

**COUNCIL PROCEEDINGS  
PUBLISHED BY THE AUTHORITY OF THE CITY COUNCIL  
OF BLOOMINGTON, ILLINOIS**

**The Council convened in regular Session in the Council Chambers, City Hall Building, at 7:35 p.m., Monday, June 8, 2009.**

**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: Judy Stearns, Kevin Huette, Bernie Anderson, David Sage, John Hanson, Jennifer McDade, Steven Purcell, Karen Schmidt, Jim Fruin and Mayor Stephen F. Stockton.**

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

**The following was presented:**

Oaths of Office – Mark Huber, Director of PACE; Emily Bell, Director of Human Resources; Craig Cummings, Director of Water; Scott Sprouls, Director of Information Services; and Barbara J. Adkins, Deputy City Manager.

**David Hales, City Manager, stated that the state requires all department heads to take an Oath of Office.**

**Tracey Covert, City Clerk, administered Oath of Office to all department heads present.**

**The following was presented:**

Bloomington/Normal Japan Sister Cities Committees (BNJSCC) Senior High School Exchange Student, Yota Kishibe.

**Rich Strel, BNJSCC's Chair introduced Yota Kishibe, an exchange student from Saigon, Japan, who had been attending Normal Community High School. Mr. Kishibe expressed his appreciation for the City's support. He had the opportunity to participate in various music groups. He hoped to attend college in the United States. Mayor Stockton questioned when Mr. Kishibe planned to return to Japan. Mr. Kishibe would leave on June 15, 2009. He would enjoy his last six (6) days here with his host family and friends. Mayor Stockton stated the City's fiftieth (50<sup>th</sup>) anniversary would be celebrated soon. He hoped that Mr. Kishibe would be able to attend.**

**The following was presented:**

SUBJECT: Council Proceedings of June 26, 2006 and Work Session Minutes of April 6, 2009

**RECOMMENDATION:** That the reading of the minutes of the previous Council Proceedings of June 26, 2006 and the Work Session Minutes of April 6, 2009 be dispensed with and the minutes approved as printed.

**BACKGROUND:** The Council Proceedings of June 22, 2006 and the Work Session of April 6, 2009 have been reviewed and certified as correct and complete by the City Clerk.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Not applicable.

**FINANCIAL IMPACT:** Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Tracey Covert  
City Clerk

David A. Hales  
City Manager

**Motion by Alderman Schmidt, seconded by Alderman Anderson that the reading of the minutes of the previous Council Meeting of June 26, 2006 and Work Session Minutes of April 6, 2009 be dispensed with and the minutes approved as printed.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Bills and Payroll

**RECOMMENDATION:** That the bills and payroll be allowed and orders drawn on the Treasurer for the various amounts as funds are available.

**BACKGROUND:** The list of bills and payrolls will be furnished to you in on Friday, June 5, 2009 by posting via the City's web site. After examination, I will notify the Council of any items which may need to be addressed.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Not applicable.

**FINANCIAL IMPACT:** Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Barbara J. Adkins  
Deputy City Manager

David A. Hales  
City Manager

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

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Payments from Various Municipal Departments

**RECOMMENDATION:** That the payments be approved.

**BACKGROUND:** All of the described payments are for planned and budgeted contracts previously approved by the City Council.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Not applicable.

**FINANCIAL IMPACT:** As follows:

1. The thirty-third partial payment to Economic Development Council of Bloomington/Normal in the amount of \$6,666.66 on a contract amount of \$400,000 of which \$219,999.78 will have been paid to date for work certified as 55% complete for the McLean County Economic Development. Completion date – August 2011.
2. The twelfth partial payment to Peoria Metro Construction in the amount of \$574,152.11 on a contract amount of \$2,976,502 of which \$2,674,711.78 will have been paid to date for work certified as 90% complete for the Construction of Fire Station #5. Completion date – June 2009.
3. The ninth partial payment to 3 D Design Studio in the amount of \$2,165 on a contract amount of \$39,625 of which \$40,685.83 (\$1,410.83 reimburseables) will have been paid to date for work certified as 99% complete for the Comprehensive Park & Recreation Plan. Completion date – June 2009.
4. The fifth partial payment to Clark Dietz, Inc. in the amount of \$427.50 on a contract amount of \$16,500 of which \$15,262.52 will have been paid to date for work certified as 93% complete for the Knowledge Transfer Project – Distribution System. Completion date – July 2009.
5. The twelfth partial payment to Clark Dietz in the amount of \$127.50 on a contract amount of \$50,000 of which \$27,362.27 will have been paid to date for work certified as 55% complete for the Water Mapping Services. Completion date – December 2009.
6. The sixteenth partial payment to Whittman Hydro Planning Associates, Inc. in the amount of \$6,937.50 on a contract amount of \$518,846 of which \$427,865.18 will have been paid to date for work certified as 82% complete for the Strategic Source Water Study. Completion date – September 2009.
7. The fourth and final payment to Leak Detection Services in the amount of \$18,810 on a contract amount of \$39,600 of which \$39,600 will have been paid to date for work certified as 100% complete for the Leak Detection. Completion date – May 2009.
8. The seventeenth partial payment to Farnsworth Group in the amount of \$380.50 on a contract amount of \$50,000 of which \$48,828.55 will have been paid to date for work certified as 97% complete for the Ultraviolet Light & Hydrogen Peroxide Feasibility Study. Completion date – October 2009.
9. The third partial payment to William Masters, Inc. in the amount of \$16,326 on a contract amount of \$103,800 of which \$92,160 will have been paid to date for work certified as 89% complete for the Installation of New Transformer at the Water Treatment Plant. Completion date – December 2009.

10. The second partial payment to Farnsworth Group, Inc. in the amount of \$143.50 on a contract amount of \$90,000 of which \$492.25 will have been paid to date for work certified as 1% complete for the Design of Clustered Wastewater Treatment System at Lake Bloomington Reservoir. Completion date – January 2011.
11. The seventeenth partial payment to Clark Dietz, Inc. in the amount of \$25,157.68 on a contract amount of \$305,000 of which \$170,671.43 will have been paid to date for work certified as 56% complete for the Locust/Colton Street Sewer Separation & Water Main Replacement Design. Completion date – March 2010.
12. The ninth partial payment to Clark Dietz, Inc. in the amount of \$70 on a contract amount of \$25,000 of which \$22,721.61 will have been paid to date for work certified as 91% complete for the Main Replacement on Oak and Roosevelt. Completion date – August 2009.
13. The second partial payment to Shive-Hattery in the amount of \$1,950 on a contract amount of \$19,500 of which \$11,856.20 will have been paid to date for work certified as 61% complete for the Design for Water Main Replacement on Greenwood Avenue. Completion date – December 2009.
14. The eighteenth partial payment to Clark Dietz in the amount of \$4,341.48 on a contract amount of \$84,600 of which \$71,531.88 will have been paid to date for work certified as 85% complete for the Parmon Road Water Main Replacement. Completion date – December 2009.
15. The third partial payment to Farnsworth Group in the amount of \$1,392.25 on a contract amount of \$24,200 of which \$4,866.98 will have been paid to date for work certified as 20% complete for the Design Services for Water Main Replacement – Towanda Barnes – Victory to Ireland Grove Rd. Completion date – October 2009.
16. The third and final payment to Farnsworth Group in the amount of \$7,170.88 on a contract amount of \$13,500 of which \$13,492.58 will have been paid to date for work certified as 100% complete for the Water Main Replacement on Illinois Street. Completion date – July 2009.
17. The sixth partial payment to Farnsworth Group in the amount of \$4,685 on a contract amount of \$103,000 of which \$30,525 will have been paid to date for work certified as 30% complete for the Inspection Services for Pipeline Rd. Transmission Main Replacement. Completion date – December 2010.
18. The sixteenth partial payment to Clark Dietz in the amount of \$70 on a contract amount of \$60,000 of which \$54,276.17 will have been paid to date for work certified as 90% complete for the Observation/Inspection of Parkview Water Main Replacement – Phase I. Completion date – January 2010.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Tracey Covert  
City Clerk

David A. Hales  
City Manager

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

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Appointments and Reappointments to the following Boards, Committees and Commissions

**RECOMMENDATION:** That the following appointment be approved.

**Scott Health Care Commission:**

Donna Hartweg, 1608 E. Washington. She is replacing Donna Redding. Her term will expire April 30, 2012. She represents the Ninth (9<sup>th</sup>) District Nurse's Association.

**BACKGROUND:** Not applicable.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Not applicable.

**FINANCIAL IMPACT:** Not applicable.

Respectfully submitted for Council consideration.

Recommended by:

Stephen F. Stockton  
Mayor

**Motion by Alderman Schmidt, seconded by Alderman Anderson that the Appointment be approved.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Payment to Microception for Five (5) Years of Video Equipment and Related Server Maintenance

**RECOMMENDATION:** That the payment be approved.

**BACKGROUND:** Microception provides the maintenance and software updates for the video oversight equipment and related server located in the DUI observation room and six (6) interrogation rooms in the Police Department. The video equipment was purchased in July 2007 at a purchase price of \$48,614.

This payment will extend the manufacturer's warranty which expires in 2009 until June 2014. The manufacturer's warranty covers software updates for the server as well as parts and labor for the oversight equipment.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Not applicable.

**FINANCIAL IMPACT:** The standard warranty is \$500 per room and \$700 per server per year. The total would be \$4,200 per year. A five (5) year warranty extension with full payment discount would cost the City \$18,900. Microception has offered the City a 28.6% discount for a five (5) year warranty extension for a total of \$15,000, which has been budgeted in line item G15110-70530.

Respectfully submitted for council consideration.

Prepared by:

Reviewed as to legal sufficiency:

Randall D. McKinley  
Chief of Police

J. Todd Greenburg  
Corporation Counsel

Recommended by:

David A. Hales  
City Manager

**Motion by Alderman Schmidt, seconded by Alderman Anderson that the payment be approved.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Annual Renewal of Software Maintenance Agreement for Bentley Systems, Inc.  
CADD, Civil Engineering & Design Software, and Support

**RECOMMENDATION:** That the payment be approved.

**BACKGROUND:** The annual software maintenance agreement with Bentley Systems, Inc., the City's engineering software provider, is due for renewal. This is a recurring annual renewal for the maintenance of the Computer Aided Drafting and Design (CADD) software that the Public Works, PACE, Parks, and Water Departments use for engineering and design of the City's facilities and infrastructure. This suite of programs is used for sanitary and storm sewer design, roadway design, water, and watershed modeling. The invoice will be appropriately allocated to the appropriate users. Bentley Systems, Inc. has submitted an invoice in the amount of \$15,808.65.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Not applicable.

**FINANCIAL IMPACT:** Payment to Bentley Systems, Inc. in the amount of \$15,808.65 will be made as follows:

Engineering Department G16210-71010 (\$10,667.15)  
Water Administration X50110-71010 (\$2,520.70)  
Water Purification X50130-71010 (\$2,620.80).

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Jim Karch  
Interim Director of Public Works

David A. Hales  
City Manager

**Alderman Stearns stated the City contracted out a lot of design work. She questioned the use of the computer software and its ability to aid the City in bringing work in house. Jim Karch, Interim Director of Public Works, addressed the Council. In the past software was used to modify and make additions. There was some in house design work being done at this time. The contract costs had been reduced compared to previous contracts. Staff would continue to evaluate the situation. Performance measures would be implemented in the Engineering Division. There was concern for staffing levels.**

**Ron Schultz, 1208 E Oakland, questioned if the software could be applied to the Water Department. David Hales, City Manager, responded affirmatively. Mayor Stockton questioned if the Bentley System was standardized. Jim Karch, Director of Public Works, stated the Illinois Department of Transportation (IDOT) and the Water Department have also been using this software.**

**Motion by Alderman Schmidt, seconded by Alderman Anderson that the payment be approved.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT: Permission to Donate or Sell Surplus Computers and Equipment**

**RECOMMENDATION: That the request to donate or sell old computer-related equipment be approved.**

**BACKGROUND: During prior fiscal years, Council has authorized staff to donate the City's old, fully depreciated, computers and equipment to a worthy cause. For Fiscal Year 2009-2010, staff is again asking Council's permission to donate to organizations wishing to obtain this equipment.**

The City may also have old surplus computer/networking equipment that these organizations can not use. In this case, staff would attempt to sell this equipment to one (1) of several remanufacturers of used computer/networking equipment. Staff might also use public or electronic auctions as an alternative for selling surplus equipment.

Finally, it is possible there will be old equipment that staff is unable to dispense of by any of these methods. In this case, staff asks for Council's permission to safely and legally dispose of this equipment.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** During the disposal process, staff will contact organizations known to seek this type of equipment.

**FINANCIAL IMPACT:** If it is possible to sell this outdated equipment, it may result in limited revenue for the City.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Scott Sprouls  
Director of Information Services

David A. Hales  
City Manager

**Motion by Alderman Schmidt, seconded by Alderman Anderson that the request to donate or sell old computer related equipment be approved.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Auction Services with eBay

**RECOMMENDATION:** That staff be allowed to use eBay to auction surplus vehicles and confiscated items.

**BACKGROUND:** eBay, founded in 1995 and headquartered in San Jose, California is recognized as the number one online auction marketplace. Staff requests permission to place surplus vehicles and various confiscated items on eBay for auction. Vehicle auctions would be

twenty-one (21) days in duration with a pick-up only option for delivery. Payment would be PayPal, cash or certified check only. Confiscated goods would depend on the dimensions of the item for delivery.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Not applicable.

**FINANCIAL IMPACT:** eBay's fee for the successful listing of vehicles is \$132 for the first four (4) vehicles and \$134 for each vehicle thereafter. The fee for confiscated items would depend on the final auction price.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed for legal sufficiency:

Randall D. McKinley  
Chief of Police

J. Todd Greenburg  
Corporation Counsel

Recommended by:

David A. Hales  
City Manager

**Alderman Stearns requested clarification of surplus vehicles. Randy McKinley, Police Chief, addressed the Council. An email had been sent out classifying surplus vehicles. Some had been part of the undercover fleet used by the police for drug operations. The Police Department was trying to find an efficient way to replace/rotate the vehicles.**

**Alderman Stearns questioned if confiscated vehicles had been included. Chief McKinley stated those vehicles must be processed through the court system. The money from the sale of those vehicles must be used for drug enforcement.**

**Alderman Stearns questioned the number of vehicles for sale. Chief McKinley stated there were 150 – 200 vehicles in storage. Some of those were in the process of being turned over to the Police Department. David Hales, City Manager, added a list of city-wide surplus vehicles was being prepared. That list would be presented to the Council to determine whether these items should be sold or donated.**

**Motion by Alderman Schmidt, seconded by Alderman Anderson that staff be allowed to use eBay to auction surplus vehicles and confiscated items.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Agreement for the Donation of 1204 and 1206 W. Grove St. (vacant lots) to Habitat for Humanity of McLean County

**RECOMMENDATION:** That the Agreement for the donation of 1204 and 1206 W. Grove St. (vacant lots) to Habitat for Humanity of McLean County be approved, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.

**BACKGROUND:** In 2005, the City, through the PACE, Community Development Division purchased three (3) lots located at West Olive and Lumber Street, from the Nestle USA, Inc. The purchase price was \$16,000. This purchase was part of the City's participation in a project with McLean County Community Action in the purchase of property from Nestle-Beich just prior to the fire that destroyed the old factory. Since that time, the existing three (3) lots have been sub-divided down to two (2) larger, buildable lots, well suited for providing affordable housing. Larger lots provide construction density more in line with the existing neighborhood.

The City has been partnering with Habitat for Humanity of McLean County for more than twenty (20) years to provide affordable housing in Bloomington. This donation is a continuation of that relationship.

Staff respectfully recommends that Council authorize the donation of the two (2) vacant lots located at 1204 and 1206 W. Grove Street to Habitat for Humanity of McLean County for the purpose of providing affordable dwelling units (new homes) to households whose income does not exceed fifty percent (50%) of the area median income.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Habitat for Humanity.

**FINANCIAL IMPACT:** Since the properties were purchased with City General Funds in 2005, there is no financial impact to the current budget.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed for legal sufficiency:

Mark R. Huber  
Director of PACE

J. Todd Greenburg  
Corporation Counsel

Recommended by:

David A. Hales  
City Manager

**RESOLUTION NO. 2009 - 31**

**A RESOLUTION AUTHORIZING THE DONATION OF  
1204-1206 WEST GROVE STREETS TO HABITAT FOR HUMANITY**

WHEREAS, the City of Bloomington owns two vacant lots commonly known as 1204 and 1206 West Grove Street, in the City of Bloomington; and

WHEREAS, the City Council finds that a donation of said vacant lots by the City to Habitat for Humanity will permit the building of residential housing at a moderate cost, permitting the acquisition of such residential housing by persons of modest financial means.

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

That the attached agreement between the City of Bloomington and Habitat for Humanity for the conveyance of 1204 and 1206 West Grove Street be approved, and the Mayor and City Clerk be authorized to execute said agreement and any documents necessary to convey said properties.

ADOPTED this 8<sup>th</sup> day of June, 2009.

APPROVED this 9<sup>th</sup> day of June, 2009.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**LAND DONATION AND CONSTRUCTION AGREEMENT CITY OF  
BLOOMINGTON, PLANNING AND CODE ENFORCEMENT DEPARTMENT  
AND HABITAT FOR HUMANITY, MCLEAN COUNTY**

This agreement made this 8<sup>th</sup> day of June, 2009, between the city of Bloomington, a municipal corporation, Department of Planning and Code Enforcement, Code Enforcement Division, hereafter called "City" with its principal place of business at 115 East Washington Street, Bloomington, Illinois, hereby enters into land donation and construction agreement with Habitat for Humanity of McLean County as approved by City Council.

WHEREAS, the City wishes to donate cleared vacant land commonly known as 1204 and 1206 West Grove Street, Bloomington, Illinois to Habitat For Humanity and allow Habitat For Humanity to construct new single-family homes on the aforementioned vacant land.

WHEREAS, the completed homes are to be sold to low-income households with earnings below 50 % of the area median income.

NOW, THEREFORE, it is agreed between the parties hereto that:

**RESPONSIBILITIES OF THE CITY AND HABITAT FOR HUMANITY:**

1. The City will provide the vacant land, at locations to be determined for the construction of the projects.
2. The City will complete all inspections, as required by the issuance of building permits.
3. The City will provide any technical assistance and guidance through the Department of Planning and Code Enforcement with the assistance of Habitat for Humanity of McLean County to facilitate completion of the project.
4. The City will review and approve the plans and specifications for the construction of the project PRIOR to the start of construction and issuance of any building permits.
5. Habitat will obtain competitive bids and prepare all written construction contracts between each subcontractor, as necessary.
6. Habitat for Humanity of McLean County agrees to keep the yard mowed and trimmed throughout their ownership period.
7. Habitat for Humanity of McLean County will maintain insurance on the dwelling throughout the period of ownership.
8. Habitat for Humanity will handle all general accounting associated with and during the construction of the single family dwelling. The Habitat for Humanity will make all payouts for materials and/or subcontractors and will obtain lien waivers for each.
9. At conclusion of construction Habitat for Humanity of McLean County may market and sell the completed homes to low-income households with earnings below 50 % of the area median income.

**II. NOTICES**

Communications and details concerning this contract shall be directed to the following contract Representatives:

City of Bloomington:

Sharon Walker, Fiscal Officer  
Planning and Code Enforcement Department  
P.O. Box 3157  
Bloomington, IL 61702-3157  
Phone 309-434-2342, Fax 309-434-2801

Habitat for Humanity of McLean County:

Bill McConnell  
Executive Director  
410 N. Prairie  
Bloomington, IL 61701  
Phone 309-827-3931, Fax 309-827-5347

### III. AMENDMENTS

City or Habitat for Humanity may amend this Agreement at any time provided that such amendments make specific reference to this Agreement, and are executed in writing, signed by a duly authorized representative of each organization, and approved by the Director of the Department of Planning and Code Enforcement, or his designated representative. Such amendments shall not invalidate this Agreement, nor relieve or release the City or Habitat for Humanity from its obligations under this Agreement.

City may, in its discretion, amend this Agreement to conform with federal, state or local governmental guidelines, policies and available funding amounts, or for other reasons. If such amendments result in a change in the funding, the scope of services, or schedule of, the activities to be undertaken as part of this Agreement, such modifications will be incorporated only by written amendment by the City or Habitat for Humanity of McLean County

IN WITNESS WHEREOF, the Parties have executed this construction agreement as of the date first written above.

Date: June 9, 2009

Stephen F. Stockton  
Mayor  
City of Bloomington

Date: June 6, 2009

Sharon Walker, Fiscal Officer  
Dept. of Planning and Code Enforcement  
City of Bloomington

Date: June 23, 2009

Bill McConnell  
Executive Director  
Habitat for Humanity of McLean County

**Motion by Alderman Schmidt, seconded by Alderman Anderson that the Agreement for the donation of 1204 and 1206 W. Grove St. (vacant lots) to Habitat for Humanity of McLean County be approved, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Local 49 – Fire Fighters One Year Contract Ratification

**RECOMMENDATION:** That a one (1) year agreement with Local 49 – Fire Fighters Bargaining Unit be ratified.

**BACKGROUND:** The Local 49 – Fire Fighters contract expired on April 30, 2008. For the past year the City has been in contract negotiations with this group. The negotiating teams for the City and Union have reached a tentative agreement that would put into effect all agreed upon Tentative Agreements and provide the bargaining unit employees three and one half percent (3.5%) increase effective May 1, 2008. The tentative agreements that would go into effect and includes changes as follows:

- Probationary Fire Fighters are granted three (3) vacation days at their date of hire, currently they do not receive any until after one (1) year.
- Probationary Fire Fighters hired after July 1, would be grant twelve (12) hours of PC time, currently they did not receive until January 1.
- Probationary Fire Fighters would be allowed eighteen (18) months to comply with the residency requirement, currently twelve (12) months are allowed.
- Ability to allow two (2) Fire Fighters off work for training time.
- Update uniform allowances to four (4) shirts and two (2) job shirts and cleaned language.
- Firefighters and Engineers would receive ten percent (10%) over their regular hourly rate if they were assigned the public education duties.

- Change in the sick leave verification process.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Not applicable.

**FINANCIAL IMPACT:** The cost for the three and one half percent (3.5%) salary increase retroactive to May 1, 2008 is approximately \$130,000, not including overtime. Overtime costs would be approximately an additional \$44,000 for a total of \$174,000. May 1, 2008 increases were budgeted in FY 08-09 pending negotiations.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed and concur:

Recommended by:

Emily Bell  
Dir. of Human Resources

Mike Kimmerling  
Interim Fire Chief

David A. Hales  
City Manager

(CONTRACT ON FILE IN CLERK'S OFFICE)

**Motion by Alderman Schmidt, seconded by Alderman Anderson that the Contract be ratified.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Application of Illinois State University Foundation Ewing Cultural Center, located at 48 Sunset Rd., for a LB liquor license, which will allow limited sales of beer and wine only by the glass for consumption on the premises seven (7) days a week

**RECOMMENDATION:** Based on the above, the Liquor Commission recommends to the City Council that a LB liquor license for Illinois State University Foundation Ewing Cultural Center, located at 48 Sunset Rd., be created, contingent upon compliance with all applicable health and safety codes.

**BACKGROUND:** The Bloomington Liquor Commissioner Rich Buchanan called the Liquor Hearing to hear the application of Illinois State University Foundation Ewing Cultural Center,

located at 48 Sunset Rd., requesting a LB liquor license which would allow limited sales of beer and wine only by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Steve Stockton, Rich Buchanan, Marabeth Clapp, Steve Petersen and Mark Gibson; Hannah Eisner, Deputy Corporation Counsel; Tracey Covert, City Clerk; and John Poole, Applicant representative.

Commissioner Buchanan opened the liquor hearing. He requested that the Applicant representative present the business plan. John Poole, Applicant representative, addressed the Commission. This would be the second year for the Illinois State University Foundation Ewing Cultural Center to request a LB liquor license for the Shakespeare Festival. This application was the same as last year. The only change has been that there will only be one (1) public entrance to the grounds. A courtesy van will be available to shuttle the Festival's older patrons. The Festival needed to pursue new revenue streams. He anticipated \$10,000 in sales from beer and wine. He provided the Commission with Festival brochures. There were no incidents involving alcohol during last year's Festival. Festival staff received training for alcohol sales. The Festival is a family oriented event. Recently, National Geographic ranked the Festival as one of the top ten (10) in the nation. The Festival was a successful event.

Commissioner Buchanan noted that the main entrance was not for vehicular traffic. Mr. Poole noted that the courtesy van would address this issue. The main entrance to the grounds was pedestrian only.

Commissioner Gibson noted that the premise would include the entire grounds. Commissioner Buchanan responded affirmatively. Mr. Poole restated that there had not been any issues in the past. The Festival has a long standing tradition of picnicking on the grounds prior to the performances. Patrons may bring alcohol to serve with their dinners. All patrons are welcomed by Festival staff. Alcohol sales cease at intermission. There have been no issues with litter, open alcohol, etc. The Festival was going green, (waste recycling).

Commissioner Stockton cautioned the Applicant to be responsible. He noted that the entire grounds would be included in the premise. He added that minors may be present and may attempt to bring their own alcohol. Mr. Poole informed the Commission that a daily log is maintained. The Festival attracts a different demographic group. He believed that the future of the Festival was bright. He believed that it could become an engine of tourism for the community.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Not applicable.

**FINANCIAL IMPACT:** A LB liquor license has an annual fee of \$500.00.

Respectfully,

Reviewed and concur:

Stephen F. Stockton  
Chairman of Liquor Commission

Randall D. McKinley  
Police Chief

**Motion by Alderman Schmidt, seconded by Alderman Anderson that a LB liquor license for Illinois State University Foundation Ewing Cultural Center, located at 48 Sunset Rd., be created, contingent upon compliance with all applicable health and safety codes.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Application of Hani Alsaqri, d/b/a Skewers Steak House, located at 1603 Morrissey Dr., Suite A, for an RAS liquor license, which will allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week

**RECOMMENDATION:** Based on the above, the Liquor Commission recommends to the City Council that an RAS liquor license for SRG International, LLC, d/b/a Skewers Steakhouse, located at 1603 Morrissey, Suite A, be created, contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) the outdoor area be monitored by electronic video surveillance and/or staff; 2.) the crash bars on the exterior patio door be maintained; and 3.) the Commission reserves the right to regulated amplified music on the outdoor patio.

**BACKGROUND:** The Bloomington Liquor Commissioner Rich Buchanan called the Liquor Hearing to hear the application of Hani Alsaqri, d/b/a Skewers Steak House, located at 1603 Morrissey Dr., Suite A requesting an RAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Steve Stockton, Rich Buchanan, Marabeth Clapp, Steve Petersen and Mark Gibson; Hannah Eisner, Deputy Corporation Counsel; Tracey Covert, City Clerk; and Hani Alsaqri, owner/operator and Applicant representative.

Commissioner Buchanan opened the liquor hearing. He requested that the Applicant representative present the business plan. Hani Alsaqri, owner/operator and Applicant representative, addressed the Commission. Currently, he was employed at the Garden of Paradise as the restaurant's manager. Commissioner Stockton noted that this establishment's license was in good standing, (no violations). He planned to open a steak house in the location of the former Ned Kelly's. It would be a restaurant with a bar area.

Commissioner Stockton questioned planned changes to the interior. Mr. Alsaqri noted that the interior would be updated. Commissioner Buchanan questioned the floor plan. Mr. Alsaqri noted that the updated interior was completed. The hostess station had been relocated.

Commissioner Petersen questioned if the outdoor patio would be included in the premise. Mr. Alsaqri responded affirmatively. Commissioner Petersen questioned public access. Mr. Alsaqri noted the location of the front door and the outdoor patio's door. Commissioner Stockton noted that the outdoor patio's door should be a crash door, i.e. used as an exit only. Mr. Alsaqri responded affirmatively. He noted that there were two (2) entrances on the patio. Commissioner Buchanan noted that access to the patio would be gained via the restaurant's interior, (door located in the bar area).

Commissioner Stockton added that restaurant staff must be present when the outdoor patio was in use or video surveillance equipment must be installed. Mr. Alsaqri informed the Commission that he was currently researching same. Generally, restaurant staff would be present. Commissioner Buchanan added that this equipment must be monitored by the staff from the restaurant's interior.

Commissioner Petersen questioned if this was the Applicant's first experience with liquor sales. Mr. Alsaqri responded negatively.

Hannah Eisner, Deputy Corporation Counsel, addressed the Commission. She questioned if the license holder intended to be a sole proprietor or a corporation. The application cited Mr. Alsaqri and SRG International LLC. Mr. Alsaqri needed to consult with his attorney in order to make a determination.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Public notice was published in the Pantagraph in accordance with City Code. In accordance with City Code, approximately 46 courtesy copies of the Public Notice were mailed. In addition, the Agenda for the May 13, 2009 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

**FINANCIAL IMPACT:** This will be a new liquor license with an annual fee of \$2,210.

Respectfully,

Reviewed and concur:

Stephen F. Stockton  
Chairman of Liquor Commission

Randall D. McKinley  
Police Chief

**Motion by Alderman Schmidt, seconded by Alderman Anderson that an RAS liquor license for SRG International, LLC, d/b/a Skewers Steakhouse, located at 1603 Morrissey, Suite A, be created, contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) the outdoor area be monitored by electronic video surveillance and/or staff; 2.) the cash bars on the exterior patio door be maintained; and 3.) the Commission reserves the right to regulated amplified music on the outdoor patio.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Application of Taken, Inc., d/b/a A. Renee Shop and Wine Cafe, located at 306 N. Center, Ste. 102, requesting a change of classification from a PB liquor license which allows the sale of packaged beer and wine for consumption off the premises six (6) days a week to a TAP liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises and the sale of all types of packaged alcohol for consumption off the premises six (6) days a week

**RECOMMENDATION:** Based on the above, the Liquor Commission recommends that the application by Taken, Inc., d/b/a A. Renee Shop and Wine Cafe, located at 306 N. Center, Ste. 102, requesting a change of classification from a PB liquor license which allows the sale of packaged beer and wine for consumption off the premises six (6) days a week to a TAP liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises and the sale of all types of packaged alcohol for consumption off the premises six (6) days a week be approved with the following conditions: 1.) that the gate separating the Shop and Wine Cafe be secured when the Shop is closed; 2.) that business hours are approved as presented or one hour after food service ceases not to exceed midnight; and 3.) on premise consumption be limited to the Wine Cafe.

**BACKGROUND:** The Bloomington Liquor Commissioner Rich Buchanan called the Liquor Hearing to hear the application of Taken, Inc., d/b/a A. Renee Shop and Wine Cafe, located at 306 N. Center, Ste. 102, requesting a change of classification from a PB liquor license which allows the sale of packaged beer and wine for consumption off the premises six (6) days a week to a TAP liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premise and the sale all types of packaged alcohol for consumption off the premises six (6) days a week. Present at the hearing were Liquor Commissioners Steve Stockton, Rich Buchanan, Marabeth Clapp, Steve Petersen and Mark Gibson; Hannah Eisner, Deputy Corporation Counsel; Tracey Covert, City Clerk; and Amy Calhoun and Cindy Beier, owner/operators and License holder representatives.

Commissioner Buchanan opened the liquor hearing. He requested that the License holder present the business plan. Amy Calhoun, owner/operator and License holder, addressed the Commission. She presented the Commission with a handout. A. Renee (shop) had been in business for five and a half, (5½ ) years. The goal has been enlightened hospitality. The

business was started with a vision to offer a wine shop and cafe. The business would be extended to the south into the area formerly occupied by Jack Lewis Jewelry. The Cafe would offer global artisan wines and classic cocktails. There would be a self playing grand piano. The Cafe would offer an adult old world cellar adult setting. The application was initially for a "T", Tavern liquor license. The final word on financing was not settled. A test kitchen would be completed. A sample menu was provided. The goal would be to grow the business into a restaurant. She cited Rosie's located at 106 E. Front St., as an example. The Cafe would offer another dining option within the Downtown. Preliminary meetings were held with City staff, (PACE Department), and the McLean County Health Department, (Environmental Health Division). A copy of a petition in support of this request was also submitted to the Commission. There also was a letter of support from the Downtown Bloomington Association, (DBA).

Vickie Tilton and Denise Eyre, Fox n Hounds, 200 W. Monroe St., addressed the Commission in support of this request. A Renee offered quality merchandise. The business had been a good neighbor. This was the type of business which was needed in the Downtown. The owners had presented the Commission with a great idea.

Commissioner Stockton cited the City's unofficial moratorium on additional Tavern licenses within the Downtown. The Council had expressed its concerns about college age bars. A. Renee would not be located near N. Main St. He was in support of this request given the character of the business and its business hours. He added the License holder's intent to pursue an "R", Restaurant liquor license.

Ms. Calhoun restated that the kitchen would be boxed in. The plumbing would be installed. Initially, the Cafe would provide appetizers. Commissioner Stockton stated that he would not support this business turning into a full "T" Tavern.

Hannah Eisner, Deputy Corporation Counsel, addressed the Commission. She encouraged the License holder to look at the percentage of sales from non liquor items. Ms. Calhoun noted that currently sixty percent, (60%) of the store's sales came from alcohol. There was no intention for the Wine Cafe to be a bar. She was trying to not presume the bank's decision regarding financing.

Commissioner Buchanan questioned the petition in support of this request which had been submitted. He questioned if there were any negative comments. Ms. Calhoun responded that there were none. A. Renee had learned from former ViV's experience, (located at 909 Hershey Rd.). Cindy Beier, owner/operator and License holder representative, informed the Commission that Mike Hill, owner/operator and License holder for Maguire's located at 220 N. Center St., had signed the petition. Ms. Calhoun restated that the Cafe would only offer top shelf liquor. She anticipated a decision regarding the financing in a week or two. Ms. Eisner informed the Commission that it could pass a motion with sunset clause.

Commissioner Gibson questioned the business hours. Ms. Calhoun noted that the hours covered the Shop and Cafe: Tuesday through Thursday, 11:00 a.m. to 10:00 p.m.; Friday and Saturday, 11:00 a.m. to midnight; Sunday and Monday, closed. Ms. Eisner noted the License holder's statement that the Cafe would become a restaurant.

Commissioner Buchanan expressed his opinion that the plan and the License holder's experience appeared to be right for the Downtown.

Commissioner Stockton questioned if the "T", Tavern classification would apply to the entire premise. Ms. Eisner suggested that the "T" only be applied to the new area. Ms. Beier informed the Commission that there would be a gate to divide the Shop from the Cafe.

Commissioner Buchanan questioned if one (1) license could be subdivided into two (2) classifications. He noted that the Cafe might attract families and young couples.

Commissioner Petersen expressed support for the idea of placing a sunset clause on the "T" license classification. The Commission seemed to support the assumption that the Cafe would grow into a restaurant.

Commissioner Stockton requested that the License holder revisit its gross sales. Ms. Calhoun restated that currently sixty percent, (60%) of sales came from liquor.

Commissioner Gibson suggested that the Commission define the premise. Ms. Eisner noted that the Cafe area might accommodate a lunch trade. Tavern rules might be applied after dining hours. Ms. Calhoun informed the Commission that the Shop currently closed at 6:00 p.m. Ms. Eisner noted another option - Tavern rules would be applied when the Shop was closed.

Commissioner Stockton suggested that the City Code be amended. The Code would allow the Commission to exempt a portion of a premise from tavern rules. He believed that this type of situation would occur again. He added his opinion that underage persons should not be allowed in the tavern area. He questioned the City Code as it applied to the Shop were packaged liquor is sold. Ms. Eisner informed the Commission that there was not an age restriction applied to "P" Packaged liquor licenses. The Commission needed to address when minors would be present. She restated that the "T" classification was based upon the percentage of liquor sales, (over fifty percent). She questioned if the License holder intended to sell packaged liquor from the Wine Cafe. Ms. Calhoun noted that wines listed on the flight menu would be offered for sale, (packaged).

Commissioner Buchanan restated that eventually the Wine Cafe would become a restaurant. The "T" license would not do any initial harm to the business plan. Ms. Calhoun noted that her business had been planned for adults.

Ms. Eisner noted that the "P" area does not allow on premise consumption. There were not any age limitations. Ms. Calhoun informed the Commission that the plan included catering, (gourmet and corporate). She had a preliminary lease which had been conditioned upon obtaining a liquor license.

Commissioner Petersen questioned the number of public entrances. Ms. Beier informed the Commission that there would be two (2) public entrances: 1.) an entrance on Center St. and 2.) an entrance on Jefferson St.

Commissioner Petersen questioned how the business would operate in the evening. Ms. Beier noted that the Shop would be closed. The Shop's entrance was located on Center St. Ms. Eisner restated that the Ordinance only addressed on premise consumption. The "T" license could be limited to the Wine Cafe.

Commissioner Clapp noted that the Cafe represented the first time alcohol would be sold by the glass. She questioned the License holder's plan to hire wait staff. Ms. Calhoun informed the Commission that she had a list of experience individuals who were interested in working at the Cafe. All wait staff would attend alcohol server training, (TIPS, BASSETT, and/or STEPS).

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Public notice was published in the Pantagraph in accordance with City Code. In accordance with City Code, approximately 200 courtesy copies of the Public Notice were mailed. In addition, the Agenda for the May 13, 2009 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

**FINANCIAL IMPACT:** A. Renee currently holds a PB liquor license which has an annual fee of \$730. A TAP liquor license has an annual fee of \$1,760 or a revenue increase of \$1,030.

Respectfully,

Reviewed and Concur:

Stephen F. Stockton  
Chairman of Liquor Commission

Randall D. McKinley  
Police Chief

**Motion by Alderman Schmidt, seconded by Alderman Anderson that the application by Taken, Inc., d/b/a A. Renee Shop and Wine Cafe, located at 306 N. Center, Ste. 102, requesting a change of classification from a PB liquor license which allows the sale of packaged beer and wine for consumption off the premises six (6) days a week to a TAP liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises and the sale of all types of packaged alcohol for consumption off the premises six (6) days a week be approved with the following conditions: 1.) the gate separating the Shop and Wine Cafe be secured when the Shop is closed; 2.) business hours are approved as presented or one hour after food service ceases not to exceed midnight; and 3.) on premise consumption be limited to the Wine Café.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Suspension of Chapter 6 Section 26(d) to Allow Possession of Open Alcohol on Public Property for the McLean County Arts Center Event on June 26, 2009

**RECOMMENDATION:** That the Ordinance be passed.

**BACKGROUND:** The McLean County Arts Center is hosting a Margarita Night for a fund raiser on June 26, 2009 from 5:00 p.m. until 9:00 p.m. As the name implies, they will be serving margaritas as well as wine and beer to the people who attend. They will be closing East Street in front of their building and will have a band performing in that area. The event organizers want to allow people to walk into the street with their drinks to enjoy the music and have requested Chapter 6 Section 26(d) of the City Code, which prohibits having open containers of alcohol on public rights of way, be suspended for the date, time and location of the event.

This has been done for other organizations. Most recently, Council suspended the Ordinance to allow consumption of alcohol on the street downtown during the WGLT summer concert on June 13, 2009. Staff reviewed plans for the Arts Center event with the organizers. Given the nature event, the type of crowd it attracts, and the high degree of involvement by event staff, all concerned believe that there would be no problem with suspending the ordinance as requested.

Staff prepared the necessary Ordinance suspending the code as needed for this event and respectfully requests Council approval.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Not applicable.

**FINANCIAL IMPACT:** None.

Respectfully submitted for Council consideration.

Prepared by:

Tracey Covert  
City Clerk

Reviewed and concur:

Randall D. McKinley  
Police Chief

Recommended by:

David A. Hales  
City Manager

**ORDINANCE NO. 2009 - 36**

**AN ORDINANCE SUSPENDING PORTIONS OF SECTION 26(d) OF CHAPTER 6 OF THE BLOOMINGTON CITY CODE TO ALLOW POSSESSION OF OPEN ALCOHOL ON PUBLIC PROPERTY DURING THE MARGARITA NIGHT – McLEAN COUNTY ARTS CENTER**

WHEREAS, McLean County Arts Center will hold a Margarita Night fundraiser on June 26, 2009; and

WHEREAS, McLean County Arts Center plans to have a band performing on East Street outside of the facility and has requested permission to allow the consumption of alcohol on East Street and the adjacent sidewalks in front of the Arts Center during the fundraiser; and

WHEREAS, to allow possession of an open container of alcohol on a public street, Section 26(d) of Chapter 6 of the Bloomington City Code, which prohibits the possession of open containers of alcohol on public streets, must be suspended.

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

Section 1: That Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, is suspended on the following dates during the following hours: June 26, 2009 between 5:00 o'clock p.m. and 9:00 o'clock p.m. in front of the Arts Center on East Street. This suspension shall be effective only as to persons inside the designated area and for alcohol provided by the McLean County Arts Center.

Section 2: Except for the dates, times and location set forth in Section 1 of this Ordinance, Section 26(d) of Chapter 6 of the Bloomington City Code, 1969, as amended, shall remain in full force and effect. Nothing in this ordinance shall be interpreted as repealing said Section 26(d).

Section 3: This Ordinance shall be effective on the date of its passage and approval.

Section 4: This Ordinance is adopted pursuant to the home rule authority granted the City of Bloomington by Article VII, Section 6 of the 1960 Illinois Constitution.

Passed this 8<sup>th</sup> day of June, 2009.

Approved this 9<sup>th</sup> day of June, 2009.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Alderman Stearns questioned if a fee was associated with a suspension of ordinance or if a temporary liquor license was granted. Mayor Stockton stated the ordinance was suspended and there was no fee. Tracey Covert, City Clerk, stated there was no fee assessed for nonprofit charitable events.**

**Motion by Alderman Schmidt, seconded by Alderman Anderson that the Ordinance be passed.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Petition submitted by the City of Bloomington, Illinois, a municipal corporation, requesting a Zoning Text Amendment of Chapter 44, Zoning Code, Section 10-4 to revise Special Use standards for Asphalt Plants

**RECOMMENDATION:** That the Text Amendment be approved and the Ordinance passed.

**BACKGROUND:** The Planning Commission met on March 25, 2009 to discuss and pass a recommendation to the Council new Special Use standards for gravel pits, mining, and asphalt plants. Since that meeting the issues were divided and the gravel pit portion were forwarded to Council for action on April 13, 2009.

The following information, while somewhat repetitive, was applicable to both the gravel issue already approved by Council and the proposed text amendment updating asphalt plant Special Use standards.

With the recent publicity of gravel pit proposals, staff reviewed the City's standards for Special Use permits related to gravel pits and asphalt plants, and found them to be inadequate. Consequently, the standards were reviewed, modified, and taken before the Planning Commission for public input on January 28, 2009. The meeting resulted in the proposal being sent back to staff for further input. Staff followed up with contributions from local business

representatives, industry associations, and legal representatives. The standards were revised and taken back to the Planning Commission on March 25, 2009. After reviewing the updated proposal and taking testimony from interested parties, the Commission recommended the new language with three (3) modifications: 1.) a process for allowing alternative hours of operation; 2.) requiring an eight (8) foot high security fence; and 3.) elimination of the minimum lot size for gravel and mining operations.

**PLANNING COMMISSION ACTION:** Tim Potts, Planning Technician, noted that this case had been continued from the Commission's January 29, 2009 meeting. Chairperson Cain opened the public hearing and requested that Mark Huber, Director of PACE, make opening comments. Mr. Huber distributed copies showing the original text in black, initial changes in red, and the current proposed version in blue. He reported that discussions had been held with representatives of the Illinois Association of Aggregate Producers and with the interested land use attorneys, and that a review had been made of the Town of Normal and McLean County Ordinances. He summarized the following: 1.) language was removed which was deemed in conflict with state regulation; 2.) the minimum separation distance from protected occupancies was reduced from 2500 to 2000 feet; 3.) the property boundary setback was reduced from 250 to 100 feet; 4.) operating hours were expanded to 6 a.m. to 7:30 p.m. Monday through Saturday; 5.) required fence height was reduced to six (6) feet; and 6.) the required lot size for asphalt plants was reduced from 35 acres to 10 acres. He viewed the current version as a good compromise.

Commissioner Dulac said that an eight foot (8') fence would provide more security and clarified that a gravel pit or an asphalt plant would have to be an approved Special Use in an M-2, General Manufacturing District.

Chairperson Cain asked for testimony in favor of this petition. The following persons came forward:

- Ms. Susan Schafer, 1404 Steeplechase

Ms. Schafer stated that she serves as President of the Southwest Bloomington Residents Association. She noted there had been many compromises, and although she preferred the previous version, she said the current draft was a workable document. Commissioner Shaw inquired if the membership of her association was also in support. Ms. Schafer replied affirmatively. Commissioner Shaw inquired about the size of the association. Ms. Schafer replied that it included about 2,000 homes.

Chairperson Cain asked for testimony in opposition to this petition. The following persons came forward:

- Mr. John Henriksen, 1115 South Second Street, Springfield, Illinois
- Mr. Robert Lenz, Attorney at Law, 202 N. Center Street, Suite #2

Mr. Henriksen noted his appreciation for the efforts made to respond to concerns and urged further changes. He would like to see the boundary setback changed to a distance of only 1000 feet and to have it be measured from the operation to the protected occupancies. He did not

know of any other municipalities that required such a large separation. He stressed that a gravel extraction operation would not involve the more objectionable crushing and blasting noise factors in a limestone quarry. He stated that the 2000 foot distance separation requirement could make operations infeasible and preclude use of the land. Mr. Henriksen requested that a berm not be required in tandem with the fencing. If appearance was of concern, at-grade landscaping could be installed in conjunction with the fence. Regarding bonding, he pointed out that if the state has a site under permit, a bond is required. He noted that gravel extraction is often followed by a good residential or commercial development, and stressed that an operation site brings jobs, sales tax revenue, and needed mineral resources.

Commissioner Baughan clarified that a required berm is not necessarily a safety feature to keep individuals out of the site. Mr. Henriksen agreed but commented that a berm can be a good way to preserve topsoil and attenuate noise to adjacent uses.

Commissioner Wills stated that using a measurement from the location of operations on a site would be a 'moving target' and impractical to try to enforce. Commissioner Shaw agreed and preferred the use of the property line as the point of reference. Mr. Henriksen said the operation plan would show the edge of the excavation area.

Mr. Lenz stated that he has represented Stark Excavation Company for gravel pits and Rowe Construction Company for asphalt plants. The location of operations were illustrated quite definitely by the site plan which is filed in connection with the Special Use request. He added that this was not a moving target. The minimum lot size of thirty-five (35) acres is too large. He cited an operation of Stark's in Downs Township that utilized less than twenty (20) acres. A requirement for fifteen (15) or twenty (20) acres is more reasonable. Rowe has had an asphalt plant on five (5) acres in Normal and pointed out that it has not slowed residential development at the Landing nor at Ironwood. He also pointed to the concrete batch plant on East Grove Street which is surrounded by residential development and observed that it has not had a negative impact on property values. He suggested that the City survey for mineral resources and determine if the Ordinance is even needed. A 2000 foot setback from protected occupancies is too great and a 1000 foot distance is more reasonable.

Commissioner Shaw questioned if there might be an impression that there was a preference to disallow such uses within the City boundaries. Mr. Lenz agreed that was a concern. He preferred to see a provision for an exemption to operating hours. There are times when work should be performed overnight. He urged using language that he had helped draft and was subsequently included in Normal's Ordinance. Mr. Henriksen agreed that there should be an exemption for times when government contracts require work to be performed after hours. Mr. Lenz pointed out that the County's Ordinances related to mining and asphalt plants only requires a 1000 foot separation.

Mr. Huber commented that the County's Code states 1000 feet in one part but cites a separation of a mile and a half in another. He noted that Phil Dick, County Building and Zoning Director, will be seeking to clarify their code. As to the issue of bonding, Mr. Huber stressed that the Illinois Association of Aggregate Producers Association's requested language had been incorporated into the Code. He stated that it gave the City the option to require a bond if the

State had not required one. He noted that the City allows the developers to survey for minerals they might wish to extract. He added that standards are written for the City as a whole, and noted that the terms on hours of operation could be discussed at the time of the Special Use process.

Commissioner Dulac repeated that the process is to have M-2, General Manufacturing District zoning and then to obtain a Special Use for a gravel pit or asphalt plant. He suggested that a separate zoning district could be created for these uses and thereby require hearings before both the Planning Commission and the Zoning Board of Appeals. Mr. Huber expressed the opinion that the M-2 zoning was broad enough to include these uses and that the Special Use process can adjust for the needs of individual proposals.

Commissioner Stuckey inquired how the 2000 foot requirement had been derived. Mr. Huber responded that the original proposal had been 2500 feet, roughly a half mile, and that a reduction to 2000 feet had seemed a reasonable compromise. Commissioner Dulac questioned the thirty-five (35) acre minimum lot size requirement. Mr. Huber explained that the idea is to require enough size to contain the operation in one place: to dredge, to sort, to stockpile materials, and to load trucks. Mr. Lenz pointed out that trucking operations do not have separation requirements. Commissioner Dulac questioned whether any other manufacturing facility had limits to hours of operation. Mr. Huber replied negatively.

Chairperson Cain asked for any other testimony and hearing none, closed the public hearing.

Commissioner Dulac commented that if a distance separation of 2000 feet is required then perhaps the hours of operation should not matter. He also questioned the need to set a minimum lot size. Commissioner Wills commented that the 2000 foot separation requirement seemed too arbitrary.

Commissioner Dulac noted his belief that a separation distance of even 1000 feet might be sufficient to avoid a negative impact on property values of affected parcels, but he could support 2000 feet. Commissioner Wills related that he is only a quarter mile away from the Modahl Scott batch plant on East Grove Street, and he does not notice it. Commissioner Baughan praised the current ownership for keeping it clean and well run.

Commissioner Morton disagreed with the hours of operation and said this type of work needs flexibility to maximize daylight hours and to be able to continue working after sunset to finish. Commissioner Harrison agreed that flexibility was needed in the hours of operation. He noted that trucks can get backed up and pondered how long a load could be held before it is used.

Commissioner Baughan would consider removing the limits to hours of operation and noted that care should be taken not to route trucks through residential areas. Commissioner Stuckey observed there were many concerns still being debated and wondered if this matter was ready for a recommendation. Commissioner Shaw stated that a lot of work had been performed to bring positions closer.

Discussion by the Commission indicated a desire to amend some of the proposed standards. This resulted in a fair amount of discussion concerning rules of order and proper procedure. It was agreed to vote on this motion and to entertain additional motions for amendments leading to a final recommendation to City Council.

Motion by Commissioner Shaw, seconded by Chairman Cain to recommend City Council approval of the staff's text amendment in Case Z-02-09 with an amendment that the language used in the Town of Normal's Ordinance governing mining activities and asphalt plants in regard to exemption to the hours of operation also be incorporated in the City's Ordinance.

Motion passed by a vote of 7 to 2.

Ayes: Commissioners Shaw, Cain, Dulac, Schulz, Morton, Stuckey, and Wills.

Nays: Commissioners Harrison and Baughan.

Absent: Commissioner Brandt.

Motion by Commissioner Dulac, seconded by Commissioner Shaw that the required fence height be set at eight (8) feet.

Motion passed by a vote of 6 to 3.

Ayes: Commissioner Dulac, Shaw, Cain, Schulz, Stuckey, and Wills.

Nays: Commissioners Morton, Harrison, and Baughan.

Absent: Commissioner Brandt.

Motion by Commissioner Wills, seconded Commissioner Morton that the minimum distance to protected occupancies, Dwellings, Day Care Centers, and Schools be reduced to 1000'.

Motion failed by a vote of 4 to 5.

Ayes: Commissioners Wills, Morton, Baughan, and Stuckey.

Nays: Commissioners Dulac, Shaw, Cain, Schulz, and Harrison.

Absent: Commissioner Brandt.

Motion by Commissioner Schulz, seconded by Commissioner Dulac that there be no minimum lot size required for a mining, quarrying site (gravel pit).

Motion passed by a vote of 6 to 3.

Ayes: Commissioners Schulz, Dulac, Wills, Morton, Baughan, and Stuckey.

Nays: Commissioners Shaw, Cain and Harrison.

Absent: Commissioner Brandt.

Bringing the aforementioned items together for a recommendation, Commissioner Dulac moved, seconded by Commissioner Schulz to recommend to City Council approval of the staff's recommended text amendment in Case Z-02-09 with the additional amendments: 1.) that the language used in the Town of Normal's Ordinance governing mining activities and asphalt plants in regard to exemption of the hours of operation be also incorporated in the City's Ordinance; 2.) the required fence height be set at eight feet (8"); and 3.) there be no minimum lot size required for a mining, quarrying site (gravel pit).

Motion passed by a vote of 6 to 3.

Ayes: Commissioners Schulz, Dulac, Wills, Morton, Baughan, and Cain.

Nays: Commissioners Stuckey, Shaw, and Harrison.

Absent: Commissioner Brandt.

The Public Hearing before the Planning Commission on these two (2) items were held jointly. The Council addressed the Text Amendment and Ordinance for Gravel Pits (Mining) at the April 13, 2009 meeting.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Local gravel and asphalt interests, Illinois Association of Aggregate Producers, and legal councils for interested parties were communicated with by staff.

**FINANCIAL IMPACT:** Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency by:

Mark Huber  
Director PACE

J. Todd Greenburg  
Corporation Counsel

Recommended by:

David A. Hales  
City Manager

**PETITION FOR ZONING TEXT AMENDMENT**

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

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

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

1. That the text of Chapter 44, Section 44.10-4, of the Bloomington City Code - 1960, as amended, does not provide a comprehensive listing of more suitable and up-to-date standards, requirements and conditions for the issuance of special use permits for asphaltic concrete plants;
2. That your Petitioner hereby requests that said Section 44.10-4 be amended as hereinafter printed in Exhibit A, attached hereto and made a part hereof, by providing such comprehensive listing of more suitable and up-to-date standards, requirements and conditions for the issuance of special use permits for asphaltic concrete plants;
3. That the approval of said amendment will substantially reflect the philosophy and intent of Chapter 44 of the Bloomington City Code - 1960, as amended; and
4. That the approval of said amendment will offer benefits to the general public in excess of the hardships, limitations or restrictions imposed upon any definitive faction of the City of Bloomington, McLean County, Illinois that is affected by such proposed amendment of said Section 44.10-4.

WHEREFORE, your Petitioner respectfully prays that this petition to amend Chapter 44, Section 44.10-4 of the Bloomington City Code - 1960, as amended, as stated herein be approved in the public interest.

Respectfully submitted,

THE CITY OF BLOOMINGTON,  
A Municipal Corporation

By: Mark Huber  
Director of PACE

**ORDINANCE NO. 2009 - 37**

**AN ORDINANCE TO AMEND THE TEXT OF CHAPTER 44, SECTION 44.10-4, OF THE BLOOMINGTON CITY CODE - 1960, AS AMENDED, BY PROVIDING A COMPREHENSIVE LISTING OF MORE SUITABLE AND UP-TO-DATE STANDARDS, REQUIREMENTS AND CONDITIONS FOR THE ISSUANCE OF SPECIAL USE PERMITS FOR ASPHALTIC CONCRETE PLANTS**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition praying for the amendment of Chapter 44, Section 44.10-4, of the Bloomington City Code - 1960, as amended, by providing a comprehensive listing of more suitable and up-to-date standards, requirements and conditions for the issuance of special use permits for asphaltic concrete plants; and

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

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

WHEREAS, the City Council of said City has the power to pass this Ordinance to amend said Section 44.10-4, of Chapter 44 of the Bloomington City Code - 1960, as amended.

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

1. That the Chapter 44, Section 44.10-4, of the Bloomington City Code - 1960, as amended, shall and the same is hereby amended as printed in Exhibit A , attached hereto and made a part hereof.
2. Except as provided herein, the Bloomington City Code, as amended, shall remain in full force and effect.
3. The City Clerk shall be, and she is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.
4. This Ordinance is enacted pursuant to the authority granted to the City as a home rule unit by Article VII, Section 6 of the 1970 Illinois Constitution.
5. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 8<sup>h</sup> day of June, 2009.

APPROVED this 9<sup>th</sup> day of June, 2009.

Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

## **EXHIBIT A**

### Asphaltic Concrete Plants:

The following regulations shall apply to the operation of all asphaltic concrete plants and other similar activities.

- (1) **Minimum Fencing/Screening required:** A wire mesh or chain link fence shall be installed and maintained around the perimeter of the asphaltic concrete site. Said fence shall have a height of at least eight (8) feet. All gates in the fence shall be locked whenever workers are not present. Parking lots shall be screened from adjacent dwellings in accordance with Section 44.4-7 C. of this Code.
- (2) **Minimum Lot Size:**
  - (a) Area: ten (10) acres.
  - (b) Width: Two hundred (200) feet.
- (3) **Minimum Setback from Property Boundaries:** A natural buffer strip at least one hundred (100) feet wide must be maintained between the working edge of any plant operation and any property boundary. Natural buffer strip materials may consist of earthen berm of not less than six (6) feet in height, hedges, rows of trees or other fast growing foliage that will obscure the sight of the asphalt plant's operation.
- (4) **Operating Hours:** Shall be limited to 6:00 a.m. to 7:30 p.m., Mondays through Saturday. Expanded hours and Sunday operations may be allowed on an occasional basis (no more than 12 projects per year) provided such operation is registered in advance with the City of Bloomington. During expanded hours and Sunday operation, the City Manager may impose additional restrictions reasonably related to health, safety and welfare.
- (5) **Maximum Height:** Same requirements as the zoning district in which the proposed use is to be located.
- (6) **Additional requirements:**
  - (a) **Minimum distance away from dwelling, day care centers, and schools:** The closest lot line for any proposed asphalt plant shall not be located less than two thousand (2000) feet from any dwelling, daycare center or school.
  - (b) The proposed asphaltic concrete plant shall comply with all applicable regulations of the Illinois Environmental Protection Agency. Any proposed hot-mix asphaltic

concrete plant shall be equipped with a fabric filter (bag house) operating consistently with a six (6) to one (1) (or less) air-to-cloth ratio or operate a wet collector which can achieve a pressure drop of sixteen (16) inches or more or provide an air pollution control system of at least equal quality.

- (c) Any automatic batching equipment and recording equipment on a hot-mix asphaltic concrete plant shall meet the requirements currently set forth in the American Society for Testing Materials (ASTM) designation 995, paragraphs 3.6 and 3.7. Any proportioning, sampling, and recording equipment on and at a continuous-mix asphaltic concrete plant on the platform scales shall meet the requirements currently set forth in the ASTM Designation 995, paragraphs 4.5 and 4.6.
  - (d) Low frequency noise readings from the burners at a hot-mix asphaltic concrete plant shall not exceed the following:
    - (i) ninety (90) decibels adjacent to such asphaltic concrete plant's lot line;
    - (ii) eighty-five (85) decibels at one hundred (100) feet from such lot line; and
    - (iii) Seventy-eight (78) decibels at three hundred (300) feet from such lot line.
  - (e) The proposed site for the asphaltic concrete plant use shall be contiguous to a major or collector street that has been improved (thickness and width) to accommodate the anticipated traffic in accordance with the Bureau of Local Roads and Streets Manual, published by the Illinois Department of Transportation.
  - (f) The proposed asphaltic concrete plant shall comply with all applicable regulations of the Illinois Environmental Protection Agency.
  - (g) Paving: The facility shall have a driveway paved with an approved concrete or asphalt/concrete surface and at least twenty five (25) feet wide wherever any continuous truck traffic is proposed. With the exception of equipment and material storage areas, all parking and traffic circulation areas shall be hard surfaced.
  - (h) The site shall be provided with a sustainable water supply for fire protection by fire department pumping apparatus.
- (7) The site plan required by Section 44.10-3 A. of this Code shall also show site size in acres; existing physical features such as drainage easements, streams, and marshes; proposed utilities showing size, types, location and elevations (including water mains, valves, hydrants, sanitary sewers and storm sewers); location of refuse storage areas (dumpsters must be screened in accordance with Section 44.4-7 C. of this code); outdoor lighting plan; finished grading plan of the site at two (2) foot contour intervals; drainage plan indicating direction of run-off flow, location of catch basins and water retention and/or detention areas; land to be dedicated for streets and drainage right-of-way and

easements for other utilities. The site plan shall also illustrate the truck routing plan for routing truck traffic to the site of the proposed asphaltic concrete plant.

**Motion by Alderman Schmidt, seconded by Alderman Anderson that the Text Amendment be approved and the Ordinance passed.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Petition from Main & Veterans, LLC, requesting approval of a Right of Way Dedication Plat for a Portion of Lot 11 in Veteran's Plaza Subdivision, 3<sup>rd</sup> Addition commonly located at the intersection of R.T. Dunn Drive and Main Street

**RECOMMENDATION:** That the Dedication be approved and the Ordinance passed.

**BACKGROUND:** On May 29, 2001, Council approved the Final Plat for the Veteran's Plaza Subdivision, 3<sup>rd</sup> Addition which includes the subject site. A potential buyer for Lot 11 in this subdivision discovered this necessary right of way dedication. Existing public infrastructure is located within the limits of the proposed dedication. This right of way dedication is needed as existing public infrastructure currently sits on the land.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Main & Veterans, LLC.

**FINANCIAL IMPACT:** Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

Jim Karch  
Interim Director of Public Works

J. Todd Greenburg  
Corporation Counsel

Recommended by:

David A. Hales  
City Manager



**ORDINANCE NO. 2009 - 38**

**AN ORDINANCE PROVIDING FOR THE DEDICATION OF  
A PORTION OF LOT 11 IN VETERAN'S PLAZA SUBDIVISION 3<sup>RD</sup> ADDITION  
FOR PUBLIC RIGHT OF WAY AND GENERAL UTILITY EASEMENT**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting the acceptance of the dedication of a portion of Lot 11 in Veteran's Plaza Subdivision 3<sup>rd</sup> Addition for public right-of-way and general utility easement, more particularly described as:

That portion of Lot 11 in Veteran's Plaza Subdivision 3<sup>rd</sup> Addition recorded as Document No. 2001-17695 in the McLean County Recorder of Deeds Office, Beginning at the southwest corner of said Lot 11; thence N.43°-01'-55''E. 22.67 feet to the northwest corner of said Lot 11; thence N.88°-01'-55''E. 18.00 feet on the north line of said Lot 11; thence S.60°-36'-12''W. 34.80 feet to the south line of said Lot 11; thence S.88°-04'-44''W. 3.14 feet to the Point of Beginning with assumed bearings given for description purposes only. (the "Premises")

Being a portion of PIN: 21-09-378-018; 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 accept said dedication; and

WHEREAS, it is reasonable and proper to accept said dedication as requested in this case.

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

1. That the dedication of a portion of Lot 11 in Veteran's Plaza Subdivision 3<sup>rd</sup> Addition for public right of way and general utility easement is hereby accepted.
2. That this ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 8<sup>th</sup> day of June, 2009.

APPROVED this 9<sup>th</sup> day of June, 2009.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

### **LEGAL DESCRIPTION**

That portion of Lot 11 in Veteran's Plaza Subdivision 3<sup>rd</sup> Addition recorded as Document No. 2001-17695 in the McLean County Recorder of Deeds Office, Beginning at the southwest corner of said Lot 11; thence N.43°-01'-55''E. 22.67 feet to the northwest corner of said Lot 11; thence N.88°-01'-55''E. 18.00 feet on the north line of said Lot 11; thence S.60°-36'-12''W. 34.80 feet to the south line of said Lot 11; thence S.88°-04'-44''W. 3.14 feet to the Point of Beginning with assumed bearings given for description purposes only.

Being a portion of PIN: 21-09-378-018

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

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Petition from The Village at Prairie Vista, LLC, Requesting Approval of a Final Plat for the Re-subdivision of Lots 12, 13, and 14 in the Village at Prairie Vista Subdivision commonly located east of Morris Avenue and south of Hamilton Road (Ward 1)

**RECOMMENDATION:** That the Final Plat be approved and the Ordinance passed.

**BACKGROUND:** On October 8, 2007 Council approved the Final Plat for the Village at Prairie Vista Subdivision which includes the subject site. The three (3) lots shown have been reconfigured slightly. The interior lot dimensions have been changed to accommodate the triplex which will be built on the site.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Not applicable.

**FINANCIAL IMPACT:** All public improvements have been completed and accepted by the City. All tap on fees have been paid.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

Jim Karch  
Director of Public Works

J. Todd Greenburg  
Corporation Counsel

Recommended by:

David A. Hales  
City Manager

**PETITION FOR 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 The Village at Prairie Vista LLC, hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A which is attached hereto and made a part hereof by this reference, of is a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises.
2. That your petitioner seeks approval of the Final Plat for the subdivision of said premises to be known and described as Re-Subdivision of Lots 12,13, & 14 in the Village at Prairie Vista Subdivision
3. That your petitioner also seeks approval of the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code, 1960: None Requested.

WHEREFORE, your petitioner respectfully prays that said Final Plat for the Re-Subdivision of Lots 12, 13, & 14 in the Village at Prairie Vista Subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

By: B.J. Armstrong

**ORDINANCE NO. 2009 - 39**

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE RE-SUBDIVISION OF LOTS 12, 13, & 14 IN THE VILLAGE AT PRAIRIE VISTA 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 Re-Subdivision of Lots 12,13, & 14 in the Village at Prairie Vista 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: None Requested; and

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

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

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

1. That the Final Plat of the Re-Subdivision of Lots 12, 13, & 14 in the Village at Prairie Vista 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 this 8<sup>th</sup> day of June, 2009.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**EXHIBIT A  
LEGAL DESCRIPTION**

Lots 12, 13 and 14 in the Village at Prairie Vista Subdivision in the City of Bloomington, McLean County, Illinois, per plat recorded as Document No. 2007 – 28892 in the McLean County Recorder's Office, containing 0.532 acre, more or less.

Lot 12 – PIN 21-17-477-012

Lot 13 – PIN 21-17-477-013

Lot 14 – PIN 21-17-477-014

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

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

Bloomington/Normal Convention and Visitors Bureau (CVB) – Presentation by Crystal Howard, Director.

**David Hales, City Manager, introduced this item. The CVB was established in 2002 through an intergovernmental agreement. He cited attachments to the Council memorandum. The agreement addressed tourism. The agreement recommended that each year the City provide a portion of the hotel/motel tax to the CVB. For Fiscal Year 2008 - 2009, hotel/motel tax revenue equaled \$1.6 million. The agreement had been amended to include discussion/dialogue each year regarding the CVB's budget. There was no set amount required each year. The contribution from the City for the up coming year was estimated at \$530,000 which represents thirty-two percent (32%) of the anticipated hotel/motel tax revenue. He introduced Crystal Howard, CVB's Executive Director, to present the annual report. It would include how the money was spent, promotions used, and communication with other cities.**

**Ms. Howard stated the CVB's mission was to promote tourism. Tourists stay in hotels, eat at restaurants and shop at stores. Seventy-three percent (73%) of the budget was dedicated to operations and marketing. Visitors were still coming to the City. She cited the ISHA's Cheerleading Competition and the Jehovah Witnesses. Allocation from hotel/motel tax was up to two percent (2%). In the past five (5) years, the hotel/motel tax had been increasing. She cited a number of events responsible for the increase. She noted the Illinois Bureau of Tourism July 2008 report. The report indicated that each visitor**

spent \$129 in the community for each night spent. Last year, there had been 44,000 traceable rooms booked which equaled \$5 million. The return on investment was over 7:1.

The CVB had completed some independent research. They examined 100 requests for visitors' packets to determine if these individuals spent a night in the City. Twenty (20) responses were received. Ninety percent (90%) had stayed at least one (1) night in the City and spent an average of \$317. She believed that marketing was working. There were 250,000 visitors (tracked groups) in 2008. The CVB also provided services to corporations and universities to entice visitors. They had requested 267 bids from hotels for various groups. The web site views were up forty-seven percent (47%). They were looking into future bookings for the US Cellular Coliseum (USCC). There were challenges at the USCC, (parking and the lack of hotels in close proximity). USCC's staff had been exceptional to work. She also noted \$200,000 had been used for sponsored rooms. Different accommodations were made for each group. She thanked the Council for their support. The City was in a great location, was affordable, and had prestigious facilities. The Bloomington Normal area was not being pursued. The CVB made calls daily. They were dependent on locals to market the community. It had been a community effort.

Ms. Howard cited other CVB initiatives. They had assisted with the grant application for the outdoor stage at the Bloomington Center of Performing Arts. They also assisted in preventing the closure of the David Davis Mansion. Their Partners in Promotion program provided advertising money to offset the cost of local events. They had been working on blue signs advertizing local attractions on the interstate. Several logos were still needed. Finally, she cited the Hotel Standards program. Eighteen (18) hotels had been rated ninety percent (90%) or higher. Ms. Howard also noted that the CVB created funds to assist with the budget. Twenty-two percent (22%) of the budget was created by membership dues for the Sports Commission. The plans for next year included a familiarization tour that would showcase the USCC. She believed the CVB had been good stewards with the money it was given. There had been a positive impact on quality of life. She finished the presentation with a short film reviewing the year.

Alderman Fruin appreciated the examples given of other organizations helping to promote the City. He liked to see that the CVB had been working with other organizations such as the Economic Development Council (EDC) and the Downtown Bloomington Association (DBA).

Alderman Schmidt questioned the one (1) year reserve and requested a dollar amount. Ms. Howard stated the reserve was \$300,000 or six (6) months of operations.

Alderman Sage questioned the tourism marketing area and the impact the CVB had on the top five (5) events. Ms. Howard stated the CVB's goal was to promote local events. Advertizing was done outside of the area. The goal was to enhance visibility and attendance at the events. Their primary focus would always be to bring more people to the hotels.

**Alderman Sage clarified that the role of the CVB was to provide promotion outside of McLean County. Ms. Howard stated the CVB received money from the state that had to be used at least fifty (50) miles outside of the City. She reiterated that seventy-three percent (73%) of the budget was for marketing and operations. She cited the Partners in Promotion program and how they had worked with the DBA to produce a web site. She also noted the Shakespeare Festival as a destination attraction.**

**Alderman McDade noted the City's contribution was higher than the Town's. She questioned the impact of the new hotels in the Town. Ms. Howard stated the CVB would receive two percent (2%) from the Town as well. The City contains seventy percent (70%) of the hotel rooms. The CVB would visit with the Town to discuss the impact of the new hotels during their next annual review. The CVB's fiscal year was different from the City's. Mayor Stockton stated in the past, two percent (2%) was automatically given to the CVB. The City may have an opportunity to reduce their contribution in the future.**

**Alderman McDade stated the Marriot Hotel was a new opportunity. She questioned its impact. Ms. Howard stated there would be some difference. Mayor Stockton questioned the need for additional hotels. The City had been successful at attracting additional meetings. Ms. Howard stated the Marriot drew larger groups that sometimes required more than one (1) hotel. Both communities would benefit. She believed the City needed a Downtown hotel.**

**Alderman Sage requested clarification on how the information was traceable. He also questioned the impact of the CVB's proactive approach. Ms. Howard stated the web site usually brought in more individual visitors. The CVB prepared a monthly report. They have a tracking mechanism with the hotels.**

**Alderman Sage stated the CVB and EDC were subjective. He requested a better understanding of the impact the CVB had on hotel room bookings. The CVB had booked a number of smaller groups. All groups were tracked.**

**Alderman Hanson clarified that the CVB must be proactive to survive in this competitive market/industry. Ms. Howard estimated forty (40) calls were made per week. They needed to find sponsorship opportunities. The hotel/motel tax was their major funding source. They also received state funding that also came from the hotel/motel tax.**

**Alderman Anderson cited past sharing of resources among many groups. He suggested that the DBA, EDC and McLean County Chambers Commerce (MCC) work with the CVB to share resources. Ms. Howard stated the DBA market was focused on Downtown. The CVB's main focus was putting people in hotels.**

**Alderman Anderson questioned sharing resources. Ms. Howard stated each group had a different focus but that resources had been shared in the past.**

**Alderman McDade questioned if there were other stipulations for the CVB to receive state funding. Ms. Howard stated the CVB had to match at least \$200,000. They also had to advertise at least fifty (50) miles outside of the City.**

**Alderman Purcell thanked Ms. Howard for the information. Advertizing needed to be done to attract additional business. He questioned the economic impact on hotels if the CVB did not exist. Ms. Howard reiterated that the CVB received support from the hotel/motel tax. Mayor Stockton stated that Illinois State University appreciated the high school events. State Farms' travelling employees had found the CVB literature to be very helpful.**

**The following was presented:**

SUBJECT: Convention and Visitors Bureau Annual Funding Request

**RECOMMENDATION:** That the 2009-2010 Annual Payment in the amount of \$530,000 be approved.

**BACKGROUND:** In December of 2002, the City and Town of Normal entered into an Intergovernmental Agreement to create a Convention and Visitors Bureau (a nonprofit organization) which would be governed by a Board of Directors comprised of one (1) representative from the City; Town; County of McLean; Livingston and McLean County Building and Trade; Mclean County Chamber of Commerce and the McLean County Sports Commission. Additionally, the Mayors of the City and the Town, and the Chairman of the McLean County Board would serve as ex-officio members. This Agreement commenced on January 1, 2003 and expired on January 1, 2008. On December 27, 2007, Council approved the Amended Intergovernmental Agreement between the City, Town of Normal, and Mclean County to insure the continued operation and funding of the Convention and Visitors Bureau, (CVB). This agreement is effective until January 1, 2018.

By mutual agreement the Annual Budget should allow the CVB to meet its obligations for event sponsorships, cover operating costs, maintain about a one (1) year reserve, and continue its work program into the future. Each year the two managers review the proposed budget with the CVB Director, establish the amount of money to be provided by each municipality and incorporate the specified local funding amount into the respective City budgets.

As per the Intergovernmental Agreement the annual contribution to the CVB comes from the Hotel/Motel tax. The City levies a six percent (6%) tax on the use and privilege of renting a hotel or motel room. In Fiscal Year 2008-2009, the six percent, (6%) Hotel/Motel Tax generated total revenue in the amount of \$1,630,924. The 2009-2010 CVB contribution of \$530,000 represents 32% of anticipated hotel/motel tax revenue.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Director of the CVB, Town of Normal and City staff.

**FINANCIAL IMPACT:** Funding for the CVB annual payment is provided by hotel/motel tax revenue. A budget of \$530,000 has been established in the general fund non-departmental category.

Respectfully submitted for Council consideration.

Prepared and recommended by:

Reviewed as to legal sufficiency:

David A. Hales  
City Manager

J. Todd Greenburg  
Corporation Counsel

**David Hales, City Manager, recommended payment to the CVB.**

**Alderman Huette stated the CVB plays an important role. The Council needed to consider the City's financial situation at the time of the original agreement. It was appropriate to reevaluate the allocation of resources. There was competition for funding from many organizations. He questioned the best use of the City's resources. Mayor Stockton questioned if Alderman Huette would like the funding reduced or eliminated.**

**Alderman Huette suggested a \$200,000 contribution to match the state's contribution. Reducing the funding would create \$330,000 for other areas. Ms. Howard stated the reduction would equate to not bringing in as many groups. \$200,000 was already obligated to sponsored events.**

**Alderman Huette questioned if there was a joint marketing effort. Ms. Howard responded affirmatively but stated the funding was limited. Mayor Stockton questioned losing big events such as the Jehovah Witnesses and IHSA tournaments. Ms. Howard stated it would be difficult to reclaim the groups.**

**Alderman Stearns questioned the percentage of business travel at the hotels. Ms. Howard stated the hotels bring in groups during off seasons. She could not provide a specific percentage.**

**Alderman Stearns questioned the CVB creating large unique events. Ms. Howard stated their main focus was on putting "heads in beds". They could help with advertizing as their budget permitted. She cited Illinois State University's Preview as an example of corporation cooperation.**

**Alderman Sage believed some reduction in the budget was possible. Ms. Howard stated the quality of life would suffer with a five percent (5%) reduction in local marketing.**

**Alderman Huette questioned the percentage of the budget allocated to salaries and benefits. Ms. Howard responded that it was twenty-seven (27%) of their \$1 million budget.**

**Alderman Fruin agreed with the previous Council members statements concerning the City's financial pressures. He suggested any change in funding be in conjunction with the Town of Normal as part of the strategic plan. He believed it should be examined over the next year. He had raised questions in the past concerning efficiency, costs and expenses.**

**Alderman Sage stated the budget was a work in progress. The numbers were in a state of flux. He believed the City needed to tighten its belt. He believed there could be a reduction of five to ten percent (5 – 10%). Mayor Stockton agreed the budget would be dynamic. The City was subject to the intergovernmental agreement. The funding for the CVB had been reduced last year. He reiterated the City's obligation to the intergovernmental agreement.**

**Alderman McDade stated that the questions being asked were hypothetical. She would like to approach the reduction in a methodical way. Ms. Howard stated that last year the development of the budget had been done with the City Manager.**

**Alderman McDade clarified that the CVB had followed those directives. Ms. Howard responded affirmatively.**

**Alderman Sage wanted a line of sight created between the tax dollars and economic benefit. He had previously raised these questions.**

**Alderman McDade questioned effective deliberation and moving forward in fairness. Mr. Hales had met with the DBA, EDC and CVB and requested each of them to make a presentation to the Council. The Council would be asked to consider continuing funding same. The groups should anticipate challenging questions concerning budget process.**

**Alderman Schmidt questioned the impact on the intergovernmental agreement if the City lowered their contribution. Mr. Hales read from the agreement. The City and Town were allowed to make changes. The CVB had been created by the City. The City should act in a collaborative manner. The City should work with the Town to determine if they were having similar concerns. This discussion should be a part of future budget discussions.**

**Mayor Stockton stated there were a number of choices. The Council could lay the issue over and wait for negotiations or they could approve the ordinance and Ms. Howard could work with Mr. Hales to reduce the CVB's budget. He questioned if Ms. Howard was willing to work with the City to reduce the CVB's budget. The CVB had a reserve fund that could be used as a backup funding source. Ms. Howard was willing to work with the City. She restated that \$200,000 of the CVB's budget was obligated. Mayor Stockton stated that the Council needed to be careful while moving forward and try to retain groups like IHSA.**

**Alderman Stearns questioned the City's budget and the General Fund deficit. Mr. Hales stated there was a \$5 million deficit in the Unrestricted General Fund Balance. The City's target for this fund was \$10 million.**

**Alderman Stearns stated that the City was in a state of financial crisis. She requested help understanding funding this entity. The CVB's funding request was for a serious amount. She understood the availability of state grants. The City had "pulled the plug" on many of its employees. The budget was a work in progress. The closure of RIMCO could be a potential benefit to the City but would come with negative equity. She supported Mr. Hales and echoed Alderman Huette's earlier comments.**

**Alderman McDade stated the City was juxtaposing one (1) expenditure with one (1) enormous problem. Some expenditures were obligated. She questioned where the City was at with a long term strategic plan. Mr. Hales stated the staff was working to find a facilitator for the upcoming budget retreat. Short and long term issues can be addressed at the retreat. In prior meetings, the Council had taken significant action regarding insurance. They needed to pace themselves. Seventy to eighty (70 – 80) positions were eliminated from last year to the current year. The current employees were struggling to handle high service demands. They needed to address the financial situation. They needed time to analyze issues. Staff could not continue as they had in the past. In the months ahead, the Council needed to discuss service reduction and program elimination. The Council could revisit the financial issues and vote on significant changes in revenues and expenditures. They had a motion on the floor and could then make another motion.**

**Alderman Schmidt stated the need to connect the dots between efforts to bring in tax revenue and the Council's ability to provide services. If the Council cuts tourism they would undercut the City's budget. The CVB provides strategic placement of City dollars. The Council needed to address the issue in the future. Mayor Stockton stated the retreat would not only focus on the budget. He expressed concern for being short sided. They needed to consider the long term.**

**Alderman Schmidt stated any reduction should be collaborative.**

**Alderman Sage expressed his gaining confidence in Mr. Hales. He believed that the CVB's budget could be reduced by five to ten percent (5 – 10%).**

**Alderman Anderson questioned if the motion would give Mr. Hales permission to not exceed \$530,000 but to anticipate a reduction by a second motion made.**

**Alderman Fruin stated that this discussion should be part of a strategic plan.**

**Alderman Stearns believed that it was critical to make decisions in a public forum to retain transparency.**

**Alderman Purcell stated the Council had not discussed the impact of other revenue sources in the past. Times were tough and it was not the time to cut back on advertizing.**

The City needed the business. Mayor Stockton questioned if Mr. Hales understood the direction from the Council. Mr. Hales responded affirmatively.

Alderman Hanson stated the CVB had gone out and sold their organization well. They had generated revenue for the City. The City's revenues were decreasing. He appreciated the CVB's efforts and their betterment of the community. Ms. Howard stated a lot of people had made that happen. Mr. Hales stated any reduction made to the CVB's budget would be reported back to the Council.

Motion by Alderman Hanson, seconded by Alderman Purcell that the 2009-2010 Annual Payment in the amount of \$530,000 be approved.

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

Ayes: Aldermen Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: Aldermen Stearns and Huette.

Motion carried.

Motion by Alderman Anderson, seconded by Alderman Sage to instruct David Hales, City Manager, to meet with staff from the Town of Normal and Convention & Visitors Bureau (CVB) in an effort to reduce the CVB's budget.

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

Ayes: Aldermen Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: Aldermen Stearns and Huette.

Motion carried.

The following was presented:

SUBJECT: Request to Apply for the Federal Energy Efficiency and Conservation Block Grant

**RECOMMENDATION:** That staff be allowed to apply for the Federal Department of Energy, Recovery Act-Energy Efficiency and Conservation Block Grants (EECBG) – Formula Grants.

**BACKGROUND:** The 2009 American Recovery and Reinvestment Act appropriated funding to the United States Department of Energy that is to be passed along to states and municipalities on a formula basis through the previously created Energy Efficiency and Conservation Block Grant (EECBG) program. The City has since been notified that it is eligible to receive \$746,400 under this grant program. Grant amounts were based on the City's Census Data.

The City must apply for these funds by June 25, 2009. Grant funds can be spent over a thirty-six (36) month period, but must be obligated within eighteen (18) months of the award date. According to the Department of Energy the purpose of the EECBG program is to assist in creating and implementing strategies to:

1. Reduce fossil fuel emissions in a manner that is environmentally sustainable and, to the maximum extent practicable, maximize benefits for local and regional strategies; and
2. Reduce total energy use of the eligible entities; and
3. Improve energy efficiency in the building sector, the transportation sector, and other appropriate sectors.

The Department of Energy will evaluate proposed projects based on the number of jobs created and/or retained, renewable energy capacity created, emissions reduced, and funds leveraged. Due to the desire to distribute funds in a rapid manner, the Department of Energy listed a rather broad range of activities that can be undertaken with the grant dollars. It is expected that each grant application will be carefully reviewed to ensure that the program purpose is being met and that the intended results will be achieved through each project proposed.

Although the EECBG program was designed to be an annual program, staff does not anticipate future grant allocations. If Congress appropriates funds in the future for this program, those dollars will likely not be at the same level of funding that was provided through this year's stimulus legislation.

Upon receiving the notification of funding, staff began to investigate potential uses for the grant dollars. Staff's intention is to present a project mix that reflects the purpose of the grant program, while also achieving the stated results desired by the Department of Energy. Specifically, staff has aimed to achieve the following results through the proposed project mix:

1. Leverage funds that are currently included in the City's budget and available through existing state grant programs. By supplementing existing available funds the City can achieve a higher level of financial and energy related efficiencies.
2. Invest in projects across a number of different sectors of the economy.
3. Invest in projects that directly reduce energy consumption and thus create long-term savings in associated utility expenses.
4. Where possible, create educational opportunities for residents, businesses and guests.

With the above goals in mind, staff is proposing the following mix of projects for Council consideration:

Heating and Cooling Upgrades: \$600,000

1. Replacement of the heating and cooling system at City Hall. The existing air handling equipment is original with the building (1960's). It is staff's intent to replace the air handling equipment and replace it with modern equipment.

Upgrade Facility Lighting in the Lincoln Parking Garage: \$83,000

2. Upgrading the lighting in the Lincoln Parking Garage with more efficient (lower wattage) fixtures. This project will replace the current ballasts and lights from 150 watts per fixture to 100 watts. This would reduce the lighting portion of our electric bills by one-third (1/3). Electricity is the single greatest expense to this parking structure.

Upgrade Facility Lighting in the Lincoln Leisure Center Gym and Lighting in the Parks Maintenance Garage: \$55,000

3. Updating the lighting in the gym of the Lincoln Leisure Center and lighting in the Parks Maintenance Garage. Similar to the project at the Lincoln Parking Deck; old, inefficient light fixtures will be replaced with new high efficiency fixtures.

Financial Incentive Programs:

4. Providing a sub-grant to the Bloomington-Normal Economic Development Council, (EDC) for energy efficiency and conservation improvement directed at small businesses. The amount of the actual portion of the grant will only be known and available to the EDC should there be funds left over from the City's projects listed above.

Staff proposes passing along these funds to the private sector through an innovative incentive program. The program involves the creation of a revolving loan fund that would be administered by the Economic Development Council, (EDC). The loan itself would be available to Bloomington businesses that wish to make energy efficient upgrades to their facilities or operations. If the Council supports the revolving loan concept, staff would work with the EDC to develop more specific loan guidelines.

On April 20, 2009, Normal's Council approved appropriate uses of their grant dollars to include a revolving loan fund and a financial incentive program for local homebuilders to construct homes that meet International Energy Conservation Code.

**COMMUNITY GROUPS/INTERESTED PERSON CONTACTED:** Marty Vanags, Executive Director of Bloomington Economic Development Council, (EDC) and City department heads.

**FINANCIAL IMPACT:** There are no matching funds requirements from the City for the acceptance of this grant. The City would realize energy savings due to the nature of these projects.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Mark R. Huber  
Director of PACE

Barbara J. Adkins  
Deputy City Manager

David A.Hales  
City Manager

**David Hales, City Manager, introduced Mark Huber, Director of PACE, to address this item. The City had the potential to receive federal dollars. The grant must be applied for and include an indication of projects the money would be used for. The Economic Development Council (EDC) had requested a percentage of the grant money be placed in a revolving loan fund. The Town had already approved the EDC's request. He informed the Council of the City's utility costs.**

**The City would request money. The programs would target certain areas to reduce total energy usage and improve energy efficiency. The grant deadline was June 25, 2009. Three (3) projects had been identified. The projects consisted of upgrading City Hall's heating and air conditioning (HVAC) system, upgrading the Lincoln Parking Garage's (LPG) lighting facilities, and working with Parks, Recreation & Cultural Arts Department on lighting projects, Pepsi Ice Center and Lincoln Leisure Center. The total cost for these projects was \$746,000. If there were surplus funds, they would be given to the EDC.**

**Mr. Hales had spoken to Bob Floyd, Facilities Manager, about efficiency savings with an updated HVAC system at City Hall. This project should impact energy costs over the long term. Mr. Huber stated the project was in the planning process and would not use the federal money but be taken out of the Capitol Improvement Funds.**

**Alderman Huette questioned if there were items in the budget that would qualify for the grant.**

**Alderman Anderson stated that the City had surpassed its natural gas allotment. He believed that the grant projects would put the City back in the black. Mr. Huber informed the Council that the Facilities Management's budget had no capital for projects this year.**

**Alderman Huette requested information regarding the return on investment.**

**Alderman Anderson expressed his hope that any money given to the EDC would be spent on existing structures. Mr. Huber stated staff was exploring how grant funds might be dispersed to the EDC. Staff needed Council's permission to apply for the grant.**

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

**Motion carried.**

**Marty Vangas, EDC's Executive Director, stated the loan funds would be used to provide money for businesses to lower their energy costs.**

**Motion by Alderman Anderson, seconded by Alderman Schmidt to return to order.**

**Motion carried.**

**Alderman Fruin stated he had heard stories about utility savings from residences. Energy efficiency could have a great payback. Mr. Huber stated that City Hall was a top priority for the grant money.**

**Motion by Alderman Anderson, seconded by Alderman Schmidt that staff be allowed to apply for the Federal Department of Energy, Recovery Act – Energy Efficiency and Conservation Block Grants, (EECBG) – Formula Grants.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT: Substantial Amendment to Community Development Block Grant (CDBG) FY 34 Action Plan CDBG-R Funded Activities**

**RECOMMENDATION: That the amended action plan for CDBG FY 34 Action Plan CDBG-R Funded Activities be approved.**

**BACKGROUND: As required by the Housing and Urban Development, (HUD) anytime there is a change in the use of money to an activity not mentioned in the final Annual Action Plan, the public will be notified. Staff recommends the Council recognize and accept the amended action plan for CDBG FY 34.**

The American Recovery and Reinvestment Act of 2009 ("Recovery Act") was signed into law by President Obama on February 17, 2009. The Recovery Act awards \$1 billion in CDBG Recovery (CDBG-R) funds to be distributed to cities, counties, insular areas and states. Funding available under the Recovery Act has clear purposes – to stimulate the economy through measures that modernize the nation's infrastructure, improve energy efficiency, and expand educational opportunities and access to health care. HUD strongly urges grantees to use CDBG-R funds for hard development costs associated with infrastructure activities that provide basic

services to residents or activities that promote energy efficiency and conservation through rehabilitation or retrofitting of existing buildings.

The Community Development Division will be receiving \$162,505 in CDBG-R monies, and has proposed the following projects:

(1) Provide money for sidewalk reconstruction in the West Bloomington Revitalization Partnership area as adopted by Council on December 8, 2008. Specifically slated for replacement with these funds are the 900 block of West Mulberry and West Grove Street (Mason to Allin) and;

(2) Provide assistance for additional infrastructure or rehabilitation of existing buildings located in low / moderate income census tracts within the City. These projects are similar to those currently completed with the normal CDBG entitlement.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Title XII of the Recovery Act requires the Secretary of HUD to establish requirements to expedite the use of Community Development Block Grant (CDBG) funds awarded under the Recovery Act. To comply with this requirement, HUD is expediting the citizen participation process to require a minimum of seven (7) calendar days for citizens to provide comments on proposed CDBG-R activities.

Notice of the CDBG-R funds and proposed activities was published in the Pantagraph on Wednesday, May 27, 2009. Public comments were requested and accepted through Tuesday, June 2, 2009.

**FINANCIAL IMPACT:** The Community Development Division will be receiving \$162,505 in CDBG-R monies.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Mark R. Huber  
Director, PACE

David A. Hales  
City Manager

**Mayor Stockton introduced Mark Huber, Director of PACE, to address this item. Mr. Huber stated this plan was an amendment to last year's plan. The money available was stimulus money. When money comes back, the Action Plan was required to change. The additional money would be allocated towards sidewalk redevelopment and replacement in the West Bloomington Neighborhood Redevelopment study area. All excess dollars would go into Community Development Block Grant (CDBG), programs and activities.**

**Motion by Alderman Schmidt, seconded by Alderman Purcell that the amended action plan for CDBG FY 34 Action Plan CDBG-R Funded Activities be approved.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Supplemental Resolution for the Appropriation of Motor Fuel Tax Funds, (MFT) for Improvement of US Business 51 Parking Lanes and Manhole and Inlet Repairs

**RECOMMENDATION:** That the Supplemental Resolution appropriating \$91,457 in Motor Fuel Tax Funds be approved.

**BACKGROUND:** On May 11, 2009, Council approved a Resolution appropriating \$200,543 for the City's portion of an Illinois Department of Transportation, (IDOT) project to resurface US Business 51 from Lafayette Street to Raab Road, (Normal). The City's portion includes repairs to manholes and inlets and resurfacing the parking lanes within the City's section of the project. Rowe Construction Company was the sole bidder. Rowe's bid is higher than the cost estimate, but IDOT plans to award the project. City staff has reduced the number of inlets being repaired to stay within the budget of \$292,000. There were originally thirty-one (31) inlets scheduled for replacement that are failing or are of an older clay style inlet that is subject to failure. The plan is to replace the twelve (12) inlets in the worst condition in order to stay within budget.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** IDOT.

**FINANCIAL IMPACT:** The total cost for the project is approximately \$5,500,000. The City's share of this project is \$292,000 which will be paid for from Motor Fuel Tax Funds, (X20300-72530). IDOT is funding the remaining cost of the project. City project quantities have been adjusted to stay within the approved budget of \$292,000. The inlets that are not being replaced within this budget year will likely need replaced in the future.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed for legal sufficiency.

Jim Karch  
Interim Director of Public Works

J. Todd Greenburg  
Corporation Counsel

Recommended by:

David A. Hales  
City Manager

**Mayor Stockton introduced the item. There were higher costs than anticipated. David Hales, City Manager, addressed the Council. The City had to modify its contribution. Jim Karch, Interim Director of Public Works, addressed the Council. The original resolution was based on the Illinois Department of Transportation's (IDOT) estimate. There needed to be a new resolution. Some of the inlets would not be addressed as a result of increased costs. All man holes would be addressed.**

**Alderman Schmidt questioned the influence the City had over the State to accept the sole bid. Mr. Karch responded none.**

**Alderman Anderson questioned the State's choice as being all or nothing. Mr. Karch responded affirmatively.**

**Alderman Fruin stated there were a limited number of bidders. Mr. Karch stated Public Works would bring to the Council negotiated prices with Rowe Construction on June 22, 2009 concerning the resurfacing program. The work would begin soon.**

**Motion by Alderman Schmidt, seconded by Alderman Hanson that the Supplemental Resolution appropriating \$91,457 in Motor Fuel Tax Funds be approved.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**MAYORS' DISCUSSION: None.**

**CITY MANAGERS' DISCUSSION: David Hales, City Manager, has had a number of inquiries on open fire regulations. Inserts would be placed in water bills reminding citizens of the regulations. He introduced Mike Kimmerling, Interim Fire Chief, to address**

the Council. Interim Chief Kimmerling stated that regulations for open fires was contained in Chapter 4, Section 126, Part B. The Fire Department would respond to complaints only. The resident could be issued an ordinance violation. Concerned citizens needed to call 911 to report an open fire.

Alderman Stearns questioned the policy on fireworks. Interim Chief Kimmerling stated fireworks were a separate issue and fell under the PACE Department.

Alderman Stearns requested an email with the ordinance attached. Interim Chief Kimmerling responded affirmatively. He added that the Illinois Environmental Protection Agency regulated open burning.

**ALDERMENS' DISCUSSION:** Alderman Hanson recognized Publics Works efforts regarding street repairs. They were welcomed.

Alderman McDade commented on the evening's discussion and the challenging situation the City was in. She appreciated the staff's efforts. Everyone was struggling to some degree. She did not want any adverse relationships as a result. She would like to move beyond the current situation. The City needed a strategic vision and to be proactive. She was supportive of increased citizen input regarding the budget process. She understood citizens' complaints. She wanted productive forward motion. She was thankful for this evening's presentations.

Alderman Fruin echoed the comments by Alderman McDade. He believed the evening's discussion was healthy. He was looking forward to the retreat. Mayor Stockton stated the retreat would likely be on a Saturday, possibly a Friday night as well. David Hales, City Manager, added the retreat would possibly be two (2) days due to the number of issues.

Alderman Schmidt thanked Mr. Hales for the reminder regarding staff stress levels. She questioned if there would be a joint meeting between Town of Normal and McLean County on June 29, 2009. Mr. Hales stated nothing was definitive.

Alderman Schmidt questioned borrowing money from the Water Fund for resurfacing. She questioned the repayment plan. Mr. Hales stated that interfund loans had been done in the past and would be done in the future.

Alderman Stearns thanked Mr. Hales for attending her two (2) ward meetings. She also thanked the Police Department for their presence at the meetings. She believed the inner city was excited about the new program.

Alderman Anderson thanked Public Works for their pot holes efforts. The City needed to work with the McLean County Chambers Commerce, the Economic Development Council, the Convention and Visitors Bureau, etc.

**Motion by Alderman Schmidt, seconded by Alderman Purcell, that the meeting be adjourned. Time: 10:10 p.m.**

**Motion carried.**

**Tracey Covert  
City Clerk**

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