

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 19, 2011.

1. CALL TO ORDER:

Mayor Chris Koos called the Regular Meeting of the Normal Town Council to order at 7:03 p.m., Monday, December 19, 2011.

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

ABSENT: Councilmember Sonja Reece.

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 Fritzen excused himself from voting on any Bloomington Offset Process, Inc.

Councilmember Scott excused himself from voting on Item H.

Item G was removed from the Omnibus Vote Agenda.

MOTION:

Councilmember Nielsen moved, seconded by Councilmember Scott, 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 DECEMBER 5, 2011: Omnibus Vote.

B. APPROVAL OF TOWN OF NORMAL EXPENDITURES FOR PAYMENT AS OF DECEMBER 14, 2011: Omnibus Vote.

- C. MOTION TO AWARD A PURCHASE CONTRACT TO THE LOWEST RESPONSIVE BIDDER, ALTORFER EQUIPMENT OF PEORIA, ILLINOIS, FOR A VIBRATORY COMPACTION ROLLER IN THE AMOUNT OF \$24,600: Omnibus Vote.
- D. MOTION TO WAIVE THE FORMAL BIDDING PROCESS AND ACCEPT A PROPOSAL IN AN AMOUNT NOT TO EXCEED \$14,600 FROM RESOURCE MANAGEMENT ASSOCIATES TO CONDUCT THE POLICE SERGEANT PROMOTIONAL TESTING PROCESS: Omnibus Vote.
- E. MOTION EXTENDING PARTICIPATION IN THE DIABETES DISEASE MANAGEMENT PROGRAM FOR ONE YEAR: Omnibus Vote.
- F. RESOLUTION WAIVING THE FORMAL BID PROCESS AND EXECUTING AN AGREEMENT WITH REDBOX WORKSHOP, LTD., FOR THE DESIGN, CONSTRUCTION, AND INSTALLATION OF PHASE ONE OF YOU'VE GOT THE POWER EXHIBIT AT THE CHILDREN'S DISCOVERY MUSEUM IN THE AMOUNT NOT TO EXCEED \$170,000: Resolution No. 4691: Omnibus Vote.
- H. RESOLUTION AUTHORIZING EXECUTION OF A COLLOCATION AGREEMENT AND A THREE-WAY PARTICIPANT AGREEMENT WITH ILLINOIS STATE UNIVERSITY RELATED TO THE CENTRAL ILLINOIS REGIONAL BROADBAND NETWORK PROJECT (CIRBN): Resolution No. 4692: Omnibus Vote.
- I. RESOLUTION APPROVING A WAIVER FROM THE UPTOWN DESIGN REVIEW CODE, CHAPTER 15, DIVISION 17, FOR SECOND FLOOR LIGHTING AT 108 NORTH STREET (AMERICAN LEGION): Resolution No. 4693: Omnibus Vote.
- J. SUPPLEMENTAL RESOLUTION TO APPROPRIATE AN ADDITIONAL \$41,145 OF MOTOR FUEL TAX (MFT) FUNDS FOR THE BITUMINOUS RESURFACING OF VARIOUS STREETS FOR THE 2010 MFT STREET RESURFACING PROJECT: Resolution No. 4694: Omnibus Vote.
- K. RESOLUTION CONDITIONALLY APPROVING AN EASEMENT VACATION – CALVARY SUBDIVISION: Resolution No. 4695: Omnibus Vote.
- L. ORDINANCE AMENDING CHAPTER 18 OF THE MUNICIPAL CODE – PERSONNEL: Ordinance No. 5418: Omnibus Vote.
5. ITEM REMOVED FROM OMNIBUS VOTE AGENDA:
- G. RESOLUTION REQUESTING THE GENERAL ASSEMBLY OF THE STATE OF ILLINOIS TO ENACT ADDITIONAL CONSUMER PROTECTION LEGISLATION REGARDING PAY DAY LOANS AND SMALL CONSUMER LOANS: Resolution No. 4696:

MOTION:

Councilmember Gaines moved, seconded by Councilmember Scott, the Council Adopt a Resolution Requesting the General Assembly of the State of Illinois to Enact Additional Consumer Protection Legislation Regarding Pay Day Loans and Small Consumer Loans.

Councilmember Gaines expressed concern with payday loans and other small consumer loans that take advantage of people, leaving the consumers with overwhelming interest due on the loans. Councilmember Gaines stated the Council should do something to protect individuals against the high interest rates being charged on the payday loans and other small consumer loans, thus should send this message to the Illinois General Assembly to take action.

Councilmember Nielsen stated he believes this matter is a State of Illinois issue and does not feel the Town has a say in it. Councilmember Nielsen indicated he believes this is a matter that should be dealt with on a state or federal level and the Town should stay out of it.

Councilmember Fritzen agreed with Councilmember Nielsen, stating the Town does not have the proper data to ask for a specific remedy and should not be taking a position on the matter. Councilmember Chambers indicated he also felt the issue should be regulated at the state or federal level, and he was not comfortable enforcing any regulations on a local level.

Councilmember Gaines indicated the Council was merely supporting changes to the current laws regulating payday loans and other small consumer loans.

Councilmember Scott suggested the Motion be Amended to state the Council would send a letter to the Illinois General Assembly to consider this proposal. City Manager Mark Peterson clarified Councilmember Scott's suggested changes.

AMENDMENT TO MOTION:

Councilmember Scott moved, seconded by Councilmember Chambers, the Proposed Resolution Requesting the General Assembly of the State of Illinois to Enact Additional Consumer Protection Legislation Regarding Payday Loans and Small Consumer Loans be Amended to State the Council Should Send a Letter to the Illinois General Assembly to Consider Proposed Changes to the Legislation Regarding Payday Loans and Small Consumer Loans.

AYES: Fritzen, Scott, Chambers, Gaines Koos.

NAYS: Nielsen.

ABSENT: Reece.

Motion declared carried.

ROLL CALL VOTE ON ORIGINAL MOTION, AS AMENDED:

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

GENERAL ORDERS

6. RESOLUTION AUTHORIZING THE EXECUTION OF AN ANNEXATION AGREEMENT WITH COMMUNITY COLLEGE DISTRICT #540 COUNTIES OF DEWITT, FORD, LIVINGSTON, LOGAN, MENARD, AND TAZEWELL (HEARTLAND COMMUNITY COLLEGE): Resolution No. 4697:

MOTION:

Councilmember Nielsen moved, seconded by Councilmember Fritzen, the Council Adopt a Resolution Authorizing the Execution of an Annexation Agreement with Community College District #540 Counties of DeWitt, Ford, Livingston, Logan, Menard, and Tazewell (Heartland Community College).

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

7. ORDINANCE ANNEXING LAND TO THE TOWN OF NORMAL – HEARTLAND COMMUNITY COLLEGE: Ordinance No. 5419:

MOTION:

Councilmember Fritzen moved, seconded by Councilmember Scott, the Council Approve an Ordinance Annexing Land to the Town of Normal – Heartland Community College.

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

8. ORDINANCE REZONING LAND IN THE TOWN OF NORMAL – HEARTLAND COMMUNITY COLLEGE: Ordinance No. 5420:

MOTION:

Councilmember Scott moved, seconded by Councilmember Gaines, the Council Approve an Ordinance Rezoning Land in the Town of Normal – Heartland Community College.

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

9. CONDITIONAL RESOLUTION PARTIALLY APPROVING THE FINAL PLAT OF HEARTLAND COMMUNITY COLLEGE FIRST ADDITION IN THE TOWN OF NORMAL: Resolution No. 4698:

MOTION:

Councilmember Fritzen moved, seconded by Councilmember Scott, the Council Adopt a Conditional Resolution Partially Approving the Final Plat of Heartland Community College First Addition in the Town of Normal.

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

NAYS: None.

ABSENT: Reece.

Motion declared carried.

10. RESOLUTION APPROVING AN AMENDED SITE PLAN FOR HEARTLAND COMMUNITY COLLEGE (ELECTRONIC SIGN AND ILLINOIS NATIONAL GUARD FACILITIES): Resolution No. 4699;

MOTION:

Councilmember Chambers moved, seconded by Councilmember Scott, the Council Adopt a Resolution Approving an Amended Site Plan for Heartland Community College (Electronic Sign and Illinois National Guard Facilities).

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

NAYS: None.

ABSENT: Reece.

Motion declared carried.

11. ORDINANCE VACATING A PORTION OF PARKSIDE ROAD: Ordinance No. 5421:

MOTION:

Councilmember Fritzen moved, seconded by Councilmember Nielsen, the Council Approve an Ordinance Vacating a Portion of Parkside Road.

Councilmember Nielsen posed questions for clarification purposes concerning the access to the property, which questions were responded to by Town Planner Mercy Davison. Councilmember Nielsen commented on the safety issue at the corner of Raab Road and Parkside Road, indicating the need in the future for this intersection to be signalized. City Manager Mark Peterson indicated there is a site distance issue at that intersection and the intersection could very well be signalized in the future.

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

NAYS: None.

ABSENT: Reece.

Motion declared carried.

12. RESOLUTION AUTHORIZING EXECUTION OF A SECOND AMENDMENT TO ANNEXATION AGREEMENT – VINEYARDS: Resolution No. 4700:

MOTION:

Councilmember Scott moved, seconded by Councilmember Chambers, the Council Adopt a Resolution Authorizing Execution of a Second Amendment to Annexation Agreement – Vineyards.

City Manager Mark Peterson stated there was a revised Annexation Agreement at the Council table, pointing out a minor revision to the Agreement.

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

NAYS: None.

ABSENT: Reece.

Motion declared carried.

13. RESOLUTION AUTHORIZING EXECUTION OF A TAX ABATEMENT AGREEMENT WITH BRIDGESTONE AMERICAS TIRE OPERATIONS, LLC: Resolution No. 4701:

MOTION:

Councilmember Fritzen moved, seconded by Councilmember Gaines, the Council Adopt a Resolution Authorizing Execution of a Tax Abatement Agreement with Bridgestone Americas Tire Operations, LLC.

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

NAYS: None.

ABSENT: Reece.

Motion declared carried.

14. ORDINANCE CONDITIONALLY AND PARTIALLY ABATING PROPERTY TAX FOR BRIDGESTONE: Ordinance No. 5422:

MOTION:

Councilmember Fritzen moved, seconded by Councilmember Nielsen, the Council Approve an Ordinance Conditionally and Partially Abating Property Tax for Bridgestone.

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

NAYS: None.

ABSENT: Reece.

Motion declared carried.

NEW BUSINESS

15. RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE TOWN OF NORMAL, MCLEAN COUNTY, THE QUESTION OF WHETHER THE TOWN OF NORMAL SHOULD HAVE THE AUTHORITY UNDER PUBLIC ACT 096-0176 TO ARRANGE FOR THE SUPPLY OF ELECTRICITY FOR ITS RESIDENTIAL AND SMALL COMMERCIAL RETAIL CUSTOMERS WHO HAVE NOT OPTED OUT OF SUCH PROGRAM: Resolution No. 4702:

MOTION:

Councilmember Chambers moved, seconded by Councilmember Gaines, the Council Adopt a Resolution Providing for the Submission to the Electors of the Town of Normal, McLean County, the Question of Whether the Town of Normal Should Have the Authority Under Public Act 096-0176 to Arrange for the Supply of Electricity for its Residential and Small Commercial Retail Customers Who Have Not Opted Out of Such Program.

Councilmember Nielsen posed questions for clarification purposes, which were responded to by City Manager Mark Peterson.

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

NAYS: None.

ABSENT: Reece.

Motion declared carried.

16. RESOLUTION AUTHORIZING THE EXECUTION OF AN ENERGY CONSULTING SERVICE AGREEMENT WITH GOOD ENERGY, LP; Resolution No. 4703:

MOTION:

Councilmember Nielsen moved, seconded by Councilmember Fritzen, the Council Adopt a Resolution Authorizing the Execution of an Energy Consulting Service Agreement with Good Energy, LP.

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

NAYS: None.

ABSENT: Reece.

Motion declared carried.

17. MOTION TO AUTHORIZE APPOINTMENTS TO THE HUMAN RELATIONS COMMISSION AND THE SISTER CITIES COMMITTEE:

MOTION:

Councilmember Chambers moved, seconded by Councilmember Scott, the Council Approve the Motion to Authorize Appointments to the Human Relations Commission and the Sister Cities Committee.

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

NAYS: None.

ABSENT: Reece.

Motion declared carried.

Councilmember Gaines announced Ms. Melanie Ellsworth had been appointed to the Human Relations Commission to fill an unexpired term expiring on March 31, 2013, which was created by the resignation of Ms. Amy Endicott from the Commission. Ms. Gaines also announced Ms. Leticia Montesdeoca and Ms. Jenny Goldman have been appointed to the Bloomington-Normal Sister Cities Committee, their terms to expire on March 31, 2013.

18. CONCERNS:

1. HAPPY HOLIDAYS:

Councilmember Chambers, as well as the entire Mayor and Council, wished everyone a Happy Holiday and a Happy and Safe New Year.

19. ADJOURNMENT:

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

MOTION:

Councilmember Fritzen moved, seconded by Councilmember Gaines, the Regular Meeting of the Normal Town Council be Adjourned.

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

NAYS: None.

ABSENT: Reece.

Motion declared carried.

Mayor Koos adjourned the Regular Meeting of the Normal Town Council at 7:41 p.m., Monday, December 19, 2011.