

**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, May 23, 2005.

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

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

Aldermen: Joseph "Skip" Crawford, Kevin Huette, Allen Gibson, Michael Matejka, Michael Sprague, 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: Alderman Jim Finnegan

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Opening of One Bid for Traffic Signal Modifications - East & Front, Madison & Front, and Center & Olive

Bids were received by the City Clerk on May 23, 2005 for Traffic Signal Modifications - East & Front, Madison & Front, and Center & Olive. There is \$500,000 budgeted for this item. Only one bid was received by the City Clerk and it is City policy in situations where only one bid is received to have the bid opened and read at the Council Meeting.

Staff respectfully requests that Council authorize the Director of Engineering to open the bid at the May 23, 2005 Meeting and present the City Council with a recommendation prior to the end of the Council Meeting concerning award of the bid.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

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

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

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

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Council Proceedings of September 27, and October 11, 2004

The Council proceedings of September 27, and October 11, 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 Matejka, seconded by Alderman Sprague that the reading of the minutes of the previous Council Meetings of September 27, and October 11, 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, Huette, Schmidt, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

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

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

Respectfully,

Brian J. Barnes
Director of Finance

Tom Hamilton
City Manager

(ON FILE IN CLERK'S OFFICE)

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

Nays: None.

Motion carried.

The following was presented.

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

1. The fifth partial payment to Economic Development Council of Bloomington/Normal in the amount of \$3,750 on a contract amount of \$45,000 per year of which \$18,750 will have been paid to date for work certified as 42% complete for the McLean County Economic Development. Completion date - December 2008.
2. The twelfth and final payment to Peace Meal in the amount of \$613 on a contract amount of \$7,000 of which \$7,000 will have been paid to date for work certified as 100% complete for the John M. Scott Home Delivered Meals. Completion date - May 2005.

3. The twelfth and final payment to Peace Meal in the amount of \$2,110 on a contract amount of \$25,000 of which \$25,000 will have been paid to date for work certified as 100% complete for the Peace Meals. Completion date - April 2005.
4. The thirteenth partial payment to Turner Construction Company in the amount of \$6,518 on a contract amount of \$187,824 of which \$103,090 will have been paid to date for work certified as 54.89% complete for the Project Management Services for the Bloomington Center for the Performing Arts. Completion date - June 2006.
5. The second partial payment to Technical Design Services, Inc. in the amount of \$8,078.22 on a contract amount of \$21,000 of which \$11,545 will have been paid to date for work certified as 38% complete for the Cabling System for the US Cellular Coliseum. Completion date - March 2006.
6. The tenth partial payment to Central Illinois Arena Management, Inc. in the amount of \$32,752.06 on a contract amount of \$738,188.75 of which \$186,515.03 will have been paid to date for work certified as 25% complete for the Professional Services. Completion date - December 2005.
7. The tenth partial payment to Mid-Illinois Mechanical Inc. in the amount of \$580,268.99 on a contract amount of \$3,387,343 of which \$836,098.69 will have been paid to date for work certified as 18% complete for the Design/Build for the US Cellular Coliseum. Completion date - April 2006.
8. The fifth partial payment to G.A. Rich & Sons, Inc. in the amount of \$42,489 on a contract amount of \$1,194,558 of which \$150,922.80 will have been paid to date for work certified as 13% complete for the Design/Build for the US Cellular Coliseum. Completion date - April 2006.
9. The second partial payment to Automatic Fire Sprinkler, LLC in the amount of \$22,500 on a contract amount of \$355,000 of which \$33,030 will have been paid to date for work certified as 9% complete for the Design/Build for the US Cellular Coliseum. Completion date - April 2006.
10. The second partial payment to Felmley Dickerson in the amount of \$4,680 on a contract amount of \$663,114 of which \$17,640 will have been paid to date for work certified as 3% complete for the Design/Build for the US Cellular Coliseum. Completion date - February 2006.
11. The third partial payment to Merrill Iron and Steel, Inc. in the amount of \$39,924 on a contract amount of \$795,654 of which \$143,046 will have been paid to date for work certified as 18% complete for the Design/Build, (Erection) for the US Cellular Coliseum. Completion date - April 2006.
12. The fifth partial payment to Merrill Iron and Steel, Inc. in the amount of \$7,984.93 on a contract amount of \$1,526,586 of which \$1,131,746.42 will have been paid to date for

- work certified as 74% complete for the Design/Build (Fabrication) for the US Cellular Coliseum. Completion date - April 2006.
13. The sixth partial payment to IPC, Inc. in the amount of \$373,168.80 on a contract amount of \$4,694,900 of which \$3,079,356.31 will have been paid to date for work certified as 66% complete for the Design/Build for the US Cellular Coliseum. Completion date - April 2006.
 14. The eighth partial payment to Stark Excavating, Inc. in the amount of \$116,487 on a contract amount of \$3,557,749 of which \$2,169,479.11 will have been paid to date for work certified as 61% complete for the Design/Build for the US Cellular Coliseum. Completion date - April 2006.
 15. The thirteenth partial payment to Johnston Contractors, Inc. in the amount of \$243,593.41 on a contract amount of \$3,374,550 of which \$1,556,265.17 will have been paid to date for work certified as 40% complete for the Design/Build for the US Cellular Coliseum. Completion date - April 2006.
 16. The fifth partial payment to Johnston Contractors, Inc. in the amount of \$49,320.95 on a contract amount of \$371,005 of which \$80,620.15 will have been paid to date for work certified as 20% complete for the Design/Build for the US Cellular Coliseum Parking Deck. Completion date - April 2006.
 17. The second partial payment to Felmley Dickerson in the amount of \$257,040 on a contract amount of \$823,000 of which \$272,070 will have been paid to date for work certified as 31% complete for the Design/Build for the US Cellular Coliseum Parking Deck. Completion date - April 2006.
 18. The fourth partial payment to IPC, Inc. in the amount of \$191,470.50 on a contract amount of \$1,271,950 of which \$235,603.80 will have been paid to date for work certified as 19% complete for the Design/Build for the US Cellular Coliseum Parking Garage. Completion date - April 2006.
 19. The second partial payment to Farnsworth Group in the amount of \$11,108.08 on a contract amount of \$35,000 of which \$18,034.68 will have been paid to date for work certified as 52% complete for the Study of Powder Activated Carbon for Taste and Odor Removal/Bloomington Water Treatment Plant Taste and Odor Study. Completion date - October 2005.
 20. The first and second partial payment to Davies Water Equipment in the amount of \$19,720 on a contract amount of \$50,000 of which \$19,720 will have been paid to date for work certified as 39% complete for the Radio Frequency Meter Reading. Completion date - October 2005.
 21. The eleventh partial payment to Terracon Consultants, N.E. Inc. (Dept. 1277) in the amount of \$6,282.25 on a per ton and hour contract, of which \$57,988.96 will have been

- paid to date for work certified as ongoing for the 2004-2005 Asphalt and Portland Concrete Plant Inspection and Lab Testing. Completion date - July 2005.
22. The first partial payment to Stark Excavating, Inc. in the amount of \$12,811 on a contract amount of \$285,592.80 of which \$12,811 will have been paid to date for work certified as 4% complete for the Erickson Avenue (Oakland to Illinois). Completion date - July 2005.
 23. The thirteenth partial payment to Stark Excavating, Inc. in the amount of \$127,114 on a contract amount of \$2,518,251.70 of which \$1,508,138 will have been paid to date for work certified as 60% complete for the Airport Rd: Route 9 to Gill Street. Completion date - November 2005.
 24. The third partial payment to Rowe Construction Company in the amount of \$151,769 on a contract amount of \$917,226.95 of which \$405,732 will have been paid to date for work certified as 44% complete for the Ft. Jesse Road Improvements - Phase I - East of Airport Rd. To Kaisner Dr. Completion date - August 2005.
 25. The ninth partial payment to Farnsworth Group in the amount of \$3,674.54 on a contract amount of \$46,600 of which \$45,135.33 will have been paid to date for work certified as 97% complete for the U.S. 51 Intersections near the US Cellular Coliseum - Front & Madison, Olive & Center, and Front & East. Completion date - May 2005.
 26. The seventh partial payment to Lewis, Yockey & Brown in the amount of \$1,318 on a contract amount of \$139,500 of which \$69,316.05 will have been paid to date for work certified as 50% complete for the Design of Hamilton Road from Bunn to Commerce. Completion date - June 2005.
 27. The third and final payment to Lewis, Yockey & Brown in the amount of \$3,818.50 on a contract amount of \$11,250 of which \$11,250 will have been paid to date for work certified as 100% complete for the Hershey Road Widening (Kara Crossing to College Ave.). Completion date - June 2005.
 28. The twelfth partial payment to Stark Excavating, Inc. in the amount of \$110,016 on a contract amount of \$3,765,738.25 of which \$3,427,734 will have been paid to date for work certified as 91% complete for the Pipeline Road Watermain, Division B. Completion date - June 2005.
 29. The first partial payment to Farnsworth Group in the amount of \$9,553 on a contract amount of \$50,476 of which \$9,553 will have been paid to date for work certified as 19% complete for the Preliminary Study for the location and sizing of Main Branch Kickapoo Pump Station, Force Main and Gravity Sewer. Completion date - November 2005.

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

Respectfully,

Tom Hamilton
City Manager

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

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

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

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Audit of the Accounts for the Township Supervisor of General Assistance Fund and General Town Fund for the Month of April, 2005

Audit of the Accounts for the Township Supervisor of General Assistance Fund and General Town Fund for the month of April, 2005 were presented for Audit by the Township Supervisor.

The Audit of these accounts took place on Monday, May 23, 2005 at 6:30 p.m. in the Conference Room of Bloomington City Hall and should, at this time, be made a matter of record.

Respectfully,

Tracey Covert
City Clerk

Motion by Alderman Matejka, seconded by Alderman Sprague that the audit of the bills and payrolls for the Township for the month of April, 2005 be made a matter of record.

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

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

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Reports

The following reports should be received and placed on file with the City Clerk:

1. Motor Fuel Tax Allotment for the month of April, 2005.
2. Monthly Receipt & Expenditure Report, May 2005.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

REPORTS ON FILE IN CLERK'S OFFICE

Motion by Alderman Matejka, seconded by Alderman Sprague that the reports be received and placed on file.

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

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

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Bonds - Sidewalk Contractor

The following Sidewalk Contractor's Bonds in the amount of \$1,000.00 are in order and should be received and placed on file in the Clerk's Office:

1. Olde Tyme Masonry, Inc.
592 N. Van Auken St., Elmhurst, IL

Respectfully,

Doug Grovesteen
Director of Engineering

Tom Hamilton
City Manager

Motion by Alderman Matejka, seconded by Alderman Sprague that the bonds be received and placed on file with the Clerk's Office.

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

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

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Waive the Formal Bidding Process and Purchase Forensic Software Training

At the May 9, 2005 council meeting, Council approved the purchase of EnCase Forensic Software. Staff respectfully requests permission to send Detective Michael Fazio to EnCase computer classes for EnCase Forensic V5 software training from Guidance Software, Inc.

This training includes Intermediate Analysis and Reporting class, Advanced Computer Forensics class, and Advanced Internet Examinations. The cost of the enrollment for 12 days of training is \$5,256, and has been budgeted in line item G15110-70790.

Respectfully,

Roger J. Aikin
Chief of Police

Tom Hamilton
City Manager

RESOLUTION NO. 2005 - 68

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF ENCASE FORENSIC V5 SOFTWARE
TRAINING FOR DETECTIVE MICHAEL FAZIO IN THE AMOUNT OF \$5,256**

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 EnCase Forensic V5 Software training for Detective Michael Fazio in the amount of \$5,256.

Adopted this 23rd day of May, 2005.

Approved this 24th day of May, 2005.

Matejka

Stephen F. Stockton By: Michael G.

Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Matejka, seconded by Alderman Sprague that the formal bidding process be waived, the EnCase Forensic V5 Software training for Detective Michael Fazio be approved in the amount of \$5,256, 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, Huette, Schmidt, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Waive the Formal Bidding Process and Purchase a Sand Trap Rake

The Parks and Recreation Department has received a quote of \$14,548 from Birkey's Farm Store for the purchase of a Smithco Super Rake. This is the only diesel powered sand trap rake on the market and Birkey's is the distributor in this area. This unit will replace a 1996 model at Prairie Vista Golf Course.

Staff prefers the diesel units as they last longer and have the power to push sand up to the edges of the traps. The quote is the same price received when the City traded off a nine (9) year old unit last fiscal year. Staff believes that this is a fair price.

Staff respectfully requests that Council waive the formal bidding process, accept the quote of \$14,548 from Birkey's Farm Store, and authorize the Purchasing Agent to issue a purchase order for same. There is \$15,000 budgeted in the Fixed Asset Replacement Fund, account F14152-72140 for this unit.

Respectfully,

Jerry Armstrong,
Asst. Director Parks & Recreation

Tom Hamilton
City Manager

RESOLUTION NO. 2005 - 69

A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND AUTHORIZING THE PURCHASE OF A SAND TRAP RAKE FROM BIRKEY'S FARM STORE AT A PURCHASE PRICE OF \$14,548

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 Sand Trap Rake from Birkey's Farm Store at a Purchase Price of \$14,548.

Adopted this 23rd day of May, 2005.

Approved this 24th day of May, 2005.

Matejka

Stephen F. Stockton By: Michael G.

Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Matejka, seconded by Alderman Sprague that the formal bidding process be waived, the sand trap rake purchased from Birkey's Farm Store in the amount of \$14,548, 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, Huette, Schmidt, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Analysis of Bids for the Hershey Road Widening (Yorktown to Eastland)

Bidding proposals for the Hershey Road Widening (Yorktown Drive to Eastland Drive) were received until 2:00 p.m. Monday, May 16, 2005, in the office of the City Clerk at which time and place the bids were opened and read aloud as follows:

Rowe Construction Co.	\$843,492.81	*Low Bid
Stark Excavating, Inc.	\$895,893.75	
Engineer's Estimate	\$893,387.25	
Budget	\$775,000.00	CIF -03 Bond (X40152-72530)
	<u>\$ 75,000.00</u>	Private Property (X40152-72530)
Total Budget:	\$850,000.00	

This project consists of widening of Hershey Road between Yorktown Drive to 450 feet north of Heartland Drive and Heartland Drive from the intersection with Hershey Road easterly 340 feet. Two new signals will be installed along Hershey Road at Washington Street and Heartland Drive. The low bid is within the budget and is below the engineer's cost estimate.

Staff respectfully recommends that Council accept the low bid from Rowe Construction Co. in the amount of \$843,492.81 and, further, that the Mayor and City Clerk be authorized to enter into a contract for said work with payment to be made with \$75,000.00 Private Property Funds and \$768,492.81 with CIF -03 BOND.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

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

Alderman Crawford questioned when ground would be broken. Doug Grovesteen, Director of Engineering, addressed the Council. He noted that the contract could be signed this week. City staff would set a pre construction meeting. At that time, an estimated start date would be set. The project would include an electronic message board which would be posted one (1) week prior to the project's commencement. Alderman Crawford questioned the project's length. Mr. Grovesteen noted one (1) construction season as the existing pavement would be utilized.

Mayor Stockton recommended that the City notify nearby businesses in the area.

Motion by Alderman Matejka, seconded by Alderman Sprague that the bid be awarded to Rowe Construction Co., in the amount of \$843,492.81, 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, Huette, Schmidt, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Change Order for Ft. Jesse Road (Rexel to 500 ft. East)

On October 11, 2004, Council approved a contract with McLean County Asphalt Company for the reconstruction of Ft. Jesse Road from Rexel Road to 500 Ft. east in order to lower Ft. Jesse

Road to allow for proper sight distance. During the construction of this project, which has recently been completed, two items were encountered which resulted in additional costs.

1. The existing subgrade was found to be very unsuitable and had to be removed and replaced to allow proper construction of the new pavement. The additional cost for this extra work was \$12,330.77.
2. To allow for a more durable pavement surface, a bituminous concrete surface was constructed in place of the A-3 surface which was specified at an additional cost of \$2,598.43.

Original Contract	\$35,103.11
This Change Order	<u>14,929.20</u>
Completed Contract	\$50,032.31

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 Council approval of this Change Order in the amount of \$14,929.20 with payment to be made with Capital Improvement Funds (X40100-72530).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

RESOLUTION NO. 2005 - 70

A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE AMOUNT OF \$14,929.20 IN THE CONTRACT BETWEEN THE CITY OF BLOOMINGTON AND MCLEAN COUNTY ASPHALT COMPANY FOR THE RECONSTRUCTION OF FT. JESSE ROAD FROM REXEL ROAD TO 500 FT. EAST

WHEREAS, the City of Bloomington has previously entered into a contract with McLean County Asphalt Company for the reconstruction of Ft. Jesse Road from Rexel Road to 500 Ft. east; and

WHEREAS, for the reasons set forth in a staff report dated May 23, 2005, it was necessary to remove and replace the existing subgrade and allow for a more durable pavement surface;

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the May 23, 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 \$14,929.20 in the contract between the City of Bloomington and McLean County Asphalt Company for the reconstruction of Ft. Jesse Road from Rexel Road to 500 Ft. east be approved.

PASSED this 23rd day of May, 2005.

ADOPTED this 24th day of May, 2005.

Matejka

Stephen F. Stockton By: Michael G.

Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Matejka, seconded by Alderman Sprague that the Change Order in the amount of \$14,929.20 be approved and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Change Order to Tire Disposal for Tire Amnesty Day, April 29, 2005

At the April 11, 2005, Council meeting, Council approved waiving the formal bidding process and approved disposal of tires generated through Tire Amnesty Day with Kirk C & D Recycling for a cost not to exceed \$5,000. At that time, staff indicated that if the cost to dispose of the tires collected was more than \$5,000, staff would return to council and request approval of the additional payment. The 2005 Tire Amnesty Day was successful and 2,564 tires were collected

at a total cost of \$5,457.75. There is \$6,000 budgeted for tire disposal in refuse account 1001-16130-70990.

The Solid Waste Technical Committee met on Wednesday, May 11, 2005. The committee agreed to reimburse the City \$5,457.75 for the disposal costs associated with the City's 2005 Tire Amnesty Day. It is anticipated that the City will receive this reimbursement in June 2005.

Staff respectfully requests approval of a change order in the amount of \$457.75 for a total amount of \$5,457.75 to Kirk C & D Recycling.

Respectfully,

Brian Brakebill
Director of Public Service

Tom Hamilton
City Manager

Motion by Alderman Matejka, seconded by Alderman Sprague that the Change Order in the amount of \$457.75 be approved, and the Purchasing Agent authorized to issue a purchase order for same.

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

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

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Renewal of Service Maintenance Agreement with Supreme Radio

Staff respectfully requests permission to renew an agreement with Supreme Radio for maintenance of the Fixed Repeater Spectra-Tac System and the HT1550XLS Portables. This agreement was approved in May of 2004 and automatically renews annually.

Utilizing this program will greatly reduce system down time and insure quality system performance, while keeping cost under control. This agreement includes one yearly system audit for the fixed equipment system including the HT1550XLS portables.

The cost of the agreement is \$1,075.00 per month for a total of \$12,900 a year, and has been budgeted in G15110-70540. The total cost is under the budgeted amount.

Staff respectfully requests that Council approve renewing this service agreement with Supreme Radio for the maintenance of the Fixed Repeater Spectra-Tac System and HT1550XLS portables.

Respectfully,

Roger J. Aikin
Chief of Police

Tom Hamilton
City Manager

Motion by Alderman Matejka, seconded by Alderman Sprague that the Service Maintenance Agreement with Supreme Radio for the maintenance of the Fixed Repeater Spectra-Tac System and the HT1550XLS Portables be renewed in the amount of \$12,900 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, Huette, Schmidt, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Government Center Operation and Maintenance Expenses for 2005

The City and McLean County jointly lease the Government Center facility from the Public Building Commission (PBC). According to the terms of the lease, McLean County and the City must each make an annual payment to the PBC to cover operation and maintenance expenses for that year. The amount of payment is determined each year based upon the previous year's experience and anticipated additional expenses. The City's share for calendar year 2005 has been determined to be \$302,024. Staff has reviewed this figure and found it to be in order.

The lease requires that both parties execute an attachment to the lease every year to indicate the operation and maintenance expenses due for that year. Staff respectfully recommends that Council approve the lease attachment and authorize the Mayor and City Clerk to execute the necessary documents.

Respectfully,

Hannah R. Eisner
Deputy Corporation Counsel

Tom Hamilton
City Manager

**ATTACHMENT NO. THREE TO AMENDMENT TO LEASE AND OPERATION AND
MAINTENANCE AGREEMENT FOR THE CITY/COUNTY OFFICE BUILDING**

Pursuant to the provisions of that certain AMENDMENT TO LEASE AND OPERATION AND MAINTENANCE AGREEMENT for the City/County Office Building at 115 E. Washington Street, Bloomington, Illinois, dated November 20th, 2001, between the undersigned parties, the City and County Agree to pay to the PBC for the period beginning January 1, 2005 and ending December 31, 2005 the sum of \$623,100. Of this total, the City agrees to pay \$302,024 and the County agrees to pay \$321,076.

The PBC agrees to perform the operation, maintenance, upkeep and safekeeping functions for the City/County Office Building for the one year period beginning January 1, 2005 said functions being all pursuant to the provisions of Section III of the Lease, dated November 20th, 2001.

The City and the County agree to cause the necessary tax levies to be made to provide for the collection of the funds needed to pay the amounts hereinabove set forth.

This Attachment is executed by the officers of the Public Building Commission, by the Officers of the County of McLean and by the Officers of the City of Bloomington as of the dates set opposite their names.

COUNTY OF McLEAN

By: Michael Sweeney
Chairman, County Board

ATTEST:

Peggy Ann Milton
County Clerk

PUBLIC BUILDING COMMISSION OF
McLean COUNTY, ILLINOIS

By: Robert Ried Jr.
Its Chairman

ATTEST:

Jon Morel
Its Secretary

CITY OF BLOOMINGTON

By: Stephen F. Stockton By: Michael G. Matejka
Its Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Crawford questioned if these costs were split equally between the City and McLean County. Tom Hamilton, City Manager, responded affirmatively.

Alderman Purcell requested that this item be clarified. He questioned if the amount was normal. Mr. Hamilton stated that this figure represented the cost for maintenance and operation of the facility. He noted that in the coming year the building's third floor would be remodeled for the City's Engineering Department.

Alderman Sprague requested a copy of the lease. He also requested a final break done of the construction cost. Mr. Hamilton responded affirmatively.

Motion by Alderman Matejka, seconded by Alderman Sprague that the lease attachment indicating the City's share of operation and maintenance expenses for the Government Center be approved in the amount of \$302,024, 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, Huette, Schmidt, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Partial Special Census

Per the direction of Tom Hamilton, City Manager, staff has researched the possibility of having the United States Census Bureau conduct a Partial Special Census.

The City receives approximately \$92.22 per person, per year from State Income, Motor Fuel and State Use taxes. The last full census was conducted in the year 2000, and the next full census scheduled for 2010.

Based on occupancy permits issued since 2000 within targeted areas in the City, the permits show projected population increases in the selected 91 census tract blocks from 7,595 people to 15,393 people, an increase of 7,798 people. Based on these numbers a cost analysis was prepared showing the benefits of conducting a Partial Special Census and is attached.

This analysis is showing a best case scenario, with a potential net increase in revenue of \$2,985,955.02. In the event that the targeted areas increased by only half of the amount shown in the analysis, the City would realize a return over the four and half year time frame of about \$1,500,000.

In order for the City to move forward with a Partial Special Census, the City must execute a Memorandum of Understanding and pay the Census Bureau \$133,230. The amount to cover the City's expenses, not including worker's compensation and unemployment benefits, is estimated to be \$126,907, for a total amount of \$260,137.

The City will be responsible for recruiting and compensating all field personnel, and provide secure and confidential office space, furniture, phone lines, fax machine and other equipment as determined necessary and proper by the U.S. Census Bureau. The office space utilized would be the City Hall Annex building.

According to the U. S. Census Bureau, the time frame for the completion and certification of the collected data is approximately 6 to 7 months from the receipt of the \$133,230 payment and the signed Memorandums of Understanding. The initial expenses will be taken from the City's Contingency Division in the General Fund.

Staff respectfully recommends that Council approve conducting a Partial Special Census, the payment to the U.S. Census Bureau in the amount of \$133,230 and authorize the Mayor and City Clerk to execute the Memorandum of Understanding.

Respectfully,

Chris Tomerlin
Fixed Asset Manager

Brian Barnes
Director of Finance

Tom Hamilton
City Manager

**MEMORANDUM OF UNDERSTANDING NO. CITY BLOOMINGTON, ILLINOIS
AND THE UNITED STATES OF AMERICA DEPARTMENT OF COMMERCE
BUREAU OF THE CENSUS**

Memorandum of Understand between the United States of America, Department of Commerce, Bureau of the Census, (hereinafter referred to as the Census Bureau) and the City of Bloomington, McLean County, Illinois, (hereinafter referred to as the Governmental Unit).

INTRODUCTION

1. The Governmental Unit has requested that a special census be taken under the authority of Title 13, United States Code, Section 196.
2. Section 196 of Title 13 authorizes the Secretary of Commerce to take a special census for a state, local or tribal government upon payment of the actual or estimated cost.
3. The Governmental Unit is willing to pay all costs of taking the special census including, but not limited to, appropriately furnished office quarters, total compensation of all field enumeration and supervisory personnel, compensation of Census Bureau headquarters and regional office personnel for time allocated to the special census, overhead for headquarters and regional offices, processing and tabulation of data, and all other costs attributable to taking the special census.
4. In taking the special census, the Governmental Unit is directly responsible for recruiting and compensating all field personnel determined necessary by the Census Bureau for taking the special census. Notwithstanding the Governmental Unit's responsibility for recruitment and compensation, such field personnel shall be and remain employees of the Census Bureau, subject to all appropriate Federal laws, and under its direct supervision. In this regard, the Census Bureau reserves the right to reject persons recommended by the Governmental Unit if such persons fail to meet employment criteria.

TERMS

Acknowledging the foregoing, the parties agree as follows:

A. (1) The Census Bureau shall designate one or more experienced employees to direct the taking of the special census.

(2) The Census Bureau employee(s) shall oversee all aspects of the enumeration including the hiring, training, and separation of enumerators, crew leaders, and other temporary personnel employed locally to take the special census. The designated Census Bureau employee(s) shall exercise day-to-day technical supervision of these employees. All such temporary personnel shall be Federal Government employees and neither the Governmental Unit nor any representative of the Governmental Unit shall supervise, exercise control over, or in any other way interfere with such employees in the performance of their responsibilities.

B. (1.) The Governmental Unit shall update maps of the proposed census area in accordance with instructions provided by the Census Bureau. The Governmental Unit shall provide any certification of legal boundaries within the proposed census area as required by the Census

Bureau. Once the Governmental Unit boundaries have been certified by the Census Bureau, these boundaries will become the official boundaries for the special census. Any annexations after the Governmental Unit has certified its boundaries will not be included in the special census. The special census will not be scheduled until these obligations have been completed to the satisfaction of the Census Bureau.

(2) The Governmental Unit shall supply, free of charge, satisfactory office quarters equipped with telephone(s), office furniture, photocopier, fax machine, and other equipment and furnishings as determined necessary and proper by the Census Bureau. These quarters must meet all security and confidentiality requirements as agreed to by the Census Bureau representative.

(3) The Governmental Unit shall recruit sufficient qualified applicants for enumerators, crew leaders, and other positions as may be needed to complete the special census. Employees shall be selected for affirmation, as required, to protect the confidentiality of the information they collect. The Census Bureau reserves the right to reject any persons recommended by the Governmental Unit if such persons fail to meet the established employment standards. The Governmental Unit shall be responsible for all administrative operations relating to the reconciliation and payment of these employees. The Governmental Unit shall also comply with all applicable federal, state, and local laws, including but not limited to those pertaining to the Equal Employment Opportunity Act and Fair Labor Standards Act applicable to these employees, and shall complete and file any and all reports required thereunder.

(a) In the event that sufficient suitable applicants are not furnished by the Governmental Unit for the necessary positions and the Census Bureau must expend funds to obtain applicants to fill the remaining positions, the Governmental Unit agrees to reimburse the Census Bureau for those additional expenses. This will increase the costs estimated in B.(4). And B.(5). In addition, if the Governmental Unit fails to provide sufficient suitable applicants, delays in completing the special census may occur.

(4.) (a) The Governmental Unit shall pay directly the enumerators, crew leaders, and others hired locally to conduct the actual enumeration, at rates of pay fixed by the Census Bureau. The compensation of such enumerators, crew leaders, and other shall be paid to them directly by the Governmental Unit upon approval by the designated Census Bureau employee. The Governmental Unit shall pay or withhold from the compensation paid to the enumerators, crew leaders, and others locally employed all amounts necessary for Social Security, federal, state and local income tax, or other sums required to be paid or withheld by federal, state or local laws. The amount necessary to cover these expenses, not including worker's compensation and unemployment benefits, is estimated to be \$126,907. The Governmental Unit agrees that these funds will be available for disbursement upon approval of the designated Census Bureau employee.

(b) The Governmental Unit shall reimburse the Census Bureau for all funds expended by the Census Bureau resulting from payments to the Department of Labor under applicable federal workers' compensation and unemployment benefits laws.

(c) The Governmental Unit shall reimburse the Census Bureau and/or the United States for all funds expended in the processing, investigation and defense of all administrative and/or judicial claims regarding the actions of temporary employees arising from their employment pursuant to this Memorandum of Understanding (MOU). In addition, the Governmental Unit agrees to indemnify the Census Bureau and/or the United States for any settlements and/or judgments incurred by the latter as a result of the actions of temporary employees arising from their employment pursuant to this MOU.

(5) In addition to the salary expenses to be paid directly by the Governmental Unit to all temporary employees hired locally, the Governmental Unit agrees to pay all other expenses related to the taking of the special census, including but not limited to (a) administrative and technical work performed by headquarters and regional personnel; (b) printing and preparation of enumeration questionnaires and related materials; (c) map preparation; (d) tabulation expenses; (e) the cost of the designated Census Bureau employee's salary, allowances for subsistence at the standard federal rate per day, traveling expenses, other reasonable and necessary expenses, and overhead and other charges applicable to these costs; and (f) other incidental expenses incurred by the Census Bureau in completing the special census. Based on an estimate of the population of 15,393, the estimated cost for these services is \$133,230. A payment of that amount shall be furnished to the Census Bureau before any work on the special census is performed. The advance payment will be adjusted to actual costs and billing or refund made as appropriate. This payment is for Census Bureau costs referenced in this item and excludes those directly payable by the Governmental Unit under item B.(4) above.

(6) In accordance with B.(5), if actual costs exceeds the advance payment, the additional payment to the Census Bureau is due in full, 30 days from the date of the invoice. A late charge shall be imposed on the overdue amount for each 30-day period or portion thereof during which the remittance is due. The late charge will be based on a percentage rate equal to the current value of funds to U.S. Treasury in accordance with Treasury fiscal requirements.

C. Notwithstanding the Governmental Unit's direct payment of compensation, all temporary enumerators, crew leaders, and others hired locally to conduct the special census are employees of the Federal Government. Therefore, regarding the negligent or wrongful acts of any temporary employees arising from their employment pursuant to this MOU, any claims and/or litigation arising from said acts will be adjudicated pursuant to the Federal Tort Claims Act, 28 U.S.C. 2671 et seq. (see section B.(4)(c) herein regarding reimbursement and indemnification requirements).

D. The individual information collected by the enumerators on the special census questionnaires is strictly confidential pursuant to the provisions of Title 13, United States Code, and the questionnaires shall be controlled by and returned directly to the authorized representative of the Census Bureau. All such special census questionnaires and all other papers relating to the special census are the property of the Census Bureau and under the law may only be made available to and examined by Census Bureau officials and employees. Unlawful disclosure subjects employees to a fine of up to \$250,000 or imprisonment of up to 5 years, or both. The Census Bureau shall provide to the Governmental Unit the official population and housing unit count derived from the special census at the earliest practicable date after

completion of the enumeration and the processing required to produce the statistical results. This count, which shall be as of the date of the special census, will be provided in writing and signed by an appropriate Census Bureau official.

The Census Bureau will not guarantee delivery of the final count by any specified date and shall not be held responsible for any loss or damages suffered by the Governmental Unit due to the data not being available by a specific date. The Governmental Unit accepts that responses to a special census, unlike a decennial census, are voluntary and some respondents may choose to not answer some questions. When this happens, the Census Bureau will make every effort to collect as much information as possible. If the Census Bureau cannot obtain information directly from respondents, the Census Bureau will follow statistical procedures to assign the missing information based on information provided by people in the housing unit or from people from neighboring housing units. The Governmental Unit also accepts that, to complete the count of the group quarters population, it may be necessary for the Census Bureau to obtain information for people residing in certain institutions (such as correctional facilities with security issues) from administrative records rather than from the respondents themselves. The Census Bureau will provide detailed statistical results to the Governmental Unit subject to limitations imposed by Title 13, United States Code, to protect the confidentiality of respondents.

The Census Bureau can only use the special census counts in the intercensal population estimates program if: 1) the entire area of a governmental unit is included in the special census, 2) the legal boundaries of the governmental unit correspond to those used in the Populations Estimates program (boundaries legally in effect on January 1 of the estimates year), and 3) the boundaries are reported to the Census Bureau for processing by April 1 of the estimates year, and 4) final approval counts from the Special Census enumeration are ready by August 1 of the estimates year.

If a Governmental Unit requests a special census for only a portion of their area, they do so with the understanding that the results of this partial special census will not be included in any subsequent Census Bureau population estimates. The Governmental Unit shall accept as the final official population count and other statistical results when provided by the Census Bureau.

E. This MOU may be terminated in writing by the Governmental Unit before enumerating begins. In the event of the termination of the MOU, the Census Bureau will be reimbursed by the Governmental Unit for costs incurred or obligated prior to the date of termination. Once the enumeration has commenced, it will be carried to completion, the data will be processed, and the results reported. The Census Bureau may terminate this MOU in whole or in part, when it is the Federal Government's interest. If this MOU is terminated, the Census Bureau will return any unused funds to the Governmental Unit.

F. In the event a dispute arises under or related to the terms of this MOU, and before any legal action is taken, the Parties mutually agree to select a forum for alternate resolution of the dispute.

FOR THE GOVERNMENTAL UNIT

FOR THE CENSUS BUREAU

BY: Stephen F. Stockton, Mayor
By: Michael G. Matejka
May 24, 2005

BY: Brian Monaghan
Chief, Field Division - Bureau of Census
June 6, 2005

Alderman Purcell requested that this item be clarified. Tom Hamilton, City Manager, addressed the Council. The City would be given credit for those individuals who live within the community. In the past, the City has conducted special census of the entire City. This time the City will target the growth areas. This will shorten the time line and streamline the process. The Town of Normal would also conduct a Special Census. The cost for the Special Census can be supported by the revenue projections. He cited the growth in the community. Mayor Stockton noted the population estimate of 71 - 72,000. The Special Census would make the number official. Mr. Hamilton responded affirmatively. The number has been estimated based upon occupancy permits and occupancy rates. Growth was estimated at two percent (2%) per year. Mayor Stockton noted that if the population exceeded 70,000, then the City would need to redistrict and create a ninth (9th) ward.

Alderman Sprague questioned if this work would be completed by part time employees. Mr. Hamilton responded affirmatively.

Motion by Alderman Matejka, seconded by Alderman Sprague that the Partial Special Census, and payment to the U.S. Census Bureau in the amount of \$133,230 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, Huette, Schmidt, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Approval of Project Agreement with the Department of Natural Resources (DNR) for the Renovation of Holiday Pool

On June 28, 2004, Council approved a Resolution of Authorization for the Parks and Recreation Department to apply for an OSLAD (Open Space Lands Acquisition and Development) grant for the renovation of Holiday Park Pool. In early April of this year the City was informed by the Illinois DNR that the application was approved and the City eligible for \$400,000 in funding to assist with this project.

The renovation includes a new bath house, additional parking, new filter system, new children's pool with water play features, replacement of the deck, and some lake shoreline restoration in the area of the pool. Thompson Dyke & Associates is currently preparing the specifications and bidding documents for this work. A total of \$2,100,000 is budgeted in the Capital Improvement Fund, X40100-72570 for the City's share of this \$2,500,000 project.

The Project Agreement indicates the DNR's requirements and timeline for receiving the \$400,000 grant. These requirements are the same as they were for the grants received for McGraw and Tipton Parks. The City should have no difficulty meeting the requirements. Staff respectfully requests that Council approve the Project Agreement with the Illinois DNR and authorize the Mayor and City Clerk to execute the necessary documents.

Respectfully,

Jerry Armstrong,
Asst. Director Parks & Recreation

Tom Hamilton
City Manager

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

Alderman Crawford questioned the time line for this project. Keith Rich, Director of Parks & Recreation, addressed the Council. This project was currently in design development. The project would be fast tracked. He hoped that the contract would be approved in September 2005. The ground breaking would take place in October 2005. The reopening was planned for August 2006. Alderman Crawford questioned when the neighborhood meeting would be held. Mr. Rich informed the Council that the meeting would be scheduled in for late June or early July 2005.

Motion by Alderman Matejka, seconded by Alderman Sprague that the Project Agreement with the Illinois Department of Natural Resources for receipt of the \$400,000 OSLAD Grant for the Holiday Pool Project 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, Huette, Schmidt, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Professional Services Contract for Reconstruction of #18 Hole at Prairie Vista Golf Course

At the December 27, 2004 Council Meeting, an agreement with Lohmann Golf Designs, a golf course architect, was approved to prepare a schematic plan and budget estimate for the reconstruction of the 18th hole at Prairie Vista Golf Course.

The 18th hole was originally designed with a 150' buffer from the center of the fairway to the out of bounds. With the reconstruction of Hamilton Road that buffer will now be nearer 100'. Staff believes that this distance is unacceptable for the safety of the traveling public, and the neighbors. In addition, the golfers are exposed to additional liability.

The 18th hole at Prairie Vista is considered to be one of the finest finishing holes in Central Illinois and has been a hole that has played an important factor in determining a winner in many tournaments, including the IHSA State Boys (Class A) Golf Tournaments.

Lohmann Golf Designs has provided a schematic plan that has been accepted by staff that keeps the integrity of the golf hole, and provides for an increased safety buffer along Hamilton Road. The construction budget is estimated at approximately \$308,000 including architectural fees.

The time line for this type of project is very tight in order to avoid any major revenue loss. Staff expects that the design, and bidding would take place this summer and early fall with a start date following the IHSA Class A Boys State Golf Tournament, on October 15, 2005. Staff plans to complete the project, weather permitting, including sodding of the fairway prior to winter, so this hole could be opened in the spring of 2006 prior to any new traffic on Hamilton Road.

Additionally, staff has been informed that this project is eligible for funding from local MFT funds because of the impact the road has on the City's property, however, it is unclear what percentage would be covered. The covered percentage would be determined at the time a construction contract is approved.

Staff respectfully requests that Council approve a Professional Services Contract with Lohmann Golf Designs of Marengo, Illinois to complete the design work to reconstruct the 18th hole at Prairie Vista Golf Course and prepare contract documents for a fee of \$20,625, and that the Mayor and City Clerk be authorized to execute the necessary documents.

Respectfully,

Keith Rich,
Director Parks & Recreation

Tom Hamilton
City Manager

**PROPOSAL OF AGREEMENT FOR PROFESSIONAL SERVICES
DATED APRIL 15, 2005**

PROJECT DEFINITION

The work being performed is professional design services, including construction document production and site observation, for Hole 17 tee and Hole 18 at Prairie Vista Golf Course in Bloomington, Illinois.

SCOPE OF SERVICES

Phase I – Construction Documents

Following final approval of the Schematic Plan (completed under separate contract), prepare the following Construction Documents for the intention of publicly bidding the project:

Note: This proposal INCLUDES the production of new topographic information for the project area utilizing 1' contour intervals. The survey work will be completed by Professional Land Services from Forest Park, IL, who will contract directly with Lohmann Golf Designs. The cost for the survey work is included in the Compensation portion of this agreement.

- Clearing and Demolition Plan – to indicate removal of designated vegetation and man-made elements.
- Grading and Earthwork Plan – to show cuts and fills by means of existing and proposed contours.
- Drainage Plan – to show surface and subsurface drainage, including size, type, and location of catch basins and gravel sumps and drainage pipe.
- Irrigation Plan – to schematically show location of new sprinkler heads, valves, and piping. Controller and wiring locations to be determined by Owner.

- Grassing and Cartpath Plan – to indicate type(s) and location(s) of seed and/or sod, and to schematically indicate locations for golf cart paths.
- Landscape Plan — to schematically indicate locations for tree plantings within the project limits.
- Construction Details — to indicate graphically how the work is to be performed in terms of material, size, and relationships.

Prepare detailed quantity and cost estimates that will accurately reflect the cost of Construction, and revise plans as necessary to meet budgetary requirements.

Prepare specifications and bid documents necessary for bidding and construction of the work. Furnish Owner with three sets of prints of the working drawings and three specification booklets.

Assist Owner with bidding and negotiation process, including attendance at a pre-bid meeting with prospective contractors.

Phase II — Construction Observation

Attend pre-construction meeting with Contractor(s) and Owner to review site access, haul roads, construction limits, scope of work, etc., before construction begins.

Provide on-site observation during construction, review the work as it progresses, and provide general guidance to the Contractors in regards to final design decisions in the field. Site visits during construction shall be executed on a weekly basis when work is being performed, and shall include a maximum of five (5) full-day visits, or the time equivalent. Additional site visits conducted at the request of the Owner shall be billed as extra.

Record and report job progress on a weekly basis when work is being performed in the form of a weekly progress report.

COMPENSATION

The fee for the outlined scope of services will be as follows:

Phase I - \$14,875

Phase II - \$ 5,750

ADDITIONAL WORK

Architectural services outside the scope outlined in this agreement must be first approved by the Owner and will be paid for as the work is performed, based on our current hourly rates:

Principal Architect - \$145.00 per hour

Project Architect - \$125.00 per hour

ITEMS NOT INCLUDED

Permits, Engineering, and Soil Erosion or Sedimentation Plans, if required.
Irrigation layout during construction (to be completed by Owner or Irrigation Contractor).

GENERAL TERMS AND CONDITIONS

The General Terms and Conditions attached hereto are expressly made a part hereof and incorporated verbatim by this reference.

ACCEPTANCE

This proposal shall be considered revoked if acceptance is not received within thirty (30) days of the date hereof.

For your convenient, we are submitting this Proposal in duplicate with a space for your signature of acceptance. Please sign one copy and return it as notice of your acceptance.

Respectfully submitted,

Lohmann Golf Designs, Inc.

Todd Quitno
Project Architect

Accepted by: Stephen F. Stockton, by: Michael G. Matejka
May 24, 2005

Alderman Purcell questioned this item. Keith Rich, Director of Parks & Recreation, addressed the Council. The seventeenth (17th) tee would be redone. The rationale behind this project was the Hamilton Rd. project. There were safety issues for both golfers and passing vehicles. The hole would be moved to the south. The original design would be maintained with limited liability.

Motion by Alderman Matejka, seconded by Alderman Sprague that a Professional Services Contract with Lohmann Golf Designs to complete the design work to reconstruct the 18th hole at Prairie Vista Golf Course and prepare contract documents be approved in the amount of \$20,625, 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, Huette, Schmidt, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council
 From: Staff
 Subject: Proposed Engineering Services Agreement with Clark Dietz, Inc. for the Design of Hamilton Road between Timberlake Ln and Main St. (Bus 51)

There is in the 2007-2008 fiscal year budget a project to build the last phase of Hamilton Road between Timberlake Lane and Main Street (Business 51). The Illinois Department of Transportation (IDOT) and the Federal Highway Administration (FHWA) funding for this project becomes available to the City in July 2007.

This entire project, which includes a new 16” water main and sanitary sewer along Hamilton Road, is estimated to cost \$2,855,100.

Staff has negotiated an agreement with the engineering firm of Clark Dietz, Inc., Champaign, to perform this design at a cost not to exceed \$330,000. Staff negotiated this agreement with Clark Dietz, Inc. as they were the firm previously retained to perform the preliminary engineering report for the entire Hamilton Road project and the design of the first and second phase which included the intersection with Veterans Parkway and Morris Avenue respectively.

Staff proposes to pay for this work as follows:

Sewer Depreciation Fund	\$ 20,000.00	(X52200-72550)
Water Depreciation Fund	\$ 12,000.00	(X50200-72540)
Motor Fuel Tax	<u>\$ 298,000.00</u>	(X20300-70050)
Total	\$ 330,000.00	

In order to spend Motor Fuel Tax Funds to pay for this work, a Resolution must be adopted appropriating sufficient Motor Fuel Tax Funds to cover this work.

Staff respectfully requests that Council approve an Engineering Services Agreement with Clark Dietz, Inc., Champaign, for the design of Hamilton Road between Greenwood Avenue and Timberlake Lane at a cost not to exceed \$330,000 with payment to be made as indicated above, and further that Council adopt a Resolution appropriating \$300,000 in MFT funds to pay for the street portion of this design work.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

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

(RESOLUTION NO. 2005 - 71 ON FILE IN THE CITY CLERK'S OFFICE)

Motion by Alderman Matejka, seconded by Alderman Sprague that the Engineering Services Agreement with Clark Dietz, Inc. for the design of Hamilton Road between Greenwood Avenue and Timberlake Lane be approved in an amount not to exceed \$330,000, the Mayor and City Clerk authorized to execute the necessary documents, and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Request to Retain Daily & Associates, Engineers, Inc. to Provide Professional Services for the Preparation of an Intersection Design Study and Construction Plans & Specifications for Mitsubishi Motorway from Six Points Road to the South Line of Area B of the Palmer Property

Staff has negotiated a proposed contract with Daily & Associates, Engineers, Inc. to provide professional services for the preparation of an Intersection Design Study, Construction Plans and Specifications for Mitsubishi Motorway from Six Points Road to the South Line of Area B of the Palmer Property. The construction of this portion of Mitsubishi Motorway is outlined by the annexation agreement with Charles Palmer. The annexation agreement sets November 1, 2008, as the deadline to finish construction of this segment of the roadway.

The alignment and general design parameters of Mitsubishi Motorway shall be as outlined in the Alignment Study dated February 1997, and as depicted on the General Area Plan for the Palmer

Development. The intent is to design a four-lane facility and construct the two southbound lanes of the cross-section and to provide two-lane traffic thereon.

The scope of services includes:

1. Preparation of an Intersection Design Study for Six Points Rd and Mitsubishi Motorway.
2. Preparation of Construction Plans and Specifications in accordance with Motor Fuel Tax standards.
3. Adherence to a progress schedule enabling the City to meet the deadlines established in the Palmer Annexation Agreement.

Staff has reviewed the proposal from Daily & Associates to provide civil engineering services on a time and material basis for a total fee not to exceed \$339,497 and finds it acceptable. The 2005-2006 Capital Improvement budget allocates \$225,000 for the roadway design. The design contract for this project exceeds the budgeted amount (15% of the \$1,500,000 southbound lane construction cost) due to the necessity of designing the entire future four-lane facility. While only the southbound portions of the roadway will be constructed at this time, it is necessary to design a four-lane facility for future planning and structure alignment considerations. Motor Fuel Tax (MFT) Funds are available to cover the additional costs.

In order to spend Motor Fuel Tax Funds to pay for this work, a Resolution must be adopted appropriating sufficient Motor Fuel Tax Funds to cover this work.

Staff respectfully recommends that Council approve a contract with Daily & Associates to provide civil engineering services per their proposal for a total fee not to exceed \$339,497, a Resolution appropriating \$339,497.00 in MFT Funds (X20300-70050) be adopted, and the Mayor and City Clerk be authorized to execute the necessary documents.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

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

(RESOLUTION NO. 2005 - 72 ON FILE IN THE CITY CLERK'S OFFICE)

Motion by Alderman Matejka, seconded by Alderman Sprague that the contract with Daily & Associates to provide civil engineering services for the Intersection Design Study and Construction Plans & Specifications for Mitsubishi Motorway from Six Points Road to the South Line of Area B of the Palmer Property in an amount not to exceed \$339,497 be approved, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Agreement with Bloomington Normal Airport Authority of McLean County for the Dedication of a Sewer Easement for a Sewer to Serve St. Patrick's Church and Future Residential Developments

St. Patrick's Church and the developers of the adjacent parcels (Deneen, Dee, and Adams) desire to extend sanitary sewer to the properties. The sanitary trunk sewer to serve the church and the adjacent development will cross property owned by the Bloomington Normal Airport Authority of McLean County. The Church and the Developers have negotiated an agreement with the Airport Authority to purchase a sewer easement at the rate of \$40,000 per acre. The easement is 1.5 acres in area, requiring a payment of \$60,000.

The completed sewer will be owned and maintained by the City, making it necessary that the easement be obtained in the City's name. The developers will supply the check for \$60,000 to pay the Airport Authority. The agreement also contains provisions as follows:

1. If the sewer ever needs to be relocated, the City will pay to relocate it.
2. The Airport Authority may have one sewer tap-on at no charge. Staff suggests that this be clarified in a letter of understanding that the one allowed tap-on shall not contribute more than 3,000 gallons per day to the sewer system.

Staff respectfully requests that Council approve the agreement with Bloomington Normal Airport Authority of McLean County for the purchase of a sewer easement and authorize the Mayor and City Clerk to execute the necessary documents contingent upon the developers supplying the payment to the Airport Authority.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

AGREEMENT FOR DEDICATION OF SEWER EASEMENT

BLOOMINGTON NORMAL AIRPORT AUTHORITY OF McLEAN COUNTY, ILLINOIS, a municipal corporation, does hereby agree to dedicate to the City of Bloomington, an Illinois municipal corporation, an Easement for the exclusive purpose of locating therein a sanitary sewer.

In consideration for this Sewer Easement the City of Bloomington agrees to pay Bloomington Normal Airport Authority of McLean County, Illinois the sum of FORTY THOUSAND AND NO/100 (40,000) DOLLARS per acre.

Attached to this Agreement is copy of the Easement Plat reflecting its location and the total acreage involved in the Easement.

As further consideration for this Easement the City of Bloomington agrees that in the event the location of the sanitary sewer needs to be changed that the cost of change to a new location will be paid by the City of Bloomington.

As further consideration for this Easement the City of Bloomington agrees that the Bloomington Normal Airport Authority of McLean County, Illinois shall be entitled to have one "tap on" to the sanitary sewer which will be located within the subject easement without the payment of any tap on fee.

Subject to the provisions of the attached Airport contract requirements.

IN WITNESS WHEREOF the parties have executed this Agreement this 10th day of March, 2005.

Bloomington Normal Airport Authority of McLean
County, Illinois

By: Neale McCormick
Its Chairman

City of Bloomington, a Municipal Corporation

By: Stephen F. Stockton By: Michael G. Matejka
Its Mayor

Alderman Schmidt questioned the location of this property. Tom Hamilton, City Manager, addressed the Council. The property was located at the intersection of Towanda Barnes Rd. and IL Rt. 9 East. He cited the landing lights. This would allow the City additional sewer capacity. The first property to tap this sewer would be St. Patrick's Church of Merna. Alderman Schmidt questioned who would pay for the relocation. Mr. Hamilton described this agreement as a typical crossing of airport property.

Motion by Alderman Matejka, seconded by Alderman Sprague that the agreement with Bloomington Normal Airport Authority of McLean County for the purchase of a sewer easement be approved contingent upon the developers supplying the payment to the Airport Authority, 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, Huette, Schmidt, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Proposed Engineering Services Agreement with Clark Dietz, Inc. for the Sugar Creek Headwater Study

There is in the 2005-2006 fiscal year budget funds to complete a study on the headwaters of Sugar Creek. This study would include an area generally bounded by Airport Road at the west, GE Road at the north, Towanda-Barnes Road at the east, and the Central Illinois Regional Airport at the south.

This study will determine a cause for flooding at the southwest side of the Windham Hill Subdivision, and propose different solutions to address this flooding and improve the performance of existing drainage and detention facilities discharging into Sugar Creek. Hydrologic modeling software will be utilized by this study to demonstrate the performance of these existing drainage and detention facilities, and provide a picture of fully developed conditions.

This entire study was budgeted at \$80,000. Staff has negotiated an agreement with the engineering firm of Clark Dietz, Inc., Champaign, to perform this study at a cost not to exceed \$44,000. Staff proposes to pay for this work from the Storm Water Depreciation Fund.

Staff respectfully requests that Council approve an Engineering Services Agreement with Clark Dietz, Inc., for the Sugar Creek Headwater Study at a cost not to exceed \$44,000 with payment to be made with Storm Water Depreciation Funds (X55200-72540).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

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

Alderman Huette questioned the three (3) engineering services agreements which were before the Council this evening, 1.)Clark Dietz, Inc. for the design of Hamilton Rd. between Timberlake Ln. and Main St./Business 51., 2.) Daily & Associates for preparation of Intersection Design Study and Construction Plans & Specifications for Mitsubishi Motorway from Six Points Rd. to south line of Area B of the Palmer Property, and 3.) Clark Dietz, Inc. for Sugar Creek Headwater Study). He specifically cited the selection process. Doug Grovesteen, Director of Engineering, addressed the Council. He informed them that the Engineering Department had sought Request for Qualifications on five or six (5 or 6) projects. The City received twenty (20) responses. City staff matched projects to engineering firms and then requested formal proposals. Alderman Huette questioned if new firms were included. Mr. Grovesteen noted that any firm can contact the City for consideration. Alderman Huette noted that he was curious about the process. Mr. Grovesteen added that the City has also done firm interviews. Due to the timeline, City staff requested proposals.

Motion by Alderman Matejka, seconded by Alderman Sprague that the Engineering Services Agreement with Clark Deitz, Inc. to provide a Sugar Creek Headwater Study be approved in an amount not to exceed \$44,000, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of City Council

From: Staff

Subject: Acquisition of Part of 601 W. Hamilton Road

The City needs to acquire part of the property at 601 W. Hamilton Road and obtain a permanent easement across the same property to construct the next phase of the Hamilton Road improvements. Lynn and Patsy Webber own this property. The City needs .039 acres off of the south end of the property for road right of way, .203 acres of permanent easement along the west and south property lines for sanitary and storm sewer and .134 acres of temporary easement to restore the property following construction.

The owners have agreed to convey the necessary property interests to the City for a total payment of \$25,000. The payment includes \$4,800 for the land, \$16,000 for the permanent easement, \$4,000 for the temporary easement and \$200 for damages to the remainder. The payments for the easement include compensation for the loss of a number of mature trees that will be removed during installation of the sanitary and storm sewer pipes.

Staff had the property appraised prior to entering into negotiations with the owners and the price agreed upon is within the range of value recommended by the appraiser. Staff believes this fairly compensates the Webbers for the taking and respectfully recommends Council approval of the contract and authorize the Mayor and City Clerk to execute the necessary documents.

Respectfully,

Hannah R. Eisner
Deputy Corporation Counsel

Tom Hamilton
City Manager

CONTRACT FOR SALE OF REAL ESTATE

THIS IS INTENDED TO BE A LEGAL DOCUMENT. AN ATTORNEY AT LAW SHOULD BE CONSULTED PRIOR TO THE EXECUTION OF THIS DOCUMENT.

Seller: **D. Lynn Webber**

Buyer: **City of Bloomington**
Address: **109 E. Olive Street**

Social Security No. or FEIN

Seller: **Patricia E. Webber**

City/State/Zip: **Bloomington, IL 61701**

Social Security No. or FEIN

Attorney/Telephone/Fax: **Hannah Eisner**

Address: **601 W. Hamilton Road**

City/State/Zip: **Bloomington, IL 61704**

THIS CONTRACT is entered into between D. Lynn Webber and Patricia L. Webber, hereinafter referred to as Seller, and the City of Bloomington, hereinafter referred to as Buyer, who agree as follows:

1. **DESCRIPTION, PRICE and PAYMENT:** Seller sells the following described real estate and grants easements across the following described real estate for the purpose of constructing public improvements as shown on plans for Proposed Federal Aid Highway City of Bloomington, Illinois City Section 93-00295-02-PV Hamilton Road F.A.U. Rte. 6371 and Morris Avenue F.A.U. Rte. 6391 on file in the Engineering Department at the City of Bloomington, hereafter referred to as the Project:

A. Right of Way:

That part of Parcel 4 of the Les Wilson Lake Survey, as recorded as Document number 77-12345, said Parcel 4 also being apart of the South Half of Lot 23, a part of Lot 28 and a part of Lot 29 in the Subdivision of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, as recorded in Book 37 at Page 93, McLean County, Illinois; described as follows with bearings being used referring to a local assumed datum: Commencing at the northeast corner of Lot 4 of Koehler Subdivision as recorded as Document Number 48606, McLean County, Illinois; thence along the easterly line of said Lot 4, South 01°-12'-00" East 190.39 feet, to the Point of Beginning; thence North 85°-00'-18" East 100.19 feet, to the easterly line of Lot 5 of aforesaid Koehler Subdivision; thence along said easterly line, South 01°-12'-30" East 21.39 feet, to the southeast corner of said Lot 5; thence along the southerly line of said Lot 5, North 89°-59'-42" West 100.00 feet, to the southwest corner of said Lot 5, also being the southeast corner of aforesaid Lot 4; thence along the easterly line of said Lot 4, North 01°-12'-00" West 12.65 feet, to the Point of Beginning, containing 0.039 of an acre, more or less.

B. Permanent Easement:

That part of Parcel 4 of the Les Wilson Lake Survey, as recorded as Document number 77-12345, said Parcel 4 also being a part of the South Half of Lot 23, a part of Lot 28, and a part of Lot 29 in the Subdivision of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, as recorded in Book 37 at Page 93, McLean County, Illinois; described as follows with bearings being used referring to a local assumed datum: Beginning at the northeast corner of Lot 4 of Koehler Subdivision as recorded as Document Number 48606, McLean County, Illinois; thence along the easterly line of said Lot 4, South 01-12'-00" East 190.39 feet; thence North 85°-00'-18" East 100.19 feet, to the easterly line of Lot 5 of the aforesaid Koehler Subdivision; thence along said easterly line, North 01°-12'-30" East 10.44 feet; thence South 85°-00'-18" West 80.15 feet; thence North 01°-12'-00" West 198.20 feet; thence North 89°-59'-42" West 134.51 feet; thence North 53°-59'-42" West 68.92 feet; thence South 36°-00'-28" West 20.00 feet; thence South 53°-59'-42" East 75.42 feet, to the northerly line of aforesaid Koehler Subdivision; thence along said northerly line, South 89°-59'-42" East 121.43 feet, to the Point of Beginning, containing 0.203 of an acre, more or less.

C. Temporary Working Easement:

That part of Parcel 4 of the Les Wilson Lake Survey, as recorded as Document number 77-12345, said Parcel 4 also being a part of the South Half of Lot 23, a part of Lot 28, and a part of Lot 29 in the Subdivision of Section 17, Township 23 North, Range 2 East of the Third

Principal Meridian, as recorded in Book 37 at Page 93, McLean County, Illinois; described as follows with bearings being used referring to a local assumed datum: Commencing at the north-east corner of Lot 5 of Koehler Subdivision as recorded as Document Number 48606, McLean County, Illinois; thence along the easterly line of said Lot 5, South 01°-12'-30" East 134.13 feet, to the Point of Beginning; thence continuing along said easterly line, South 01°-12'-30" East 37.08 feet; thence South 85°-00'-18" West 80.15 feet; thence North 01°-12'-00" West 198.20 feet; thence North 89°-59'-42" West 134.51 feet; thence North 53°-59'-42" West 68.92 feet; thence North 36°-00'-28" East 10.00 feet; thence South 53°-59'-42" East 65.67 feet; thence South 89°-59'-42" East 141.06 feet; thence South 01°-12'-00" East 170.25 feet; thence North 85°-00'-18" East 70.12 feet, to the Point of Beginning, containing 0.153 of an acre, more or less.

~~with improvements, commonly known as — located thereon,~~ to Buyer, who agrees to pay a total of \$25,000.00 therefor; \$4,800.00 of which is payment for right of way; \$16,000.00 of which is payment for the permanent easement; \$4,000.00 of which is payment for the temporary working easement and \$200.00 of which is payment for damages to the remainder of Seller's property by reason of the take ~~in the manner following: \$ — (inclusive of earnest money) upon the execution of this Contract and the remainder by cashier's check, certified funds or the equivalent~~ Payment to be made on or before the 1st day of July, 2005, and on receipt of deed and grant of easements.

2. EVIDENCE OF TITLE: ~~Not less than 14 days prior to closing, Seller will furnish Buyer with~~ *Buyer shall obtain* written commitment from a title insurance company duly authorized to do business in Illinois, showing title to said premises subject only to matters to which this sale is subject by the terms hereof and to the customary exceptions contained in owners policies issued by such company. If written commitment discloses defects in title other than matters to which this sale is subject by the terms hereof and the customary exceptions in such policies, then Seller shall have until date for delivery of deed to correct such defects. Owners title policy, in amount of the purchase price for said premises, will be paid for by Seller and issued to Buyer after delivery of deed.

3. DEED, GRANT OF EASEMENT AND POSSESSION: Seller will cause fee simple title to said real estate to be conveyed to Buyer, or to such party as Buyer may direct, by Warranty Deed (or Trustee's Deed or Executor's Deed, where applicable), and execute a Grant of Easement and Temporary Easement in the form attached hereto as Exhibits A and B and deliver possession to Buyer ~~upon payment being made as herein provided,~~ on or before the 1st day of July, 2005. Seller shall pay all owners' association(s) dues and/or assessments, and water, sewer and public utility service charges incurred for improvements on said real estate up to the time when possession passes to Buyer.

4. INSURANCE: This Contract is subject to the State of Illinois Uniform Vendor and Purchaser Risk Act (765 ILCS 65/1), which provides, in general, that Seller shall bear the risk of loss until transfer of possession or receipt of deed, whichever occurs first.

5. TAXES: Seller shall pay all general real estate taxes assessed for 2004 and Buyer shall pay all such taxes assessed for 2005 and subsequent years as to that part of Seller's property being conveyed. This provision shall survive closing and delivery of deeds.

6. **ENCUMBRANCES:**

- A. Mortgages, if any, shall be satisfied out of purchase price and released when deed is delivered. Seller's obligation to obtain the mortgage release shall continue until the release is obtained and recorded.
- B. Easements and building or use restrictions of record, and zoning and building ordinances, if any, which shall not be considered as rendering title unmerchantable or unacceptable, provided same are not violated by the existing improvements or the use thereof.

7. **PERSONAL PROPERTY:** (Deleted)

8. **FINANCING:** (Deleted)

9. **TERMITE PROVISION:** (Deleted)

10. **EQUIPMENT & INSPECTIONS:**

A. **EQUIPMENT:** (Deleted)

B. **INITIAL INSPECTIONS:** (Deleted)

C. **RADON TESTING:** (Deleted)

D. **WELL/SEPTIC TESTING:** (Deleted)

E. **TOXIC OR HAZARDOUS WASTE:** Seller is unaware of any toxic or hazardous waste materials being stored or having been stored on the premises or the existence of any underground fuel storage tanks on the property, and further represents that no notices have been received from the Illinois Environmental Protections Agency or the Illinois Environmental Pollution Control Board or any other governmental entity with regard to a toxic or hazardous waste problem with the property.

F. **FINAL INSPECTION:** (Deleted)

11. **LEAD-BASED PAINT AND/OR LEAD-BASED HAZARDS:** (Deleted)

12. **SELLER'S WARRANTIES:**

Seller hereby provides the following warranties:

- A. That no work has been done upon, or materials furnished to, the premises which could give rise to a lien under the Illinois Mechanics' Lien Act;

13. ADDITIONAL PROVISIONS:

- A. Buyer shall assume any assumption or transfer fees incurred as a result of Buyer assuming, or taking subject to, Seller's existing mortgage, and both Seller and Buyer agree to comply with the requirements of the Real Estate Settlement Procedures Act;
- B. Words importing the masculine gender include the feminine, words importing the singular number include the plural, and words importing the plural include the singular;
- C. The covenants and agreements herein contained shall extend to and be obligatory upon the heirs, executors, administrators, and assigns of the respective parties;
- D. The Parties acknowledge that the State of Illinois has enacted a Smoke Detector Act (425 ILCS 60/1, et seq.);
- E. Time is of the essence of this Contract;
- F. *This contract is contingent upon approval by the Bloomington City Council. Buyer will seek such approval by placing the contract on the agenda for the first regularly scheduled Council meeting following the date Seller executes the contract.*
- G. *The terms and conditions of the easements to be granted pursuant to this Contract shall be as set forth in the Grant of Easement and Temporary Easement attached hereto as Exhibit A and B respectively and incorporated herein by reference.*
- H. *Buyer may remove trees and shrubs within the permanent easement area shown to be removed on the construction removal plans attached hereto as Exhibit C.*

14. ESCROWEE: (Deleted)

15. NOTICES, ETC.: Title commitments, communications or notices with reference to this Contract shall be delivered by or to the parties or their respective attorneys as shown on the first page hereof.

16. PREPARATION AND APPROVAL: This Contract was prepared by Hannah Eisner, Buyer's attorney, and approved by _____, _____ attorney.

17. SETTLEMENT: Closing shall be held at the office at Buyer's lending institution, or such place as the parties may agree.

18. SELLER'S DISCLOSURE: The parties acknowledge that this Contract is *not* subject to the Illinois Residential Real Property Disclosure Act (765 ILCS 77/1, et. seq.)

19. **ATTORNEY’S FEES AND EXPENSES:** Should either Seller or Buyer be required to incur attorney’s fees, costs and/or other expenses (including expenses of litigation) as a result of the other party’s failure to perform any obligation pursuant to the terms of this Contract, then the party so failing to perform shall be liable to the other party for any reasonable attorney’s fees, costs, and expenses (including expenses of litigation) incurred by such other party. This provision shall survive closing and delivery of deeds.

20. **DEFAULT:** In the event either party should breach this agreement, the other party may pursue any and all remedies provided by law.

21. **ENTIRE AGREEMENT:** This Contract represents the entire agreement of the parties. Any prior written or oral agreements of the parties regarding the transaction which is the subject of this Contract merge with and are superseded by this Contract.

22. **FORM OF AGREEMENT:** This Contract conforms in all respects with the form Contract for Sale of Real Estate adopted by the McLean County Bar May 21, 1997 with the exception of language contained in the following paragraphs: 1, 2, 5, 12 and 18.

THIS IS INTENDED TO BE A LEGAL DOCUMENT. AN ATTORNEY AT LAW SHOULD BE CONSULTED PRIOR TO THE EXECUTION OF THIS DOCUMENT.

IN WITNESS WHEREOF, the parties to these presents have executed several counterparts of this Contract, of equal effect.

SELLER

BUYER

D. Lynn Webber

City of Bloomington, a Municipal Corporation

Patricia E. Webber
Matejka

Stephen F. Stockton By: Michael G.

ATTEST: Tracey Covert

May 20, 2005

May 24, 2005

Exhibit A
EASEMENT

This Indenture Witnesseth that D. Lynn Webber and Patricia L. Webber, hereinafter referred to as “Grantor”, for and in consideration of TEN AND NO/100 (\$10.00) DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged grants, conveys, quit claims and dedicates to the City of Bloomington, Illinois, a municipal corporation, hereinafter referred to as “Grantee”, a permanent utility easement across the following described property for the purpose of clearing, trenching for, laying, constructing, operating, altering, maintaining and removing a sanitary sewer and all necessary appurtenances thereto, which easement is depicted on the plat attached hereto and is described as follows:

That part of Parcel 4 of the Les Wilson Lake Survey, as recorded as Document number 77-12345, said Parcel 4 also being a part of the South Half of Lot 23, a part of Lot 28, and a part of Lot 29 in the Subdivision of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, as recorded in Book 37 at Page 93, McLean County, Illinois; described as follows with bearings being used referring to a local assumed datum: Beginning at the northeast corner of Lot 4 of Koehler Subdivision as recorded as Document Number 48606, McLean County, Illinois; thence along the easterly line of said Lot 4, South 01°-12'-00" East 190.39 feet; thence North 85°-00'-18" East 100.19 feet, to the easterly line of Lot 5 of the aforescribed Koehler Subdivision; thence along said easterly line, North 01°-12'-30" East 10.44 feet; thence South 85°-00'-18" West 80.15 feet; thence North 01°-12'-00" West 198.20 feet; thence North 89°-59'-42" West 134.51 feet; thence North 53°-59'-42" West 68.92 feet; thence South 36°-00'-28" West 20.00 feet; thence South 53°-59'-42" East 75.42 feet, to the northerly line of aforesaid Koehler Subdivision; thence along said northerly line, South 89°-59'-42" East 121.43 feet, to the Point of Beginning, containing 0.203 of an acre, more or less. PIN # 21-17-426-010 pt.

The grant of this Easement is subject to the following terms and conditions:

1. Grantee shall have through its employees, agents and/or contractors the free right of ingress and egress over and across the easement property insofar as such right of ingress and egress is necessary for the proper use of any right granted herein.

2. Grantee agrees to repair or pay Grantor for any damage to Grantor's property resulting from Grantee's exercise of the rights granted hereunder, including without limitation any damage to field tile, water mains, sewers or fences. Grantee further agrees that anytime it digs into, excavates or otherwise disturbs the surface area of the easement, it will restore any such surface area so disturbed to its pre-existing condition.

3. Grantee agrees to indemnify and hold Grantor harmless from any and all liability, damage, expense, cause of action, suits or claims of judgment arising from injury to persons and/or property on the above-described premises which arise out of the act, or failure to act, or negligence of Grantee, its agents, employees or assigns in the exercise of the rights under this Grant of Easement.

4. Grantor may not place, build, construct or erect any permanent structure on the permanent or temporary easement area without the express, written consent of the City.

5. The terms, conditions and provisions of this Grant of Easement as herein set forth shall be binding upon and inur to the benefit of the heirs, successors and assigns of the respective parties hereto and shall run with title to the land.

DATED this __ day of __, 2005.

STATE OF ILLINOIS)
) ss.
COUNTY OF McLEAN)

I, the undersigned, a Notary Public in, and for said County and State aforesaid DO HEREBY CERTIFY, that D. Lynn Webber and Patricia L. Webber is personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and notarial seal, this _____ day of _____, A.D. 2005.

Notary Public

Exhibit B
TEMPORARY WORKING EASEMENT

The undersigned, D. Lynn Webber and Patricia L. Webber, hereinafter referred to as “Grantor”, grants, conveys, quit claims and dedicates to the City of Bloomington, Illinois, a municipal corporation, hereinafter referred to as “Grantee”, a temporary use permit across the following described property for the purpose of grading shaping and otherwise restoring the said property following the construction of public improvements in and about Hamilton Road, in Bloomington, Illinois:

That part of Parcel 4 of the Les Wilson Lake Survey, as recorded as Document number 77-12345, said Parcel 4 also being a part of the South Half of Lot 23, a part of Lot 28, and a part of Lot 29 in the Subdivision of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, as recorded in Book 37 at Page 93, McLean County, Illinois; described as follows with bearings being used referring to a local assumed datum: Commencing at the northeast corner of Lot 5 of Koehler Subdivision as recorded as Document Number 48606, McLean County, Illinois; thence along the easterly line of said Lot 5, South 01°-12’-30” East 134.13 feet, to the Point of Beginning; thence continuing along said easterly line, South 01°-12’-30” East 37.08 feet; thence South 85°-00’-18” West 80.15 feet; thence North 01°-12’-00” West 198.20 feet; thence North 89°-59’-42” West 134.51 feet; thence North 53°-59’-42” West 68.92 feet; thence North 36°-00’-28” East 10.00 feet; thence South 53°-59’-42” East 65.67 feet; thence South 89°-59’-42” East 141.06 feet; thence South 01°-12’-00” East 170.25 feet; thence North 85°-00’-18” East 70.12 feet, to the Point of Beginning, containing 0.153 of an acre, more or less.

PIN # 21-17-426-010 pt.

The grant of this Easement is subject to the following terms and conditions:

1. Grantee shall have through its employees, agents and/or contractors the free right of ingress and egress over and across the easement property insofar as such right of ingress and egress is necessary for the proper use of any right granted herein.

2. Grantee will restore any part of the easement area disturbed by its activities to its pre-existing condition, including but not limited to regrading, reseeding, and replacing landscaping materials in such areas and replacing any driveway and/or sidewalk surface with like materials and replacing any fencing disturbed by City's activities.

3. Grantee agrees to indemnify and hold Grantor harmless from any and all liability, damage, expense, cause of action, suits or claims of judgment arising from injury to persons and/or property on the above-described premises which arise out of the act, or failure to act, or negligence of Grantee, its agents, employees or assigns in the exercise of the rights under this Grant of Easement.

4. This easement shall remain in effect from the date of execution until one (1) year from the date of acceptance of the public improvements for which this easement was required.

5. The terms, conditions and provisions of this Grant of Easement as herein set forth shall be binding upon and inur to the benefit of the heirs, successors and assigns of the respective parties hereto and shall run with title to the land.

DATED this 20th day of May, 2005.

D. Lynn Webber

Patricia E. Webber

Motion by Alderman Matejka, seconded by Alderman Sprague that the Contract for the Sale of Real Estate between the City and Lynn and Patricia Webber for part of 601 W. Hamilton Road in the amount of \$25,000 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, Huette, Schmidt, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Members of the City Council

From: Liquor Commission

Subject: Application of Prasit Jisook d/b/a Bangkok Thai Restaurant, located at 105 W. Front St., for an RBS liquor license, which will allow the sale of beer and wine by the glass for consumption on the premises seven (7) days a week

Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to hear the application of Prasit Jisook, d/b/a Bangkok Thai Restaurant, located at 105 W. Front St., requesting an RBS liquor license which allows the sale of beer and wine by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Stephen Stockton and Marabeth Clapp; Hannah Eisner, Deputy Corporation Counsel, Lt. Tim Stanesa, Police Department, and Tracey Covert, City Clerk; Prasit Jisook, owner and Applicant representative.

Commissioner Stockton requested that the Applicant explain the business plan. Prasit Jisook, Applicant representative, addressed the Commission. Bangkok Thai Restaurant would offer Thai cuisine.

Commissioner Clapp noted that Mr. Jisook also operated a restaurant in Champaign. Mr. Jisook responded affirmatively. He acts as the restaurant manager. The eighty-five (85) seat restaurant had been open for eleven (11) years. It is open seven (7) days a week. The restaurant offers a lounge with a full bar. Mr. Jisook had relocated to Central Illinois from the Chicago suburbs. He planned to relocate from Champaign to Bloomington. The two (2) restaurants would be family businesses which would be operated by Mr. Jisook plus his wife and daughters.

Commissioner Clapp questioned if Mr. Jisook had ever been cited with a liquor violation. Mr. Jisook responded affirmatively. It only happened once, eleven (11) year ago. The violation was for underage sale. He was ticketed and the fine was paid. His staff always asks for identification. The Champaign restaurant has passed two to three (2 - 3) police audits since then.

Commissioner Stockton questioned the seating capacity of the proposed establishment. Mr. Jisook responded sixty-five (65) seats. There would not be a formal bar. The beer and wine would be stored in a cooler.

Commissioner Clapp questioned the restaurant's business hours. Mr. Jisook informed the Commission that the restaurant would be open from 11:00 a.m. to 10:00 p.m., Monday through Saturday, and from 12 noon to 9:00 p.m. on Sunday. Commissioner Stockton questioned if food would be available at 9:00 p.m. Mr. Jisook responded affirmatively. He added that food would be available until 10:00 p.m. from Monday through Saturday. The exception was Sunday, food would only be available until 9:00 p.m.

Hannah Eisner, Deputy Corporation Counsel, questioned if Mr. Jisook intended to move to Bloomington. Mr. Jisook responded affirmatively. He was searching for an apartment. Ms. Eisner noted that Mr. Jisook had applied as a sole proprietor. He must have a local address to obtain the state liquor license.

Commissioner Stockton questioned if Mr. Jisook was familiar with the City Code regarding alcoholic beverages. Mr. Jisook responded negatively. He admitted that he had not seen the code. He noted that a nineteen (19) year old can serve alcohol in a restaurant. Ms. Eisner responded affirmatively. She added that this person must be supervised by someone over the age of twenty-one (21). Commissioner Stockton stressed the necessity of the supervisor being over

the age of twenty-one (21). Mr. Jisook was provided with a copy of Chapter 6. Alcoholic Beverages.

Ms. Eisner questioned if the Commission wanted to place conditions upon the liquor license. She cited no alcohol sales after midnight as an example. Commissioner Stockton questioned if Mr. Jisook would object to such a restriction. Mr. Jisook noted that he would not be open. He questioned the serving hours for taverns. Commissioner Stockton informed the Applicant that liquor sales are allowed until 1:00 a.m. Monday through Friday, and until 2:00 a.m. on Saturday and Sunday. He added that restaurants located in the Downtown may have a condition placed upon the license that states that liquor sales must cease at midnight. Mr. Jisook noted that food would be available until 10:00 p.m. Patrons may be present until 11:00 p.m.

Based on the above, the Liquor Commission recommends to the City Council that an RBS liquor license for Prasit Jisook, d/b/a Bangkok Thai Restaurant, located at 105 W. Front St., be created, contingent upon compliance with all applicable health and safety codes with the following condition: 1.) that there be no alcohol sales after midnight.

Respectfully,

Stephen Stockton
Chairman of Liquor Commission

Motion by Alderman Matejka, seconded by Alderman Sprague that an RBS liquor license for Prasit Jisook, d/b/a Bangkok Thai Restaurant, located at 105 W. Front St., be created, contingent upon compliance with all applicable health and safety codes with the following condition: 1.) that there be no alcohol sales after midnight.

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

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

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Lake Bloomington Lease Transfer request for Lot 3, Block 2 in Camp Iroquois
John and Sandra Parrott to Jim and Lisa Spachman

Staff has reviewed the Lake Bloomington Lease Transfer request for Lot 3, Block 2 in Camp Iroquois. This is an undeveloped lot with no structure or septic system, therefore this transfer is taking place without the septic system inspection. When the property is developed, staff will review the septic system construction permit for adequacy and compliance with Code.

The Spachman's currently lease Lot 1, Block 8 in Camp Iroquois and staff will monitor that this property is sold (it is currently on the market) to remain in compliance with City Code.

Staff respectfully requests that Council approve the Lake Bloomington Lease Transfer for Lot 3, Block 2 in Camp Iroquois.

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

Motion by Alderman Matejka, seconded by Alderman Sprague that the Lake Lease transfer 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, Huette, Schmidt, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Lake Bloomington Lease Transfer request for Lot 1 and 2, Block 17 in Camp Potowatomie, Estate of Sylvia Raycraft to Paul D. and Maureen P. Willett

Staff has reviewed the Lake Bloomington Lease Transfer request for Lot 1 and 2, Block 17 in Camp Potowatomie. This transfer is taking place without the septic system inspection that is normally required for any lease transfer at Lake Bloomington.

The system for this cabin was installed in 1998 and was built per Code at that time. It has been affirmed by the sellers that this cabin will be torn down within six months to make way for a new, larger home. At that time, staff will review the permit for the installation of the new septic system. Staff believes it to be counterproductive to require a septic system inspection on a relatively new septic system that will be used sparingly until the home is torn down within six months.

Staff respectfully requests that Council approve the Lake Bloomington Lease Transfer for Lot 1 and 2, Block 17 in Camp Potowatomie based upon the home being demolished by December 31, 2005 and a new septic system installed or the existing system being inspected and in conformance with all applicable Codes before being put into service.

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

Motion by Alderman Matejka, seconded by Alderman Sprague that the Lake Lease be approved contingent upon the home being demolished by December 31, 2005 and a new septic system installed or the existing system being inspected and in conformance with all applicable codes before being put into service, 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 Huette, Schmidt, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Abstained: Alderman Crawford.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition from the Four Seasons Association for the Vacation of a Portion of the Detention Basin Easement, and Acceptance of the Dedication of Additional Detention Basin Easement, Water Main Easement, Sanitary Sewer Easement, Storm Sewer Easement, and Additional Right-of-way for Airport Road

As part of the expansion plans at the Airport Road location, Four Seasons Association is proposing the relocation of a portion of the existing detention basin and the reconfiguration of the site utilities. The existing detention basin is maintained by the City and is located in an easement on the Four Seasons property.

Staff has reviewed the site plan and has no objections to the relocation of the detention basin or installation of the proposed water main, storm sewer or sanitary sewer. The additional right-of-way for Airport Road is necessary to construct the proposed traffic signals at the intersection of Airport Road and College Avenue.

Staff respectfully recommends that Council approve the vacation of a portion of the detention basin easement and accept the dedication of the new detention basin easement, water main easement, sanitary sewer easement, storm sewer easement, and road right-of-way as indicated on the plat, and the Ordinance be passed.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

**PETITION FOR VACATION OF A PORTION OF THE STORM WATER DETENTION
BASIN**

STATE OF ILLINOIS)
)ss.
COUNTY OF McLEAN)

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

Now comes The Four Seasons Association hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

1. That your Petitioner is interested as Owners in the premises hereinafter described in Exhibit(s) A attached hereto and made a part hereof by this reference;
2. That your Petitioner seeks approval of the vacation of that portion of an existing storm water detention basin easement created by Document No. 90-16002, which is designated to be vacated on the attached Road Right-of-way Easement Dedication and Easement Vacation Plat, Four Seasons Association, 2401 Airport Road, Bloomington;**
3. That said Vacation of a portion of said detention basin is not needed for public right-of-way by said City.

WHEREFORE, your Petitioner prays that a portion of storm water detention basin be vacated.

Respectfully submitted,

The Four Seasons Association
By: Frank A. Miles, Attorney

**Illinois, per Plat dated April 1, 2005 prepared by Brian R. Myers, Illinois Professional Land Surveyor No. 3032.

ORDINANCE NO. 2005 - 44

**AN ORDINANCE PROVIDING FOR THE VACATION OF A PORTION OF THE
STORM SEWER WATER DETENTION BASIN**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting the vacation of a portion of the storm water detention basin; and

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 said City has the power to pass this Ordinance and grant said vacation; and

WHEREAS, it is reasonable and proper to vacate said portion of the storm water detention basin as requested in this case.

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

1. That a portion of an existing storm water detention basin easement created by Document No. 90-16002, which is designated to be vacated on the attached Road Right-of-way Easement Dedication and Easement Vacation Plat, Four Seasons Association, 2401 Airport Road, Bloomington, Illinois, per plat dated April 1, 2005 prepared by Brian R. Myers, Illinois Professional Land Surveyor No. 3032, is hereby vacated.
2. That this ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 23rd day of May, 2005.

APPROVED this 24th day of May, 2005.

Stephen F. Stockton By: Michael G. Matejka
Mayor

ATTEST:

Tracey Covert
City Clerk

PARCEL 1:

Lot 2 in Baer-Kilborn Subdivision, being a part of Lots 1 and 2 in the Subdivision of the North Half of Section 30, Township 24 North, Range 3 East of the Third Principal Meridian, according to the Plat thereof recorded November 1, 1984, Document No. 84-13680, EXCEPT the 6 (SIX) following described tracts:

TRACT No. 1 (Exception No. 1)

Ridge Crest Subdivision to the City of Bloomington according to the Plat thereof recorded September 17, 1990 as Document No. 90-15638.

TRACT No. 2 (Exception No. 2)

First Addition to Ridge Crest Subdivision to the City of Bloomington, according to the Plat thereof recorded December 5, 1991 as Document NO. 91-24812.

TRACT No. 3 (Exception No. 3)

Eagle Crest Subdivision in the City of Bloomington, according to the Plat thereof recorded December 5, 1992 as Document No. 92-34645.

TRACT No. 4 (Exception No. 4)

Eagle Crest Fourth Subdivision in the City of Bloomington according to the Plat thereof recorded March 27, 1996 as Document No. 96-7995.

TRACT No. 5 (Exception No. 5)

That part conveyed to the City of Bloomington by Warranty Deed recorded August 12, 1996 as Document No. 96-21601 (all in McLean County, Illinois).

TRACT No. 6 (Exception No. 6)

That part of Lot 48 of Eagle Crest Subdivision 1st Addition in the City of Bloomington, lying west of the East Line of Lot 2 in said Baer-Kilborn Subdivision (all in McLean County, Illinois).

PARCEL 2:

Outlot 150 in the Fourth Addition to Eagle Crest Subdivision, in the City of Bloomington, according to the plat thereof recorded March 27, 1996 as Document No. 96-7995, in McLean County, Illinois.

Sanitary Sewer. Storm Sewer and Water Main Easements

Said easements are to be dedicated as located and shown on this plat.

Permanent Right of Way for a portion of Airport Road

The area conveyed to the City of Bloomington for a portion of Airport Road right-of-way is as shown on this plat.

Detention Easement Dedication and Vacation

Detention Basin easement to be dedicated as located and shown on this plat. Also, a portion of the existing Detention Basin easement is to be vacated as located and shown on this plat.

Motion by Alderman Matejka, seconded by Alderman Sprague that the Vacation of a portion of a storm water detention basin, Warranty Deed conveying the required right of way, and easement for sanitary sewer, storm sewer, water mains and detention be approved, and the Ordinance be passed.

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

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

Nays: None.

Motion carried.

The following was presented.

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

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

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

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

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 Nova Enterprises, and Illinois Partnership hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

1. That your Petitioner is the owner of the freehold or lesser estate 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 Fifteenth Addition to Towanda Barnes Business Park, Bloomington, Illinois, which Final Plat is attached hereto and made apart hereof;
3. That your Petitioner also seeks approval of the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code, 1960.

WHEREFORE, your Petitioner prays that the Final Plat for the Fifteenth Addition to Towanda Barnes Business Park, Bloomington, Illinois, subdivision submitted herewith be approved with the exemption or variations as requested herein.

Respectfully submitted,

NOVA Enterprises, an Illinois Partnership
 By: John Albee
 By: Gene Shrader
 By: Glenn E. Benckendorf
 Managing Partners

ORDINANCE NO. 2005 - 45

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE 15TH ADDITION TO
TOWANDA BARNES BUSINESS PARK SUBDIVISION**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition for approval of the Final Plat of the 15th Addition to Towanda Barnes Business Park Subdivision, legally described in Exhibit A attached hereto and made a part hereof by this reference; and

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

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

WHEREAS, 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 15th Addition to Towanda Barnes Business Park Subdivision and any and all requested exemptions and/or variations be, and the same is hereby approved.
2. That this ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 23rd day of May, 2005.

APPROVED this 24th day of May, 2005.

Stephen F. Stockton By: Michael G. Matejka,
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

A part of the Northeast Quarter of Section 7, Township 23 North, Range 3 East of the Third Principal Meridian, in the City of Bloomington, McLean County, Illinois, described as follows: Beginning at the Southwest Corner of Lot 3 in the First Addition to Towanda Barnes Business Park in the City of Bloomington, Illinois, according to the Plat recorded as Document No. 96-25074 in the McLean County Recorder's Office. From said Point of Beginning, thence east 330.00 feet along the South Line of said Lot 3 and the South Line of Bronco Drive in said First Addition to the Southeast Corner of said Bronco Drive; thence south 576.00 feet along the Southerly Extension of the East Right of Way line of said Bronco Drive and the West Line of Lot 2 in GKC Theatres Subdivision in the City of Bloomington, Illinois according to the Plat recorded as Document No. 2002-24698 in said Recorder's Office, which lines form an angle to the left of 90°-00'-00" with the last described course; thence west 330.00 feet along a line which forms an angle to the left of 90°-00'-00" with the last described course to a point on the East line of Lot 12 and the East Line of Lot 2 in Towanda Barnes Business Park in the City of Bloomington, Illinois according to the Plat recorded as Document No. 96-20009 in said Recorder's Office, which lines from an angle to the left of 90°-00'-00" with the last described course to the Point of Beginning, containing 4.364 acres, more or less.

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

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition from Park Developers, Inc. and RAB2 Corporation for Approval of a Final Plat for the First Addition to Eagle View Subdivision

A Petition has been filed by Park Developers, Inc. and RAB2 Corporation requesting approval of a Final Plat of the First Addition to Eagle View Subdivision. The Subdivision is located south of Ft. Jesse Road, and east of Towanda Barnes Road.

Staff reviewed the Final Plat and find it in conformance with the Revised Preliminary Plan approved by Council on September 27, 2004. The public improvements are not complete,

therefore a performance guarantee is required, and tap-on fees are due per the annexation agreement.

Staff respectfully recommends that Council approve the Petition and adopt an Ordinance approving the Final Plat for the First Addition to Eagle View Subdivision, subject to the Petitioner supplying the performance guarantee for uncompleted public improvements and paying the tap-on fees before recording 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 PARK Developers, Inc., an Illinois corporation and RAB2 Corporation, an Illinois corporation, hereinafter referred to as your Petitioners, respectfully representing and requesting as follows:

1. That your Petitioners are the owners of the freehold or lesser estate therein of the premises hereinafter described in Exhibit A attached hereto and made a part hereof by this reference;
2. That your Petitioners seeks approval of the Final Plat for the subdivision to be known and described First Addition to Eagle View Subdivision, Bloomington, Illinois, which Final Plat is attached hereto and made apart hereof.

WHEREFORE, your Petitioners pray that the Final Plat for First Addition to Eagle View Subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

PARK Developers Inc., and RAB 2 Corporation
By: Mercer Turner, their 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 5th day of May, 2005
Tammie R. Keener
Notary Public, State of Illinois
My Commission Expires 09-10-2005

ORDINANCE NO. 2005 - 46

AN ORDINANCE APPROVING THE FINAL PLAT OF FIRST ADDITION TO EAGLE VIEW 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 First Addition to Eagle View Subdivision, legally described in Exhibit A attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition is valid and sufficient and conforms to the requirements of the statutes in such cases made and provided and the 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 First Addition to Eagle View Subdivision and any and all requested exemptions and/or variations be, and the same is hereby approved.
2. That this ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 23rd day of May, 2005.

APPROVED this 24th day of May, 2005.

Stephen F. Stockton By: Michael G. Matejka
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

TRACT 1:

A part of Lot 3 in Barnes Subdivision of Section 29, Township 24 North, Range 3 East of the Third Principal Meridian per Plat recorded in Plat Book 6, Page 3, McLean County, Illinois, more particularly described as follows: Beginning at the Southwest Corner of Lot 100 in Eagle View Subdivision in the City of Bloomington, McLean County, Illinois, according to the Plat recorded as Document No. 2004-14929 in the McLean County Recorder's Office. From said Point of Beginning, thence east 119.96 feet along the South Line of said Lot 100 to the Southeast Corner thereof; thence south 15.88 feet along the West Right-of-way Line of Revere Road in

said Eagle View Subdivision which forms an angle to the left of 90°-00'-00" with the last described course to the Southwest Corner of said Revere Road; thence east 449.43 feet along the South line of said Revere Road, the South Lines of Lots 101 through 104, inclusive, and the Easterly Extension of the South Line of said Lot 104 which form an angle to the left of 270°-00'-00" with the last described course to a point on said Easterly Extension lying 15.43 feet east of the Southeast Corner of said Lot 104; thence south 323.17 feet along a line which forms an angle to the left of 90°-22'-28" with the last described course to a point on the North Line of a Tract-of Land conveyed by Trustee's Deed recorded as Document No. 2000-20722 in said Recorder's Office lying 3.80 feet west of the Northeast Corner of said Tract; thence west 437.71 feet along the North Line of said Tract which forms an angle to the left of 88°-04'-21" with the last described course to a point lying 409.00 feet east of the East Right-of-way Line of Towanda Barnes Road; thence northwest 177.61 feet along a line which forms an angle to the left of 140°-30'-24" with the last described course to a point on the Southerly Extension of the West Line of said Lot 100 lying 113.00 feet north of the North Line of said Tract conveyed by Document No. 2000-20722 as measured along said Extension; thence north 210.55 feet along said Southerly Extension which forms an angle to the left of 131°-02'-47" with the last described course to the Point of Beginning, containing 4.000 acres, more or less.

TRACT 2:

A part of Lot 3 in Barnes Subdivision of Section 29, Township 24 North, Range 3 East of the Third Principal Meridian per Plat recorded in Plat Book 6, Page 3, McLean County, Illinois, more particularly described as follows: Beginning at the Southeast Corner of Outlot 504 in Eagle View Subdivision in the City of Bloomington, McLean County, Illinois, according to the Plat recorded as Document No. 2004-14929 in the McLean County Recorder's Office, said Corner being on the East Line of said Lot 3. From said Point of Beginning, thence south 510.00 feet along said East Line; thence west 274.83 feet along a line parallel with the South Line of said Outlot 504 and which line forms an angle to the left of 90°-02'-46" with the last described course; thence north 210.00 feet along a line which forms an angle to the left of 90°-00'-00" with the last described course to a point on the Easterly Extension of the South Line of Lot 75 in said Eagle View Subdivision lying 457.16 feet east of the Southeast Corner of said Lot 75; thence west 457.16 feet along said Easterly Extension which forms an angle to the left of 270°-00'-00" with the last described course to said Southeast Corner; thence north 120.00 feet along the East Line of said Lot 75 which forms an angle to the left of 90°-00'-00" with the last described course to the Northeast Corner thereof; thence east 19.00 feet along the South Right-of-way Line of Rockledge Road in said Eagle View Subdivision which forms an angle to the left of 90°-00'-00" with the last described course to the Southeast Corner of said Road; thence north 180.00 feet along the East Line of said Road and the East Line of Lot 74 in said Eagle View Subdivision which lines form an angle to the left of 270°-00'-00" with the last described course to the Northeast Corner of said Lot 74; thence east 713.40 feet along the South Lines of Lots 56 through 51, inclusive, in said Eagle View Subdivision and the South Line of said Outlot 504 which lines form an angle to the left of 90°-00'-00" with the last described course to the Point of Beginning, containing 6.290 acres, more or less.

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

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition from Park Developers, Inc. and RAB2 Corporation for Approval of a Final Plat for The Estates of Eagle View Subdivision

A Petition has been filed by Park Developers, Inc. and RAB2 Corporation requesting approval of a Final Plat for The Estates of Eagle View Subdivision. The subdivision is located south of Ft. Jesse Road, and east of Towanda Barnes Road.

Staff reviewed the Final Plat and find it in conformance with the Revised Preliminary Plan approved by the Council on September 27, 2004. Public improvements are not complete, therefore a performance guarantee is required, and tap on fees are due per the annexation agreement.

Staff respectfully recommends that Council approve the Petition and adopt an Ordinance approving the Final Plat for the Estates of Eagle View Subdivision, subject to the Petitioner supplying the performance guarantee for uncompleted public improvements and paying the tap-on fees before recording 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 PARK Developers, Inc., an Illinois corporation and RAB2 Corporation, an Illinois corporation, hereinafter referred to as your Petitioners, respectfully representing and requesting as follows:

1. That your Petitioners are the owners of the freehold or lesser estate therein of the premises hereinafter described in Exhibit A attached hereto and made a part hereof by this reference;
2. That your Petitioners seeks approval of the Final Plat for the subdivision to be known and described as The Estates of Eagle View Subdivision, Bloomington, Illinois, which Final Plat is attached hereto and made apart hereof.

WHEREFORE, your Petitioners pray that the Final Plat for the Estates of Eagle View Subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

PARK Developers Inc., and RAB 2 Corporation
By: Mercer Turner, their 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 5th day of May, 2005
Tammie R. Keener
Notary Public, State of Illinois
My Commission Expires 09-10-2005

ORDINANCE NO. 2005 - 47

AN ORDINANCE APPROVING THE FINAL PLAT OF THE ESTATES OF EAGLE VIEW 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 Estates of Eagle View Subdivision, legally described in Exhibit A attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition is valid and sufficient and conforms to the requirements of the statutes in such cases made and provided and the 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 the Estates of Eagle View Subdivision and any and all requested exemptions and/or variations be, and the same is hereby approved.
2. That this ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 23rd day of May, 2005.

APPROVED this 24th day of May, 2005.

Stephen F. Stockton By: Michael G. Matejka
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

TRACT 1:

Outlot 504 in Eagle View Subdivision in the City of Bloomington, McLean County, Illinois, according to the Plat recorded as Document No. 2004-14929 in the McLean County Recorder's Office, containing 1.228 acres, more or less.

TRACT 2:

Outlot 505 in the First Addition to Eagle View Subdivision in the City of Bloomington, McLean County, Illinois, according to the Plat recorded in the McLean County Recorder's Office, containing 2.772 acres, more or less.

TRACT 3:

A part of Lot 3 in Barnes Subdivision of Section 29, Township 24 North, Range 3 East of the Third Principal Meridian per Plat recorded in Plat Book 6, Page 3, McLean County, Illinois, more particularly described as follows: Beginning at the Southeast Corner of Outlot 505 in the First Addition to Eagle View Subdivision in the City of Bloomington, McLean County, Illinois, according to the Plat recorded in the McLean County Recorder's Office, said Corner being on the East Line of said Lot 3 From said Point of Beginning, thence south 1812.93 feet along said East Line to the Southeast Corner thereof; thence west 894.46 feet along the South Line of said Lot 3 which forms an angle to the left of $88^{\circ}-29'-35''$ with the last described course to the Southeast Corner of a Tract of Land conveyed by Trustee's Deed recorded as Document No. 2000-20722 in said Recorder's Office; thence north 500.17 feet along the East Line of said Tract which forms an angle to the left of $91^{\circ}-29'-50''$ with the last described course to the Northeast Corner thereof; thence west 3.80 feet along the North Line of said Tract which forms an angle to the left of $268^{\circ}-30'-10''$ with the last described course to the Southeast Corner of Lot 111 in said First Addition; thence north 323.17 feet along the East Line of said Lot 111 and the East Lines of Lots 112 and 113 in said First Addition which form an angle to the left of $91^{\circ}-55'-39''$ with the last described course to the Northeast Corner of said Lot 113; thence west 15.43 feet along the North Line of said Lot 113 which forms an angle to the left of $269^{\circ}-37'-32''$ with the last described course to the Southeast Corner of Lot 104 in Eagle View Subdivision in the City of Bloomington, McLean County, Illinois, according to the Plat recorded as Document No. 2004-14929 in said Recorder's Office; thence north 120.00 feet along the East Line of said Lot 104 which forms an angle to the left of $90^{\circ}-00'-00''$ with the last described course to the Northeast Corner thereof; thence east 14.45 feet along the South Right-of-way Line of Watertown Lane in said Eagle View Subdivision which forms an angle to the left of $90^{\circ}-00'-00''$ with the last described course to the Southeast Corner of said Lane; thence north 1055.25 feet along the East Line of said Lane and the East Lines of Lots 88 through 78, inclusive, in said Eagle View Subdivision, which lines form an angle to the left of $270^{\circ}-00'-00''$ with the last described course to the Southwest Corner of Lot 76 in said Eagle View Subdivision; thence east 627.16 feet along the South-Line of said Lot 76, the South Line of Lot 75 in said Eagle View Subdivision and the South Lines of Lots 127 through 123, inclusive, in said First Addition, which lines form an angle to the left of $90^{\circ}-00'-00''$ with the last described course to a point on the West Line of said Outlot 505 lying 65.00 feet west of the Southeast Corner of said Lot 123; thence south 210.00 feet along the West Line of said Outlot 505 which forms an angle to the left of $90^{\circ}-00'-00''$ with the last described course to the Southwest Corner of said Outlot 505; thence east 274.83 feet along the South Line of said Outlot 505 which forms an angle to the left of $270^{\circ}-00'-00''$ with the last described course to the Point of Beginning, containing 40.229 acres, more or less.

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

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Petition from C.I.P., L.L.C. an Illinois Limited Liability Company for Approval of a Final Plat for Airport Park Subdivision - Tenth Addition

A Petition has been filed by C.I.P., L.L.C. an Illinois Limited Liability Company requesting approval of a Final Plat of Airport Park Subdivision - Tenth Addition. This one lot subdivision is located on Ekstam Drive, north of East Empire Street (Illinois Route 9), east of Haeffele Way, and west of Towanda Barnes Road.

Staff reviewed the Final Plat and find it in conformance with the Revised Preliminary Plan approved by Council on November 13, 2000, with the following exception: a ten foot (10') wide utility easement should be dedicated adjacent to the south lot line.

All public improvements have been finished, therefore no additional performance guarantee is required. However, there are tap-on fees due per the annexation agreement.

Staff respectfully recommends that Council approve the Petition and adopt an Ordinance approving the Final Plat for Airport Park Subdivision - Tenth Addition, subject to the Petitioner revising the plat to include a ten (10) foot utility easement adjacent to the south lot line and paying the tap-on fees before recording the plat.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

**PETITION FOR APPROVAL OF A FINAL PLAT OF AIRPORT PARK SUBDIVISION
10TH ADDITION**

STATE OF ILLINOIS)
)ss.
COUNTY OF McLEAN)

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

Now Come CIP, LLC., an Illinois Limited Liability Company, hereinafter referred to as your
Petitioner, respectfully representing and requesting as follows:

1. That your Petitioner is the owners of the premises described in Exhibit A attached hereto and made a part hereof by this reference;
2. That the Petitioner seeks approval of the Final Plat for a subdivision of said premises to be known and described as Airport Park Subdivision 10th Addition, City of Bloomington, in McLean County, Illinois, which Final Plat is attached hereto as Exhibit B and made part hereof by this reference;
3. That the Final Plat substantially conforms to the Preliminary Plan hereto approved by the City Council.
4. That Petitioner hereby dedicates to the Public, all public rights of way and easements as shown on said Final Plat.

WHEREFORE, your Petitioner prays that the Final Plat for the Airport Park Subdivision 10th Addition submitted herewith be approved with the variations and waiver as requested.

Respectfully submitted,

CIP LLC., an Illinois Limited Liability
Company
By: Hundman Management LLC., Manager
By: Laurence F. Hundman, Chairman

ORDINANCE NO. 2005 - 48

**AN ORDINANCE APPROVING THE FINAL PLAT OF AIRPORT PARK
SUBDIVISION 10TH ADDITION**

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 Airport Park Subdivision 10th Addition, legally described in Exhibit A attached hereto and made a part hereof by this reference; and

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

WHEREFORE, said exemptions, variances, and rescission of the said Ordinance are reasonable and in keeping with the intent of the Land Subdivision Code, Chapter 24 of the Bloomington City Code - 1060, as amended.

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

1. That the variances and exemptions requested and approved in the Preliminary Plan Petition for the Subdivision are hereby ratified and approved.
2. That the Final Plat of Airport Park Subdivision 10th Addition 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 23rd day of May, 2005.

APPROVED this 24th day of May, 2005.

Stephen F. Stockton By: Michael G. Matejka
Mayor

ATTEST:

Tracey Covert
City Clerk

Exhibit A
LEGAL DESCRIPTION

A part of the W ½ of the SE ¼ of Section 31, Township 24 North, Range 3 East of Third Principal meridian, City of Bloomington, McLean County, Illinois, more particularly described as follows: Beginning at the southwest corner of Lot 147 in Airport Park Subdivision 3rd Addition on the east right of way line of Ekstam Drive, according to the Plat thereof recorded as Document No. 2002-00024827 in the McLean County Recorder of Deeds Office; thence N. 89°-39'-34" E. 200.00 feet to the southeast corner of said Lot 147; thence S. 00°-20'-26" E. 225.00 feet parallel with said Ekstam Drive right of way; thence S. 89°-39'-34" W. 201.44 feet parallel the south line of said Lot 147 to the east right of way line of Ekstam Drive as dedicated in Airport Park Subdivision; thence northerly 17.00 feet on said east right of way line of Ekstam Drive on a non-tangential curve concave to the west having a radius of 100.00 feet, central angle of 09°-44'-20" and a chord of 16.98 feet bearing N. 04°-31'-44" E. From the last described course' thence N. 00°-20'-26" W. 208-08 feet on said east right of way line of Ekstam Drive to the Point of Beginning, containing 45,008.10 square feet / 1.03 acres, more or less, with assumed bearings given for description purposes only.

Underlying Land Numbers (42) 15-31-454-005

Motion by Alderman Matejka, seconded by Alderman Sprague that the Final Plat be approved contingent upon the Petitioner revising the plat to include a ten (10) foot utility easement adjacent to the south lot line and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition from Tiehack Development Corporation for Approval of a Final Plat for The Villas At Spring Ridge - Twelfth Addition

A Petition has been filed by Tiehack Corporation requesting approval of a Final Plat for The Villas At Spring Ridge - Twelfth Addition. The Subdivision is located south of Jumer Drive, west of Hershey Road, and north of G. E. Road.

Staff reviewed the Final Plat and find it in conformance with the Revised Preliminary Plan approved by the Council on February 12, 2001. All public improvements have been finished, therefore no additional performance guarantee is required. However, there are tap-on fees due as per the annexation agreement.

Staff respectfully recommends that Council approve the Petition and adopt an Ordinance approving the Final Plat for The Villas At Spring Ridge - Twelfth Addition, subject to the Petitioner paying the tap-on fees before recording 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 Tiehack Development, Inc., hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

1. That your Petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter described in Exhibit A attached hereto and made a part hereof by this reference;
2. That the Petitioner seeks approval of the Final Plat for the subdivision to be known and described as Villas at Spring Ridge Twelfth Addition Subdivision, which Final Plat is attached hereto and made part hereof by this reference;
3. That your Petitioner also seeks approval of the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code, 1960: all those listed on the approved Preliminary Plan, if any;
4. That 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 rights of way and easements shown on said Final Plat.

WHEREFORE, your Petitioner prays that the Final Plat for the Villas at Spring Ridge Twelfth Addition Subdivision submitted herewith be approved with the variations and waiver as requested.

Respectfully submitted,

Tiehack Development, Inc.

ORDINANCE NO. 2005 - 49

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE VILLAS AT SPRING
RIDGE TWELFTH ADDITION 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 Villas at Spring Ridge Twelfth Addition Subdivision, legally described in Exhibit A attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition requests the following exemptions or variations from the provisions of Chapter 24 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 provided and the Final Plat attached to said Petition was prepared in compliance with the requirements of the Bloomington City Code except for the 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 - 1060, 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 Villas at Spring Ridge Twelfth Addition 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 23rd day of May, 2005.

APPROVED this 24th day of May, 2005.

Stephen F. Stockton By: Michael G. Matejka
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

TRACT 1:

Lot 513 in the Villas at Spring Ridge Ninth Addition in the City of Bloomington, McLean County, Illinois, according to the Plat recorded as Document No. 2004-26594 in the McLean County Recorder's Office, containing 1.48 acres, more or less.

TRACT 2:

Lot 516 and Outlot N in the Villas at Spring Ridge Eleventh Addition in the City of Bloomington, McLean County, Illinois, according to the Plat recorded as Document No. 2005-8018 in the McLean County Recorder's Office, containing 1.24 acres, more or less.

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

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition Submitted by Paul F. and Karen Nord Requesting Approval of the Preliminary Plan for Business Park at Nord Farms Subdivision, on 36.34 Acres Commonly Located south of the Intersection of Illinois Route 9 West and Mitsubishi Motorway, north of Constitution Trail and west of Joseph and Carrie Scharf Industrial Planned Unit Development Subdivision (Case PS-06-05) (Ward 7)

BACKGROUND INFORMATION:

Adjacent Zoning

north: (County) Commercial,
 (County) Agriculture
 south: (County) Agriculture
 east: M-1 Restricted Manufacturing
 west: (County) Agriculture

Adjacent Land Uses

north: vacant, single family dwellings
 south: trail, cropland
 east: warehouse-storage
 west: cropland

Comprehensive Plan recommends: "light industrial" use.

The property in question is a tract of approximately 36.34 acres, containing cropland, a house and farm buildings. The Council approved the annexation agreement for this property which included the commitment to rezone it into the B-1 Highway Business District on April 11, 2005. This Preliminary Plan for the property in question now being presented for review and approval proposes the subdivision of this 36.34 acre tract into 19 lots and two outlots. Storm water detention for Lots 1 through 7 and 9 through 14 will be on Outlot "A", while Outlot "B" will provide detention for Lots 8 and 15 through 19.

Mitsubishi Motorway will be constructed in the future from Illinois Route 9 south to Constitution Trail. Nord Drive, a local loop street, will intersect with Mitsubishi Motorway and Illinois Route 9 and provide access to Lots 1 through 15. A "no access strip" for motor vehicles has been delineated along that portion of all of the street frontages except for where the private access driveways will be allowed.

PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission held a public hearing on this petition on May 11, 2005 and recommends the same. Mr. Kenneth Emmons, City Planner, recommended that the Planning Commission pass a motion recommending Council approval of this Preliminary Plan for Business Park at Nord Farms Subdivision provided that it is revised as follows:

1. Delete the words "AND WESTRIDGE DRIVE" from the Typical Pavement Section for Nord Drive on the Cover Sheet # 1.
2. Insert a Note # 10 on the Cover Sheet # 1 to read as follows: "A 15 foot wide driveway constructed of Portland Cement Concrete with a minimum thickness of six inches (or a two inch bituminous concrete surface on an eight inch base of crushed gravel or crushed stone) shall be constructed by the Developer and depicted on the preliminary plan to provide a hard surface access for City maintenance vehicles to travel back to the sanitary sewer manholes located along the east edge of Lots # 1, 2, 3, and 4 and Outlot "A"."

Mr. Frank Miles, Attorney at Law, 202 North Center Street, and Dr. Paul Nord, 2524 W. Market St., testified in favor of this petition at this hearing and agreed to the revisions cited herein by Mr. Emmons.

Dr. Nord noted that he is not going to remove any of the trees along Constitution Trail. Mr. Manuel Reed, 2912 Old Peoria Road, indicated that he was pleased to see that there is more business development being planned in the western edge of Bloomington. 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 this petition on May 11, 2005, and passed a motion by a vote of 8 to 0 recommending Council approval of Case PS-06-05 , the Preliminary Plan for Business Park at Nord Farms Subdivision, provided that it is revised as follows:

1. Delete the words “AND WESTRIDGE DRIVE” from the Typical Pavement Section for Nord Drive on the Cover Sheet # 1.
2. Insert a Note # 10 on the Cover Sheet # 1 to read as follows: “A 15 foot wide driveway constructed of Portland Cement Concrete with a minimum thickness of six inches (or a two inch bituminous concrete surface on an eight inch base of crushed gravel or crushed stone) shall be constructed by the Developer and depicted on the preliminary plan to provide a hard surface access for City maintenance vehicles to travel back to the sanitary sewer manholes located along the east edge of Lots # 1, 2, 3, and 4 and Outlot “A”.”

Respectfully,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

PETITION FOR APPROVAL OF PRELIMINARY PLAN FOR A SUBDIVISION

STATE OF ILLINOIS)
)ss.
COUNTY OF McLEAN)

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

Now Comes Paul F. And Karen Nord hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

1. That your Petitioners are interested as owner in the premises hereinafter described in Exhibit A attached hereto and made a part hereof by this reference;
2. That the Petitioners seek approval of the Preliminary Plan for a subdivision of said premises to be known and described as Business Park at Nord Farms which Preliminary Plan is attached hereto and made part hereof by this reference;
3. That your Petitioners also seek approval of the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code, 1960: all those listed on the approved Preliminary Plan or permitted by Annexation Agreements of record.

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

Respectfully submitted,

Frank Miles,
Attorney for Paul F. And Karen Nord, Owners

ORDINANCE NO. 2005 - 50**AN ORDINANCE APPROVING THE PRELIMINARY PLAN OF THE BUSINESS
PARK AT NORD FARMS 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 Business Park at Nord Farms Subdivision, legally described in Exhibit A attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition requests the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code - 1960, as amended: all those listed on the Preliminary Plan or permitted by Annexation Agreements of record; and

WHEREAS, said Petition is valid and sufficient and conforms to the requirements of the statutes in such cases made and provided and the Final Plat attached to said Petition was prepared in compliance with the requirements of the Bloomington City Code except for the 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 - 1060, 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 Business Park at Nord Farms 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 23rd day of May, 2005.

APPROVED:

Stephen F. Stockton By: Michael G. Matejka
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Legal Description Tract 1

Part of the W ½ of the NW ¼ of Section 1 and part of the NE ¼ of Section 2, all in Township 23 North, Range 1 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Beginning at the northwest corner of Joseph A. And Carrie G. Scharf Industrial PUD Subdivision on the east line of the W ½ of the NW ¼ of Section 1, said point also being on the south right of way line of F.A. Route 693/Illinois Route 9; thence S. 01°-03'-29" E. 1218.37 feet on said east line of the W ½ of the NW ¼ of Section 1 to the north right of way line of the former Penn Central Railroad, said point also being the southwest corner of Joseph A. and Carrie G. Scharf Industrial PUD Subdivision; thence N. 67°-30'-18" W 916.10 feet on said north right of way line of the former Penn Central Railroad; thence northwesterly on said right of way line 408.50 feet on a non-tangential curve concave to the northeast having a central angle of 04°-04'-01", a radius of 5755.00 feet and a chord of 408.42 feet bearing N. 65°-25'-31" W. from the last described course; thence N. 63°-23'-05" W. 970.03 feet on said right of way line; thence N. 09°-15'-16" W. 67.96 feet to the west line of the East 45 acres of the NE ¼ of Section 2 as fenced and occupied; thence N. 00°-34'-38" W. 183.68 feet on said west line of the East 45 acres of the NE ¼ of Section 2 as fenced and occupied to the south right of way line of F.A. Route 693/Illinois Route 9; thence N. 89°-33'-20" E. 731.78 feet on said right of way line; thence N. 86°-41'-35" E. 200.25 feet on said right of way line; thence N. 89°-33'-20" E. 824.06 feet on said right of way line; thence northeasterly on said right of way line 275.22 feet on a tangential curve concave to the southeast having a central angle of 00°-27'-34", a radius of 34317.47 feet and a chord of 275.22 feet bearing N. 89°-47'-07" E. From the last described course; thence S. 74°-41'-39" E. 46.05 feet on said right of way line to the Point of Beginning containing 36.34 acres, more or less, with assumed bearings given for description purposes only.

Legal Description Tract 2

Part of the SW ¼ of Section 36 and part of the SE ¼ of Section 35, all in Township 24 North, Range 1 East of the Third Principal Meridian, McLean County, Illinois, being more particularly described as all that portion of the dedicated and occupied public road right of way of F.A. Route 693/Illinois Route 9 lying north of and adjacent to the north line of the hereon described Tract 1.

Motion by Alderman Matejka, seconded by Alderman Sprague that the Preliminary Plan be approved contingent upon the following condition: 1.) at final platting, Owner agrees to record a covenant obligating purchasers to provide to the City of Bloomington with hard surface access to manholes on the east edge of Lots 1, 2, 3, 4, and Outlot A, and to obligate purchasers to provide a "hold harmless" agreement to City in connection with the maintaining and servicing of the sanitary sewer through those manholes; and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition Submitted by St. Mary's Catholic Church and Christ Temple Pentecostal Church Requesting Rezoning from R-2 Mixed Residence District to S-2 Public Lands and Institutions District for Property Commonly Located north of West Jackson Street, east of South Mason Street, south of West Taylor Street, and west of South Oak Street, and Commonly Known as 517-517 ½ , 519, and 521 West Jackson; and 608 West Taylor Street (Case Z-07-05)

BACKGROUND INFORMATION:

Adjacent Zoning

north: B-2, General Business Service
south: R-2, Mixed Residence
east: B-2, General Business Service
west: R-2, Mixed Residence

Adjacent Land Uses

north: warehouse-storage
south: multifamily dwelling, vacant lot
east: multifamily dwelling, church
west: church

Comprehensive Plan recommends: "low to medium density residential" use.

The property in question is a 1.05 acre tract in which the north half of the block is owned by Christ Temple Pentecostal Church and the south half of the block is owned by St. Mary's Catholic Church. The north half of the block currently has a church building and a vacant lot. The south half of the block has three dwellings. St. Mary's congregation is considering adding a small parking lot on the south half of the site. Rezoning the entire block would allow the small parking lot to avoid being further shortened by the transition requirement of adjacent residential zoning.

PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission held a public hearings on this petition on April 13, 2005 and on May 11, 2005 and recommends the same. Mr. Kenneth Emmons, City Planner, recommended that the Planning Commission pass a motion recommending Council approval of this petition in Case Z-07-05 as presented in the public interest.

Rev. Rick Schneider, St. Mary's Church, 527 W. Jackson Street, presented testimony in favor of the petition at the April 13th public hearing. Father Schneider explained that there always seems to be traffic congestion and a need for more off-street parking in this area near St. Mary's

Church. He indicated that there have been negotiations to buy the three houses that are on the south half of the block in question with the intent of building a small parking lot.

He noted that rezoning the whole block reduced the amount of the required setback. Father Schneider observed that this lot would feature trees and green space.

The following persons presented testimony in opposition to this petition at this April 13th public hearing:

- Ms. Clarabell Washington, 506 W. Jackson Street.
- Ms. Mabel Doage, 508 W. Jackson Street.
- Mr. Fred Hafner, 1408 N. Mason Street.

Ms. Washington testified that there are already two churches and three parking lots near her property. She indicated that she did not want to see her neighborhood turn into a big parking lot. Ms. Doage commented that being near parking lots may diminish the property value of homes.

Mr. Hafner testified that he owns 517-517 ½ and 519 West Jackson Street, and although he and St. Mary's Church congregation are in negotiation, no agreement to sell has yet been reached. He said he did not object to rezoning the rest of the property, but did not want his property rezoned. Mr. Emmons reaffirmed that a petitioner must have a proprietary interest, ownership, contract to buy, or option to buy, in order to petition for rezoning. He noted that it was presented to staff that St. Mary's Church had such an interest. Father Schneider agreed that the parties have not yet settled on a price. He stated that he had hoped to have reached an agreement before this hearing.

Commissioner Cain observed that this case needs to be continued and other members of the Commission concurred. Commissioner Cain commented regarding the issues of safety and congestion and the goal of obtaining more "off street" parking. Commissioner Rackauskas noted that these neighborhood churches were built in a different era, are now more auto-dependent, and parking becomes a big issue. She offered the opinion that a church is a great stabilizing force for a neighborhood and that property values may suffer if it were forced to relocate.

Commissioner Nuckolls responded that he has been familiar with the area for years and noted the persistent problem with traffic congestion particularly with cars parked on both sides of the road. Commissioner Dulac inquired whether 521 W. Jackson had been purchased by the Church. Father Schneider said that sale had been completed.

The Planning Commission passed a motion by a vote of 9 to 0 to continue the April 13, 2005 public hearing on Case Z-07-05 until the May 11, 2005 regular meeting of the Planning Commission.

PLANNING COMMISSION RECOMMENDATION:

After consideration of this petition, and testimony presented at this hearing, the Planning Commission passed a motion by a vote of 8 to 0 recommending Council approval of this petition in Case Z-07-05 as presented in the public interest.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission's recommendation for City Council approval of this petition in Case Z-07-05.

Respectfully submitted,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

PETITION FOR ZONING MAP AMENDMENT

STATE OF ILLINOIS)
)ss.
COUNTY OF McLEAN)

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

Now Comes St. Mary’s Church, 527 W. Jackson St., Bloomington, IL 61701, hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

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

WHEREFORE, your Petitioner respectfully prays that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended by changing the zoning classification of the above described premises from R-2 to S-2.

Respectfully submitted,

Fr. Rie Schneider, Pastor Christ Temple
Barbara J. Waddell (Trustee)

ORDINANCE NO. 2005 - 51**AN ORDINANCE REZONING 517, 519, 521 W. JACKSON ST. 608 W. TAYLOR FROM R-2 TO S-2**

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

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

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

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

1. That the premises hereinafter described in Exhibit A shall be and the same are hereby rezoned from R-2 to S-2.
2. The Official Zoning Map of said City shall be amended to reflect this change in zoning classification.
2. That Ordinance shall take effect immediately upon passage and approval.

PASSED this 23rd day of May, 2005.

APPROVED this 24th day of May, 2005.

Stephen F. Stockton By: Michael G. Matejka
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Common Address; 517-517 ½ W. Jackson

Legal Description:

Painter's 2nd Addition, East 7 ½ feet of Lot 7 and all of Lot 8, Block 7

Common Address; 519 W. Jackson

Legal Description:

Painter's 2nd Addition, Lot 6 and West 42.5 feet of Lot 7, Block 7

Common Address; 521 W. Jackson

Legal Description:
Painter's 2nd Addition, Lot 5, Block 7

Common Address; 608 W. Taylor
Legal Description:
Painter's 2nd Addition, West 4 ½ feet of Lot 3 and all of Lot 4, Block 7

Alderman Schmidt questioned if there was anyone present in opposition to this Petition. No one came forward.

Motion by Alderman Matejka, seconded by Alderman Sprague that the Rezoning be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented.

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Annexation Agreement for Eastlake Subdivision

The Planning Commission held a public meeting on this petition on May 11, 2005. The item was laid over until the Planning Commission's meeting of May 25, 2005.

Staff respectfully requests that this item be laid over until the June 27, 2005 Council meeting.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

Motion by Alderman Matejka, seconded by Alderman Sprague that the item laid over until the June 27, 2005 Council meeting.

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

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

Nays: None.

Motion carried.

The following was presented.

Doug Grovesteen, Director of Engineering, addressed the Council regarding the single bid for Traffic Signal Modifications - East & Front, Madison & Front, and Center & Olive. The bid submitted from Rowe Construction was in the amount of \$341,435.55. The engineer's estimate was \$327,477.50. The bid amount was over the estimate. However, it did not exceed it by over ten percent (10%). The budget for this project was \$350,000. The scope of this project included the replacement of the signal heads, pedestrian landing areas and the resurfacing of Madison St. The goal was to improve the traffic flows around the US Cellular Coliseum and to the east. This project would be funded by the State of Illinois. Once approved by the State, the City would bill the State for ninety percent (90%) of the cost. Mr. Grovesteen recommended approval.

Alderman Sprague questioned when the City would receive the last ten percent (10%). Mr. Grovesteen noted when the project was complete. Mr. Grovesteen added that the plan included freeing up the sidewalk at Madison and Front. The mast arm poles would also be relocated.

Alderman Schmidt questioned the area where currently there was no sidewalk. Mr. Grovesteen believed that this project would address this fact.

Alderman Sprague questioned if the pedestrian buttons would work. Mr. Grovesteen noted that currently there were not any buttons in the Downtown. He offered to check on this item. Alderman Sprague questioned the intersection of Washington and Madison. Mr. Grovesteen noted that this intersection was not addressed by this project. He added that the City could always bring up the walk cycle. Alderman Sprague noted that the issue was traffic flow versus safety/convenience. He expressed his belief that the buttons would assist with pedestrian crossing. Tom Hamilton, City Manager, noted that any change would be dependent upon traffic patterns.

Motion by Alderman Matejka, seconded by Alderman Schmidt that the bid for traffic signal modifications be awarded to Rowe Construction in the amount of \$341,435.55, and the Mayor and City Clerk be authorized to execute the necessary documents, upon concurrence from the State of Illinois.

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

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

Nays: None.

Motion carried.

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

MAYOR'S DISCUSSION: Mayor Stockton informed the Council that there would be a joint statement, (City, Town of Normal, and McLean County) regarding MetCom. All had agreed to allow the original intent. He welcomed any comments and/or questions from the Council

Alderman Gibson noted that the Mayor had done as the Council requested. Issues had been explored. He expressed his opinion that the City had done the right thing.

Alderman Huette noted that there was more than one (1) party involved. He expressed his opinion that it was a given that there would be disagreements. He added his belief that there were preconceived notions and negotiations broke down. Police costs were increasing faster than revenue. He added that there was another option. The issue could have been resolved if the parties could have agreed to serve the communities at less cost. He noted the comments regarding the level of service. The City needed to be accountable by measuring the service level.

Alderman Purcell submitted a letter for the public record. He read from a prepared statement.

Alderman Schmidt appreciated the efforts made by the City, the Town of Normal, and McLean County. She looked to the future and the relationship between the City and MetCom. Technology was moving quickly. She encouraged City staff to keep communication open.

Tom Hamilton, City Manager, noted that the door had been left open. The City would still be a member of the ETSB, (Emergency Telephone Service Board). The City would comply with state standards. The City's telecommunication center would serve as a back up for MetCom.

Alderman Matejka thanked the Mayor for his efforts.

Alderman Sprague noted that worked had been done on this issue for eight to nine (8 - 9) years. He noted the number of mayors, MetCom Directors and Police Chiefs. He added that it was unknown what the ICC (Illinois Commerce Commission) and the ETSB would grant the City. There would be a three (3) year agreement. After that the City would have the right to request a fair share. He noted that this was a safety issue not a dollars and cents one. He did not know the cost and did not know the outcome. He appreciated everyone efforts. In the end, the right decision was made.

Mayor Stockton acknowledged that there had been issues since the formation of MetCom. All parties had been more diligent in recent months. The issue was life safety. He expressed his hope that the City's telecommunications center would offer better service levels with economic expenditures. He added that he had high hopes and that the Police Department would be held accountable.

Mr. Hamilton informed the Board that the County Board and ETSB would meet in June 2005. Mayor Stockton expressed his hope that the City's telecommunications center would be open by the first or second quarter 2006. Mr. Hamilton noted that a new timeline would be provided. He cautioned that the ICC's action was an unknown. The contracts would be solidified in June.

CITY MANAGER'S DISCUSSION: Tom Hamilton, City Manager, informed the Council that the Veterans Pkwy./Hamilton Rd. traffic signal would be operational by June 1, 2005.

He provided an update regarding the Ensenberger building. He had received a financial statement. The real estate had been secured. A title search was underway. \$1.1 million would be protected. He would report back to the Council.

ALDERMEN'S DISCUSSION: Alderman Purcell informed the Council that he had just returned from Texas. He noted the Air Force and Navy pilots were protecting our freedom.

Motion by Alderman Sprague, seconded by Alderman Matejka, that the meeting be adjourned. Time: 8:17 p.m.

Motion carried.

**Tracey Covert
City Clerk**