

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, MARCH 16, 2009.

1. CALL TO ORDER:

Mayor Chris Koos called the regular meeting of the Normal Town Council to order at 7:05 p.m., Monday, March 16, 2009.

2. ROLL CALL:

The Clerk called the roll with the following persons physically

PRESENT: Mayor Chris Koos and Councilmembers 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 Town Clerk Wendy Briggs.

ABSENT: Councilmember Sonja Reece.

3. PLEDGE OF ALLEIGANCE TO THE FLAG:

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.

Items B, C, F, and L were removed from the Omnibus Vote Agenda.

MOTION:

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

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

NAYS: None.

ABSENT: Reece.

Motion declared carried.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF MARCH 2, 2009: Omnibus Vote.

D. MOTION TO AWARD THE BID FOR WATER MAIN AND SERVICE MATERIALS TO WATER PRODUCTS CO., BLOOMINGTON, IL: Omnibus Vote.

E. RESOLUTION AUTHORIZING AGREEMENTS FOR CONSTRUCTION MATERIALS TESTING SERVICES FOR THE 2009 CONSTRUCTION SEASON WITH TERRACON AND TESTING SERVICE CORPORATION (TSC): Resolution No. 4334: Omnibus Vote.

- G. RESOLUTION ACCEPTING THE INITIAL BOND AUDIT FROM THE ILLINOIS DEPARTMENT OF TRANSPORTATION PERTAINING TO THE TOWN'S 2008 GENERAL OBLIGATION BOND ISSUE FOR MFT CONSTRUCTION PROJECT 03-0221-00RP: Resolution No. 4335: Omnibus Vote.
- H. RESOLUTION ACCEPTING DEDICATION OF A NO-ACCESS STRIP AND AN EASEMENT VACATION AND VACATING PART OF A NO-ACCESS STRIP AND PART OF AN EASEMENT IN IRONWOOD COMMERCIAL PUD: Resolution No. 4336: Omnibus Vote.
- I. RESOLUTION AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT WITH JOHN Q. HAMMONS HOTELS MANAGEMENT, L.L.C., AS MANAGER FOR JOH-NORMAL DEVELOPMENT, L.L.C. FOR THE PROPERTY LOCATED AT 102 BROADWAY AVENUE (FORMER MASONIC TEMPLE): Resolution No. 4337: Omnibus Vote.
- J. RESOLUTION AUTHORIZING EXECUTION OF AN ASSIGNMENT – CONSTITUTION TRAIL LLC (RAAB ROAD ACQUISITION): Resolution No. 4338: Omnibus Vote.
- K. ORDINANCE CHANGING THE NAME OF EVERGREEN VILLAGE BOULEVARD TO EVERGREEN BOULEVARD: Ordinance No. 5243: Omnibus Vote.
- M. ORDINANCE AMENDING SECTION 6.6 OF THE MUNICIPAL CODE – EMERGENCY MEDICAL SERVICE FEES: Ordinance No. 5244: Omnibus Vote.
- N. 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. 5245: Omnibus Vote.
- O. ORDINANCE VACATING AN ALLEY IN THE 8<sup>TH</sup> ADDITION TO THE TOWN OF NORMAL: Ordinance No. 5246: Omnibus Vote.
- P. ORDINANCE AMENDING THE TOWN SUBDIVISION CODE AND MANUAL OF PRACTICE FOR THE DESIGN OF PUBLIC IMPROVEMENTS – OWNER’S CERTIFICATES: Ordinance No. 5247: Omnibus Vote.
- Q. ORDINANCE REZONING PROPERTY IN THE TOWN OF NORMAL – TRAILS ON SUNSET LAKE: Ordinance No. 5248: Omnibus Vote.
5. ITEMS REMOVED FROM OMNIBUS VOTE AGENDA:
- B. APPROVAL OF TOWN OF NORMAL EXPENDITURES FOR PAYMENT AS OF MARCH 11, 2009:

MOTION:

Councilmember Fritzen moved, seconded by Councilmember Gaines, the Council Approve the Town of Normal Expenditures for Payment as of March 11, 2009.

Councilmember Fritzen posed questions for clarification purposes, which were responded to by Assistant City Manager Pamela Reece and Public Works Director Mike Hall.

AYES: Nielsen, Fritzen, Scott, Chambers, Gaines, Koos.  
NAYS: None.  
ABSENT: Reece.  
Motion declared carried.

C. MOTION TO APPROVE PAYMENT OF \$590,601.53 TO UNITED LIQUID WASTE RECYCLING FOR WATER TREATMENT SLUDGE REMOVAL AND APPROVE THE ASSOCIATED BUDGET ADJUSTMENT:

MOTION:

Councilmember Scott moved, seconded by Councilmember Chambers, the Council Approve the Payment of \$590,601.53 to United Liquid Waste Recycling for Water Treatment Sludge Removal and Approve the Associated Budget Adjustment.

Councilmember Scott posed questions concerning the approval of additional sludge removal, which questions were responded to by Water Director Steve Gerdes. General Council discussion ensued.

AYES: Nielsen, Fritzen, Scott, Chambers, Gaines, Koos.  
NAYS: None.  
ABSENT: Reece.  
Motion declared carried.

F. RESOLUTION AUTHORIZING THE PUBLICATION OF A ZONING MAP: Resolution No. 4339:

MOTION:

Councilmember Nielsen moved, seconded by Councilmember Fritzen, the Council Adopt the Resolution Authorizing the Publication of a Zoning Map.

Councilmember Nielsen commented the current zoning map did not distinguish areas that were currently zoned a particular zoning classification, but through an annexation agreement, the zoning could be changed at the whim of the property owner. Councilmember Nielsen expressed concern that a citizen could look at the current zoning map and not be aware of this possible future zoning change and requested the areas that fell into this category be delineated in a different manner on the zoning map. City Manager Mark Peterson indicated the map could be changed to include this delineation.

AYES: Nielsen, Fritzen, Scott, Chambers, Gaines, Koos.  
NAYS: None.  
ABSENT: Reece.  
Motion declared carried.

L. ORDINANCE AMENDING CHAPTER 17 OF THE MUNICIPAL CODE OF THE TOWN OF NORMAL – MISDEMEANORS: Ordinance No. 5249:

MOTION:

Councilmember Gaines moved, seconded by Councilmember Chambers, the Council Approve an Ordinance Amending Chapter 17 of the Municipal Code of the Town of Normal – Misdemeanors.

Councilmember Gaines expressed concern with the change in the processing of thefts under \$300 and with the second and third offenses of ordinance violations relating to alcohol consumption, hoping the Police Department would not get too complacent in the issuance of violations. Councilmember Gaines suggested the Council “re-look” at this in a few months to see how these new procedures are working.

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

NAYS: None.

ABSENT: Reece.

Motion declared carried.

GENERAL ORDERS

6. RESOLUTION CONDITIONALLY APPROVING AN AMENDED SITE PLAN FOR BROMENN HEALTHCARE: Resolution No. 4340:

MOTION:

Councilmember Fritzen moved, seconded by Councilmember Nielsen, the Council Adopt the Resolution Conditionally Approving an Amended Site Plan for BroMenn Healthcare.

Town Planner Mercy Davison presented a brief overview of the proposed site plan and responded to questions from Council. Councilmember Fritzen posed questions concerning the hospital’s policy for employee parking, which questions were responded to by Mr. Dan Cooper, 14753 E. 21<sup>st</sup> Road, Hudson, Illinois, a representative of BroMenn. Councilmember Scott expressed concern with the parking deficiency and the sign waivers. Mr. Cooper indicated the hospital planned to continue the shuttle bus they currently run between the hospital and the employee parking lots, as well as the valet parking service they offer patrons of the hospital. Building Commissioner Greg Troemel responded to questions from Councilmember Chambers concerning the number of required parking spaces for hospitals. Councilmember Nielsen commented the hospital needed to continue the services of the shuttle buses and the valet parking in the future. Mr. Cooper indicated the hospital intended to continue to offer these services.

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

NAYS: None.

ABSENT: Reece.

Motion declared carried.

7. RESOLUTION AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AGREEMENT WITH JRHMRH, LLC – 206 NORTH NORMAL SERIES (JSM DEVELOPMENT, INC.) FOR A MIXED-USE BUILDING LOCATED AT 206, 204, AND 202 WEST NORTH STREET AND 107 BROADWAY IN UPTOWN NORMAL, AND A BUDGET ADJUSTMENT IN THE AMOUNT OF \$71,000: Resolution No. 4341:

MOTION:

Councilmember Scott moved, seconded by Councilmember Nielsen, the Council Adopt a Resolution Authorizing the Execution of a Redevelopment Agreement with JRHMRH, LLC – 206 North Normal Series (JSM Development, Inc.) for a Mixed-Use Building Located at 206, 204, and 202 West North Street and 107 Broadway in Uptown Normal, and a Budget Adjustment in the Amount of \$71,000.

City Manager Mark Peterson gave a brief introduction on this development. Councilmember Chambers posed questions concerning the relocation of the businesses currently occupying the buildings which are going to be torn-down to accommodate this new project, which questions were responded to by City Manager Mark Peterson. Councilmember Chambers further expressed concern with TIF money being used for student housing.

Councilmember Nielsen posed questions concerning the building materials to be used on the project, which questions were addressed by JSM Development of Champaign, IL, representatives Ms. Jill Guth and Mr. Scott Kunkel. Attorney Jack Teplitz, representing the Town, further commented on the requirements in the redevelopment agreement concerning the building materials. Councilmember Nielsen posed questions concerning the possible LEED certification, which questions were addressed by the representatives from JSM Development.

AYES: Nielsen, Fritzen, Scott, Gaines, Koos.  
NAYS: Chambers.  
ABSENT: Reece.  
Motion declared carried.

8. RESOLUTION CONDITIONALLY APPROVING A PRELIMINARY PLAN WITH WAIVERS FROM THE UPTOWN DESIGN REVIEW CODE, CHAPTER 15, DIVISION 17 FOR THE JRHMRH, LLC, DEVELOPMENT AT 206 WEST NORTH STREET: Resolution No. 4342:

MOTION:

Councilmember Nielsen moved, seconded by Councilmember Fritzen, the Council Adopt a Resolution Conditionally Approving a Preliminary Plan with Waivers from the Uptown Design Review Code, Chapter 15, Division 17 for the JRHMRH, LLC, Development at 206 West North Street.

Councilmember Chambers posed questions concerning the waiver concerning operable windows, which questions were responded to by City Manager Mark Peterson.

AYES: Nielsen, Fritzen, Scott, Chambers, Gaines, Koos.  
NAYS: None.  
ABSENT: Reece.  
Motion declared carried.

9. ORDINANCE AMENDING CHAPTER 4 OF THE MUNICIPAL CODE OF THE TOWN OF NORMAL REGARDING SALE, POSSESSION, AND TRANSPORTATION OF KEGS: Ordinance No. 5250:

MOTION:

Councilmember Fritzen moved, seconded by Councilmember Scott, the Council Approve an Ordinance Amending Chapter 4 of the Municipal Code of the Town of Normal Regarding Sale, Possession, and Transportation of Kegs.

AYES: Nielsen, Fritzen, Scott, Chambers, Gaines, Koos.  
NAYS: None.  
ABSENT: Reece.  
Motion declared carried.

## NEW BUSINESS

10. MOTION TO RECEIVE AND FILE A CONCEPT PLAN PRESENTED BY NORMAL PROFESSIONAL BASEBALL, LLC, FOR THE MULTI-SPORT STADIUM TO BE LOCATED ON THE CAMPUS OF HEARTLAND COMMUNITY COLLEGE:

### MOTION:

Councilmember Gaines moved, seconded by Councilmember Fritzen, the Council Receive and Place on File a Concept Plan Presented by Normal Professional Baseball, LLC, for the Multi-Sport Stadium to be Located on the Campus of Heartland Community College.

Mr. Steve Malliet representing Normal Professional Baseball, LLC, and Mr. Devan Case and Mr. Jonathan Cole, representing Pendulum Studio, the architectural firm selected by Normal Professional Baseball, LLC, gave a brief presentation of the concept plan for the multi-sport stadium to be located at Heartland Community College. Mr. Case and Mr. Cole responded to questions from Council.

AYES: Nielsen, Fritzen, Scott, Chambers, Gaines, Koos.  
NAYS: None.  
ABSENT: Reece.  
Motion declared carried.

11. MOTION TO APPROVE A REAPPOINTMENT TO THE BLOOMINGTON-NORMAL AIRPORT AUTHORITY:

### MOTION:

Councilmember Nielsen moved, seconded by Councilmember Scott, the Council Approve a Reappointment to the Bloomington-Normal Airport Authority.

AYES: Nielsen, Fritzen, Scott, Chambers, Gaines, Koos.  
NAYS: None.  
ABSENT: Reece.  
Motion declared carried.

Councilmember Gaines announced Mr. Paul Harmon had been reappointed to the Bloomington-Normal Airport Authority, his term to expire on May 1, 2013.

12. CONCERNS:

There were none.

13. 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 discuss matters pertaining to land acquisition and disposal and to approve the Minutes of the January 20, 2009, Executive Session.

MOTION:

Councilmember Gaines moved, seconded by Councilmember Scott, the Regular Meeting of the Normal Town Council be Adjourned to Executive Session to Discuss Matters Pertaining to Land Acquisition and Disposal and to Approve the Minutes of the January 20, 2009, Executive Session.

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

NAYS: None.

ABSENT: Reece.

Motion declared carried.

Mayor Chris Koos adjourned the Regular Meeting of the Normal Town Council to Executive Session to Discuss Matters Pertaining to Land Acquisition and Disposal and to Approve the Minutes of the January 20, 2009, Executive Session, at 8:50 p.m., Monday, March 16, 2009.