

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, JUNE 20, 2011.

1. CALL TO ORDER:

Mayor Chris Koos called the regular meeting of the Normal Town Council to order at 7:06 p.m., Monday, June 20, 2011.

2. ROLL CALL:

The 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, Deputy City Manager Pamela Reece, Corporation Counsel Steve Mahrt, and Town Clerk Wendy Briggs.

ABSENT: None.

3. PLEDGE OF ALLEGIANCE:

The Mayor 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 Advocate BroMenn Healthcare and any bills she may have incurred while performing Council duties.

Councilmember Fritzen excused himself from voting on any bills submitted by Bloomington Offset Process, Inc.

Items F and G were removed from the Omnibus Vote Agenda.

MOTION:

Councilmember Nielsen moved, seconded by Councilmember Gaines, 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 JUNE 6, 2011: Omnibus Vote.

B. APPROVAL OF TOWN OF NORMAL EXPENDITURES FOR PAYMENT AS OF JUNE 15, 2011: Omnibus Vote.

- C. MOTION TO WAIVE THE FORMAL BIDDING PROCEDURE AND ACCEPT A QUOTE FROM EQUIPMENT MANAGEMENT COMPANY FOR GENESIS RESCUE TOOLS IN THE AMOUNT OF \$42,880: Omnibus Vote.
 - D. MOTION TO ACCEPT A BID AND APPROVE THE PURCHASE OF A BY-PASS PUMP FROM GODWIN PUMPS OF AMERICA, INC., IN THE AMOUNT OF \$53,630: Omnibus Vote.
 - E. MOTION TO ACCEPT BIDS AND AWARD A CONTRACT TO STARK EXCAVATING, INC., OF BLOOMINGTON, IL, IN THE AMOUNT OF \$89,052.10 FOR THE HOVEY AVENUE BOX CULVERT REHABILITATION PROJECT AND APPROVAL OF A REQUIRED FY 2011-12 BUDGET AMENDMENT: Omnibus Vote.
 - H. RESOLUTION AUTHORIZING EXECUTION OF A LICENSE AGREEMENT WITH STATE SENATOR SHANE CULTRA (53RD LEGISLATIVE DISTRICT) FOR OFFICE SPACE AT 104 W. NORTH STREET IN UPTOWN NORMAL: Resolution No. 4633: Omnibus Vote.
 - I. RESOLUTION CONDITIONALLY AND PARTIALLY APPROVING THE FINAL PLAT OF THE COMMUNITIES OF MERCY CREEK SUBDIVISION IN THE TOWN OF NORMAL (MEADOWS MENNONITE RETIREMENT COMMUNITY): Resolution No. 4634: Omnibus Vote.
 - J. RESOLUTION CONDITIONALLY AND PARTIALLY APPROVING THE FINAL PLAT OF THE CBC SUBDIVISION BY EXPEDITED PROCESS: Resolution No. 4635: Omnibus Vote.
 - K. RESOLUTION APPROVING AN AMENDED SITE PLAN AT 1500 N. AIRPORT ROAD (EASTVIEW CHRISTIAN CHURCH): Resolution No. 4636: Omnibus Vote.
 - L. ORDINANCE AMENDING SECTION 7.4-3 OF THE MUNICIPAL CODE – WATER SERVICE CONNECTIONS: Ordinance No. 5386: Omnibus Vote.
5. ITEMS REMOVED FROM OMNIBUS VOTE AGENDA:

- F. MOTION TO WAIVE THE FORMAL BIDDING PROCESS AND ACCEPT A QUOTE TOTALING \$570,900 FROM SSI SCHAEFER FOR THE PURCHASE, ASSEMBLY AND DISTRIBUTION OF 11,000 WHEELED GARBAGE CARTS:

MOTION:

Councilmember Reece moved, seconded by Councilmember Chambers, the Council Waive the Formal Bidding Process and Accept a Quote Totaling \$570,900 from SSI Schaefer for the Purchase, Assembly, and Distribution of 11,000 Wheeled Garbage Carts.

Councilmember Reece questioned what residents should do if they currently own a garbage cart they have purchased from the Town. City Manager Mark Peterson responded they can use it for additional garbage or lawn waste. Mr. Peterson further indicated extensive information will be provided to residents concerning the use of the new garbage carts prior to the implementation of the program.

Councilmember Nielsen questioned if additional carts could be purchased by residents. City Manager Mark Peterson responded residents could indeed purchase additional carts if they desired to do so.

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

NAYS: None.

Motion declared carried.

G. RESOLUTION AUTHORIZING THE EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT WITH INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF) LOCAL #2442: Resolution No. 4637:

MOTION:

Councilmember Scott moved, seconded by Councilmember Chambers, the Council Adopt a Resolution Authorizing the Execution of a Collective Bargaining Agreement with International Association of Firefighters (IAFF) Local #2442.

Councilmember Scott congratulated both staff and the firefighters for working together for this agreement in a timely manner. Councilmember Chambers also thanked the firefighters for taking the Town's budget and the current economic climate into consideration in negotiating this agreement.

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

NAYS: None.

Motion declared carried.

GENERAL ORDERS

6. RESOLUTION AUTHORIZING A SUPPLEMENTAL AGREEMENT WITH RATIO ARCHITECTS FOR SCHEMATIC DESIGN AND DESIGN DEVELOPMENT PHASES FOR A PEDESTRIAN OVERPASS AT THE MULTIMODAL TRANSPORTATION CENTER IN THE AMOUNT OF \$148,750 AND THE APPROVAL OF AN ASSOCIATED BUDGET ADJUSTMENT: Resolution No. 4638:

MOTION:

Councilmember Reece moved, seconded by Councilmember Gaines, the Council Adopt a Resolution Authorizing a Supplemental Agreement with Ratio Architects for Schematic Design and Design Development Phases for a Pedestrian Overpass at the Multimodal Transportation Center in the Amount of \$148,750 and the Approval of an Associated Budget Adjustment.

Mayor Koos gave a brief synopsis of the Council Work Session held prior to the Council Meeting. Councilmember Fritzen commented the proposed pedestrian overpass is to be used for those persons traveling by rail. The overpass will not be accessible to be used by pedestrians in the area. Councilmember Nielsen further explained the future alignment of Constitution Trail will swing east to Linden Street to cross the railroad tracks and then swing back west along the railroad right-of-way to the Gateway Plaza.

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

NAYS: None.

Motion declared carried.

7. ORDINANCE AMENDING THE TOWN CODE TO PERMIT THE KEEPING OF HORSES AND CHICKENS:

MOTION:

Councilmember Nielsen moved, seconded by Councilmember Fritzen, the Council Approve an Ordinance Amending the Town Code to Permit the Keeping of Horses and Chickens.

MOTION TO SPLIT THE ORDINANCE:

Councilmember Chambers moved, seconded by Councilmember Reece, the Council Split the Proposed Ordinance Amending the Town Code to Permit the Keeping of Horses and Chickens to Act on Horses and Chickens Separately.

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

NAYS: Scott.

Motion declared carried.

Mayor Koos announced the discussion would be on the keeping of horses first.

City Manager Mark Peterson clarified the Council could also amend the proposed ordinance to prohibit horses and donkeys in all areas of the Town, except in areas zoned as A-Agriculture District. Councilmember Chambers questioned if any animals currently housed within the corporate limits could be grandfathered in and not subject to the ordinance. Corporation Counsel Steve Mahrt responded the ordinance could be amended to include a grandfather clause. Councilmember Scott posed questions concerning the current number of horses and donkeys within the community. City Manager Mark Peterson indicated there was one property on Raab Road, currently zoned A-Agriculture, which had horses and/or donkeys.

AMENDMENT TO MOTION:

Councilmember Fritzen moved, seconded by Councilmember Scott, the Proposed Ordinance Amending the Town Code to Permit the Keeping of Horses be Amended To Prohibit the Keeping of Horses and Donkeys, Except in Areas Zoned as A-Agriculture Zoning District.

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

NAYS: None.

Motion declared carried.

ROLL CALL VOTE ON SPLIT MOTION (HORSES ONLY), AS AMENDED:

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

NAYS: None.

Motion declared carried.

Mayor Koos announced the Council would discuss the proposed Code Amendment pertaining to Chickens.

Councilmember Chambers commented on the need to be cognizant of personal property rights. When a person lives within a municipality, there is not an expectation of livestock or chickens allowed within the corporate limits. Councilmember Chambers also

indicated the potential for a bad impact between neighbors and the burden of enforcement of the Code.

Councilmember Gaines indicated the discussion had been interesting within the community on this subject. The Council had heard from citizens interested on both sides of the issue of allowing chickens.

Councilmember Reece commented on the potential for a new way of viewing the world of sustainability; however, she expressed concern that the time is not right to make this change. Councilmember Reece suggested the matter be explored to see how it is doing in other municipalities after a year or two and perhaps revisit the request in the future.

Councilmember Nielsen expressed concern that the ability to house chickens may be another source of neighborhood conflict. Councilmember Fritzen expressed concern with the potential impact this could have on property values.

Councilmember Scott expressed concern with the difficulties in enforcing the proposed ordinance and stated he believed agricultural animals belonged in agricultural areas.

Mayor Koos indicated he had talked to other Mayors, and the other Mayors indicated the concerns expressed did not seem to be an issue in other communities where chickens were allowed.

ROLL CALL VOTE ON SPLIT MOTION (CHICKENS ONLY):

AYES: Koos.

NAYS: Nielsen, Fritzen, Scott, Chambers, Gaines, Reece.

Motion declared failed.

CLERK'S NOTE: The following Ordinance was Approved:

AN ORDINANCE AMENDING THE TOWN CODE TO PERMIT THE KEEPING OF HORSES AND DONKEYS IN A-AGRICULTURE ZONING DISTRICTS: Ordinance No. 5387:

8. ORDINANCE AMENDING THE TOWN ZONING CODE – OVERLAY DISTRICTS: Ordinance No. 5388:

MOTION:

Councilmember Reece moved, seconded by Councilmember Nielsen, the Council Approve an Ordinance Amending the Town Zoning Code – Overlay Districts.

Mr. Phil Boulds, 1 Palm Court, Bloomington, IL, President of the Main Street Association, read a prepared statement to the Council stating that on the subject of Form-Based Code, he was against anything that may impinge on his rights and devalue his property. Mr. Boulds also expressed that making the Code optional may simply be an incremental step in making the Code permanent. Mr. Dale Nafzinger, 202 Greenleaf, Bloomington, IL, owner of Growing Grounds on South Main in Bloomington, also addressed the Council, expressing concern with the proposed Code amendment which allows for two Codes. Mr. Nafzinger suggested making changes to the current Code and not giving two options.

Councilmember Chambers indicated he had some concerns with having two different Codes, suggesting the staff time necessary to manage the two Codes would be burdensome.

Councilmember Gaines indicated she believed the Form-Based Code is a planning Code and does not see this as being intrusive. Councilmember Fritzen indicated his appreciation for the process that has taken place in the study of this proposal. Councilmember Fritzen stated he did have concerns with having two Codes in place.

Mayor Koos indicated he had talked to other Mayors and that several of them had taken the position of a voluntary Form-Based Code to give people choices. Considerable Council discussion ensued.

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

NEW BUSINESS

9. MOTION AUTHORIZING THE REBATE OF THE 1% MUNICIPAL RETAILER'S OCCUPATION TAX FOR PURCHASES OF QUALIFYING ELECTRIC VEHICLES AND PLUG-IN ELECTRIC HYBRID VEHICLES:

MOTION:

Councilmember Reece moved, seconded by Councilmember Chambers, the Council Authorize the Rebate of the 1% Municipal Retailer's Occupation Tax for Purchases of Qualifying Electric Vehicles and Plug-in Electric Hybrid Vehicles.

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

10. CONCERNS:

1. ELECTRIC VEHICLES:

Councilmember Gaines indicated she had driven the electric vehicle and encouraged others to try-out the vehicle.

11. ADJOURNMENT:

There being no further business to come before the Council, Mayor Koos called for a Motion to Adjourn.

MOTION:

Councilmember Reece moved, seconded by Councilmember Chambers, the Regular Meeting of the Normal Town Council be Adjourned.

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

Mayor Koos adjourned the regular meeting of the Normal Town Council at 8:12 p.m., Monday, June 20, 2011.