipal corporation, hereby agree as follows with respect to construction of a new sanitary sewer in the vicinity of the new Central Illinois Regional airport at Bloomington-Normal.

I. RECITALS

1. BNAA needs to provide sanitary sewer service for a future commercial development, which may be constructed on its property north of Illinois Route 9 and west of Towanda-Barnes Road. This property is not currently within the corporate boundaries of the City.
2. St. Pats desires sanitary sewer for its property located north of Illinois Route 9 and east of Towanda-Barnes road. This property is not currently within the corporate boundaries of the City.
3. Deneens own property, which is located east of Townada-Barnes Road and south of Illinois Route 9. This property is not currently within the corporate boundaries of the City. This property is appropriate for commercial and various residential developments.
4. The City anticipates future development of the Dee and Adams property east and north of the St. Pats property and can recover from any future developer the cost of construction of any sanitary sewer, which would serve the property.
5. C. Neil Finlen of Farnsworth Group, Consulting Engineers has made an estimate of the engineering and construction costs of a sewer capable of serving the proposed BNAA Commercial Development, the Deneen property, the St. Pats property, the Dee and the Adams property and as to the allocation of costs among the parties to this Agreement.
6. The parties hereto have the legal capacity to enter into this Agreement.

II. CONSTRUCTION OF SEWER

A. Deneens Agree As Follows:

1. They will cause the sewer to be designed with the size and location substantially as shown on a "St. Pats Sanitary Sewer Extension" drawn by Farnsworth Group, Consulting Engineers, with attachment reflecting routing of the sewer. The sewer will vary in size from eighteen (18) to twenty-one (21) inches in diameter.
2. The sewer will be capable of serving:

A. The proposed BNAA property north of Illinois Rte. 9 and west of Towanda-Barnes Road. (Approximately 5 acres.)

B. The St. Pats property north of Illinois Route 9 and east of Towanda-Barnes Road. (Approximately 14 acres.)

C. The Deneen property south of Illinois Route 9 and east of Towanda-Barnes Road. (Approximately 289 acres.)

D. The Dee property land north and east of the St. Pats property. (Approximately 141 acres.)

E. The Adams property north of the Dee property. (Approximately 80 acres.)

3. Deneens will ensure that the materials used and the construction methods followed will meet the requirement of statutes, regulations, and applicable code requirements imposed or followed by the City and the Bloomington and Normal Water Reclamation District.

4. Deneens will award a contract for engineers to prepare plans and bid specifications for the construction of the sewer.

5. Deneens will receive bids and award contracts for construction work.

6. Deneens will pay their proportionate share of the easement acquisition and the construction costs of the sewer as provided below in Section III.

7. Deneens will pay appropriate tap-on charges for previously constructed sewers as various portions of their property are connected to the sewer to reimburse the City for the part of its previous expenditures apportionable to the Deneens' property.

8. Deneens will, upon completion, dedicate the sewer to the City of Bloomington.

9. Deneens will annex their property to the City prior to connecting to any sewer.

B. The City of Bloomington Agrees As Follows:

1. The City will pay the share of the cost of the easement acquisition design and construction and the sewer attributed to the Dee and Adams farmland north and east of the St. Pats property pursuant to Section III below. This cost will be passed on to owners of the property served by the sewer as this property develops.

2. The City agrees to exercise its eminent domain authority to acquire easements for the sewer if it becomes necessary to do so. Acquisition costs will be split among the parties in the same proportion as estimated construction costs.

3. The City will accept Deneens donation of the completed sewer once it has been accepted for use, and will thereafter maintain it.

4. The City will permit Deneens, St. Pats, BNAA and other property Owners/Developers to tap-on to the sewer upon payment of appropriate tap-on fees.

C. BNAA Agrees As Follows:

1. BNAA will not be required to share in the construction costs of the sewer, as provided in Section III below.

2. In lieu of any payment for construction cost the BNAA will grant permanent and temporary easements across its property for construction and maintenance of this sewer extension.

3. BNAA will annex its development property to the City prior to connecting to any sewer.

D. St. Pats Agrees As Follows:

1. St. Pats will pay its share of the easement acquisition design and construction cost of the sewer as provided in Section III below.

2. St. Pats will grant permanent and temporary easements across its property for construction and maintenance of this sewer extension.

3. St. Pats will annex its property to the City before connecting to the sewer pursuant to an agreement for annexation jointly made with the developer of the Dee property.

4. St. Pats will pay appropriate tap-on charges for previously constructed sewers before its property is connected to a sewer to reimburse the City for the part of its previous expenditures apportionable to the St. Pats property.

III. COSTS

A. Allocation

The parties estimate that the total cost for the easement acquisition design and construction of the sewer, which is the subject of this Agreement, at \$740,000.00.

That cost will be allocated among the parties based on the acreage tributary to the sanitary sewer as follows:

1. BNAA will pay \$0.00.
2. St. Pats will pay \$19,758.00. (2.67%)
3. Deneens will pay \$ 408,110.00. (55.15%)
4. The City will pay \$312,132.00. (42.18%)
5. The parties agree to share any unanticipated and increased costs or decreased costs in the design and construction of the sewer (including any acquisition costs) in the same proportion as the estimated construction costs: BNAA - 0%; Deneens - 55.15%; City of Bloomington - 42.18%; and St. Pats - 2.67%.

B. Payments

1. Upon receipt of bills for partial payments for engineering and construction costs, Deneens will immediately transmit copies thereof to, St. Pats and the City for them to pay in the same proportionate share as the total anticipated construction costs each statement as it comes due.
2. The City and St. Pats and agree to pay each partial payment to Deneens by the due date. If payments are not made to Deneens by the due date of the bill, the party mailing the late payment will reimburse Deneens for the interest cost of such party's share of the cost advanced by Deneens.
3. Deneens will furnish to the City, St. Pats and BNAA copies of all lien waivers.

Executed this 19th day of May, 2005

Deneen Brothers Farms, L.L.C. a joint venture
Managing Agent

Sloan Family, LLC
Managing Agent

Executed this 14th day of June, 2005

City of Bloomington, a municipal corporation

By: Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

Executed this 14th day of July, 2005
Bloomington/Normal Airport Authority, a municipal corporation

By: Paul Harmon, Chairman

Executed this 2nd day of May, 2005

St. Patricks Catholic Congregation, of Merna

By: Rev. Gerald T. Ward, Pastor

Alderman Finnegan questioned the purpose of this agreement. Tom Hamilton, City Manager, addressed the Council. This agreement involved property located at the northwest quadrant of intersection of Illinois Rt. 9 East and Towanda Barnes Rd. The Council approved an easement for the land owned by the Airport Authority at their May 23, 2005 meeting. St. Patrick Catholic Congregation of Merna planned a major building expansion and needed sewer. The current pipe had limited capacity. Future expansion would head south.

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the Agreement with Deneen Brothers Farms L.L.C., Sloan Family L.L.C., Bloomington Normal Airport Authority and St. Patrick Catholic Congregation of Merna for the Construction of a Sanitary Sewer 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: Alderman Crawford, Schmidt, Finnegan, Gibson, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Resolution for General Maintenance Resurfacing of City Streets Motor Fuel Tax No. 05-00000-00-GM

In order to expend Motor Fuel Tax Funds on a project, the Illinois Department of Transportation requires that Council to pass a Resolution appropriating the necessary money. This Resolution will appropriate \$500,000 for the annual program of resurfacing city streets. This project is included in the proposed 2005-2006 budget to be financed by MFT Funds.

Staff respectfully recommends that Council adopt a Resolution appropriating \$500,000 in MFT Funds for resurfacing various streets to be done by the City under the Illinois Highway Code, MFT No. 05-00000-00-GM.

Respectfully,

Douglas G. Grovesteen
Engineering Director

Tom Hamilton
City Manager

(RESOLUTION #2005-78 ON FILE IN THE CITY CLERK'S OFFICE)

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the Resolution be adopted.

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

Ayes: Alderman Crawford, Schmidt, Finnegan, Gibson, 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 Lots 3, 4, and 5, Block 4 in Camp Kickapoo. Lawrence and Theresa M. Reese to George P. and Susan J. Freeman.

Staff has reviewed the Lake Bloomington Lease Transfer request and the septic system evaluation report for Lots 3, 4, and 5, Block 4 in Camp Kickapoo.

This system is 18 years old. A deficiency with the sand filter was noted on the Septic System installer report. The sand filter is too small for current code, and has a deck built over it. Additionally, the rock trench ends in a French drain.

The sand filter deficiency is noted. The system is fairly new, and the fact that regardless of its size, if the sand filter were to fail, sewage would not be allowed to run through the system or to the lake, but would in fact a back-up into the home, requiring remediation.

Since this safeguard is in place, it is not necessary to require that the sand filter be enlarged until such time as it is in need of replacement. At that time it will be required to be brought up to the then current code.

The rock trench ending in a French drain, will need to be changed to a collector pipe which will need to penetrate the sea wall at the lake. This will need to be completed by August 1, 2005.

Staff respectfully requests that Council approve the Lake Bloomington Lease Transfer for Lots 3, 4, and 5, Block 4 in Camp Kickapoo contingent upon the rock trench effluent be collected in a collector pipe that penetrates the sea wall at the interface with the lake, by August 1, 2005.

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the Lake Lease be approved contingent upon the rock trench effluent be collected in a collector pipe that penetrates the sea wall at the interface with the lake, by August 1, 2005, 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: Alderman Crawford, Schmidt, Finnegan, Gibson, 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 McLean County Land Trust No. LFH-100, Douglas Hundman, Trustee, for Approval of an Easement Vacation Plat for Lots 93 and 96 in McGraw Park Subdivision, 2nd Addition

A Petition has been received from McLean County Land Trust No. LFH-100, Douglas Hundman, Trustee, for approval of an Easement Vacation Plat for Lots 93 and 96 in McGraw Park Subdivision, 2nd Addition. The request is to vacate the existing utility easement on the east 5 feet of Lot 93 and the west 5 feet of Lot 96.

All relevant private utility companies have reviewed the Plat and granted their approval of the easement vacation. Staff has also reviewed the Plat and find no conflicts with existing or proposed public utilities and drainage ways.

Staff respectfully recommends that Council approve the Petition and adopt an Ordinance approving the Easement Vacation Plat for Lot 93 and 96 of McGraw Park Subdivision, 2nd Addition.

June 13, 2005

205

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

PETITION FOR VACATION OF UTILITY EASEMENTS

STATE OF ILLINOIS)
)ss.
COUNTY OF McLEAN)

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

NOW COMES Douglas J. Hundman, as Successor Trustee under a Trust Agreement known as McLean County Land Trust No. LFH-100, hereinafter referred to as your Petitioner respectfully representing and requesting as follows:

1. That Petitioner is interested as Developer and Owner of the premises depicted in the Easement Vacation Plat attached hereto as Exhibit A and made a part hereof by this reference.
2. That your Petitioner seeks approval of the vacation of the utility easements legally described on the attached Plat.
3. That said vacation of said utility easements is reasonable and proper because such utility easements are not needed for public right of way or use by said City.
4. Utility companies interested in said easement have consented to the vacation of the utility easements. Letters from the utility easements described on the attached hereto as Group Exhibit B.

WHEREFORE, your Petitioner prays that the utility easements described on the attached Plat be vacated.

Respectfully Submitted,

Douglas J. Hundman, as Successor Trustee
Under a Trust Agreement known as McLean
County Land Trust No. LFH-100

ORDINANCE NO. 2005 - 52

ORDINANCE PROVIDING FOR THE VACATION OF UTILITY EASEMENTS

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

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

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

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

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

1. That the utility easements described in the Easement Vacation Plat attached hereto are hereby vacated.
2. That this Ordinance shall be in full force and effective as of the time of its passage this 13th day of June, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A
Easement Vacation

Legal Description Tract 1

The Southeasterly five (5) feet of Lot 93 in McGraw Park Subdivision 2nd Addition, according to the Plat thereof recorded as Document No. 2003-00029726, being part of the SW ¼ and part of the SE ¼ of Section 31, Township 24 North, Range 3 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois, Except the North 7.5 feet thereof and also Except the Southwesterly 15 feet thereof lying 15 feet northeasterly of the right of way line of Cornelius Drive.

Legal Description Tract II

The Northwesterly five ((5) feet of Lot 96 in McGraw Park Subdivision 2nd Addition, according to the Plat thereof recorded as Document No. 2003-00029726, being part of the SW ¼ and part of the SE ¼ of Section 31, Township 24 North, Range 3 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois, Except the Northeasterly 7.5 feet thereof and also Except the Southwesterly 15 feet thereof lying 15 feet thereof lying 15 feet northeasterly of the right of way line of Cornelius Drive.

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the Vacation be approved and the Ordinance passed.

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

Ayes: Alderman Crawford, Schmidt, Finnegan, Gibson, 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 McLean County Land Trust No. LFH-100, Douglas Hundman, Trustee, for Approval of an Easement Dedication Plat for Lots 94 and 95 in McGraw Park Subdivision, 2nd Addition

A Petition has been received from McLean County Land Trust No. LFH-100, Douglas Hundman, Trustee, requesting the dedication of a four (4) foot general purpose utility easement on Lot 94 and 95 of McGraw Park Subdivision, 2nd Addition as shown on the Utility Easement Plat.

Staff has reviewed the Utility Easement Plat for the dedication of the Utility Easement and finds it acceptable. Staff respectfully recommends that Council approve the Petition for the Dedication of a Utility Easement and an Ordinance be passed.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

PETITION TO ACCEPT DEDICATION EASEMENT

STATE OF ILLINOIS)
)ss.
COUNTY OF McLEAN)

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

NOW COMES Douglas J. Hundman, as Successor Trustee under a Trust Agreement known as McLean County Land Trust No. LFH-100, hereinafter referred to as your Petitioner respectfully representing and requesting as follows:

1. That Petitioner is interested as Owner of the premises depicted in the Easement Dedication Plat attached hereto and made a part hereof by this reference.
2. That your Petitioner seeks approval of the dedication of the easement depicted and legally described on the attached Plat.
3. That said dedication of said easement is reasonable and proper because such general purpose easement is needed for public right of way or use by said City.

WHEREFORE, your Petitioner prays that the easement described on the attached Plat be approved and accepted by the City.

Respectfully Submitted,

Douglas J. Hundman, as Successor Trustee
Under a Trust Agreement known as McLean
County Land Trust No. LFH-100

ORDINANCE NO. 2005 - 53**ORDINANCE APPROVING THE DEDICATION OF EASEMENT**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois a Petition requesting the dedication of easement;

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

WHEREAS, the City Council of the City has the power to pass this Ordinance and approve said dedication; and

WHEREAS, it is reasonable and proper to dedicate said easement as requested in the case.

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

1. That the dedication of easement described in Exhibit A attached hereto and shown on the Plat filed with the City are hereby approved and accepted by the City.
2. That this Ordinance shall be in full force and effective as of the time of its passage this 13th day of June, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A
Easement Vacation

Legal Description Tract 1

The Southeasterly four (4) feet of the Northwesterly nine (9) feet of Lot 94 in McGraw Park Subdivision 2nd Addition, according to the Plat thereof recorded as Document No. 2003-00029726, being part of the SW ¼ and part of the SE ¼ of Section 31, Township 24 North, Range 3 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois, Except the North 7.5 feet thereof and also Except the Southwesterly 15 feet thereof lying 15 feet northeasterly of the right of way line of Cornelius Drive.

Legal Description Tract II

The Northwesterly four ((4) feet of the Southeasterly nine (9) feet of Lot 95 in McGraw Park Subdivision 2nd Addition, according to the Plat thereof recorded as Document No. 2003-00029726, being part of the SW ¼ and part of the SE ¼ of Section 31, Township 24 North, Range 3 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois, Except the Northeasterly 7.5 feet thereof and also Except the Southwesterly 15 feet thereof lying 15 feet thereof lying 15 feet northeasterly of the right of way line of Cornelius Drive.

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the Dedication be approved and the Ordinance passed.

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

Ayes: Alderman Crawford, Schmidt, Finnegan, Gibson, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Extension of Conditions of Approval for the Final Plat of Hawthorne II Lake Subdivision

On February 28, 2005, Council approved a final plat for Hawthorne II Lake Subdivision. The approval was contingent on the Petitioner providing a petition signed by all the parties having interest within ninety (90) days, expiring May 28, 2005. On May 26th, staff received a request from Frank Miles, attorney for the petitioner, requesting a time extension. Mr. Miles has requested an additional 90 days.

Staff has no objection to this extension and respectfully requests Council approval of a ninety (90) day extension of the time limit from May 28, to August 26, 2005 for the petitioner to produce the signed petition.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the Extension of Conditions of approval for the Final Plat of Hawthorne II Lake Subdivision be approved.

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

Ayes: Alderman Crawford, Schmidt, Finnegan, Gibson, 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 Fox Creek, Inc., requesting approval of the Preliminary Plan for St. Ivan's at Fox Creek Planned Unit Development Subdivision, on five acres commonly located south of Fox Creek Road, north of Fox Creek Country Club 5th Addition, west of Heritage Estates and east of Fox Creek Country Club 10th Addition and the Den at Fox Creek (Case PS-04-05)

BACKGROUND INFORMATION:

Adjacent Zoning

north: A-Agriculture & R-1C - High Density Single Family Residence District
south: R-2 - Mixed Residence District
east: A-Agriculture
west: R-1B - Medium Density Single Family District and S - 2 Public Lands & Institutions District

Adjacent Land Uses

north: agriculture & single family dwellings
south: attached single family dwellings
east: detached single family dwellings
west: golf course & vacant

Comprehensive Plan recommends: low to medium density residential use.

This Preliminary Plan for the property in question proposes the subdivision of five acres into thirteen (13) lots. Lots 1 through 12 will serve as sites for twelve (12) "zero lot line" single family homes. Lot 13 will provide sites for ten (10) three dwelling unit buildings developed around a gazebo and common open space areas and access and parking areas as a residential planned unit development containing a total of thirty (30) dwelling units. Typical building elevations and architectural renderings for this residential planned unit development as required by Code have also been submitted with this preliminary plan.

Storm water detention for this residential planned unit development is proposed to be provided in the storm water retention pond located near the northeast corner of Lot 13. The sanitary sewer service to serve Units 2 and 3 will be provided from the existing manhole at the northeast corner of Lot 13 but not until the downstream sanitary sewer is updated to handle the additional wastewater.

Access to these lots will be provided by a twenty-five (25) foot wide (face to face of curb) private street on a thirty-four (34) foot wide access easement intersecting with Fox Creek Road and looping into this development and returning back to Fox Creek Road. This street will be known as St. Ivans Court. Lots 11 and 12 will have frontage on the circular turnaround portion of the cul-de-sac.

This plan provides for a five foot wide sidewalk along St. Ivans Court connecting to Constitution Trail along Fox Creek Road. A “no access strip” for motor vehicles should be delineated along all of the Fox Creek Road frontage except for where St. Ivans Court intersects Fox Creek Road. The total area of this property in hectares as required by A Manual of Practice for the Design of Public Improvements in the City of Bloomington should be included on the “Cover Sheet”.

PLANNING COMMISSION PUBLIC HEARINGS:

The Planning Commission held public hearings on this petition on May 11, 2005 and May 25, 2005 and recommends the same. The following persons submitted testimony in favor of this petition at the May 11, 2005 hearing:

- Mr. Steven Snyder, #1 Brickyard Drive
- Mr. Jack Snyder, #1 Brickyard Drive
- Mr. Shawn Leuth, 2103 Eastland Drive

Mr. Steven Snyder presented a copy of building design elevations. He informed the commission that this tract had been part of the original Fox Creek Development, of approximately ten (10) years ago and that it was intended to be used for either business or residential, with the option to decide at a later date.

The plan is to build six zero-lot-line duplexes that would border on the golf course and to have ten (10) buildings of three attached-town- homes each, on one large lot, owned separately as condominiums. In consideration of the need to provide on-site detention they have decided to omit the swimming pool from the plan. He indicated that units 2 and 3 would not be built until sanitary sewer of adequate capacity is available. The duplexes would be in the \$200,000 range and the townhouses in the \$110,000 to \$120,000 range.

Mr. Leuth, P.E., Shive Hattery, Inc., reviewed the concerns outlined in a April 29, 2005 letter by Doug Grovesteen, City Engineer. Mr. Leuth stated that revisions would be incorporated in the preliminary plan.

Mr. John Hammond, 2407 Monica Lane, testified in opposition to this petition at the May 11th hearing. Mr. Hammond prefers that the hedgerow growing along the southeast corner of Lot 13

remains, and that he would like the dumpsters on Lot 13 to be placed in as inconspicuous of a manner as possible.

Commissioner Rackauskas inquired regarding the detention basin. Mr. Steve Snyder indicated that the basin would be a dry bottom and both it and the berm would be landscaped. Commissioner Baughan inquired as to whom would be responsible for the maintenance it. Mr. Snyder replied that the homeowner's association would maintain it.

The Commissioners were in agreement regarding changes being incorporated in the plan. Mr. Jack Snyder requested that the Commission consider approval subject to the review and satisfaction of the Director of Engineering.

Mr. Steve Snyder testified in favor of this petition at the May 25th hearing. Commissioner Rackauskas noted that the Commission had not received copies of the revised plan. Mr. Potts, Associate City Planner, reported that the City Planning & Code Enforcement office had not received copies of the revised plan with sufficient time to mail them to the Commission.

Mr. Steve Snyder indicated that he was unaware that he should have provided revised copies for each of the Commissioners. He further indicated that the plan had been revised to address staff concerns. Commissioner Rackauskas expressed concern over the maintenance of a private road and the associated cost to the residents. Mr. Snyder replied that home buyers are made aware of the costs and that a homeowners association would be set up to handle fees. Mr. Snyder provided the Commission with elevations and floor plan drawings. 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 May 25, 2005, and passed a motion by a vote of 7 to 0 recommending Council approval of the Preliminary Plan for St. Ivan's at Fox Creek Planned Unit Development Subdivision, as revised.

STAFF RECOMMENDATION:

The Staff concurs with the Planning Commission and recommends approval of this revised preliminary plan.

Respectfully,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

PETITION FOR APPROVAL OF A PRELIMINARY PLAN FOR A PLANNED UNIT DEVELOPMENT

STATE OF ILLINOIS)
)ss.
COUNTY OF McLEAN)

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

NOW COMES Fox Creek Inc., hereinafter referred to as your Petitioner respectfully representing and requesting as follows:

1. That Petitioner is the Owner of the premises hereinafter described in Exhibit A attached hereto and made a part hereof by this reference;
2. That your Petitioner seeks approval of the Preliminary Plan for the planned unit development of said premises to be known and described as the St. Ivan's at Fox Creek Village Planned Unit Development, Preliminary Plan, Planned Unit Development which Preliminary Plan is attached hereto and made a part hereof; and
3. That your Petitioner seeks no waivers.

WHEREFORE, your Petitioner prays that the Preliminary Plan for the St. Ivans's at Fox Creek Village Planned Unit Development, Preliminary Plan, submitted herewith be approved.

Respectfully Submitted,

Fox Creek Inc.
By: Mercer Turner, Its Agent

ORDINANCE NO. 2005 - 54**AN ORDINANCE APPROVING THE PRELIMINARY PLAN OF FOX CREEK
VILLAGE PLANNED UNIT DEVELOPMENT**

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 St. Ivan's at Fox Creek Village Planned Unit Development, legally described in Exhibit A attached hereto and made a part of this reference; and

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

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

1. That the Preliminary Plan of the St. Ivan's at Fox Creek Village Planned Unit Development, is hereby approved.
2. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 13th day of June, 2005

APPROVED this 14th day of June, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

A part of Outlot 1 in Fox Creek Country Club in the City of Bloomington, according to Doc. #95-26592 in the McLean County Recorder of Deeds, McLean County, Illinois, located in the southwest quarter of Section 18, Township 23 North, Range 2 East of the Third Principal Meridian, more particularly described as follows:

Beginning as a point or reference at the intersection of the south right-of-way line of Fox Creek Road as dedicated in Tract 1 in the First Addition to said Fox Creek Country Club, (Doc. #96-10334) and the east line of said Outlot 1 thence south 1°-07'-17" East (assumed bearing) 570.00 feet along the east line of said south Lot 1 to the northeast corner of Fifth Addition to Fox Creek Country Club (Doc. #98-16606);

Thence south 88°-52'-43" West 330.00 Feet along the north line of said Fifth Addition to Fox Creek Country Club;

Thence north 1°-07'-17" West 330.00 Feet along the east line of Lot 5 in said Fox Creek Country Club;

Thence north 46°-32'-17" West 194.69 Feet along the northeast line of said Lot 5;

Thence north 2°-08'-17" West 150.00 Feet along the east line of the Tenth Addition to Fox Creek Country Club (Doc. #2002-16772) to the said south right-of-way line Fox Creek Road;

Thence north 87°-51'-43" East 471.40 Feet along the said south right-of-way line of Fox Creek Road to the point of beginning, containing 5.00 acres more or less.

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

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

Ayes: Alderman Crawford, Schmidt, Finnegan, Gibson, 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 Darin Markert requesting approval of the Preliminary Plan for the Resubdivision of Lot 1 in Gabriel Hills Subdivision, commonly located north of Garnet Lane, west of Gabriel Drive, south of 1000 North Road, east of 1600 East Road; consisting of approximately 4.95 acres (Case PS-08-05)

BACKGROUND INFORMATION:

Adjacent Zoning

Adjacent Land Uses

north: (County) A, Agriculture

north: single family dwelling

south: (County) R-1

south: single family dwelling

east: (County) R-1

east: single family dwelling

west: (County) A, Agriculture

west: single family dwelling

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

This property is commonly located within 1½ miles of the City's Corporate limits. The petitioner wishes to subdivide this 4.95 acres of vacant land into four (4) single family residential lots and two (2) outlots. The two (2) outlots are used for existing storm water detention. Lot 20 will be a "flag lot" in that it takes its access from Gabriel Drive. This has been requested by the County Engineer to avoid giving access onto 1600 East Road. This subdivision would be served by the Bloomington Township Water District and have private individual septic systems.

The following three waivers would need to be granted: 1.) waiver of sanitary sewer, 2.) waiver of adjacent roadway improvement fee, and 3.) waiver of parkland dedication requirement.

PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission held a public hearing on this petition on May 25, 2005 and recommends the same. Mr. Darin Markert, 8921 Gabriel Drive testified in favor of this petition at the May 25, 2005 hearing: He explained that a large lot that was originally intended as a church site would now be four (4) residential lots and two (2) outlots. He stated that the two (2) outlots would serve as storm water detention, and that each lot would have primary and secondary septic fields. The Bloomington Township Water District would provide water. He further explained that a home owners association will be formed to provide maintenance of the detention basins.

Mr. Kenneth Emmons, City Planner, noted that state law gives the City authority to review proposed subdivisions that are outside of the corporate limits but within one and one-half miles of those limits.

Commissioner Sage noted that McLean County would also review this subdivision. Chairperson Cain acknowledged that approval from both City and County would be necessary for an approved plan. 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 May 25, 2005, and passed a motion by a vote of 7 to 0 recommending Council approval of the Preliminary Plan for the Resubdivision of Lot 1 in Gabriel Hills Subdivision with the requested waivers.

STAFF RECOMMENDATION:

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

Respectfully,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

PETITION FOR APPROVAL OF A PRELIMINARY PLAN FOR A SUBDIVISION

STATE OF ILLINOIS)
)ss.
COUNTY OF McLEAN)

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

NOW COMES Darin Markert hereinafter referred to as your Petitioner respectfully representing and requesting as follows:

1. That Petitioner is interested as the Owner/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 Resubdivision of Lot 1 Gabriel Hills Subdivision which Preliminary Plan is attached hereto and made a part hereof; and
3. That your Petitioner also seeks approval of the following exemptions or variations from the provisions of Chapter 24, of the Bloomington City Code: Sanitary Sewer, Park Dedication and Adjacent Substandard St.

WHEREFORE, your Petitioner prays that the Preliminary Plan for the Resubdivision of Lot 1 Gabriel Hills Subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully Submitted,

Darin Markert

ORDINANCE NO. 2005 - 55**AN ORDINANCE APPROVING THE PRELIMINARY PLAN OF THE
RESUBDIVISION OF LOT 1 GABRIEL HILLS 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 Resubdivision of Lot 1 Gabriel Hills Subdivision, legally described in Exhibit A attached hereto and made a part of this reference; and

WHEREAS, said Petition requests the following exemptions or variations from the provisions of the Bloomington City Code, 1960, as amended: Sanitary Sewer, Park Dedication and Adjacent Substandard St.; 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 Resubdivision of Lot 1 Gabriel Hills 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 13th day of June, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A
Legal Description

Lot 1 in Gabriel Hills Subdivision in the NW ¼ of Section 26, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, containing 4.95 acres, more or less.

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the Preliminary Plan be approved with the following waivers: 1.) waiver of sanitary sewer, 2.)

waiver of adjacent roadway improvement fee, and 3.) waiver of parkland dedication requirements, and the Ordinance passed.

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

Ayes: Alderman Crawford, Schmidt, Finnegan, Gibson, 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 City of Refuge Church of God in Christ for Approval of a Final Plat for the Resubdivision of Lot 1 Gabriel Hills Subdivision

A Petition has been filed by City of Refuge Church of God in Christ requesting approval of a Final Plat for the Resubdivision of Lot 1 Gabriel Hills Subdivision. Gabriel Hills is located outside the corporate limits south of the City. The subdivision is south of Colonial Motel Road (County Highway 30) , east of Wingate Road (1600 East Road) and west of Gabriel Drive.

Staff has reviewed the Final Plat and finds it in conformance with the Preliminary Plan. Water service to this subdivision will be provided by the City of Bloomington Township. There is no City sanitary sewer available to serve this development, nor is there likely to be such anytime in the foreseeable future.

As this development is not adjacent to the City and it is unlikely the City would ever enter into a water or sewer extension agreement with this development, staff does not anticipate this subdivision being annexed to the City. Therefore the waiver of park dedication and adjacent substandard roadway guarantee is appropriate.

Darin Markert is listed on the Preliminary Plan and Final Plat as owner, however the Owners Certificate and Petition filed with the Clerk represent the owner as the City of Refuge Church of God in Christ. The Final Plat should be corrected to list the correct owner.

Staff respectfully recommends that Council approve the Petition and adopt an Ordinance approving the Final Plat for the Resubdivision of Lot 1 Gabriel Hills Subdivision with waivers of sanitary sewer, park dedication, and adjacent substandard roadway guarantee, subject to the petitioner submitting a corrected final plat and a digital copy of the final plat.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

PETITION FOR APPROVAL OF A FINAL PLAT

STATE OF ILLINOIS)
)ss.
COUNTY OF McLEAN)

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

NOW COMES City of Refuge Church of God in Christ hereinafter referred to as your Petitioner respectfully representing and requesting as follows:

- 1. That Petitioner is the owners of the freehold or lesser estate therein of the premises hereinafter described in Exhibit A attached hereto and made a part hereof by this reference;
- 2. That your Petitioner seeks approval of the Final Plat for the subdivision of said premises to be known and described as Resubdivision of Lot 1 Gabriel Hills Subdivision which Final Plat is attached hereto and made a part hereof; and
- 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: Sanitary Sewer, Park Dedication and Adjacent Substandard St.

WHEREFORE, your Petitioner prays that the Final Plat for the for the Resubdivision of Lot 1 Gabriel Hills Subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully Submitted,

By: Frederick Haywood for City of
Refuge

ORDINANCE NO. 2005 - 56

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE RESUBDIVISION OF
LOT 1 GABRIEL HILLS 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 Resubdivision of Lot 1 Gabriel Hills Subdivision, legally described in Exhibit A attached hereto and made a part of this reference; and

WHEREAS, said Petition requests the following exemptions or variations from the provisions of the Bloomington City Code, 1960, as amended: Sanitary Sewer, Park Dedication and Adjacent Substandard St.; 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 Final Plat of the Resubdivision of Lot 1 Gabriel Hills 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 13th day of June, 2005..

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A
Legal Description

Lot 1 in Gabriel Hills Subdivision in the NW ¼ of Section 26, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, containing 4.95 acres, more or less.

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the Final Plat be approved, contingent upon the Petitioner submitting a corrected Final Plat, along with a digital copy, and the Ordinance passed.

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

Ayes: Alderman Crawford, Schmidt, Finnegan, Gibson, 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 McLean County Land Trust Requesting Approval of the Final Plat of Second Addition to the Sapphire Lake Subdivision

A Petition has been received from Commerce Bank, Trustee McLean County Land Trust, requesting approval of a Final Plat for the Second Addition to Sapphire Lake 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, south of Windham Hills Subdivision, and north of McGraw Park Subdivision. The residential portion of Hawthorne Commercial Park Subdivision is named "Sapphire Lake Subdivision" while the commercial portion will retain the "Hawthorne Commercial Park".

Staff has reviewed the Final Plat and finds it to be in conformance with the preliminary plan approved by Council on November 26, 2001. There are tap on fees and performance guarantee required from this subdivision.

Staff respectfully recommends that Council accept the Petition and pass an Ordinance approving the Final Plat of the Second Addition to Sapphire Lake Subdivision subject to petitioner paying tap on fees, posting of a performance guarantee prior to recording of the plat and submitting digital copy of the plat.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

PETITION FOR APPROVAL OF A FINAL PLAT

STATE OF ILLINOIS)
)ss.
COUNTY OF McLEAN)

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

NOW COMES Commerce Bank, Trustee of McLean County Land Trust LDB-53 hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

1. That Petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter described in Exhibit A attached hereto and made a part hereof by this reference;
2. That your Petitioner seeks approval of the Final Plat for the subdivision to be known and described as Second Addition to Sapphire Lake Subdivision which Final Plat is attached hereto and made a part hereof;
3. That your Petitioner also seeks approval of the following exemptions or variations from the provisions of Chapter 24, of the Bloomington City Code, 1960, as amended: all those listed on the approved Preliminary Plan, if any;
4. That the Final Plat substantially conforms to the Preliminary Plan of said Subdivision heretofore approved by the City Council;
5. That your Petitioner hereby dedicates to the public, all public right-of-way and easements shown on said Final Plat.

WHEREFORE, your Petitioner prays that the Final Plat for the Second Addition to Sapphire Lake Subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully Submitted,

Commerce Bank, Trustee of McLean
County Land Trust LDB-53

By: Sarah E. McDuffie
AVP and Trust Officer

ORDINANCE NO. 2005 - 57**AN ORDINANCE APPROVING THE FINAL PLAT OF THE SECOND ADDITION TO
SAPPHIRE LAKE 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 Second Addition to Sapphire Lake Subdivision, legally described in Exhibit A attached hereto and made a part of this reference; and

WHEREAS, said Petition requests the following exemptions or variations from the provisions of the Bloomington City Code, 1960, as amended: all those listed on the approved Preliminary Plan, if any; and

WHEREAS, said Petition is valid and sufficient and conforms to the requirements of the statutes in such cases made and the 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 Second Addition to Sapphire Lake 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 13th day of June, 2005.

APPROVED this 14th day of June, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

A part of the Northeast Quarter and part of the Northwest Quarter of Section 31, Township 24 North, Range 3 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Beginning at the Northwest Corner of Lot 44 in the First Addition to Sapphire Lake Subdivision in the City of Bloomington, Illinois per plat recorded as Document No. 2003-29381 in the McLean County Recorder's Office. From said Point of Beginning, thence southeast 207.43 feet along the Westerly Line of said Lot 44 to the Southwest Corner thereof; thence southeast 60.00 feet along the Westerly Line of Gina Drive in said First Addition which forms an angle to the left of $154^{\circ}-05'-30''$ with the last described course to the South Right-of-way Line of said Gina Drive; thence northeast 12.73 feet along said South right-of-way Line being the arc of a curve concave to the south and having a radius of 35.00 feet and the 12.66 foot chord of said arc forms an angle to the left of $259^{\circ}-34'-51''$ with the last described course to a Point of Tangency; thence east 177.25 feet along said South Right-of-way Line which forms an angle to the left of $169^{\circ}-34'-51''$ with the last described chord to the Northwest Corner of Lot 45 in said First Addition; thence south 240.00 feet along the West Line of said Lot 45 and the West Lines of Lots 46 and 47 in said First Addition which form an angle to the left of $90^{\circ}-00'-00''$ with the last described course to a Point of Curvature; thence south and southeast 189.58 feet along the Southwesterly Lines of said Lot 47 and Lot 48 in said First Addition being the arc of a curve concave to the northeast and having a radius of 197.75 feet and the 182.40 foot chord of said arc forms an angle to the left of $207^{\circ}-27'-50''$ with the last described course to a Point of Compound Curve; thence southeast 51.75 feet along the Southwesterly Line of said Lot 48 being the arc of a curve concave to the northeast and having a radius of 100.00 feet and the 51.17 foot chord of said arc forms an angle to the left of $222^{\circ}-17'-18''$ with the last described chord to a Point of Tangency; thence southeast 128.99 feet along the South Line of said Lot 48 and the South Line of Lot 49 in said First Addition which form an angle to the left of $194^{\circ}-49'-29''$ with the last described chord to a Point of Curvature; thence easterly 384.16 feet along the South Line of said Lot 49 and the South Lines of Lots 50, 51, 52 and 53 in said First Addition being the arc of a curve concave to the north and having a radius of 1990.00 feet and the 383.57 foot chord of said arc forms an angle to the left of $185^{\circ}-31'-49''$ with the last described course to a Point of Tangency; thence northeast 104.84 feet along the South Line of said Lot 53 and the South Line of Lot 54 in said First Addition which form an angle to the left of $185^{\circ}-31'-49''$ with the last described chord to a Point of Curvature; thence east, southeast and south 250.38 feet along the South Line of said Lot 54, the Southwesterly Lines of Lots 55, 56 and 57, and the West Line of Lot 58, all in said First Addition and being the arc of a curve concave to the southwest and having a radius of 150.00 feet and the 222.31 foot chord of said arc forms an angle to the left of $132^{\circ}-10'-52''$ with the last described course to a Point of Tangency; thence south 26.92 feet along said West Line which forms an angle to the left of $132^{\circ}-10'-52''$ with the last described chord to the Southwest Corner of said Lot 58; thence east 180.00 feet along the South Line of said Lot 58 and the South Line of Norma Drive in said First Addition which form an angle to the left of $270^{\circ}-00'-00''$ with the last described course to the Southeast Corner of said Norma Drive; thence north 32.90 feet along the East Right-of-way Line of said Norma Drive which forms an angle to the left of $270^{\circ}-00'-00''$ with the last described course to the Southwest Corner of Lot 59 in said First Addition; thence east 140.00 feet along the South Line of said Lot 59 which forms an angle to the left of $90^{\circ}-00'-00''$ with the last described course to the Southeast Corner thereof; thence south 259.99 feet along the Southerly Extension of the East Line of said Lot 59 which forms an angle to the

left of 90°-00'-00" with the last described course; thence southeast 70.00 feet along a line which forms an angle to the left of 193°-42'-34" with the last described course; thence southwest 12.24 feet along the arc of a curve concave to the southeast having a radius of 465.00 feet and the 12.24 foot chord of said arc forms an angle to the left of 90°-45'-16" with the last described course to a Point of Tangency; thence southwest 102.48 feet along a line which forms an angle to the left of 180°-45'-16" with the last described chord; thence southeast 216.30 feet along a line which forms an angle to the left of 270°-00'-00" with the last described course to the South Line of said Northeast Quarter; thence west 1667.84 feet along said South Line and the South Line of said Northwest Quarter, said South Lines also being the North Line of Airport Park Subdivision 2nd Addition in the City of Bloomington recorded as Document No. 2001-33848 in said Recorder's Office, and the North Line of the Resub of McGraw Park Subdivision in the City of Bloomington recorded as Document No. 2001-27503 in said Recorder's Office, and said Lines form an angle to the left of 74°-03'-38" with the last described course to the Northwest Corner of Lot 6 in said Resub of McGraw Park Subdivision; thence north 1306.35 feet along the East Line of Golden Eagle South Subdivision in the City of Bloomington recorded as Document No. 99-7564 in said Recorder's Office; and the East Line of the First Addition to Golden Eagle Subdivision in the City of Bloomington recorded as Document No. 98-22381 in said Recorder's Office and which form an angle to the left of 90°-53'-20" with the last described course to Southwest Corner of Outlot 66 in the First Addition to Windham Hill Subdivision in the City of Bloomington recorded as Document No. 98-37422 in said Recorder's Office; thence east 113.62 feet along the South Line of said Outlot 66 and the South Line of Lot 56 in said First Addition which form an angle to the left of 89°-28'-21" with the last described course to the Point of Beginning, containing 31.282 acres, more or less.

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

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

Ayes: Alderman Crawford, Schmidt, Finnegan, Gibson, 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 Land Trust FSB-1080 for the Approval of a Final Plat for the Heartland Hills Fire Station Subdivision

A Petition has been filed by Land Trust FSB-1080 requesting approval of a Final Plat for the Heartland Hills Fire Station Subdivision. Heartland Hills Fire Station Subdivision is located

south of Six Points Road at the east edge of Heartland Hills Subdivision and west of future Mitsubishi Motorway. Staff has reviewed the Final Plat and finds it in conformance with the Preliminary Plan approved by Council March 22, 2004.

Construction plans for the sanitary and storm sewers to serve this subdivision have not been submitted and approved by the petitioner, however, the contract for sale and City Code obligate the petitioner to prepare same and construct the sewers.

As the lot created by this subdivision will be the site of a future City Fire Station, and as the right-of-way for Mitsubishi Motorway included in this plat is needed to construct the segment of Mitsubishi Motorway promised in the Palmer Annexation Agreement, staff recommends that Council waive the requirement that construction plans for the public improvements be approved prior to final plat approval. A performance guarantee is required for this subdivision for the unfinished public improvements.

Staff respectfully recommends that Council approve the Petition and adopt an Ordinance approving the Final Plat for Heartland Hills Fire Station Subdivision with a waiver of the requirement that construction plans be approved prior to approval of the final plat, and subject to the petitioner submitting a performance guarantee for the unfinished public improvements and a digital copy of the final plat.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

PETITION FOR APPROVAL OF A FINAL PLAT

STATE OF ILLINOIS)
)ss.
COUNTY OF McLEAN)

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

NOW COMES Land Trust FSB-1080 hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

1. That Petitioner is the owner of the freehold estate of the premises hereinafter described in Exhibit A attached hereto and made a part hereof by this reference;
2. That your Petitioner seeks approval of the Final Plat for the subdivision to be known and described as Heartland Hills Fire Station Subdivision, Bloomington, Illinois, which Final Plat is attached hereto and made a part hereof;

3. That your Petitioner also seeks approval of the following exemptions or variations from the provisions of Chapter 24, of the Bloomington City Code, 1960, as amended: all those listed on the approved Preliminary Plan, if any.

WHEREFORE, your Petitioner prays that the Final Plat for the Heartland Hills Fire Station Subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully Submitted,

Land Trust FSB-1080

By: Mercer Turner, Its Attorney

State of Illinois)
)SS
McLean County)

I, the undersigned Notary Public in and for said County, in the State aforesaid, do hereby certify that Mercer Turner, 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 as his free and voluntary act for the uses and purposes therein set forth.

Given under my hand and notarial seal, this 2nd day of June, 2005.

Tammie R. Keener
Notary Public

ORDINANCE NO. 2005 - 58

AN ORDINANCE APPROVING THE FINAL PLAT OF HEARTLAND HILLS FIRE STATION

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 Heartland Hills Fires Station Subdivision, Bloomington, Illinois, legally described in Exhibit A attached hereto and made a part hereof by this reference; and

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

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

1. That the Final Plat of Heartland Hills Fire Station Subdivision is hereby approved.
2. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 13th day of June, 2005.

APPROVED this 14th day of June, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

A part of the North Half of the Northeast Quarter of Section 14, Township 23 North, Range 1 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Beginning at the Northeast Corner of said Section 14. From said Point of Beginning, thence west 443.97 feet along the North Line of said Northeast Quarter; thence south 298.87 feet along a line which is parallel with the East Line of said Northeast Quarter and which forms an angle to the right of 90°-26'-48" with the last described course; thence east 343.97 feet along a line which is parallel with the North Line of said Northeast Quarter and which forms an angle to the right of 89°-33'-12" with the last described course to a point lying 100.00 feet normally distant west of the East Line of said Northeast Quarter; thence south 1010.03 feet along a line which is parallel with said East Line and which forms an angle to the right of 270°-26'-48" Northeast Quarter of said Section 14; thence east 100.01 feet along said South Line which forms an angle to the right of 89°-22'-13" with the last described course to the Southeast Corner of the

North Half of said Northeast Quarter; thence north 1308.58 feet along the East Line of said Northeast Quarter which forms an angle to the right of 90°-37'-47" with the last described course to the Point of Beginning, containing 5.364 acres, more or less.

Motion by Alderman Finnegan, seconded by Alderman Sprague that the Final Plat be approved with a waiver of the requirement that construction plans be approved prior to approval, and contingent upon the Petitioner submitting a performance guarantee for the unfinished public improvements and a digital copy of the Final Plat, and the Ordinance passed.

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

Ayes: Alderman Crawford, Schmidt, Finnegan, Gibson, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
 From: Staff
 Subject: Proposed Change Order to Stark Excavation, Inc. for Canterbury Court 42" Relief Storm Sewer

During construction of the recent Canterbury Court 42" Relief Storm Sewer Improvements, two items were encountered which resulted in additional costs.

1. The existing sanitary sewer service to 31 Country Club Place was found to be in conflict with the new 42 inch storm sewer. It was necessary to lower the existing service at an additional cost of \$11,067.49.
2. As the new sewer was constructed through the traffic island at the intersection of Mercer Avenue and Country Club Place, staff noticed about 316 linear feet of additional curb and gutter adjacent to the sewer construction which was badly deteriorated. Staff instructed the contractor to remove and replace this additional quantity of bad curb and gutter at an additional cost of \$6,007.68.

Original Contract	\$284,392.50
This Change Order	<u>17,075.17</u>
Completed Contract	\$301,467.67

These additions were not reasonably foreseeable at the time the contract was signed and were in the best interest of the City. As this additional work was necessary for the orderly and proper

completion of this project, staff respectfully recommends that Council approve this Change Order in the amount of \$17,075.17 with payment to be made with Storm Water Depreciation Funds (X55200-72540).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

RESOLUTION NO. 2005 - 79

**A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE
AMOUNT OF \$17,075.17 IN THE CONTRACT BETWEEN THE CITY
OF BLOOMINGTON AND STARK EXCAVATION, INC. FOR CANTERBURY COURT
42" RELIEF STORM SEWER**

WHEREAS, the City of Bloomington has previously entered into a contract with Stark Excavation, Inc. for Canterbury Court 42" Relief Storm Sewer; and

WHEREAS, for the reasons set forth in a staff report dated June 13, 2005 it was necessary to lower the existing service to 31 Country Club Place, and remove and replace an additional quantity of bad curb and gutter; and

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the June 13, 2005 memo was in the best interest of the citizens of the City of Bloomington.

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

That a change order in the amount of \$17,075.17 in the contract between the City of Bloomington and Stark Excavation, Inc. for Canterbury Court 42" Relief Storm Sewer be approved.

PASSED this 13th day of June, 2005.

ADOPTED this 14th day of June, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the Change Order in the amount of \$17,075.17 be approved, and the Resolution adopted.

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

Ayes: Alderman Crawford, Schmidt, Finnegan, Gibson, Matejka and Purcell.

Nays: None.

Motion carried.

MAYOR'S DISCUSSION: Mayor Stockton informed the Council that he had spent some time in Japan. He visited Asahikawa. The Mayor and Council of our Sister City extended their greetings. The Japanese took pride in keeping him busy during his visit there.

He also had attended the US Conference of Mayors meeting in Chicago over the weekend. The major work items involved working with the National Association of Counties to restore CDBG, (Community Development Block Grant) dollars. A resolution was passed to limit unfunded mandates. In all, eighty (80) resolutions were passed. Accessible building codes were addressed. He offered to put together a report to the Council.

He encouraged the Council to think about long term planning/visioning. He expressed his interest in a community wide meeting which would include the Town of Normal, McLean County, the school districts, (Unit 5 and District 87), and the local hospitals (BroMenn and OSF St. Joseph). He was looking forward to their input. The process would not involve a small group. It would be open to thirty to forty (30 - 40) individuals. It would require a time commitment. There would be plenary sessions. Worker bees would also be needed. He had already spoken to the local news media.

CITY MANAGER'S DISCUSSION: Tom Hamilton, City Manager, informed the Council that he would be out of the office from Wednesday through Friday, June 15 - 17, 2005. He would be attending a City Manager's conference in Galena.

He also noted that the Downtown Business Association had given the City a check in the amount of \$3,000 to offset the cost of traffic control for the Farmer's Market.

ALDERMEN'S DISCUSSION: Alderman Gibson noted that he had received feedback regarding the Hamilton Rd. intersection. He expressed his appreciation to City staff for their efforts.

Alderman Purcell commended Ms. Steele upon receipt of the Harriet Rust Award. The Old Town Neighborhood was a part of his Ward.

Alderman Schmidt encouraged those present to attend Dimmit's Grove historic day on Saturday, June 25, 2005. The event would offer food, art, and tours.

Alderman Matejka commended Tracey Covert, City Clerk, for a job well done.

He addressed a long term vision for the City. He recommended that there be a high school component. These youth represented the future of the community. Mayor Stockton added that their inclusion should help to keep youth in the community.

Alderman Finnegan questioned construction on blocks which were entrances to residential neighborhoods. Mr. Hamilton noted that the City informs property owners not the leasee. Mayor Stockton noted the work at Washington and Hershey. Mr. Hamilton stated that Illinois Power was moving the power poles. Lanes would be closed. The local press, (Pantagraph and WJBC), had provided great coverage.

Motion by Alderman Finnegan, seconded by Alderman Matejka, that the meeting be adjourned. Time: 8:00 p.m.

Motion carried.

**Tracey Covert
City Clerk**

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