

**RECORD OF MOTIONS AND VOTES  
PUBLISHED BY THE AUTHORITY OF THE CITY COUNCIL  
OF BLOOMINGTON, ILLINOIS**

The Council convened in regular Session in the Council Chambers, City Hall Building, at 7:40 p.m., Monday, May 11, 2009.

The Meeting was opened by Pledging Allegiance to the Flag followed by Silent Prayer.

The Meeting was called to order by the Mayor who directed the City Clerk to call the roll and the following members answered present:

**Aldermen: Judy Stearns, Kevin Huette, Bernard Anderson, David Sage, John Hanson, Jennifer McDade, Steven Purcell, Karen Schmidt, Jim Fruin and Mayor Stephen F. Stockton.**

City Manager David Hales, City Clerk Tracey Covert, and Corporate Counsel Todd Greenburg were also present.

The following was presented:

**Item 5A. Oath of Office – Aldermen Jim Fruin, Ward 9; Kevin Huette, Ward 3, and Steven Purcell, Ward 7.**

The following was presented:

**Item 5B. Proclamation – Declaring Monday, May 11, 2009 as Delta Day.**

**Motion by Alderman Purcell, seconded by Alderman Schmidt that the proclamation be made a matter of record.**

The Mayor directed the clerk to call the roll which resulted in the following:

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

The following was presented:

**Item 5C. Presentation of Certificate of Achievement for Excellence in Financial Reporting Plaque to Barbara J. Adkins, Deputy City Manager. Plaques for both the City and the Firemen's Pension Fund.**

**The following was presented:**

**Item 5D. Presentation by Miller Park Zoological Society - \$115, 000 check.**

**The following was presented:**

**Item 6A. Council Proceedings of May 26, 2006.**

**Motion by Alderman Purcell, seconded by Alderman Schmidt that the reading of the minutes of the previous Council Meeting of May 26, 2006 be dispensed with and the minutes approved as printed.**

**The Mayor directed the clerk to call the roll which resulted in the following:**

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 6B. Bills and Payroll.**

**Motion by Alderman Purcell, seconded by Alderman Schmidt that the bills and payroll be allowed and orders drawn on the Treasurer for the various amounts as funds are available.**

**The Mayor directed the clerk to call the roll which resulted in the following:**

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 6C. Payments from various Municipal Departments.**

**Motion by Alderman Purcell, seconded by Alderman Schmidt that the payments be approved.**

**The Mayor directed the clerk to call the roll which resulted in the following:  
Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 6D. Appointment and Reappointments to Various Boards and Commissions.**

**Motion by Alderman Purcell, seconded by Alderman Schmidt that the appointment and reappointments be approved.**

**The Mayor directed the clerk to call the roll which resulted in the following:**

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 6E. Payment to Springbrook, Inc. for Annual Software Maintenance.**

**Motion by Alderman Purcell, seconded by Alderman Schmidt that the payment be approved.**

**The Mayor directed the clerk to call the roll which resulted in the following:**

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 6F. Payment to Johnston Contractors, Inc. for the Cancellation of Box Office Enclosure Contract for US Cellular Coliseum.**

**Motion by Alderman Purcell, seconded by Alderman Schmidt that the Contract for the US Cellular Coliseum Ticket Window Shelter be cancelled and payment to Johnston Contractors, Inc. in the amount of \$7,854 be approved.**

**The Mayor directed the clerk to call the roll which resulted in the following:**

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 6G. Change Order #1 to the Contract with the Pantagraph for Advertising for the 2008-09 Performance Season.**

**Motion by Alderman Purcell, seconded by Alderman Schmidt that the Change Order be approved.**

**The Mayor directed the clerk to call the roll which resulted in the following:**

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 6H. Change Order for Morris Avenue from Miller Street to Fox Hill Apartments (MFT Section 99-00319-00-BR).**

**Motion by Alderman Purcell, seconded by Alderman Schmidt that the Change Order be approved.**

**The Mayor directed the clerk to call the roll which resulted in the following:**

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 6I. Maintenance Agreement with Buchanan Enterprises, Inc.**

**Motion by Alderman Purcell, seconded by Alderman Schmidt that the one (1) year service agreement with Buchanan Enterprises, Inc., for the maintenance of portable radios and Fixed Repeater Spectra-Tac System be approved and the Mayor and City Clerk be authorized to execute the necessary documents.**

**The Mayor directed the clerk to call the roll which resulted in the following:**

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 6J. Resolution for the Appropriation of Motor Fuel Tax Funds for Improvement of US Business 51 Parking Lanes and Manhole and Inlet Repairs.**

**Motion by Alderman Purcell, seconded by Alderman Schmidt that the Agreement be approved, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.**

**The Mayor directed the clerk to call the roll which resulted in the following:**

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 6K. Application of KOS LLC. d/b/a The Teebox Bar & Grill, located at Lot 132 Airport Park Subdivision, located on Gerig Drive, near the northwest corner of Gerig Dr. and Haeffle Way, requesting an RAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week.**

**Motion by Alderman Purcell, seconded by Alderman Schmidt that an RAS liquor license be approved contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) that "T" Tavern rules apply one (1) hour after the kitchen closes, and 2.) that liquor sales cease one (1) hour after the kitchen closes.**

**The Mayor directed the clerk to call the roll which resulted in the following:**

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 6L. Suspension of Chapter 6 Section 26(d) to Allow Possession of Open Alcohol on Public Property for the WGLT Event June 13, 2009.**

**Motion by Alderman Purcell, seconded by Alderman Schmidt that the Ordinance be passed.**

**The Mayor directed the clerk to call the roll which resulted in the following:**

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 6M. Text Amendment to Chapter 6 Section 26(d) to Allow Possession of Open Alcohol on the Grounds of Festival Park.**

**Motion by Alderman Purcell, seconded by Alderman Schmidt that the Text Amendment be approved and the Ordinance passed.**

**The Mayor directed the clerk to call the roll which resulted in the following:**

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 6N. Lake Bloomington Lease Transfer Petition for Lot 7, Block 28 of Camp Potawatomie from Kevin H. Breslin to Julie I. Smith and Sandra Kay Schroeder.**

**Motion by Alderman Purcell, seconded by Alderman Schmidt that the Lake Lease Transfer be approved contingent upon an additional 200 square feet of sand filter or another septic solution being approved by the McLean County Health Department and City, and the Mayor and City Clerk be authorized to execute the necessary documents.**

**The Mayor directed the clerk to call the roll which resulted in the following:**

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 6O. Lake Bloomington Lease Transfer Petition for Lot 5, Block 2 of Camp Iroquois from Kohde, LLC to 18594 Navajo, LLC.**

**Motion by Alderman Purcell, seconded by Alderman Schmidt that the Lake Lease Transfer be approved and the Mayor and City Clerk be authorized to execute the necessary documents.**

**The Mayor directed the clerk to call the roll which resulted in the following:**

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 8A. Third Amended Intergovernmental Agreement with the Bloomington Normal Water Reclamation District (BNWRD) for the Long Term Combined Sewer Overflow (CSO) Control Plan.**

**Motion by Alderman Anderson, seconded by Alderman Purcell that the Third Amendment to the Agreement be approved and the Mayor and City Clerk be authorized to execute the necessary documents.**

**The Mayor directed the clerk to call the roll which resulted in the following:**

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 8B. Ordinance Authorizing Loan Agreement for an Illinois Environment Protection Agency (IEPA) Water Pollution Control Loan Program Funds.**

**Motion by Alderman Hanson, seconded by Alderman Stearns that the Ordinance be passed.**

**The Mayor directed the clerk to call the roll which resulted in the following:**

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 8C. Professional Services Contracts for the Center for the Performing Arts.**

**Motion by Alderman Schmidt, seconded by Alderman Purcell that the contracts from Fleming Artists; Harmony Artists, Inc.; Art Fegan Entertainment, Inc.; Super Artists, Inc.; The Agency Group, Ltd.; Monterey International; Producers, Inc.; Admire Entertainment, Inc.; International Music Network; Robert Friedman Presents; Opus 3 Artists; Pierre Gravel Entertainment; Entertainment Events, Inc.; New Frontier Touring; Mills Entertainment; Keppler Associates, Inc.; Skyline Music LLC; Gurtman and Murtha Associates, Inc.; Brad Simon Organization, Inc; and MPI Talent Agency be accepted, and that the Mayor and City Clerk be authorized to execute said contracts.**

**The Mayor directed the clerk to call the roll which resulted in the following:**

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 8D. Text Amendments to Chapter 30.5, Section 2, Nuisance Ordinance.**

**Motion by Alderman Stearns, seconded by Alderman Schmidt that the Text Amendment be approved and the Ordinance passed.**

**The Mayor directed the clerk to call the roll which resulted in the following:**

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 8E. Employment Agreement between the City of Bloomington and City Manager, David A. Hales.**

**Motion by Alderman Fruin, seconded by Alderman Purcell that the Employment Agreement be approved with the following amendment to the Termination and Severance Pay that the time frame be reduced from twelve (12) to six (6) months, and the Mayor and City Clerk be authorized to execute the necessary documents.**

**The Mayor directed the clerk to call the roll which resulted in the following:**

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 8F. Agreements and Resolutions to Adopt a 401 Government Money Purchase Plan.**

**Motion by Alderman Hanson, seconded by Alderman McDade that the Agreements be approved, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolutions be adopted.**

**The Mayor directed the clerk to call the roll which resulted in the following:**

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**  
**Motion carried.**

**Motion by Alderman Schmidt, seconded by Alderman McDade that the meeting be adjourned. Time: 9:20 p.m.**

**Motion carried.**

**Tracey Covert**  
**City Clerk**