

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 – TUESDAY, JANUARY 20, 2009.

1. CALL TO ORDER:

Mayor pro tem Reece called the Regular Meeting of the Normal Town Council to order at 7:06 p.m., Tuesday, January 20, 2009.

2. ROLL CALL:

The Clerk called the roll with the following persons physically

PRESENT: Mayor pro tem Sonja Reece and Councilmembers Adam Nielsen, Chuck Scott, Jason Chambers, and Cheryl Gaines. Also present were City Manager Mark Peterson, Assistant City Manager Pamela Reece, Corporation Counsel Steve Mahrt, and Town Clerk Wendy Briggs.

ABSENT: Mayor Chris Koos and Councilmember Jeff Fritzen.

3. PLEDGE OF ALLEGIANCE:

Mayor pro tem Reece led the Pledge of Allegiance to the Flag.

4. OMNIBUS VOTE AGENDA:

Mayor pro tem Reece excused herself from voting on any bills submitted by BroMenn Healthcare and on any bills she may have incurred while performing her Council duties.

Item C was removed from the Omnibus Vote Agenda.

MOTION:

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

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

NAYS: None.

ABSENT: Fritzen, Koos.

Motion declared carried.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF JANUARY 5, 2009: Omnibus Vote.

B. APPROVAL OF TOWN OF NORMAL EXPENDITURES FOR PAYMENT AS OF JANUARY 14, 2009: Omnibus Vote.

D. MOTION TO WAIVE THE FORMAL BIDDING PROCESS AND AUTHORIZE THE PURCHASE OF STREET FURNISHINGS IN CONJUNCTION WITH THE UPTOWN RENEWAL PROJECT IN THE AMOUNT OF \$182,985: Omnibus Vote.

E. RESOLUTION ADOPTING A REVISED FLEXIBLE SPENDING BENEFIT PLAN DOCUMENT: Resolution No. 4314: Omnibus Vote.

- F. RESOLUTION REQUESTING TEMPORARY CLOSURES OF STATE RIGHT-OF-WAY FOR ANNUAL COMMUNITY EVENTS: Resolution No. 4315: Omnibus Vote.
  - G. RESOLUTION ACCEPTING AUDIT REPORT #70 FROM THE ILLINOIS DEPARTMENT OF TRANSPORTATION PERTAINING TO THE RECEIPT AND DISBURSEMENT OF FUNDS FROM THE TOWN'S MOTOR FUEL TAX FUND FOR THE PERIOD OF JANUARY 1, 2007, THROUGH DECEMBER 31, 2007: Resolution No. 4316: Omnibus Vote.
  - H. RESOLUTION RE-APPROVING A FINAL PLAT FOR THE BRADFORD-RAAB SUBDIVISION LOT 1 IN THE TOWN OF NORMAL, ILLINOIS: Resolution No. 4317: Omnibus Vote.
  - I. RESOLUTION PARTIALLY AND CONDITIONALLY APPROVING A FINAL DEVELOPMENT PLAN FOR THE EVERGREEN VILLAGE SUBDIVISION PUD: Resolution No. 4318: Omnibus Vote.
  - J. RESOLUTION CONDITIONALLY AND PARTIALLY APPROVING THE FINAL PLAT FOR THE EVERGREEN VILLAGE PUD SUBDIVISION IN THE TOWN OF NORMAL: Resolution No. 4319: Omnibus Vote.
  - K. ORDINANCE IMPOSING WEIGHT RESTRICTIONS FOR VEHICLES OPERATING ON CERTAIN RURAL TYPE ROADS UNDER THE TOWN'S JURISDICTION: Ordinance No. 5234: Omnibus Vote.
5. ITEMS REMOVED FROM OMNIBUS VOTE AGENDA:
- C. MOTION TO AMEND THE BUDGET IN THE ADDITIONAL AMOUNT OF \$89,000 AND AUTHORIZE THE SUPPLEMENTAL PURCHASE OF ROAD SALT AND LIQUID CALCIUM CHLORIDE:

MOTION:

Councilmember Nielsen moved, seconded by Councilmember Gaines, the Council Amend the Budget in the Additional Amount of \$89,000 and Authorize the Supplemental Purchase of Road Salt and Liquid Calcium Chloride.

Councilmember Nielsen questioned if the \$89,000 budget amendment would be sufficient to purchase the additional road salt and liquid calcium chloride needed for the remainder of the winter months. Public Works Director Mike Hall indicated he was "pretty confident" the additional product would get the Town through the rest of the winter weather.

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

NAYS: None.

ABSENT: Fritzen, Koos.

Motion declared carried.

GENERAL ORDERS:

- 6. RESOLUTION AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT WITH HEARTLAND COMMUNITY COLLEGE AND NORMAL PROFESSIONAL BASEBALL, LLC: Resolution No. 4320:

MOTION:

Councilmember Nielsen moved, seconded by Councilmember Chambers, the Council Adopt the Resolution Authorizing the Execution of a License Agreement with Heartland Community College and Normal Professional Baseball, LLC.

Councilmember Nielsen congratulated all those involved in putting together the license agreement and discussed the Town's financial contribution to this project. Councilmember Chambers questioned at what point the Town's obligation of \$1.5 million would be contributed to the project. City Manager Mark Peterson responded the contribution would likely not be made before the fall of 2009.

Mr. Steve Malliet, O'Fallon, Missouri, representing Normal Professional Baseball, LLC, addressed the Council, complementing Town Staff for all their assistance and responding to questions from Council.

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

NAYS: None.

ABSENT: Fritzen, Koos.

Motion declared carried.

7. RESOLUTION TERMINATING THE CROWNE PLAZA REDEVELOPMENT AGREEMENT DUE TO MATERIAL BREACH BY THE REDEVELOPER:

MOTION:

Councilmember Scott moved, seconded by Councilmember Chambers, the Council Adopt the Resolution Terminating the Crowne Plaza Redevelopment Agreement Due to Material Breach by the Redeveloper.

City Manager Mark Peterson presented a background of the events leading up to the culmination of the developers of the Crowne Plaza redevelopment being in breach of the redevelopment agreement, substantially due to the developer not being in compliance with the Illinois Prevailing Wage Act. City Manager Peterson reported the Town had made numerous attempts to work with the developer to get the necessary documentation from the subcontractors which would show all the subcontractors were paying prevailing wages and reporting the figures correctly. The Town had given the developer ninety days to comply with the Illinois Prevailing Wage Act. The City Manager indicated the staff has become increasingly frustrated the records have not been forthcoming from the developer, and the ninety-day deadline has passed.

Councilmember Gaines expressed her displeasure the project had not progressed as planned, as the site is located on one of the main entryways to the Town.

Councilmember Gaines further commented the Town Council had anticipated this redevelopment to have high standards and expected the developer to take the Council seriously in this project.

Councilmember Scott indicated he considered this an exciting project when the TIF was approved, however, was disappointed in the progress being made. Councilmember Chambers indicated he did not want to make a "knee-jerk" reaction in anger, but wanted the project to keep moving along. Councilmember Chambers indicated the Town had been very patient up to this point and questioned if the developer could rectify the situation if this matter was tabled for two weeks. City Manager Mark Peterson indicated

there would be no harm in waiting for two weeks to give the developer the additional time to comply.

Councilmember Nielsen indicated he had lost confidence in the project and requested the developer respond to the concerns of Council.

Mr. Fred Rottermund, Danvers, Illinois, addressed the Council, representing the developer who is currently out of the country. Mr. Rottermund indicated it was the developer's full intention to provide all the documentation that was necessary to comply, but he was having trouble obtaining documentation from one of the subcontractors. Mr. Rottermund further indicated the developer had stopped using the non-complying subcontractor and was withholding payment for the services they had rendered to attempt to make the subcontractor comply.

Councilmember Nielsen questioned Mr. Rottermund on the "best-case scenario" when the hotel will be completed and operating. Mr. Rottermund responded the developer anticipated opening on April 3, 2009, despite experiencing difficulty with obtaining the parts for a smoke evacuation system in the atrium area. Mr. Rottermund responded to further questions from Council. Considerable Council discussion ensued. Mr. Rottermund requested the Council postpone the action on the termination of the redevelopment, requesting until February 14, 2009, to obtain the required payroll records to comply with the Illinois Prevailing Wage Act. General Council discussion ensued concerning a viable time-line for the developer to comply.

MOTION TO TABLE:

Councilmember Nielsen moved, seconded by Councilmember Gaines, the Council Table the Motion to Adopt a Resolution Terminating the Crowne Plaza Redevelopment Agreement Due to Material Breach by the Redeveloper to the February 16, 2009, Council Meeting and Further Request the Developer to Provide Staff with all Documents Necessary to Comply with the Redevelopment Agreement by 5:00 p.m., February 11, 2009.

Councilmember Scott requested the Motion to Table be rescinded to allow for further discussion on the matter. Councilmember Gaines and Councilmember Nielsen withdrew their Second and Motion, respectively.

Councilmember Scott posed questions concerning the current work stoppage at the project, which questions were responded to by Corporation Counsel Steve Mahrt.

MOTION TO TABLE:

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AYES: Nielsen, Scott, Gaines, Reece.

NAYS: Chambers.

ABSENT: Fritzen, Koos.

Motion declared carried.

NEW BUSINESS

8. CONCERNS:

There were none.

9. ADJOURN TO EXECUTIVE SESSION:

There being no further business to come before the Council, Mayor pro tem Reece called for a Motion to Adjourn to Executive Session to approve the minutes of the Executive Session of December 15, 2008, and to discuss matters pertaining to property acquisition.

MOTION:

Councilmember Gaines moved, seconded by Councilmember Chambers, the Council Adjourn to Executive Session to Approve the Minutes of the December 15, 2008, Executive Session and to Discuss Matters Pertaining to Property Acquisition.

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

NAYS: None.

ABSENT: Fritzen, Koos.

Motion declared carried.

Mayor pro tem Reece adjourned the regular meeting of the Normal Town Council to Executive Session to approve the minutes of the December 15, 2008, Executive Session and to discuss matters pertaining to property acquisition at 8:12 p.m., Tuesday, January 20, 2009.