

MINUTES OF THE REGULAR MEETING OF THE NORMAL TOWN COUNCIL HELD IN THE COUNCIL CHAMBERS, NORMAL CITY HALL, 100 EAST PHOENIX AVENUE, NORMAL, MCLEAN COUNTY, ILLINOIS – MONDAY, DECEMBER 15, 2008.

1. CALL TO ORDER:

Mayor Chris Koos called the Regular Meeting of the Normal Town Council to order at 7:10 p.m., Monday, December 15, 2008.

2. ROLL CALL:

The Deputy Clerk called the roll with the following persons physically

PRESENT: Mayor Chris Koos and Councilmembers Sonja Reece, Adam Nielsen, Jeff Fritzen, Chuck Scott, Jason Chambers, and Cheryl Gaines. Also present were City Manager Mark Peterson, Assistant City Manager Pamela Reece, Corporation Counsel Steve Mahrt, and Deputy Clerk Ann Frels.

ABSENT: Town Clerk Wendy Briggs.

3. PLEDGE OF ALLEGIANCE:

Mayor Koos led the Pledge of Allegiance to the Flag.

4. OMNIBUS VOTE AGENDA:

Mayor Koos excused himself from voting on any bills he may have incurred while performing his Mayoral duties.

Councilmember Reece excused herself from voting on any bills submitted by BroMenn Healthcare or any expenses she may have incurred while performing Council duties.

Councilmember Fritzen excused himself from voting on item L.

Mayor Koos acknowledged the presence of Bloomington City Alderman Jim Fruin at the Council meeting.

Items D, H, and O were removed from the Omnibus Vote Agenda.

MOTION:

Councilmember Nielsen moved, seconded by Councilmember Fritzen, the Council Approve the Omnibus Vote Agenda.

AYES: Reece, Nielsen, Fritzen, Scott, Chambers, Gaines, Koos.

NAYS: None.

Motion declared carried.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF DECEMBER 1, 2008: Omnibus Vote.

B. APPROVAL OF TOWN OF NORMAL EXPENDITURES FOR PAYMENT AS OF DECEMBER 10, 2008: Omnibus Vote.

- C. MOTION TO ACCEPT A BID AND AWARD THE PURCHASE OF A STREET SWEEPER FOR THE PUBLIC WORKS STREET MAINTENANCE DIVISION IN THE TOTAL AMOUNT OF \$148,775: Omnibus Vote.
  - E. MOTION TO INITIATE CHANGES TO THE ZONING CODE – ADDITION OF THE MAIN STREET FORM-BASED CODE: Omnibus Vote.
  - F. MOTION AUTHORIZING ZONING TEXT AMENDMENT – FEES: Omnibus Vote.
  - G. RESOLUTION AUTHORIZING A SUPPLEMENTAL AGREEMENT WITH CARDOSI KIPER DESIGN GROUP, INC., IN THE AMOUNT OF \$35,000 PLUS REIMBURSABLE EXPENSES FOR THE WAYFINDING DESIGN & INSTALLATION SPECIFICATIONS, BIDDING/NEGOTIATION, AND CONSTRUCTION ADMINISTRATION PHASES (PHASES 4 – 6) OF THE UPTOWN BRANDING AND WAYFINDING PROJECT: Resolution No. 4297: Omnibus Vote.
  - I. RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH MR. CRAIG ONSRUD FOR THE OPERATION OF THE IRONWOOD PRO SHOP AND PRIVATE GOLF LESSONS: Resolution No. 4298: Omnibus Vote.
  - J. CONDITIONAL RESOLUTION PARTIALLY REAPPROVING THE FINAL PLAT OF A SUBDIVISION LOCATED WITHIN ONE AND ONE-HALF MILES OF THE CORPORATE LIMITS (KINGS MILL ACRES SUBDIVISION): Resolution No. 4299: Omnibus Vote.
  - K. RESOLUTION APPROVING THE SECOND AMENDMENT TO THE PRELIMINARY DEVELOPMENT PLAN FOR IRONWOOD COUNTRY CLUB APARTMENTS PLANNED UNIT DEVELOPMENT PLAN: Resolution No. 4300: Omnibus Vote.
  - L. CONDITIONAL RESOLUTION WAIVING THE PUBLIC HEARING PROCESS AND APPROVING A FINAL PLAT FOR THE RADER SUBDIVISION (1238 ROPP ROAD): Resolution No. 4301: Omnibus Vote.
  - M. ORDINANCE VACATING WATER MAIN EASEMENTS – GRACE BAPTIST CHURCH: Ordinance No. 5229: Omnibus Vote.
  - N. RESOLUTION ACCEPTING WATER MAIN EASEMENTS – GRACE BAPTIST CHURCH: Resolution No. 4302: Omnibus Vote.
  - P. ORDINANCE AMENDING “AN ORDINANCE DESCRIBING AND DESIGNATING AN AREA LOCATED PARTIALLY WITHIN THE CITY OF BLOOMINGTON, THE TOWN OF NORMAL, AND UNINCORPORATED MCLEAN COUNTY AS AN ENTERPRISE ZONE:” Ordinance No. 5230: Omnibus Vote.
5. ITEMS REMOVED FROM OMNIBUS VOTE:
- D. MOTION TO WAIVE THE FORMAL AND CUSTOMARY BID PROCESS AND APPROVE THE PURCHASE OF A REPLACEMENT FIRE ENGINE FROM THE NORTHWEST MUNICIPAL CONFERENCE IN THE AMOUNT OF \$374,218:

MOTION:

Councilmember Reece moved, seconded by Councilmember Nielsen, the Council Waive the Formal and Customary Bid Process and Approve the Purchase of a Replacement Fire Engine from the Northwest Municipal Conference in the Amount of \$374,218.

Councilmember Reece posed questions concerning the new standards which would result in a substantial price increase for the replacement fire engine after January 1, 2009, which were responded to by Fire Chief Jim Watson.

Councilmember Nielsen posed questions concerning the Northwest Municipal Conference. Fire Chief Watson explained that it was a consortium and that the group offered the best price for the fire engine.

AYES: Reece, Nielsen, Fritzen, Scott, Chambers, Gaines, Koos

NAYS: None

Motion declared carried.

H. RESOLUTION AUTHORIZING CONTRACT CHANGES ASSOCIATED WITH THE FIRESTONE SEWER EXTENSION PHASE III PROJECT IN AN AMOUNT NOT TO EXCEED \$165,844: Resolution No. 4303:

MOTION:

Councilmember Scott moved, seconded by Councilmember Reece, the Council Adopt the Resolution Authorizing Contract Changes Associated with the Firestone Sewer Extension Phase III Project in an Amount Not to Exceed \$165,844.

Councilmember Scott stated that he had financial concerns to do with this resolution and was seeking clarification from City Engineer Gene Brown concerning the pre-existing conditions at the site and related issues. City Engineer Gene Brown addressed his concerns. City Manager Mark Peterson added that no reasonable person would have anticipated the problems at the site and that this amount is less than was requested.

Councilmember Fritzen posed questions about the process for these projects, which were responded to by Mr. Brown.

AYES: Reece, Nielsen, Fritzen, Scott, Chambers, Gaines, Koos

NAYS: None

Motion declared carried.

O. ORDINANCE APPROVING AN AMENDED SPECIAL USE PERMIT FOR CHRIST CHURCH, PCA (1301 N. LINDEN): Ordinance No. 5231:

Councilmember Reece moved, seconded by Councilmember Fritzen, the Council Approve the Ordinance Approving an Amended Special Use Permit for Christ Church, PCA (1301 N. Linden).

Councilmember Reece posed questions concerning plan elements that are unresolved at this point: ownership of the land next to the church and the soil stability to support the 48-space proposed parking lot. Town Planner Mercy

Davison addressed these issues and explained what changes would have to be made to the plan if they are not resolved.

AYES: Reece, Nielsen, Fritzen, Scott, Chambers, Gaines, Koos

NAYS: None

Motion declared carried.

GENERAL ORDERS:

6. RESOLUTION CONDITIONALLY APPROVING AN AMENDED SITE PLAN – SUGAR CREEK ELEMENTARY SCHOOL: Resolution No. 4304:

MOTION:

Councilmember Reece moved, seconded by Councilmember Gaines, the Council Adopt the Resolution Conditionally Approving an Amended Site Plan – Sugar Creek Elementary School.

Mr. Neil Finlen of the Farnsworth Group, Bloomington, Illinois, thanked staff for all of their time and effort with the Sugar Creek project and then gave a project overview and answered various questions posed by the Council. Dr. Gary Neihaus, Superintendent of McLean County Unit District #5, was also available for questions and explained the project.

Councilmember Fritzen posed questions concerning how the grade difference on the Site would be addressed. Mr. Finlen stated that they hoped to resolve this problem with earthwork, not retaining walls.

Councilmember Nielsen questioned the “worst case scenario” for the impact of traffic off of Towanda. Mr. Finlen stated that it would be about 60 cars and that they were observing other schools to estimate this number.

Councilmember Reece stated that the student capacity in this school after the addition would change from 300 to 600.

AYES: Reece, Nielsen, Fritzen, Scott, Chambers, Gaines, Koos.

NAYS: None.

Motion declared carried.

7. RESOLUTION AUTHORIZING THE FIFTH AMENDMENT TO THE REDEVELOPMENT AGREEMENT WITH JQH NORMAL DEVELOPMENT, L.L.C., FOR ADDITIONAL COSTS ASSOCIATED WITH THE CONSTRUCTION OF THE BEAUFORT STREET PARKING DECK IN THE AMOUNT OF \$1,033,372 AND APPROVAL OF AN ASSOCIATED BUDGET ADJUSTMENT OF \$41,961: Resolution No. 4305:

MOTION:

Councilmember Reece moved, seconded by Councilmember Chambers, the Council Adopt the Resolution Authorizing the Fifth Amendment to the Redevelopment Agreement with JQH Normal Development, L.L.C., for Additional Costs Associated with the Construction of the Beaufort Street Parking Deck in the Amount of \$1,033,32 and Approval of an Associated Budget Adjustment of \$41,961.

Mayor Koos asked Corporation Counsel Steve Mahrt to explain the legal meaning of “guaranteed maximum price.” Corporation Counsel Mahrt explained said term and stated that these additional costs had to do with a change of plans and design.

Uptown Director Wayne Aldrich presented the background concerning the changes that were made and gave an overview of the situation.

City Manager Mark Peterson discussed how each part of the project (hotel, parking deck and conference center) is addressed in the redevelopment agreement and that the source of the funds for the additional costs would be from bonds.

Councilmember Reece asked how all of this would effect the time-line for the hotel. City Manager Peterson responded that this has delayed the project for approximately three months and that a July or August opening should still be workable.

Councilmember Chambers posed questions concerning the “buildability” of the Site, which Uptown Director Aldrich addressed.

Councilmember Gaines expressed that there was good news in this situation even though the extra cost was bad news. The good news is that most of the money is in the budget, so there isn’t as much extra to absorb. Councilmember Gaines further expressed that safety is the bottom line.

Councilmember Nielsen posed questions concerning the possibility of legal action taken against the Town by John Q. Hammons in the event that we do not pay these additional costs. City Manager Peterson stated that such action would, indeed, likely occur in that event.

Councilmember Scott posed questions concerning the contingency funds, which were responded to by City Manager Peterson.

Mayor Koos commented that it is unfortunate that the increases for this project have out-shown the decreases, but it is fortunate that we have ample bond funds to retire this.

AYES: Reece, Nielsen, Fritzen, Scott, Chambers, Gaines, Koos.

NAYS: None.

Motion declared carried.

8. RESOLUTION AUTHORIZING THE EXECUTION OF A RECIPROCAL EASEMENT AGREEMENT WITH JQH NORMAL DEVELOPMENT, L.L.C., RELATED TO THE MARRIOTT HOTEL AND CONFERENCE CENTER PROJECT:  
Resolution No. 4306:

MOTION:

Councilmember Nielsen moved, seconded by Councilmember Gaines, the Council Adopt the Resolution Authorizing the Execution of a Reciprocal Easement Agreement with JQH Normal Development, L.L.C., Related to the Marriott Hotel and Conference Center Project.

Corporation Counsel Steve Mahrt explained “reciprocal easement” and responded to questions from Council.

AYES: Reece, Nielsen, Fritzen, Scott, Chambers, Gaines, Koos.

NAYS: None.

Motion declared carried.

NEW BUSINESS:

9. ORDINANCE AMENDING SECTIONS 11.4-6 AND 11.4-7 OF THE MUNICIPAL CODE OF THE TOWN OF NORMAL, 1969, AS AMENDED, REGARDING RENTAL OCCUPANCY LICENSES: Ordinance No. 5232:

MOTION:

Councilmember Reece moved, seconded by Councilmember Gaines, the Council Approve the Ordinance Amending Sections 11.4-6 and 11.4-7 of the Municipal Code of the Town of Normal, 1969, as Amended, Regarding Rental Occupancy Licenses.

AYES: Reece, Nielsen, Fritzen, Scott, Chambers, Gaines, Koos.

NAYS: None.

Motion declared carried.

10. ORDINANCE AMENDING DIVISION 16, CHAPTER 25 OF THE MUNICIPAL CODE – PARKS AND RECREATION FEES: Ordinance No. 5233:

MOTION:

Councilmember Scott moved, seconded by Councilmember Fritzen, the Council Approve an Ordinance Amending Division 16 of Chapter 25 of the Municipal Code of the Town of Normal – Parks and Recreation Fees.

Mayor Koos explained the background on this item.

Councilmember Reece clarified that the Town wants the revenue generated by the Museum and Golf Course to be consistent with their expenses so that we are able to keep them going in a positive fashion.

AYES: Reece, Nielsen, Fritzen, Scott, Chambers, Gaines, Koos.

NAYS: None.

Motion declared carried.

11. CONCERNS:

1. NATIONAL LEAGUE OF CITIES

Councilmember Reece discussed the role of the National League of Cities in addressing the current economic circumstances.

2. HOT WHEELS

City Manager Mark Peterson announced the arrival of the Normal Police Department Hot Wheels car and displayed one to the assembly. Mr. Peterson stated that they would be available on local store shelves soon.

12. REQUEST TO ADJOURN TO EXECUTIVE SESSION:

There being no further business to come before the Council, Mayor Koos called for a Motion to Adjourn to Executive Session to Approve the Minutes of the August 4, 2008, Executive Session, and discuss matters pertaining to collective bargaining.

MOTION:

Councilmember Chambers moved, seconded by Councilmember Scott, the Regular Meeting of the Normal Town Council be Adjourned to Executive Session to Approve the Minutes of the August 4, 2008, Executive Session and to Discuss Matters Pertaining to Collective Bargaining.

AYES: Reece, Nielsen, Fritzen, Scott, Chambers, Gaines, Koos.

NAYS: None.

Motion declared carried.

Mayor Chris Koos adjourned the Regular Meeting of the Normal Town Council to Executive Session to Approve the Minutes of the August 4, 2008, Executive Session and to Discuss Matters Pertaining to Collective Bargaining at 8:30 p.m., Monday, December 15, 2008.