

**COUNCIL PROCEEDINGS  
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 7:36 p.m., Monday, February 28, 2011.

The Meeting was opened by Pledging Allegiance to the Flag followed by moment of 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, Bernie 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.

Mayor Stockton introduced Cub Scout Pack 42 from Oakland Elementary School. Alderman Stearns welcomed the group and Kurt Wilson, their Den Leader. She noted that the school was located in Ward 4. The scouts were earning their Citizenship badge. She had wanted to recognize their attendance.

The following was presented:

SUBJECT: Appointment and Oath for Alderman Ward 3

**RECOMMENDATION:** That the Appointment be approved.

**BACKGROUND:** I ask your concurrence in the appointment of Mboka Mwilambwe to the office of Alderman Ward 3 with a term to expire April 30, 2013.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Kevin Huetten, former Alderman Ward 3, submitted his resignation letter effective January 15, 2011. Solicited letters of interest with a deadline of January 7, 2011. Work Session for the purpose of Candidate Interviews was held on January 31, 2011.

**FINANCIAL IMPACT:** Not applicable.

Respectfully submitted for Council consideration.

Recommended by:

Stephen F. Stockton  
Mayor

**Mayor Stockton introduced this item. He provided background information. Kevin Huette had resigned as Alderman Ward 3 on January 15, 2011. His replacement would be selected in compliance with statute. The Mayor nominated an individual for appointment. The Council would be asked to vote on its approval. He believed that the Council understood the process in advance. The Council had claimed that they had not. He apologized for his assumptions. He had tried to open up the process to the Council. There would be Minutes of the Council's January 31, 2011 Work Session. He also cited emails between himself and the Council. He had intended to make his selection from a list of candidates who were acceptable to the Council. He expressed his opinion that the public bickering had presented the entire Council in bad light. The Council needed to move forward. He requested consideration of the relationship between the Mayor and Council. He cited the public's concerns. He was also concern about his relationship with the Council. Some believed that there was a power struggle between the Mayor and Council. He did not want to damage his relationship with them. This relationship was important to him. It was also important to select the right candidate. The goal was to select the best person for the City. He hoped all would forgive the past misunderstanding.**

**Mayor Stockton nominated Mboka Mwilambwe for Alderman Ward 3. He also provided information to support his nomination. He had commenced the process prior to the January 31, 2011 Work Session. He had spoken with each candidate. There also were public interviews. Favorable comments were received from the Council regarding Mr. Mwilambwe. He noted Mr. Mwilambwe's experience. He acknowledged that Mr. Mwilambwe did not have local government experience. He had recently been elected to Illinois State University's (ISU) Administrative/Professional Council and served as its Chairman. He expressed Mr. Mwilambwe's reluctance to describe his decision making process. He addressed the issue of diversity. Mr. Mwilambwe was a good candidate and a minority. He would be of benefit to the City. All citizens must work together. He noted that minorities made up twenty-two percent (22%) of the City. Currently there was not a single minority on the Council. Mayor Stockton noted Mr. Mwilambwe's personality. His job involved working with people. Mr. Mwilambwe was enthusiastic, and a good communicator and listener. He had found Mr. Mwilambwe easy to talk to.**

**Mayor Stockton had reached out into the community and obtained the opinions of others. Personality was an important factor. An alderman was a public figure and had a public role to play. Mr. Mwilambwe was nonpartisan and independent. He did not belong to a dogmatic voting block. He had not checked Mr. Mwilambwe's voting record, (ballot selected during primary elections). The Council played a check and balance role. He believed that Mr. Mwilambwe would be open minded.**

He noted that a group had lobbied the Council. Mr. Mwilambwe was employed at ISU. The Main St. Form Based Code had been cited. There appeared to be no basis for concern. He noted beliefs and allegations due to Mr. Mwilambwe's father's employment with the United Nations. It had been said that Mr. Mwilambwe held socialist views and believed in the new world order.

He had found Mr. Mwilambwe open to ideas. He noted his education and skill level. He was ISU's Assistant Director for Student Development. In this position, Mr. Mwilambwe was charged with building a sense of community. He worked with conflict resolution on a daily basis.

He noted that the Council's input provided him with three (3) candidates who were acceptable to the majority. Mr. Mwilambwe was one of these candidates. He believed that Mr. Mwilambwe was the best all around candidate. He requested that the Council respect his selection. In turn he would respect the Council's vote. Mayor Stockton granted Mr. Mwilambwe the opportunity to address the Council.

Mr. Mwilambwe introduced himself. He had been born in the Democratic Republic of Congo. He came to ISU in 1990 and obtained his bachelor's and master's degrees. He decided to remain in the United States. He became a citizen in 2008. He had lived in the City for the past eight (8) years. He was married and had four (4) children. He believed in participating in the democratic process. Mr. Huette's resignation had presented him with an opportunity. He noted that others had sacrificed for him. It was time to give back to the community. He loved the City. He took action from a place of joy. The City had been struggling. He noted the impact of the recession. He believed that it was time for him to step up and offer his skills. He noted his conflict resolution skills. One must listen to all sides, be careful and deliberate. He wanted to help the City in the best way. He would respect the Council's decision.

Alderman Schmidt thanked Mr. Mwilambwe for addressing the Council. She described him as a class act. She noted conversations she had had with him. She wanted Mr. Mwilambwe to know that if he was not chosen it was not a reflection on him. She noted comments from Mr. Huette. She believed that the Council would find another place for Mr. Mwilambwe at the City.

Mayor Stockton noted that there was a vacancy on the Planning Commission. He reminded those present of the January 31, 2011 Work Session. He added that Council members may have spoken with Mr. Mwilambwe separately.

Alderman Schmidt expressed her appreciation of the Mayor's outreach effort. This issue had been divisive. She expressed her concern about the process and the role of the Council. This was not about the individual. She cited the importance of Mr. Huette's wishes. The people of Ward 3 had supported a different candidate. She noted the loss of Mr. Huette and Alderman Hanson. These individuals were the voice of business. She had come to a different conclusion. There were other ideas and expectations for this vacancy.

Alderman Stearns expressed her appreciation to Mr. Mwilambwe for stepping forward. The process was disjointed and did not reflect upon him. She cited the loss of the voice of small business, (Mr. Huette and Alderman Hanson). This was an important element on the Council. She described economic development as a quest. She expressed her support for Alderman Schmidt's comments. She added her sincere thanks and hoped to see him again in the future.

Alderman Purcell informed those present that he had met Mr. Mwilambwe at an eastside corridor meeting. There were a number of fine candidates. He encouraged Mr. Mwilambwe to run for election. His interest was in a candidate who was closely aligned with Mr. Huette. Someone who would represent Ward 3.

Alderman Sage echoed the comments of the other Aldermen who had spoken. He thanked Mr. Mwilambwe for stepping forward into the public arena. The individual's political philosophy should match Mr. Huette and Ward 3. He believed that it was important to be respectful to the voters. He believed that Mr. Mwilambwe would have the opportunity to serve the City elsewhere in the future.

Alderman Hanson applauded Mr. Mwilambwe's willingness to serve the City. He wanted to provide those present with information regarding the Council and the appointment process. He shared background information. He applauded everyone who had expressed an interest in serving. He cited his personal experience. He encouraged Mr. Mwilambwe to continue his quest. He believed that there were plenty of opportunities to serve the City.

Mayor Stockton announced that there would not be any public comments on this item. The Mayor and Council may have to agree to disagree on this appointment. He had done his best. He restated that he would respect the Council's vote. He noted that the Council's next meeting would be held on March 14, 2011. He had spoken with Mr. Mwilambwe and informed him of the risk. He commended Mr. Mwilambwe for participating in the process. He noted that a number of Council members started their service on the Planning Commission. It was a good conduit to the Council.

**Motion by Alderman Anderson, seconded by Alderman Fruin that the Appointment of Mboka Mwilambwe for Alderman Ward 3 be approved.**

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

**Ayes: Aldermen McDade, Anderson and Fruin.**

**Nays: Aldermen Stearns, Schmidt, Hanson, Sage and Purcell.**

**Motion denied.**

Alderman Fruin read the same statement that appeared on the August 23, 2010 Council meeting prior to voting.

**The following was presented:**

SUBJECT: Council Proceedings of February 14, 2011 and Joint Meeting of City Council and Liquor Commission of January 11, 2011

**RECOMMENDATION:** That the reading of the minutes of the previous Council Proceedings of February 14, 2011 and Joint Meeting of the City Council and Liquor Commission of January 11, 2011 be dispensed with and the minutes approved as printed.

**BACKGROUND:** The Council Proceedings of February 14, 2011 and Joint Meeting of the City Council and Liquor Commission of January 11, 2011 have been reviewed and certified as correct and complete by the City Clerk.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Not applicable.

**FINANCIAL IMPACT:** Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Tracey Covert  
City Clerk

David A. Hales  
City Manager

**Motion by Alderman Anderson, seconded by Alderman Purcell that the reading of the minutes of the previous Council Meeting of February 14, 2011 and Joint Meeting of City Council and Liquor Commission of January 11, 2011 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, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Bills and Payroll

**RECOMMENDATION:** That the bills and payroll be allowed and orders drawn on the Treasurer for the various amounts as funds are available.

**BACKGROUND:** The list of bills and payrolls will be posted on the City's website on Thursday, February 24, 2011 by posting via the City's web site.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Not applicable.

**FINANCIAL IMPACT:** Total disbursements information will be provided via addendum.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Timothy Ervin  
Director of Finance

David A. Hales  
City Manager

(ON FILE IN CLERK'S OFFICE)

**Motion by Alderman Anderson, seconded by Alderman Purcell 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, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Resolution Amending the Downtown Entertainment Task Force

**RECOMMENDATION:** That the amended Resolution be passed.

**BACKGROUND:** At the Council's February 14, 2011 meeting, it passed Resolution 2011 – 06, A Resolution Establishing the Downtown Entertainment Task Force. As the task force was formed, it was determined that a group was not represented. The vitality of the Downtown is enhanced by its restaurants. In order to ensure a healthy and vibrant Downtown, restaurants play an integral role.

Resolution 2011 – 06 would be amended to add a Downtown Restaurant owner to the group's make up.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** The action to establish a task force was the recommendation of the Liquor Commission and City Council.

**FINANCIAL IMPACT:** Financial impact to the City will be limited to staff time and resources associated with operation of such task force.

Respectfully submitted for Council consideration.

Recommended by:

Stephen F. Stockton  
Mayor

**RESOLUTION NO. 2011 - 07**

**A RESOLUTION AMENDING RESOLUTION NO. 2011 – 06 WHICH ESTABLISHED  
THE DOWNTOWN ENTERTAINMENT TASK FORCE**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON:

That an advisory group is hereby established which shall be known as the “Downtown Entertainment Task Force”.

That the mission of the Downtown Entertainment Task Force shall be to work together with the Mayor, City Council, Liquor Commission, City staff, Downtown citizenry, and all other interested parties to make recommendations to continue and improve upon Downtown’s tradition as the area’s entertainment hub, offering an enjoyable and welcoming environment for our citizens and guests of all ages, thereby providing positive social, cultural, and economic impacts for the greater Central Illinois community, while maintaining appropriate synergies and balance between entertainment and other downtown functions such as retail, residential, and economic development.

That in making these recommendations to the City of Bloomington, the Downtown Entertainment Task Force shall consider relevant factors, such as:

- Identification of the root causes of issues that may detract from the enjoyment of our Downtown by all citizens and guests, including ordinance violations, unreasonable noise, litter, vandalism, and any public perception of safety concerns;
- Consideration of specific activities that can contribute to issues, including occupancy levels of individual establishments, over serving of alcoholic beverages, hours of operation, appropriate control and monitoring of licensees, and their impact on the local area;

- Research into best practices used in other communities, especially those that are home to large populations of college students and young professionals that can be adapted to our own downtown. Consider practices that are already being used successfully in our Downtown and for study and possible expansion, as well as recommendations from studies such as the recent downtown study;
- Enhancement of entertainment opportunities with the US Cellular Coliseum, the Bloomington Center for the Performing Arts, and other diverse hospitality offerings that exist or should exist in our downtown, thereby maximizing the entertainment value for our citizens and guests;
- Analysis of costs, revenues, and timelines that will support both short term and long term recommendations, as well as an atmosphere of continued communication, which will assure the sustainability of the desired environment and benefits; and
- That the membership of the Task Force shall be composed of one person from the following groups (groups may consider appointing a backup to assure that meetings and discussions move ahead efficiently):
  - City Council (nominated by the Mayor and ratified by the Council);
  - Liquor Commission (appointed by the Mayor);
  - Student Representative from Illinois State University (appointed by the President of the University);
  - Student Representative from Illinois Wesleyan University (appointed by the President of the University);
  - Bloomington Police Department (appointed by the Chief of Police after consultation with the City Manager);
  - Bloomington Normal Community Campus Committee (~~appointed by \_\_\_\_\_~~);
  - Downtown Bloomington Association;
  - Downtown Bar Owners Association;
  - Downtown Residents Association;
  - Downtown Property Owner (appointed by the Mayor and ratified by the City Council);
  - and
  - Downtown Restaurant Owner
  - Two (2) citizens outside downtown Bloomington (appointed by the Mayor and ratified by the City Council).

That the membership of such Task Force be appointed by February 28<sup>th</sup>, 2011 and meetings of such Task Force beginning as soon as practicable. All meetings of the Task Force shall comply with the Illinois Open Meetings Act.

Those final recommendations of the Task Force be presented to the Liquor Commission and City Council no later than June 1, 2011, with review and recommendations before the end of August, 2011.

PASSED this 28<sup>th</sup> day of February, 2011.



APPROVED this 1<sup>st</sup> day of March, 2011.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Motion by Alderman Anderson, seconded by Alderman Purcell that the amended Downtown Entertainment Task Force Resolution be adopted.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Appointment of Downtown Entertainment Task Force

**RECOMMENDATION:** That the appointments be approved.

**BACKGROUND:** I ask your concurrence in the appointments of the following citizens to the Downtown Task Force. Their terms will expire June 1, 2011.

Alderman, Karen Schmidt  
Liquor Commissioner, Marabeth Clapp  
ISU Student Representative, Daniel Sherling  
IWU Student Representative, Diana Kuhlweiczak  
Asst. Chief of Police, Robert Wall  
Bloomington/Normal Community Campus Chairperson, Kathy Cavins-Tull  
Downtown Bloomington Association member, Troy Clark  
Downtown Bar Owners Association member, Jack Batoel  
Downtown Residents Association member, Debra Risberg  
Downtown Property Owner, David Bentley  
Downtown Restaurant Owner, Jan Lancaster  
Citizen 1, Sabrina Ann Burkiewicz

Citizen 2, J. Alan Balmer

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** City Council and Downtown stakeholders.

**FINANCIAL IMPACT:** Not applicable.

Respectfully submitted for Council consideration.

Recommended by:

Stephen F. Stockton  
Mayor

**Motion by Alderman Anderson, seconded by Alderman Purcell that the appointments be approved.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Purchase of New and Replacement Networking Equipment

**RECOMMENDATION:** That the purchase of four (4) network switches and one (1) new/additional from Sentinel Technologies, Inc., be approved in the amount of \$25,811, and the Purchasing Agent be authorized to issue a Purchase Order for same.

**BACKGROUND:** Staff respectfully requests Council approval to replace four (4) aging data networking switches used to connect Lake Bloomington's facilities to the City's network. These four (4) switches will replace existing equipment that is now between seven and eight (7 - 8) years old. The aging switches have experienced recent failures and lack some features and capabilities of newer switches. Replacing them will increase speed, capacity, security, and future connectivity.

In addition, staff respectfully requests approval to purchase a single network switch to add additional capacity to the existing server room within the Government Center. The addition of this switch will triple the ability to connect data center devices within the Government Center,

allowing staff to continue ongoing server virtualization, high availability, and disaster recovery efforts. The existing equipment has no more capacity to connect network devices (i.e. servers, network storage devices, etc.).

Staff sought and received competitive proposals from the following firms:

Sentinel Technologies	Springfield, IL	\$25,811.00	**recommended
CDW Government	Vernon Hills, IL	\$27,619.00	
Alexander Open Systems	Springfield, IL	\$28,670.00	
LaSalle Solutions	Rosemont, IL	\$28,250.65	
Burwood Group	Normal, IL	\$27,329.40	

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Not applicable.

**FINANCIAL IMPACT:** Funds for the replacement of this networking equipment have been budgeted within Information Services (G11610-72120) and Water Purification (X50130-72120) Capital Outlay Computer Equipment accounts.

Respectfully submitted for Council consideration.

Prepared by:

Financial review by:

Reviewed by:

Scott A. Sprouls  
Director of Information Services

Timothy Ervin  
Director of Finance

Craig M. Cummings  
Director of Water

Reviewed by:

Recommended by:

Barbara J. Adkins  
Deputy City Manager

David A. Hales  
City Manager

**Motion by Alderman Anderson, seconded by Alderman Purcell that the purchase of four (4) network switches and one (1) new/additional from Sentinel Technologies be approved in the amount of \$25,811, and the Purchasing Agent be authorized to issue a Purchase Order for same.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Purchase of Practice Handgun Ammunition for Police Department

**RECOMMENDATION:** That practice handgun ammunition be purchased using the State of Illinois Joint Purchasing Contract from Ray O’Herron, Inc. in the amount of \$10,900, and 25,000 rounds for indoor practice will be purchased from Grace Ammo, LLC in the amount of \$10,150 the Purchasing Agent be authorized to issue Purchase Orders for same, and the Resolution adopted.

**BACKGROUND:** The Police Department currently needs to restock handgun ammunition for qualification and practice purposes. The State of Illinois requires that each officer demonstrate that they are proficient with the handgun they carry for use as a Police Officer. The current standard requires that the officer “qualify” yearly under daylight and dim light conditions. This qualification is a required thirty (30) rounds of ammunition, and each officer is required to have a seventy percent (70%) score to be considered “qualified”. The average police officer requires roughly two hundred (200) rounds of ammunition for training and qualification purposes. The ammunition is needed for outdoor and indoor practice.

This ammunition is currently available through the State of Illinois Joint Purchasing Contract, (Contract #4016870/4016871). 25,000 rounds of ammunition for outdoor practice will be purchased from Ray O’Herron Inc. in the amount of \$10,900, and 25,000 rounds for indoor practice will be purchased from Grace Ammo, LLC in the amount of \$10,150. The total cost of these purchases is \$21,050. Two (2) vendors are being used due to the awards that were given out under the state contract. Each type of ammunition was bid separately. O’Herron, Inc. and Grace Ammo, LLC were awarded the contract for these specific types of ammunition.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Not applicable.

**FINANCIAL IMPACT:** Funds for this purchase were budgeted in the current budget and are available in line G15110-71990.

Respectfully submitted for Council consideration.

Prepared by:

Financial review by:

Recommended by:

Randall D McKinley  
Chief of Police

Timothy Ervin  
Director of Finance

David A. Hales  
City Manager

**RESOLUTION NO. 2011 - 08**

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND  
AUTHORIZING THE PURCHASE OF PRACTICE HANDGUN AMMUNITION FOR**

**THE POLICE DEPARTMENT FROM RAY O’HERRON INC. IN THE AMOUNT OF \$10,900, AND FROM GRACE AMMO, LLC IN THE AMOUNT OF \$10,150. THE TOTAL COST FOR THESE PURCHASES IS \$21,050**

Be It Resolved by the City Council of the City of Bloomington, Illinois,

1. That the bidding process be waived and the Purchasing Agent be authorized to Purchase Practice Handgun Ammunition for the Police Department from Ray O’Herron Inc. in the amount of \$10,900, and from Grace Ammo, LLC in the amount of \$10,150. The total cost for these purchases is \$21,050.

ADOPTED this 28<sup>th</sup> day of February, 2011.

APPROVED this 1<sup>st</sup> day of March, 2011.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Motion by Alderman Anderson, seconded by Alderman Purcell that the practice handgun ammunition be purchased using the State of Illinois Joint Purchasing Contract from Ray O’Herron, Inc. in the amount of \$10,900, and Grace Ammo, LLC in the amount of \$10,150, the Purchasing Agent be authorized to issue Purchase Orders for same, and the Resolution adopted.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Request for Funding for Youth Impact for Summer Jobs Program

**RECOMMENDATION:** That funding for the Youth Impact Summer Jobs Program in the amount of \$7,500 be approved.

**BACKGROUND:** The Juvenile Court Act of 1998 (705 ILCS 405/6-12) authorizes counties to establish a Juvenile Justice Council. The purpose of these councils is to address issues relating to the performance of the Juvenile Justice System and to identify ways to assist at risk youth in avoiding entry into or continuation in the Juvenile Justice System. The City has been a long standing member of this Council since its inception.

One of the methods used to assist at risk youth was the creation of the Summer Jobs Program. This program allows employers to offer employment to at risk youth during the summer school break. The persons identified as being at risk youth are referred by local schools and McLean County Juvenile Court Services. Last year there were fifty (50) students chosen for summer jobs and six (6) employers. These jobs range from grounds maintenance to janitorial services to food service. During the program the participants are overseen by a staff member from Project Oz who helps to coordinate the program. The participants are paid by the employing entity and the cost to Youth Impact consists of contracting with the staff to oversee the participants through the process and to keep records of the program's success.

The anticipated funding needed for this year is \$15,000. Of this amount the Town of Normal has already agreed to fund up to \$20,000 if needed. Youth Impact has requested that the Town fund \$7,500 and that the City fund the remaining \$7,500. In past years the City has provided funding to Youth Impact including the purchase and operation of an ice cream store that was known as "Scoop Dreams". After this operation closed its doors, the City had not received a request to assist with funding until now.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** This request for funding comes from the McLean County Juvenile Justice Council which is represented by various members of the court system, both the Town and City's Police Departments along with both school systems and a variety of service providers in the community.

**FINANCIAL IMPACT:** Funds for this request are available in the former DARE fund (X20190- 95216) which consists previously donated dollars for this program. The City no longer has a DARE program. Transferring dollars for the summer jobs program seems appropriate.

Respectfully submitted for Council consideration.

Prepared by:

Financial review by:

Recommended by:

Randall D. McKinley  
Chief of Police

Timothy Ervin  
Director of Finance

David A. Hales  
City Manager

**Motion by Alderman Anderson, seconded by Alderman Purcell that funding for the Youth Impact Summer Jobs Program in the amount of \$7,500 be approved.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Federal Aviation Administration (FAA) required Aircraft Fire Training

**RECOMMENDATION:** That the training fee in the amount of \$13,500 be approved, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.

**BACKGROUND:** The Fire Department provides Aircraft Fire and Rescue (ARFF) services to the Central Illinois Regional Airport (CIRA). To provide this service, Fire personnel assigned to ARFF duties must be trained to FAA Part 139 standard, which covers Airport Certification for passenger flights, including ARFF operations. Failure to do so could impact passenger aircraft service into CIRA.

Two (2) components of FAA compliant training are an annual aircraft live fire evolution and completion of an initial basic ARFF course for those who have not completed such. These components are time sensitive. Personnel may not function in ARFF duties until the training is conducted. The annual live fire evolutions must be conducted the same month each year so that personnel do not exceed twelve (12) months between training. In the past, these requirements have been completed by attending basic ARFF courses that meet FAA standards at facilities across the US, most notably South Carolina or Texas, and by going to South Bend, IN or Chicago's O'Hare Airport for the annual live fire evolutions. These locations have the necessary facilities to conduct compliant training. Facilities are few in number due to the specialization and required equipment.

In working with CIRA and the FAA, staff was able to identify the University of Missouri Fire and Rescue Training Institute who could offer FAA compliant training locally and train more personnel at a lower cost than travelling to these locations. The cost savings over sending personnel to an FAA approved training facility is \$12,064.30. The provider has a mobile training simulator that is transported by tractor trailer and the classroom training is conducted at our station. The propane used for the live fire evolutions utilizing the mobile training simulator is being donated by Hicksgas Company, saving an additional \$1,100 to \$1,700. The training will be held May 13 through 17, 2011.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** CIRA staff and FAA.

**FINANCIAL IMPACT:** The cost of the training is \$13,500 and will be paid from the Professional Development, (account #70790). The bill will then be submitted to the Airport Authority for reimbursement. The City and CIRA agreement allows up to \$30,000 yearly in reimbursement for training and equipment costs. This training will be reimbursed in full under this agreement into CIRA, training reimbursement, (account #57440).

Respectfully submitted for Council consideration.

Prepared by:

Financial review by:

Recommended by:

Michael Kimmerling  
Fire Chief

Timothy Ervin  
Director of Finance

David A. Hales  
City Manager

**RESOLUTION NO. 2011 - 09**

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND  
AUTHORIZING AN AGREEMENT FOR FEDERAL AVIATION ADMINISTRATION  
(FAA) REQUIRED AIRCRAFT FIRE TRAINING FROM THE UNIVERSITY OF  
MISSOURI FIRE AND RESCUE TRAINING INSTITUTE IN THE AMOUNT OF  
\$13,500**

Be It Resolved by the City Council of the City of Bloomington, Illinois,

1. That the bidding process be waived and authorizing an agreement for Federal Aviation Administration (FAA) required Aircraft Fire Training in the amount of \$13,500.

ADOPTED this 28<sup>th</sup> day of February, 2011.

APPROVED this 1<sup>st</sup> day of March, 2011.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

Date: January 18, 2011



Requesting Organization:

Capt. Eric Vaughn  
Training Officer  
Bloomington Fire Department  
310 N. Lee Street  
Bloomington, IL 61701  
evaughn@cityblm.org  
309-434-2631

1. The Mobile Aircraft Trainer will arrive at training site for the 40 ARFF Initial course on May 12, 2011 and be set up May 15, 2011.

2. Dates of training: 40 hour ARFF Initial course with live fire training will be conducted on May 13 - 17, 2011. Training will be conducted between 0800 and 1700 with one hour lunch break. If the time of training is changed, to include night burns, the time change and scheduling will be mutually agreed upon.

3. Description of training to be conducted:

3.1 The Mobile Aircraft Rescue Trainer (MAFT) will be used to provide simulated aircraft fires for municipal, volunteer and airport aircraft rescue firefighting training. The following assorted fires will be used to task the responders on proper aircraft rescue fire fighting: fuselage, 3 different engines, wheel assembly, APU, 3-D spill, cockpit, galley, cabin, cargo and flashover.

3.2 A wide variety of scenarios will be possible with the MAFT. The responders will be able to make access over the wing, enter front and rear of aircraft and operate the crash vehicle turret on the MAFT. Cut in areas are available. Students will have an opportunity to practice forcible entry and use penetrating nozzles.

3.3 Classroom training and safety briefing will be conducted before personnel perform firefighting operations on the MAFT.

4. Maximum students: 24 each day (we can adjust with different needs and programs but must be mutually agreed upon)

5. Course Fee

5.1 Course Fee: \$13,500 for training with classroom training and hands on live fires (MAFT and spill fire).

This includes instructors, live fires and any class room materials.

NOTE: Requestor provides all propane for all training fires. (approximately 1000 gallons for the course)

5.2 Training Options to the original plan are listed below:

If the requestor desires additional days of training with the Mobile Aircraft Firefighting Trainer the daily fee is:

- MAFT only \$4,000 plus all additional Propane.
- MAFT with spill pans, \$5,750 plus all additional Propane.

## 6. Cancellation Policy

6.1 If the Requesting Organization cancels the course within:

- 14 days of the course delivery date, a \$1200 processing fee will be charged.
- 6 days of the course delivery date, a \$3000 fee will be charged.

## 7. Requesting Organization Will Provide:

7.1 Coordinate propane (LPG) delivery for all burns.

7.2 A forklift for unloading/setup/loading of the components for the MAFT burn unit. (If required)

7.3 All burn permits for the host training location 7 days prior to first training date. If permits are required, the requestor shall fax a copy of the permits to MU Fire and Rescue Training Institute seven days prior to the first day of training.

7.4 Site for Mobile Training Prop (approximately 250' x 250' concrete or paved surface). This requirement can be adjusted after coordination with MU FRTI.

7.5 Structural Pumpers and/or Crash Vehicles.

7.6 Three (3) each 1 1/2" or 1 3/4" hose lines 200 feet long 90 GPM minimum.

7.7 Site staff for Incident Management System (IMS) functions.

7.8 Self Contained Breathing Apparatus (SCBA) refill capability.

7.9 Aqueous film forming foam (AFFF) or dry chemical will not be used for MAFT live fire training.

7.10 Classroom suitable for conducting Safety Briefing and training for all attendees. Classroom shall have:

- Tables, with chairs, for the students to fill out registration and evaluation forms.
- Projection screen
- Data Projector
- 110 V outlets to provide power for one laptop computer and one data projector.

7.11 Water resupply to ensure the training evolutions aren't interrupted.

7.12 Restroom facilities within 200 feet of the training site. This may be a “Porta-John”.

7.13 Host organization will dispose of non/hazardous waste material. Runoff of AFFF and containment will be the responsibility of the host organization. Contact MUEFRTI for details. If AFFF and Dry Chemical aren’t used there are no environmental issues.

7.14 Host organization will fill out Attachment 1 and fax a completed copy to MU FRTI, 573-882-0678.

## 8. Student Equipment Requirements:

8.1 Mandatory - National Fire Protection Association (NFPA) compliant personal protective equipment (PPE). This will include self-contained breathing apparatus, coat, pants, hood, gloves, boots and helmet.

8.2 Optional item(s): spare SCBA bottle

NOTE: If onsite SCBA bottle resupply isn’t available, spare SCBA bottles will be mandatory.

## 9. MUFRTI Responsibilities:

9.1 MUFRTI will provide a minimum of 2 instructors to safely operate the Mobile Aircraft Firefighting Trainer (MAFT).

9.2 The MAFT will arrive the day before training is conducted. This will provide time to set up and test the MAFT before training starts.

9.3 All expenses for travel, hotel, meals and highway permits are included in the course fee.

9.4 MUFRTI Staff will ensure all safety standards outlined by nationally recognized organizations are followed. The MUFRTI Staff will not perform training scenarios, operate the MAFT or allow students to perform operations in an unsafe manner.

9.5 MUFRTI Staff will not take responsibility for individuals participating in the live fire drills who have facial hair that comes in contact with any part of the SCBA seal. Personnel who have facial hair which comes in contact with the seal of the face piece will not be allowed to enter the Mobile Aircraft Firefighting Trainer (MAFT) IAW OSHA Standard 29 CFR 1910-134 and NFPA 1500-7.11.8.

9.6 The following is a partial list of the standards and regulations MUFRTI uses for the Aerospace Program:

- National Fire Protection Association
- Federal Aviation Administration (FAA)
- Occupational Safety and Health Administration (OSHA)

9.7 All students participating in the live fire drills will follow NFPA 1500, *Fire Department Safety and Health Program*, 5-3.10 and 29 CFR 1910-134(e)(5)(i).

9.8 Students will receive a certificate of training.

10. Site Visits:

10.1 This University of Missouri Fire and Rescue Training Institute Aviation Program bid doesn't include site visits to assist in developing Disaster Drills or developing a training program for the requestor. This bid is to provide the requestor with FAA and NFPA approved refresher aircraft fire fighting training fires. If the client requests assistance in developing disaster drills or training programs beyond the scope of this contract an additional \$500 a day consulting fee will be added daily. If the client requests a site visit to develop an advanced training plan an additional \$500 a day consulting fee will be added daily.

11. Contact Signature and Information:

University of Missouri Fire and Rescue Training Institute  
Attn: Mark A. Lee, Aviation Program Manager  
240 Heinkel Bldg  
Columbia, MO 65211-1342

Phone: 573-882-4735

Fax: 573-882-0678

Email: leema@missouri.edu

Web: www.mufrti.org

12. Sign and return one copy to MU Fire and Rescue Training Institute

Date: March 1, 2011

Signature-Designated Representative: Stephen F. Stockton, Mayor

Purchase Order Number (PO#): \_\_\_\_\_

Email Address: evaughn@cityblm.org

Phone Number: 309-434-2631

Fax Number: 309-434-2291

Attachment 1: Requesting Host Agency Responsibilities

TO: MU FRTI, ARFF Program Manager  
573-882-0678

[ ] Local Burn Permit received

- Fax the burn permit to MU FRTI 573-882-0678 seven days before training is conducted.
- Notification to appropriate emergency service dispatch office of date, time, and location of live fire training \_\_\_\_\_
- Notification to all affected agencies/departments (Police, Fire, Sheriff, Forestry, DNR)
- Notification made to owners for structure and adjacent properties of date, time, and location of live fire training
- Assistance for Traffic Control, Training Ground Security
- Available water supply determined
- Required fire flow determined for the burn structure and exposure buildings
- Required reserve flow determined (50% of fire flow)
- Pumping Apparatus meets or exceeds the required fire flow for the training and exposures
- Separate water sources established for attack and backup hose lines
- Periodic weather reports obtained
- Parking areas designated and obtained
- apparatus
- ambulance
- Police/Sheriff's vehicles
- Press vehicles
- Private vehicles

Host Agency Representative Signature: Stephen F. Stockton, Mayor

Date: March 1, 2011

(PARTIAL CONTRACT ON FILE IN CLERK'S OFFICE)

**Motion by Alderman Anderson, seconded by Alderman Purcell that the training fee in the amount of \$13,500 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, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Analysis of Bids for one (1) Outdoor Warning Siren Replacement

**RECOMMENDATION:** That the bid for replacement of one (1) Outdoor Warning Siren be awarded to Innotech Communications in the amount of \$27,777.77 and the Mayor and City Clerk be authorized to execute the necessary documents.

**BACKGROUND:** The Outdoor Warning Siren system is designed to alert people that are outdoors as danger approaches and encourage them to take cover inside. It is not designed to alert people already indoors. Depending on where a citizen lives in relation to siren location and wind direction and strength, the ability to hear sirens from indoors will vary. The system has a series of overlaps in coverage, and as a result, most residents will be able to hear one (1) if not several sirens in the event they are activated.

The system currently consists of nineteen (19) sirens located in the City. They are different in age and coverage area, and as such, the spacing may not be equal, but the alert capability should be consistent. Most are located in the public right of way, while others, such as at the downtown State Farm Insurance Building or on the roof of Washington Grade School, are on private/public property. Elevation, size and area to be covered have governed where these units have been located.

The Fire Department has oversight responsibility of the outdoor siren and warning system. This oversight includes selecting additional sites for new sirens as the City grows, establishing a maintenance procedure for the system, monitoring the status of the sirens and writing specifications for new purchases. The Public Works Department's Engineering Division assists the Fire Department when determining sirens in need of repair or replacement based on age and condition, as well as providing for some repair and general maintenance of existing units. Failure to maintain this system can adversely affect the public's early warning to weather and other hazards.

The siren located at 1201 East Washington on top of Washington School has been identified as a priority for replacement based on its condition. It is also difficult and costly to maintain and repair based on its location on top of the grade school. The replacement will put this siren in the right of way on the northeast corner of Washington and Towanda. This location will allow ease of maintenance of the siren in the future. The bid calls for the installation of a new fully operational pole-mounted siren on a spot designated by the City, and removal of the existing siren from its Washington School location.

Two (2) bids were received for this project. Innotech Communications submitted a bid of \$27,777.77 and Anderson Electric submitted a bid of \$42,425.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Public notice of the bid was posted on the City website and placed in the Pantagraph on January 26, 2011. A total of twenty (20) bids were mailed; five (5) bidders requested a bid packet from the City Clerk and two (2) bids were received. A pre-bid meeting was held on Thursday, Feb 3, 2011 at City Hall. City staff and two (2) vendors were in attendance.

**FINANCIAL IMPACT:** Funds are available in the Fire Department line item G15210-72140 for the completion of this project.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Financial review by:

Michael Kimmerling  
Fire Chief

Kevin Kothe  
City Engineer

Timothy Ervin  
Director of Finance

Recommended by:

David A. Hales  
City Manager

**Alderman Fruin thanked City staff for the supporting documentation. They had done a good job of educating the Council.**

**Motion by Alderman Anderson, seconded by Alderman Purcell that the bid for replacement of one (1) Outdoor Warning Siren be awarded to Innotech Communications in the amount of \$27,777.77, 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, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT: Change Order No. 2 to the Professional Services Agreement with Clark Dietz, Inc. for the Locust-Colton Phases 1, 2 and 3 Sewer Separation and Water Main Replacement Project Design**

**RECOMMENDATION: That the Change Order be approved and the Resolution adopted.**

**BACKGROUND: On February 14, 2011, Council approved an increase in scope for Phase 1 Locust Colton CSO Elimination and Water Main Replacement Project up to an amount of \$10 million in total project cost, from the previous total of \$7.5 million. This project is being funded by an Illinois Environmental Protection Agency (IEPA) loan that includes an interest rate of 1.25% and twenty-five percent (25%) principal cost forgiveness.**

The original scope of this project was defined from Phase 1 of a ten (10) phase plan developed as part of the Locust/Colton CSO Elimination Study. By increasing the funding level, the City is now able to include Phase 2 and 3 of the study as part of the project. In order to incorporate the additional scope in the project, Clark Dietz Inc., the design consultant, will have to expend additional effort to survey, study and design the improvements. Clark Dietz has provided a proposal to provide the additional work at a cost not exceed \$110,000.

Staff has reviewed the charges for the additional work and found them to be reasonable. The increased design cost is necessary to expand the project limits to include the additional scope approved by Council. To pay Clark Dietz, Inc. for these design scope increases, the current agreement with the firm now needs to be updated to include the additional \$110,000 in design cost, summarized as follows:

Fund	Account	Original Contract 10/22/2007	Change Order 1 10/11/2010	Change Order 2 02/28/2011	Total
Water	50100-70050	\$175,000	\$27,300	\$31,300	\$233,600
Sewer	52100-70050	\$100,000	\$51,400	\$59,000	\$210,400
Storm					
Water	55100-70050	\$30,000	\$17,200	\$19,700	\$66,900
Total		\$305,000	\$95,900	\$110,000	\$510,900

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** An invitation to attend a public meeting was mailed to all residences, located in the proposed construction zone. The meeting was held on June 9, 2009, at the Bloomington Junior High School. Approximately thirty (30) citizens attended to discuss the proposed project. Another public meeting will be scheduled when the City is approved for an IEPA loan. Separate discussions have been conducted with School District 87 and Bloomington Country Club.

**FINANCIAL IMPACT:** The Professional Services Agreement with Clark Dietz, Inc., for the Locust-Colton Phase 1 Sewer Separation and Water Main Replacement Project design, needs to be increased \$110,000 for a total cost not to exceed of \$510,900. The \$110,000 was not included in the Fiscal Year 2010-2011 budget but is reimbursable when the IEPA loan is awarded. Payment for this design work will be made as follows:

Water (50100-70050)	\$233,600	Water Department
SDF (52100-70050)	\$210,400	Public Works Department
SWDF (55100-70050)	<u>\$ 66,900</u>	Public Works Department
Total Revised Design Cost	\$510,900	

Respectfully submitted for Council consideration.



Prepared by:

Jim Karch, P.E., CFM  
Director of Public Works

Financial review by:

Timothy Ervin  
Director of Finance

Reviewed by:

Craig Cummings  
Director of Water

Recommended by:

David A. Hales  
City Manager

### **RESOLUTION NO. 2011 - 10**

#### **A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE AMOUNT OF \$110,000 FOR A TOTAL COST NOT TO EXCEED OF \$510,900 IN THE CONTRACT BETWEEN THE CITY OF BLOOMINGTON AND CLARK DIETZ, INC., FOR ADDITIONAL SURVEY, STUDY, AND DESIGN THE IMPROVEMENTS FOR THE LOCUST-COLTON PHASE 1, 2 AND 3 SEWER SEPARATION AND WATER MAIN REPLACEMENT PROJECT DESIGN**

WHEREAS, the City of Bloomington has previously entered into a contract with Clark Dietz, Inc., for the Locust-Colton Phase 1, 2, and 3 Sewer Separation and Water Main Replacement Project Design; and

WHEREAS, for the reasons set forth in a staff report dated February 28, 2011 it was necessary to perform additional survey, study, and design for the Locust-Colton Phase 1, 2, and 3 Sewer Separation and Water Main Replacement Project Design; and

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the February 28, 2011 memo was in the best interest of the citizens of the City of Bloomington.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, ILLINOIS:

That a change order in the amount of \$110,000 in the contract between the City of Bloomington and Clark Dietz, Inc., for the Locust-Colton Phase 1, 2, and 3 Sewer Separation and Water Main Replacement Project Design be approved.

ADOPTED this 28<sup>th</sup> day of February, 2011.

APPROVED this 1<sup>st</sup> day of March, 2011.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Alderman Stearns questioned why this item was not put out for formal bid. David Hales, City Manager, addressed the Council. If this item was put out for formal bid, the project would need to start over. The design had been completed for Phase 1. There was a conceptual plan for all ten (10) phases. He noted the short time frame for Phases 2 and 3. He cited the Illinois Environmental Protection Agency (IEPA) loan approved by the Council at their February 14, 2011 meeting. If this item were put out for bid then the City would not meet the time line. This item would mean that the design work for Phases 2 and 3 would be completed. The construction for all three (3) Phases would be put out for bid.**

**Motion by Alderman Anderson, seconded by Alderman Purcell that the Change Order be approved and the Resolution adopted.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Application of PATH for a fund raiser to be held on March 31, 2011 from 4:00 p.m. until 12:00 a.m., (midnight), at the Bloomington Center for the Performing Arts, located at 600 N. East St., for a Limited Alcoholic Liquor License, Class LA, which will allow the selling and serving of all types of alcohol by the glass for consumption on the premise

**RECOMMENDATION:** Based upon the report from the Liquor Hearing, the Liquor Commission recommends to the City Council that an LA liquor license for PATH for a fund raiser to be held on March 31, 2011, from 4:00 p.m. until 12:00 a.m., (midnight), at the

Bloomington Center for the Performing Arts, (BCPA), located at 600 N. East St., be created, contingent upon compliance with all applicable health and safety codes.

**BACKGROUND:** The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to hear the application of PATH for a Limited Alcoholic Liquor License, Class LA, which will allow the selling and serving of all types of alcohol by the glass for consumption on the premise. Present at the hearing were Liquor Commissioner Steven Stockton, Rosalee Dodson, Asst. Corporation Counsel and Tracey Covert, City Clerk; and Karen Zangerle, PATH's Director and Applicant representative.

Commissioner Stockton questioned the purpose of this application. Karen Zangerle, PATH's Director and Applicant representative, began by informing the Commission that this application was for a fund raiser for PATH to be held at the Bloomington Center for the Performing Arts on Thursday, March 31, 2011 from 4:00 to 12:00 a.m., (midnight). This request was for a Limited License for a nonprofit corporation.

This would be the third year for Chef's for PATH. Last year, PATH applied for and was granted an LA liquor license for this event. Ticket sales would be limited to 250. Ticket sales would commence on Tuesday, February 22, 2011. Ticket price was \$75. The event will start with a salad. There will be five (5) chef stations. The following four (4) restaurants and their chefs are confirmed: Biaggi's, Station 220, Swingers Grill, and Luther Oaks. Each will prepare 250 servings. The dessert provider has not been confirmed. The top two (2) chefs, (determined by vote), will have a live cook off.

Last year's event raised \$40,000. The event included a live and silent auction. Chef's for PATH came about as a Leadership McLean County small group project.

Commissioner Stockton questioned liquor sales. Ms. Zangerle noted that the liquor distributor had not been selected. There will be six (6) volunteer bartenders. These full time bartenders were offering their time at no charge. Identification would be requested. The cash bar would offer specialty beer and wine and high end liquor. This year, the PATHtini, (specialty martini) will make a reappearance.

Attendees will be greeted by a maitre d. A hostess will escort the guests to their table and present the beverage list. PATH would be a restaurant for one night. There would be sixty (60) volunteers plus PATH staff on hand to man the event.

Ms. Zangerle noted that there would also be a jazz band.

Commissioner Stockton did not see any problems with this event.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Notice of the Liquor Hearing was placed in the press boxes at City Hall.

**FINANCIAL IMPACT:** None.

Respectfully,

Reviewed and concur:

Stephen F. Stockton  
Chairman of Liquor Commission

Randall D. McKinley  
Police Chief

**Motion by Alderman Anderson, seconded by Alderman Purcell that an LA liquor license be created, contingent upon compliance with all applicable health and safety codes.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Text Amendment to Chapter 44, Zoning, creating a definitions for “Shopping Centers” and other related uses as well as establishing Parking Requirements for “Shopping Centers”, “Small Restaurants”, “Carry-out Restaurants”, etc.

**RECOMMENDATION:** That the Text Amendment be approved and the Ordinance passed.

**BACKGROUND:** Over the years, staff has continued to see a series of problems in identifying the required parking for various mixed use buildings. This issue has continued to create problems for developers as they plan facilities and for City staff as they manage the City’s zoning code. The issues primarily revolve around medium to large shopping centers devoted to mixed use occupancies. The occupants of these facilities can have varying parking needs and requirements; as well as an ever changing mix of tenants (i.e. mercantile with a parking ratio of 1/250 s.f. vs. restaurants at 1/100 s.f.). This situation makes it very difficult for developers to determine the need for parking as well as staff’s time trying to track the parking requirements of a facility.

Staff has proposed a new definition and parking requirements for “shopping centers” in an effort to use a single parking requirement for a larger development. Definitions and parking requirements have been developed for other uses not previously identified in the zoning ordinance. These changes may be used in combination with the new “shopping center” definition or as stand alone uses. These have also been added to codify staff’s interpretations of gray areas in the past.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Public notice was placed in the Pantagraph as required by statute. Courtesy copies of the notice were mailed to various developers and planners. The proposed changes were subject of a public hearing before

the Planning Commission on February 9, 2011. Two (2) local attorneys addressed the Commission. Questions were raised and both were in support these changes.

**FINANCIAL IMPACT:** No direct financial impact. Staff believes less time will be required to review and discuss shopping center parking in the future.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Mark R. Huber  
Director, PACE

Barbara J. Adkins  
Deputy City Manager

David A. Hales  
City Manager

**PETITION FOR ZONING TEXT AMENDMENT**

State of Illinois )  
 ) ss.  
County of McLean )

TO: THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS

Now comes the City of Bloomington, McLean County, Illinois, a municipal corporation hereinafter referred to as you petitioner respectfully representing and requesting as follows:

1. That the text of Chapter 44, Sections 44.7-2 H.5 (f) and 44.3-2 of the Bloomington City Code, 1960 no longer contributes to the public welfare for the following reasons:
  - a. Parking requirements for shopping centers and restaurants are vague and difficult to interpret.
  - b. There are no allowances made for non-simultaneous use of parking in larger multiple use facilities.
  - c. The definitions of “shopping center” and “restaurant” do not exist.
  - d. The parking requirements for a “restaurant” are too broad and needs to be broken into parts for proper interpretation of parking needs.
  
1. That your petitioner hereby requests that said Sections be amended as hereinafter proposed in Exhibit “B”.
  
2. That the approval of said amendments will substantially reflect the philosophy and intent of Chapter 44 of the Bloomington City Code, 1960; and
  
3. That the approval of said amendments will offer benefits to the general public in excess of the hardships, limitations or restrictions imposed upon any definitive faction of the City of Bloomington, McLean County, Illinois that is affected by the proposed text of said Sections 44.7-2 H.5 (f) and 44.3-2.

WHEREFORE, your petitioner respectfully prays that this petition to amend Chapter 44, Sections 44.7-2 H.5 (f) and 44.3-2 of the Bloomington City Code, 1960 as stated herein be approved in the public interest.

Respectfully submitted,

By: Mark R. Huber, Director  
Planning and Code Enforcement

**ORDINANCE NO. 2011 - 11**

**AN ORDINANCE TO AMEND THE TEXT OF CHAPTER 44, SECTION 44.7-2 H.5 (f)  
AND SECTION 44.3-2 OF THE BLOOMINGTON CITY CODE, 1960**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition praying for the amendment of Chapter 44, section 44.7-2 H.5 (f) and Section 44.3-2 of the Bloomington City Code, 1960; and

WHEREAS, the Bloomington Planning and Zoning Commission, after proper notice was given, conducted a public hearing on said petition; and

WHEREAS, the text amendment prayed for in said petition is in the public interest; and

WHEREAS, the City Council of said City has the power to pass this Ordinance to amend said 44.7-2 H.5 (f) and 44.3-2 Chapter 44 of the Bloomington City Code-1960.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Bloomington, McLean County, Illinois:

1. That the Chapter 44, sections 44.7-2 H.5(f) and 44.3-2 of the Bloomington City Code – 1960 shall and the same are hereby amended:

- a. Section 44.7-2 H.5(f) shall be modified by adding the following:

(3) *Shopping Centers*: One (1) parking space for every two hundred fifty (250) gross square feet.

When part of a *shopping center*, parking for *carry-out* and *small restaurants* shall be included in the parking count for shopping centers

*Restaurants* included as part of a shopping center shall have parking as required in addition to those spaces required for the shopping center.

(4) *Carry-out Restaurants*: One (1) parking space for every two hundred fifty (250) gross square feet.

(5) *Restaurants and Small Restaurants*: One (1) parking space for every one hundred (100) square gross square feet.

- b. Section 44.3-2 shall be modified by inserting the following alphabetically:

*Shopping Centers*: A unified group of commercial establishments including office, retail, service, *small* and *carry-out restaurants*, or similar permitted uses, sharing a common building or buildings, off-street plaza, site access, signage and/or parking

area to which such commercial establishments are oriented on a site of not less than three (3) acres.

Restaurant: A commercial establishment in excess of 2000 gross square feet, where food and beverages are prepared, served, and consumed primarily within the principal building and where food sales constitute more than 50% of the gross sales receipts for food and beverages.

Restaurant, Carry-out: A restaurant containing seating for fewer than 10 patrons.

Restaurant, Outdoor Customer Dining Area: An accessory area of designated size used as a seating area with tables and chairs for the contiguous restaurant. This seating may be in addition to the indoor seating or it may be the only seating available for the restaurant. The area of such seating shall be included in determining the area of the restaurant.

Restaurant, small: A restaurant containing 2000 or fewer gross square feet and seating for ten (10) or more patrons.

2. Ordinance shall take effect immediately upon passage and approval.

PASSED this 28<sup>th</sup> day of February, 2011.

APPROVED this 1<sup>st</sup> day of March, 2011.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

## **EXHIBIT B**

Minimum number of Off-street Parking Spaces Required

Add to section 44.7-2 H.5(f)

(3) *Shopping Centers*: One (1) parking space for every two hundred fifty (250) gross square feet.

When part of a *shopping center*, parking for *carry-out* and *small restaurants* shall be included in the parking count for shopping centers



Restaurants included as part of a shopping center shall have parking as required in addition to those spaces required for the shopping center.

(4) *Carry-out Restaurants*: One (1) parking space for every two hundred fifty (250) gross square feet.

(5) *Restaurants and Small Restaurants*: One (1) parking space for every one hundred (100) square gross square feet.

## **New Definitions**

Shopping Centers: A unified group of commercial establishments including office, retail, service, *small* and *carry-out restaurants*, or similar permitted uses, sharing a common building or buildings, off-street plaza, site access, signage and/or parking area to which such commercial establishments are oriented on a site of not less than three (3) acres.

Restaurant: A commercial establishment in excess of 2000 gross square feet, where food and beverages are prepared, served, and consumed primarily within the principal building and where food sales constitute more than 50% of the gross sales receipts for food and beverages.

Restaurant, Carry-out: A restaurant containing seating for fewer than 10 patrons.

Restaurant, Outdoor Customer Dining Area: An accessory area of designated size used as a seating area with tables and chairs for the contiguous restaurant. This seating may be in addition to the indoor seating or it may be the only seating available for the restaurant. The area of such seating shall be included in determining the area of the restaurant.

Restaurant, small: A restaurant containing less than 2000 gross square feet and/or seating for ten (10) or more patrons.

**Motion by Alderman Anderson, seconded by Alderman Purcell 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, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT: Amendment to the Bloomington City Code, Chapter 29 (Motor Vehicles & Traffic)**

**RECOMMENDATION:** That the Text Amendment be approved and the Ordinance passed.

**BACKGROUND: Chapter 29, Article XXI (Parking System):** The City's parking system regulations were previously provided under Chapter 16, Article V of the City Code. Under those provisions, there was established in the Department of Finance, a Division of Parking System for the operation and control of on street and off street parking.

The proposed Ordinance moves the provisions of Chapter 16, Article V to Chapter 29 (Motor Vehicles & Traffic), Article XXI with the following substantive changes: 1.) the Division of Parking System is now established in the Department of Planning and Code Enforcement and administered by the Director of Planning and Code Enforcement under the control and supervision of the City Manager; 2.) removal of an inoperable vehicle in any City parking lot or garage shall occur within twenty four (24) hours of notice to the owner instead of fifteen (15) days; 3.) parking regulations are now enforced by the Police Department; and 4.) any person who believes that a parking ticket has been issued improperly to a vehicle he or she owns may now appeal the ticket through electronic mail, facsimile, or standard U.S. Postal Service (instead of in person only).

**Chapter 29, Article XXII, Section 197 (Vehicle Towing/Unpaid Tickets):** Currently, whenever it is determined that any motor vehicle has been involved in the issuance of ten (10) or more unpaid parking tickets as a result of parking violations identified on the tickets and such condition has existed for a period of forty (40) days after issuance of the tenth (10<sup>th</sup>) unpaid ticket, any such vehicle shall be deemed to be a public nuisance. The Director of Finance or the person in charge of the Violations Bureau shall cause to be personally served upon the owner of record of the vehicle notice describing the violations stating that the vehicle will be subject to being picked up, towed, stored and possibly sold at a later date by an authorized agent of the City, all at the expense of the owner whenever it is found on any public street, public parking lot, or other public right of way if the unpaid tickets are not paid within ten (10) days after the date of notice.

Since 2008, staff has collected \$94,680 from people with ten (10) or more tickets that were forty (40) days old (fifteen (15) vehicles have been towed and one (1) vehicle has been sold). All dollars collected go into the Parking Enterprise Fund.

The proposed Ordinance would change the amount of unpaid tickets subject to this section from ten (10) tickets to five (5). Also, the City Manager or his or her designee (instead of the Director of Finance or the person in charge of the Violations Bureau) would be responsible for administering this section.

The current breakdown of outstanding parking tickets:

<b>Number of Tickets</b>	<b>Number of People</b>	<b>Amount Owed</b>
>10	23	\$10,575
9	13	\$3,075
8	13	\$2,535
7	19	\$3,425
6	36	\$6,340
5	55	\$9,450
<b>Totals</b>	<b>159</b>	<b>\$35,400</b>

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** These changes were reviewed by the Downtown Traffic Committee; Staff Traffic Advisory Committee; Police, PACE, Engineering, and Legal Departments.

**FINANCIAL IMPACT:** There are no changes to parking rates, fines, and penalties.

Respectfully submitted for Council consideration.

Prepared by:

Rosalee Dodson  
Asst. Corporation Counsel

Reviewed by:

Jim Karch  
Director of Public Works

Reviewed by:

Mark R. Huber  
Director of PACE

Reviewed by:

Robert J. Wall  
Assistant Police Chief

Financial review by:

Timothy Ervin  
Director of Finance

Reviewed by:

Barbara J. Adkins  
Deputy City Manager

Recommend by:

David A. Hales  
City Manager

**ORDINANCE NO: 2011 - 12**

**AN ORDINANCE AMENDING BLOOMINGTON CITY CODE CHAPTER 29 (MOTOR VEHICLES & TRAFFIC)**

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Bloomington, Illinois:

SECTION 1: That the Bloomington City Code, 1960, as amended, shall be further amended by adding the following Article XXI to Chapter 29:

**Article XXI: City Parking System**

**Division 1: Off-Street City Operated Parking Lots and Garages**

**Section 174: Establishment of the Division.**

There is hereby established in the Department of Planning and Code Enforcement a Division of Parking System for the operation and control of the off-street parking system of the City of Bloomington. This Division shall be administered by the Director of Planning and Code Enforcement under the control and supervision of the City Manager.

**Section 175: Supervision.**

The off-street City operated parking lots and garages acquired, established, or operated by the City shall be under the supervision of the City Manager.

**Section 176: Establishment of Off-Street Parking Lots and Garages.**

There are hereby established certain off-street parking lots and garages for public use which shall be known by the following designations:

- (a) Abraham Lincoln Memorial Parking Garage in the block bounded by an extension of Main Street southward from Front Street, Front Street and northbound U.S. Route 51.
- (b) Major Butler Parking Lot in the block bounded by Front Street, Roosevelt Avenue, Washington Street and Madison Street.
- (c) Association of Commerce Lot ("Market Street Lot") which is in the block bounded by Monroe Street, Madison Street, Market Street and Center Street.
- (d) Synder Parking Garage which is in the block bounded by Washington Street, Main Street and Jefferson Street.
- (e) Pepsi Ice Center Parking Garage which is in the block bounded by Roosevelt Street, Olive Street and Lee Street.

(f) Government Center Parking Lot which is in the block bounded by Front Street, East Street and Washington Street.

**Section 177: Twenty-Four Hour Operation.**

Off-street City parking lots and garages shall be opened for parking on a twenty-four (24) hour basis, except that the Director of Planning and Code Enforcement may close portions of the Association of Commerce Lot, including entrances and exits, between the hours of 6:00 p.m. and 6:00 a.m. when in his or her opinion conditions warrant partial closing.

**Section 178: Daytime Parking.**

Daytime parking in off-street City parking lots and garages provided under Section 180 of this Article shall be from 8:00 a.m. to 6:00 p.m., Monday thru Friday. Parking fees in the lots and garages shall be paid from 8:00 a.m. to 6:00 p.m. The Director of Planning and Code Enforcement is authorized to establish a flat fee for parking in portions of the Association of Commerce Lot, Abraham Lincoln Memorial Parking Garage, Major Butler Parking Lot, and Pepsi Ice Center Parking Garage between 6:00 p.m. and 8:00 a.m.

**Section 179: Exits and Entrances.**

The Traffic Engineer, under the control and supervision of the City Manager, shall arrange the parking areas or spaces and arrange, locate and prepare exits and entrances for entering and exiting the off-street parking lots and garages and have them suitably marked as designated by plats.

**Section 180: Fee Lots and Garages, Rates and Time Limits.**

(a) Parking rates for parking in off-street parking lots and garages operated by parking devices shall be as follows:

(1) Abraham Lincoln Memorial Parking Garage: \$.65 for each hour or fraction thereof; \$4.55 daily maximum, Monday thru Friday, except holidays. \$40.00 per space per month.

(2) Association of Commerce Lot: \$40.00 per space per month. The first level shall be free; however, no vehicle shall be allowed to park more than four (4) hours per day in such facility. Vehicles exceeding the four (4) hour daily limit shall be fined in the amount provided under Section 187 of this Article for each additional four (4) hour period, or part thereof, the vehicle is parked in excess of the initial time or any subsequent four (4) hour period. No vehicle may be parked in the free portion of the Association of Commerce Lot more than one time during the same day, regardless of whether the vehicle occupied the same or another space in that portion of the parking lot and regardless of whether the vehicle was parked for the full amount of time allowed by this ordinance.

(3) Major Butler Parking Lot: Parking is free; however, no vehicles shall be allowed to park for more than two (2) hours in any designated public parking space. Each designated public parking space is independent of the other.

(4) Synder Parking Garage: Spaces in that portion of the Synder Parking Garage which are accessible from Jefferson Street shall be rented for \$40.00 per space per month at the expiration of existing leases. Parking in that portion of the Synder Parking Garage which is accessible from Washington Street shall be free; however, no vehicle shall be allowed to park more than three (3) hours per day in such facility. Vehicles exceeding the three (3) hour daily limit shall be fined in the amount provided under Section 187 of this Article for each additional three (3) hour period, or part thereof, the vehicle is parked in excess of the initial time or any subsequent three (3) hour period. No vehicle may be parked in the free portion of the Synder Parking Garage more than one time during the same day, regardless of whether the vehicle occupied the same or another space in that portion of the parking garage and regardless of whether the vehicle was parked for the full amount of time allowed by this ordinance.

(5) Pepsi Ice Center Parking Garage: \$45.00 per space per month. The first and second levels shall be free; however, no vehicle shall be allowed to park more than four (4) hours per day in such facility. Vehicles exceeding the four (4) hour daily limit shall be fined in the amount provided under Section 187 of this Article for each additional four (4) hour period, or part thereof, the vehicle is parked in excess of the initial time of any subsequent four (4) hour period. No vehicle may be parked in the free portion of the Pepsi Ice Center Parking Garage more than one time during the same day, regardless of whether the vehicle occupied the same or another space in that portion of the parking garage and regardless of whether the vehicle was parked for the full amount of time allowed by this ordinance.

(b) Monthly Parking. All other City owned parking facilities shall be rented for \$40.00 per space per month at the expiration of existing leases.

**Section 181: Use of Manual Parking Fee Collection Devices.**

The Director of Planning and Code Enforcement is authorized to cause fees to be collected in the Abraham Lincoln Memorial Parking Garage, the Major Butler Parking Lot, the Association of Commerce Lot and the leased portion of the Synder Parking Garage by such manual parking fee collection device or other means as is most efficient and convenient. If a card or other payment device is disabled by reason of nonpayment of any fees required in this Article, the Director of Planning and Code Enforcement is authorized to charge a reconnect fee of \$15.00 to reactivate such card or other payment device.

**Division 2: Use of Parking System**

**Section 182: Responsibility of Vehicle Owners.**

The regulations of the off-street parking facilities referred to in this Article are intended for the control of traffic and parking for the benefit and convenience of the public.

No person shall directly or indirectly permit any vehicle owned by him or her to be used in any manner so as to violate any of the parking provisions of this Article. An owner shall be responsible for his or her vehicle while the vehicle is in the City. An owner shall be deemed to have permitted, allowed and consented to the acts of any person lawfully in possession of his or her vehicle while the vehicle is located in the City. No guilty intention by the owner, driver or the person in possession of the vehicle is required to establish a violation of this Article. Any owner found to be in violation of this Article consents to pay the fine and accepts responsibility for the payment of the parking fines provided under Section 187 of this Article.

**Section 183: Interference with Parking System.**

(a) Nonpayment of Fee. It shall be unlawful for any person directly or indirectly to permit a vehicle owned by him or her to park in any off-street City parking lot or garage without paying the required fee or rent.

(b) Occupying Two Spaces. No person shall directly or indirectly permit any vehicle owned by him or her to be parked in any off-street parking lot or garage so that any part of the vehicle occupies more than one space or protrudes beyond the markings designating the space.

(c) Parking Outside Designated Spaces. No person shall directly or indirectly permit any vehicle owned by him or her to be parked in any off-street parking lot or garage in any space other than in a designated parking space.

(d) Nonpayment of Rent. No person shall directly or indirectly permit any vehicle owned by him or her to be parked in any off-street parking lot for which a monthly rent has been established where egress is obtained by means of an expired monthly parking rental card.

(e) Obliteration of Markings. No person shall remove, conceal or obliterate any chalk mark or other distinguishing mark used by any police officer or other employee of the City in connection with the enforcement of the parking regulations of this Article, if done for the purpose of evading the provisions of this Article.

(f) Leaving Inoperable Vehicle in Parking Facility. No person shall leave or permit any inoperable motor vehicle owned by him or her to remain in any City parking lot or garage after being notified of its condition. The Director of Planning and Code Enforcement shall notify the owner in writing of any inoperable motor vehicle found in a City parking lot or garage. The notice shall direct the owner to remove the vehicle or put it in an operable condition within twenty-four (24) hours of the date of the notice. It shall further advise the owner that upon his or her failure to comply with the notice, the car will be towed and stored at the owner's expense. Upon the failure of the owner to take the action directed in the notice, the Director of Planning and Code Enforcement may procure the removal and storage of the vehicle. Towing and storage charges shall be at the owner's expense. It is not a defense to an order to remove or repair an inoperable vehicle under this Section that the owner has paid to the City any required fee for parking the vehicle. If a vehicle is removed at the order of the Director of Planning and Code Enforcement, any prepaid parking rental for any period after the removal shall, at the City's discretion, be refunded to the owner of the vehicle, or applied to towing and storage charges.

(g) Skateboarding, Bicycling or Roller Skating. No person shall ride, stand, sit, kneel, put any weight upon, or in any manner use a skateboard, bicycle or roller skates in any off-street parking facility described in Section 176 of this Article.

(h) Speeding. It shall be unlawful for any person to operate a motor vehicle at a speed in excess of 5 m.p.h. in the Association of Commerce Lot, or in excess of 10 m.p.h. in any other lot or garage provided under this Article.

### **Division 3: Enforcement**

#### **Section 184: Duties.**

Parking regulations shall be enforced by the Police Department, with the following duties:

- (a) Maintain records of all tickets issued under this Article and other relevant provisions of Chapter 29.
- (b) Send out notices as required under this Article and maintain records of the notices.
- (c) With the approval of the City Manager, or his or her designee, void parking tickets issued for a violation of this Article.
- (d) Maintain sufficient equipment and records to determine the ownership of motor vehicles from the license plate number.
- (e) Maintain all records required under this Article.

#### **Section 185: Contents of Tickets.**

Parking tickets shall contain:

- (a) The date and time of issuance.
- (b) The license plate number (including the state for out-of-state licenses and year for other than the current calendar year) of the ticketed vehicle.
- (c) The provision of this Article violated.
- (d) The name of the person issuing the ticket.
- (e) A number identifying the ticket.
- (f) A statement of the amount of the minimum fine as provided under this Article.
- (g) Instructions on method of payment for the fine.



- (h) A statement that the validity of the ticket may be challenged at City Hall.
- (i) A statement that failure to challenge the validity of the ticket within seven (7) days will be considered as an admission of the violation.

**Section 186: Parking Violation Appeals Process.**

Any person who believes that a parking ticket has been issued improperly to a vehicle he or she owns may appeal the ticket in person at City Hall, or through the electronic mail, facsimile, or standard U.S. Postal Service. Failure to appeal within seven (7) days of the issuance of a parking ticket shall be deemed an admission of responsibility for the violation. The appeal must be postmarked within seven (7) days of the issuance if the U.S. Postal Service is used.

Once an appeal is appropriately filed, no additional penalties will be assessed during the investigative review process. The person who filed the appeal will be notified in writing of the results of the investigative review within a reasonable amount of time. The outcome of the investigative review is final. If the appeal is denied, the vehicle owner must pay the fine within seven (7) days, otherwise the fine will increase by \$5.00 if paid after seven (7) days but within thirty (30) days. An additional \$10.00 will be assessed if not paid within thirty (30) days.

**Section 187: Penalties - Schedule of Fines.**

(a)

Nature of Violation	If Paid Within 7 Days	If Paid After 7 Days But Within 30 Days	If Paid After 30 Days
Abuse of Reserved Parking Regulation	\$10.00	\$15.00	\$25.00
Failure to Pay Fee	\$25.00	\$30.00	\$40.00
Failure to Pay Monthly Fee	\$25.00	\$30.00	\$40.00
Obliteration of Marking	\$10.00	\$15.00	\$20.00
Parking Time Violation	\$10.00	\$15.00	\$25.00
Parking Vehicle in City Lot in any Place Other Than Marked Place	\$10.00	\$15.00	\$25.00
Parking Vehicle in More Than One Parking Space	\$10.00	\$15.00	\$25.00
Skateboarding/Bicycling/Roller Skating	\$10.00	\$15.00	\$25.00
Speeding in City Lot or Municipal Parking Garage	\$25.00	-----	-----

(b) Unless another penalty is expressly provided under this Article, any person convicted of a violation of the provisions of this Article shall be punished by a fine of not less than One Dollar (\$1.00) or more than Two Hundred Dollars (\$200.00).

SECTION 2. That the Bloomington City Code, 1960, as amended, shall be further amended by making the following changes to Chapter 29, Section 197: (additions are indicated by underlining; deletions are indicated by strikeouts):

**Section 197: Towing of Vehicles Having More Than Five ~~Ten~~ Unpaid Parking Tickets.**

(a) Notice to Owner. Whenever it is determined that any motor vehicle has been involved in the issuance of five (5) ~~ten (10)~~ or more unpaid parking tickets as a result of parking violations identified on the tickets and such condition has existed for a period of forty (40) days after the issuance of the fifth (5<sup>th</sup>) ~~tenth (10<sup>th</sup>)~~ unpaid ticket, any such vehicle shall be deemed to be a public nuisance. The City Manager or his or her designee ~~Director of Finance or the person in charge of the Violations Bureau~~ shall cause to be personally served upon the owner of record of said motor vehicle a notice describing the violations stating that said vehicle will be subject to being picked up, towed, stored and possibly sold at a later date by an authorized agent of the City of Bloomington all at the expense of the owner whenever it is found on any public street, public parking lot, or other public right-of-way if said unpaid tickets are not paid or otherwise disposed of with the City by the owner or the owner's agent within ten (10) days after the date of the service of said notice. The notice may be served by any member of the Bloomington Police Department or in any other manner provided by law for the personal service of summons in civil cases.

(b) Meeting with Owner. The vehicle owner may obtain a review of the unpaid tickets by requesting in writing a meeting with the City Manager or his or her designee ~~Finance Director of the City of Bloomington or his authorized representative~~, which meeting shall be scheduled at the City Hall as soon as possible, at a time mutually convenient for the parties, but not more than twenty (20) days from the date of service of the above-described notice. The City Manager or his or her designee ~~Director of Finance or his authorized representative~~ at such meeting shall have full authority to make binding agreements relating to the amounts due, if any, and may agree to any payment terms which he determines are in the best interests of the City.

(c) Impoundment. If the vehicle owner:

(1) fails to give written notice requesting a meeting with the City Manager or his or her designee ~~Director of Finance~~; or

(2) does not appear at such meeting and does not ask, in writing, for a short delay of the meeting date because of unanticipated personal problems; or

(3) cannot agree with the City Manager or his or her designee ~~Director of Finance~~ on the amount due or arrange an acceptable method of payment; or

(4) having so agreed on a method of payment, fails to make any payment when due; or

(5) has not instituted legal action to have his responsibilities and rights with respect to said tickets judicially determined,

then the City Manager or his or her designee ~~Director of Finance~~ shall make a written finding of such facts. Thereafter, whenever such vehicle is found parked and unattended on a public right-of-way in the City of Bloomington, it shall be subject to being immediately towed and stored. Bloomington Police authorities shall have the power and are hereby authorized to remove or

have the vehicle removed by either private or government equipment to a City or private storage facility as may be deemed advisable. The towing and storage of the vehicle shall not be delayed or prohibited by the fact that a friend, relative, lessee, agent or employee of the owner may have been operating the vehicle just prior to the impoundment.

(d) Notice to owner. Whenever a vehicle has been towed or stored, a notice of such removal and the location of storage shall be served on the registered owner of the vehicle if his name and address is known or can be ascertained with reasonable diligence. The notice shall state that if a release of the vehicle is not promptly obtained, it shall be treated as an abandoned vehicle and sold as such under Chapter 95 1/2, Illinois Revised Statutes. The notice may be served by any member of the Bloomington Police Department or by certified mail.

(e) Release of Vehicle. Impounded vehicles will be released to their lawful owners or their agents upon a showing of adequate evidence of a right to possession and the payment by certified check to the City of Bloomington of all accrued fines, penalties, incurred costs, towing, storage, and related charges. The person to whom the vehicle is released must sign a receipt for the vehicle and thereon state the capacity under which he is obtaining possession of the vehicle.

(f) Funds from Sale. The funds from the sale of any vehicle hereunder shall first be applied to the payment of all accrued fines, incurred costs, towing, storage and related charges, and the remainder shall be disposed of as provided by law.

(g) Rules and Regulations. The City Council is hereby authorized to adopt by Resolution, such Rules and Regulations as are necessary to carry out the provisions of this Ordinance.

SECTION 3: That the Bloomington City Code, 1960, as amended, shall be further amended by deleting Sections 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 71, 72, 73, 75, 76, 89, 90, 91, 92, 92.1 and 98 of Chapter 16 (Department of Finance). The City may continue to enforce any actions under these Sections which occurred before the effective date of this ordinance.

SECTION 4: Except as provided for herein, the Bloomington City Code, 1960, as amended, shall remain in full force and effect.

SECTION 5: The City Clerk is authorized to publish this ordinance in pamphlet form as provided by law.

SECTION 6: This ordinance shall be effective ten (10) days after the date of its publication.

SECTION 7: This ordinance is passed and approved pursuant to the home rule authority granted under Article VII, Section 6 of the 1970 Illinois Constitution.

PASSED this 28<sup>th</sup> day of February, 2011.

APPROVED this 1<sup>st</sup> day March, 2011.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Motion by Alderman Anderson, seconded by Alderman Purcell 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, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Public Hearing for Approval and Authorization to submit the Community Development Block Grant Program Year 2011-12 Application and Action Plan

**RECOMMENDATION:** That the Community Development Block Grant Program Year 2011-12 Application and Action Plan be approved, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.

**BACKGROUND:** On May 1, 2011, the Community Development Division will begin its Fiscal Year 37 (FY 2011-2012). For the past thirty six (36) years, the City has applied for funding under the Federal Community Development Block Grant (CDBG) Program, through Housing and Urban Development (HUD). A draft of the Action Plan and its proposed activities have been available for review and public comment, since January 21, 2011.

HUD requires the jurisdiction to pursue the following overall goals: “develop viable urban communities by providing decent housing and a suitable living environment and expanding economic opportunities principally for low and moderate income persons”. The expenditure of the CDBG funds must meet the needs of the community as identified in the Council approved 2010-2015 Consolidated Plan.

A summary of the 2011 - 2012 “listing of activities” as part of the Action Plan (i.e. budget) for Fiscal Year 37, 2011 - 2012, is also provided.

Staff recommends that the City Council: 1.) approve the Resolution authorizing the filing of the CDBG Application for 2011 - 12 and 2.) approve the proposed budget and activities listed in the 2011 - 12 Action Plan.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Copies of the draft Action Plan were made available for public viewing on the City’s web site, at the City Clerk’s Office, the Planning and Code Enforcement Office and the Bloomington Public Library.

The public notice and proposed activity list was mailed to over fifty (50) local churches and neighborhood associations located in the low/moderate income areas of the community. In addition, notification of the availability of the draft Action Plan and February 28<sup>th</sup> Public Hearing was published in the Pantagraph on January 15, 2011 and the February 14, 2011 issue of PATH-O-GRAM, which is emailed to over four hundred (400) individuals and/or local agencies.

**FINANCIAL IMPACT:** Delay or lack of approval would result in the loss of approximately \$655,193 in federal grant funds used for several programs benefiting low to moderate income families within the City.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Sharon A. Walker, Division Manager  
Code Enforcement Division

Mark R. Huber,  
Director of PACE

Financial review by:

Reviewed by:

Recommended by:

Timothy Ervin  
Director of Finance

Barbara J. Adkins  
Deputy City Manager

David A. Hales  
City Manager

**RESOLUTION NO. 2011- 11**

**RESOLUTION AUTHORIZING THE FILING OF A COMMUNITY DEVELOPMENT PROGRAM APPLICATION FOR PROGRAM YEAR THIRTY-SEVEN (37)  
(May 1, 2011 - April 30, 2012)**

WHEREAS, it is necessary and in the public interest that the City of Bloomington, otherwise known as the Local Public Agency, avail itself of the financial assistance provided by Title I of the Housing and Community Development Act of 1987, to continue a Community Development Program.

WHEREAS, it is necessary for the Local Public Agency to certify that it will carry out the provisions of the Housing and Community Development Act of 1974, regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON:

That an application on behalf of the City of Bloomington for a grant under said Title I in the amount of \$655,193.00 (estimated) as the full amount available for undertaking and financing the thirty-seventh (37<sup>th</sup>) increment of such program is hereby approved, and

1. The City Manager is hereby authorized and directed to execute and to file such application with the Department of Housing and Urban Development; to act as the certifying officer and assure the status of a responsible Federal Official under the National Environmental Protection Act of 1969; to act as the assuring officer for the City of Bloomington that the Local Public Agency shall comply with those items listed on HUD application forms.
2. The Counsel for the Code Enforcement Division is hereby authorized and directed to file legal certification.
3. The Director of Planning and Code Enforcement, Code Enforcement Division, is hereby authorized and directed to provide such additional information and to furnish such documents as may be required on behalf of the Department of Housing and Urban Development, and to act as the authorized correspondent of the City of Bloomington.
4. The City Clerk is hereby authorized and directed to certify such documents as needed by the Department of Housing and Urban Development on behalf of the City of Bloomington.

ADOPTED this 28<sup>th</sup> day of February, 2011.

APPROVED this 1<sup>st</sup> day of March, 2011.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**2011-12 / Fiscal Year 37 City of Bloomington  
Community Development Block Grant (CDBG)  
Budget Summary of Proposed Activities**

**Project:**

Rehabilitation Loans / Grants for Low and Moderate Income Households Including Service Delivery costs <i>Objective / Outcome – 2. Provide Decent Affordable Hsing. /1. Availability</i>	\$328,413
Demolition of Deteriorated Structures – elimination of slum / blight <i>Objective / Outcome –1. Suitable Living Env. / 3. Sustainable</i>	\$150,000
Administration and General Management <i>(Allowed up to 20% of grant + program income)</i>	\$ 44,600
Public Services: Homeless Outreach Worker Paid to PATH as part of the Continuum of Care match money <i>Objective / Outcome – 1. Suitable Living Env. / 1. Availability-Access.</i>	\$ 14,000
Public Services: Housing and Benefits Specialist for the Homeless Paid to PATH as part of the Continuum of Care match money <i>Objective / Outcome – 1. Suitable Living Env. / 1. Availability-Access</i>	\$ 9,680
Public Services: Emergency Services Grant Paid to PATH for services to prevent homelessness of low/moderate income individuals, i.e.: housing, utilities, repairs, etc. <i>Objective / Outcome – 1. Suitable Living Env. / 1. Availability-Access</i>	\$ 25,000
Public Services: Peace Meals Senior nutrition program for Bloomington residents <i>Objective / Outcome – 1. Suitable Living Env. / 1. Availability-Access</i>	\$ 25,000
Public Services: Misc. – Section 3 Job / Life Training Section 3 participation is a HUD requirement <i>Objective / Outcome – 3. Creating Economic Opportunities / 1. Avail- Access.</i>	\$ 15,000
Public Facilities: Misc. Facility Improvements Immanuel Health Clinic, 502 S. Morris, Blm.: Milestones Early Learning Center, 315 Stillwell, Blm.: <i>Objective / Outcome – 1. Suitable Living Env. / 3. Sustainable</i>	\$ 75,000 \$ 50,000 \$ 25,000
<b>TOTAL</b>	<b>\$686,693</b>
Proposed Grant:	\$655,193
Program Income:	\$ 31,500
<b>TOTAL:</b>	<b>\$686,693</b>

**2011-12 / Fiscal Year 37 City of Bloomington  
Community Development Block Grant (CDBG)  
Budget Summary of Proposed Activities – Revised due to Proposed Cuts**

**Project:**

Rehabilitation Loans / Grants for Low and Moderate Income Households  
Including Service Delivery costs \$ 59,917

*Objective / Outcome – 2. Provide Decent Affordable Hsing. /1. Availability*

Demolition of Deteriorated Structures – elimination of slum / blight \$ 50,000

*Objective / Outcome –1. Suitable Living Env. / 3. Sustainable*

Administration and General Management \$ 31,600

*(Allowed up to 20% of grant + program income)*

Public Services: Homeless Outreach Worker \$ 14,000

Paid to PATH as part of the Continuum of Care match money

*Objective / Outcome – 1. Suitable Living Env. / 1. Availability-Access.*

Public Services: Housing and Benefits Specialist for the Homeless \$ 9,680

Paid to PATH as part of the Continuum of Care match money

*Objective / Outcome – 1. Suitable Living Env. / 1. Availability-Access*

Public Services: Emergency Services Grant \$ 12,000

Paid to PATH for services to prevent homelessness of low/moderate  
income individuals, i.e.: housing, utilities, repairs, etc.

*Objective / Outcome – 1. Suitable Living Env. / 1. Availability-Access*

Public Services: Peace Meals \$ 5,000

Senior nutrition program for Bloomington residents

*Objective / Outcome – 1. Suitable Living Env. / 1. Availability-Access*

Public Facilities: Misc. Facility Improvements \$ 95,000

Immanuel Health Clinic, 502 S. Morris, Blm.: \$ 50,000

Milestones Early Learning Center, 315 Stillwell, Blm.: \$ 45,000

*Objective / Outcome – 1. Suitable Living Env. / 3. Sustainable*

**TOTAL \$277,197**

Proposed Grant: \$245,697

Program Income: \$ 31,500

**TOTAL: \$277,197**

*(Meets our 20% Admin. Cap; 70% L/M Requirement and 15% Public Service Cap)*

**David Hales, City Manager, introduced this item. This was the Annual Action Plan if the City receives funding from Housing and Urban Development, (HUD). Two (2) action plans had been prepared based upon two (2) possible funding levels. He noted recent action taken by the House of Representatives which would significantly cut funding in the current federal fiscal year. He added that the 2012 fiscal year proposed budget included a**



reduction in Community Development Block Grant (CDBG) funds. The reduction could mean that the City would see a reduction in the sum of hundreds of thousands of dollars.

Sharon Walker, Code Enforcement Division Manager, addressed the Council. This would be the City's thirty-seventh (37<sup>th</sup>) year to receive HUD funding. She cited the reduction plan figure, (\$245,000). HUD provided the City with activity percentages, (administration – twenty percent/20%; low to moderate income – seventy percent/70%; and public service cap – fifteen percent/15%). Karen Zangerle, PATH's Director, was present to address community needs. The plan was to address the most urgent needs. Ms. Walker noted budget cuts at the state and federal government levels.

Alderman Stearns questioned the funding level. Ms. Walker responded that she did not know as of this date. The Action Plan was due by March 15, 2011. She planned to include both plans. This would inform HUD that the City had thought about potential funding reductions. She added that the City received another grant. It was a two (2) year grant.

Alderman Stearns expressed her support for loans. These dollars would be renewable. She questioned dollars assigned to Ward 4 for emergencies. Ms. Walker addressed the rehabilitation loan line items. Alderman Stearns questioned if this was the best use of these dollars. She added her support for Peace Meals. She noted this program's impact on the elderly. She requested that the funding be increased. Ms. Walker noted that this program was part of Public Service activities. The City needed to match the Continuum of Care. Peace Meals was also facing state budget reductions. In addition, federal dollars were flat. Emergency grants had been included in the City's General Fund budget, (see Code Enforcement - \$25,000). In addition, PATH had funds for emergencies.

Alderman Purcell cited the dollar figure for Administration. Ms. Walker stated that these dollars were for office supplies, staff training and back property taxes for demolish properties. There were no funds budgeted for labor.

Alderman Purcell questioned improvements to Public Facilities. Ms. Walker restated that there were percentages set by HUD. The City must meet same. These facilities were located in a low to moderate income neighborhoods. Alderman Purcell questioned the planned improvements.

Mayor Stockton opened the Public Hearing.

Teena Scott, MD, addressed the Council regarding the Immanuel Health Clinic located at 502 S. Morris. This clinic would serve the underserved and disadvantaged. It would offer medical, social, counseling and spiritual services. Fundraising activities would take place in the community and at local churches.

Alderman Anderson addressed PATH. Currently, he served on the Mid Central Community Action board. He cited the impact on the light/heat program. He noted budget reductions at both the federal and state levels. The City needed to raise its voice.

Alderman Fruin questioned how this clinic would interface with Community Health Care Clinic (CHCC). Dr. Scott addressed the gap. In McLean County, there were 16,000 individuals without health insurance. The CHCC served 2,500 to 3,000 individuals per year. Alderman Fruin encouraged Dr. Scott to work with the other service providers to avoid duplication.

Ron Schultz, 1208 E. Oakland, addressed the Council. He described the CDBG as a good program. He added that there were not enough dollars to take care of all needs. He questioned who made the funding decisions. He also questioned if Council approval was needed. He wanted to know where the CDBG information had been published and if the information was on the City's web site. Finally, he questioned political motivations.

Ms. Walker stated that the City worked backwards. She noted the five (5) year plan. Activities must be tied to the Needs Assessment. Information was placed on the City's web site under Community Development. The Council's Resolution will be sent to HUD. A change in an amount over \$100,000 must be presented to the Council for approval. The City followed HUD regulations in a case of perceived conflict. A case of perceived conflict included a legal review, Council approval and HUD approval.

Mayor Stockton closed the Public Hearing.

Alderman Purcell thanked Ms. Walker for her efforts when funding was uncertain.

Mr. Hales recommended Council approval of this item.

Motion by Alderman Schmidt, seconded by Alderman Anderson that the submission be approved and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Intergovernmental Agreement and Agreement for Ordinance Violation Fine Collection

**RECOMMENDATION:** That the Agreements be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

**BACKGROUND:** The City issues approximately 3000 ordinance violation citations (OV) annually, not including parking citations. Citations generally fall into two (2) categories: those issued for behavior-related offenses, such as disorderly conduct and possession of open alcohol in public, and citations issued for violations of property maintenance codes. In fiscal year 2010, the City collected approximately \$276,000 in fines for OVs. Over the past five (5) years, City records indicate that approximately \$500,000 in court ordered fines remain unpaid. An estimated 70% of these fines are owed by five (5) major violators with delinquent judgments of \$10,000 or more.

Staff proposes to enter into an Intergovernmental Agreement with McLean County that would authorize the Circuit Clerk's office to send this debt for collection to the law firm of Arnold Scott Harris, P.C., (Harris & Harris) a firm that already provides collection service for the county.

Reasons for Recommendation:

- Low Cost of Transfer.

Referrals could be implemented at little or no direct cost to the City. Since the County already sends cases to the collection firm, data transfer programming is already in place. The City's case data would simply be included with the County's data transfers. This will occur without any additional labor costs to the City. Since the collection firm prioritizes its collection services to counties in part based upon the number of cases sent to collection, the County will benefit by sending more cases. The County will also benefit from a substantially reduced court docket and a greatly reduced use of court personnel and time. Because of these benefits, the intergovernmental agreement provides that the County will send City OV cases to collection without cost to the City.

The collection contract with the law firm will likewise not require payment from the City. State law provides that fees or costs incurred by the municipality for collection services shall be charged to the offender. The Harris contract provides for a collection fee of thirty percent (30%) which is deducted only from monies actually collected once the case has been sent to the firm for collection.

Enhanced Post-Judgment Collection Activities.

Harris & Harris is a national collection agency based in Chicago with extensive experience in collecting fines, fees and costs owed to governmental entities. Among its clients are Cook, Peoria, Champaign, Will, Lake and Madison counties. Municipalities served include Chicago, Peoria, Champaign and Urbana. The firm uses a single proprietary database that organizes all debtors and receives information pertinent to the collection process from several sources. Debtors are first contacted by mail and may later be contacted by telephone and email. Delinquent offenders are first offered the opportunity to resolve the matter voluntarily through a number of payment options, including web based payments. Those who do not pay when given the opportunity to do so may face court action from the firm. The staff of collectors are trained and calls are monitored to ensure productivity, courteous behavior and compliance with the Fair

Debt Collection Practices Act. As a client, the City will be able to view activity on accounts, generate reports, and audit accounts through a secure web link.

- Reduction in the City’s Post-Judgment Docket will Enhance OV Prosecution.

The City’s Legal staff schedules an average of four hundred (400) OV hearings per month; of these approximately forty percent (40%) are post-judgment hearings. OV cases for the City, Normal and several smaller towns are scheduled only on Monday afternoons and are set before a single judge. This means that court time is extremely limited. To the extent post-judgments collection cases are removed from the docket, the Legal Department will be better able to focus on prosecuting and obtaining judgments in more current cases.

Staff respectfully recommends that Council approve retaining the law firm of Arnold Scott Harris, P.C. to collect unpaid OV fines, and approve the implementation of an Intergovernmental Agreement authorizing the McLean County Circuit Clerk to refer OV cases to the law firm for collection.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Not applicable.

**FINANCIAL IMPACT:** Collection referral can implemented at no cost to the City. It is difficult to assess whether the City will receive an increase in amounts collected after implementation. The initial contract period expires on April 30, 2012, so an assessment can be made after almost a year of implementation as to whether the City is benefitted financially from the referral.

Respectfully submitted for Council consideration.

Prepared by:

Financial review by:

Recommended by:

George D. Boyle  
Asst. Corporation Counsel

Timothy Ervin  
Director of Finance

David A. Hales  
City Manager

**INTERGOVERNMENTAL AGREEMENT: Ordinance Violation Collection**

THIS AGREEMENT, made by and between The Clerk of the Circuit Court of Mclean County, Illinois (hereinafter, the “Circuit Clerk”) and the City of Bloomington, Illinois (hereinafter, the “City”) pertains to the referral of ordinance violation cases maintained by the McLean County Circuit Clerk’s office and having been filed by the City,

WITNESSETH:

WHEREAS, the City of Bloomington prosecutes ordinance violations in McLean County Circuit Court punishable by payment of fines and court costs; and

WHEREAS, the Circuit Clerk maintains records pertaining to ordinance violation cases and the payment of fines and costs made pursuant to judgments entered therein; and

WHEREAS, State law provides for municipalities to retain private collection agencies and attorneys for the purpose of collecting defaults in payment of fines, penalties and costs, and further provides that any fees or costs incurred by the municipality in retaining said collection agencies and attorneys shall be charged to the offender; and

WHEREAS, the City has retained the firm of Arnold Scott Harris, P.C., a private collection firm, to collect delinquent fines and costs as provided in 65 ILCS 5/1-2-1; and

WHEREAS, the County, through its Circuit Clerk's office, currently refers all Traffic, Driving Under the Influence, Misdemeanor and Felony cases upon which an amount outstanding is owed for more than forty-five days to the same private collection agency retained by the City; and

WHEREAS, the parties each consider it to be to their benefit to provide for the systematic, orderly, and expeditious referral of City ordinance violation cases with outstanding amounts owed for fines, costs or fees in that said referrals will result in substantially reduced court dockets, as well as the expenditure of fewer City and County resources, and may result in an increase in payments received from delinquent and defaulting offenders,

IT IS THEREFORE AGREED AS FOLLOWS:

1. That the City hereby authorizes and requests the Circuit Clerk to forward to the collection firm of Arnold Scott Harris, P.C., case court file information for all City of Bloomington ordinance violation cases for which there is an amount owed for a fine, fee, cost, penalty or judgment unpaid for forty-five days past the date fixed by the Court for payment.
2. That the Circuit Clerk shall forward ordinance violation case information as described in paragraph 1 at no cost to the City.
3. That the County shall remit all payments received from the firm of Arnold Scott Harris P.C. relating to City of Bloomington ordinance violation cases, after deducting court costs ordered in said cases.

City of Bloomington,  
a Municipal Corporation

Attest:

By: Stephen F. Stockton, Mayor

Tracey Covert, City Clerk

County of McLean, Illinois

By: Don Everhart Jr., McLean County Circuit Clerk

## COLLECTIONS CONTRACT

This Agreement is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2011, by and between the Law Offices of Arnold Scott Harris, P.C., (hereinafter, the “Law Firm”) and the City of Bloomington (hereinafter, the “Client”), who jointly agree as follows:

### I. ADMINISTRATIVE RESPONSIBILITIES

A. Notice to Violators. The Law Firm will mail notices and initiate telephone contact with violators having unresolved ordinance violation fines (including court costs ordered paid as a part of an ordinance violation judgment) with the Client in order to notify violators of their obligation to the Client. The purpose of the contact is to provide violators the opportunity to satisfy their financial obligation(s) voluntarily. The Client and the McLean County Circuit Clerk’s office will provide the name and last known address of the violators, all information regarding the charges against the violator, date(s) of the alleged violation(s), the date of adjudication and enumeration of all fines, court costs and fees as yet unpaid by the violator. When necessary, the Law Firm will attempt to locate violators for whom the Client has received return mail or with whom the Client has otherwise lost contact.

B. Correct Information. Upon initial referral of a case for collection, the Law Firm will rely completely on the Client and the McLean County Circuit Clerk’s office to provide correct information upon referral about the violators’ existing cases and, particularly, the amounts of money owed. Thereafter, the Law Firm shall be responsible for immediately updating, correcting and maintaining any information it receives and making said information available to the Client, particularly the amounts of money received from violators and the balances owed. The Client will notify the Law Firm promptly of all direct payments received by the Client or other Client offices relating to cases referred to the Law Firm for collection.

C. Involuntary Collection Procedures. The Law Firm will advise the Client of all cases eligible for involuntary collection procedures such as foreclosure, wage garnishment, levy and forfeiture. The Law Firm will first attempt to resolve all cases voluntarily. The Law Firm will perform all necessary asset and whereabouts verifications and request permission to proceed from the Client prior to commencing involuntary collection procedures.

### II. COLLECTION FEES ON FINES COLLECTED.

A. Fee Rate. As provided by Illinois statute, 65 ILCS 5/1-2-1, the violator is liable for the costs of collection in the event that the Client finds it necessary to retain a third party for the purpose of collecting unpaid criminal court fines and fees. Accordingly, the Law Firm will assess violators a collection fee of thirty (30) percent in addition to the amount referred for collection. The Law Firm’s contingent collection fee rate is assessed only on monies actually collected.

65 ILCS 5/1-2-1 mandates that the violator bear all third-party collection fees and costs caused by the violator’s failure to meet his or her obligation to the court. Therefore, unless or

until all ordinance violation fines, court costs, fees, interest and collection fees are satisfied, the Law Firm will consider cases as unresolved.

Client authorizes the Law Firm to add interest to accounts at the rate permitted by law, and to retain any interest recovered as part of its fee, or, at its discretion, negotiate or waive interest as part of a compromise of the debt for settlement purposes.

B. Notification of Collections. The Law Firm will notify the Client monthly of any monies it receives from violators toward payments of fines. By the fifteenth of each month, the Law Firm will provide detailed reporting to the Client to identify all cases known to be resolved during the prior month and to remit monies collected on the Client's behalf. The Law Firm makes no warranties or representations express or implied, about the amount of funds that will be collected and the Law Firm shall have no liability for any amounts uncollected.

The only liability of the Law Firm will be to forward any funds collected to the Client by distribution to the McLean County Circuit Clerk's office, subject to the Law Firm retaining its commission amount. The Client authorizes the Law Firm to endorse negotiable instruments made payable to the Client and provided to the Law Firm in payment of fines due and to deduct commissions due on those fines paid directly to the Law Firm from amounts collected by the Law Firm. In the event that the Law Firm is required to invoice the Client for commissions due, the Client agrees to review the invoice and forward payment to the Law Firm within 30 days of receipt of the invoice.

### III. TERM OF AGREEMENT.

This Agreement will remain in full force and effect until April 30, 2012 or until terminated by either party in writing to the other at the addresses set out in this section. Upon termination of the Agreement or any extension thereof, the Law Firm will cease all collection attempts described herein and will, within 30 days of said termination, remit to Client through the McLean County Circuit Clerk's office all funds collected on Client's behalf. Any case information held by the Law Firm will be returned to the Client within 90 days after said termination.

Notices to THE LAW OFFICES OF ARNOLD SCOTT HARRIS, P.C.  
222 Marchandise Mart Plaza  
Suite 1900  
Chicago, IL 60654  
Attn: Arnold Scott Harris, President

Notices to the Client: City of Bloomington  
City Clerk's Office  
109 E. Olive / PO Box 3157  
Bloomington, IL 61701

### IV. OTHER PROVISIONS.

A. Indemnification. To the extent permitted by applicable law, the parties agree to indemnify each other and hold each other harmless from and against any loss, damages, liability, claims or injury resulting from any gross negligence, illegal acts or omissions performed by either party in connection with this Agreement.

B. Applicable Law. This Agreement will be construed in accordance with the laws of the State of Illinois.

IN WITNESS WHEREOF, the parties to this Agreement have signed and delivered this Agreement on the day and year first above written.

The Law Offices of Arnold Scott Harris

By: Arnold Scott Harris, Esq.

Dated: \_\_\_\_\_

City of Bloomington

By: Stephen F. Stockton  
Mayor

March 1, 2011

(PARTIALLY EXECUTED CONTRACTS ON FILE IN CLERK'S OFFICE)

**David Hales, City Manager, introduced this item which involved two (2) agreements, (one with the McLean County Circuit Clerk's Office and the other with Arnold Scott Harris Law Office). The Harris Law Office will act as a collection agency. City staff had prepared a plan to address outstanding debt. These agreements would address outstanding Ordinance Violations (OV) fines.**

**George Boyle, Asst. Corporation Counsel, addressed the Council. He informed them that a representative from the Harris Law Office was present at this evening's meeting. These were one (1) year agreements. The McLean County Circuit Clerk's Office also worked with the Harris Law Office. The agreements had provisions for options to renew. The Harris Law Office would add a thirty percent (30%) collection fee. The ability of local governmental units to work with collection agencies had been recently allowed by statute. The Harris Law Office would address delinquent judgments. There were no up front costs for the City. The results would be savings to City resources. The City's Corporation Counsel Office would no longer direct its resources towards post judgment hearings, (contempt).**

**Mr. Boyle restated that McLean County was already under contract with the Harris Law Office. The Circuit Clerk's Office already has the data collection system. The City's participation with the County would increase the number of cases sent to the Harris Law Office. There would be efficiency gains.**



**Mr. Boyle addressed City resources. He cited the limited court time available for OV cases. The court only scheduled three and half (3½) hours per week. The City usually had 100 cases to present during this time. The Harris Law Office would focus its efforts on fine collection. He restated that there would be staff resource savings. The Corporation Counsel Office had become victims of their own success.**

**Mr. Boyle described the collection process. He welcomed the Council's questions.**

**Alderman Schmidt noted that this item was an example of intergovernmental cooperation. She believed that this item had been clearly presented and had no questions for staff.**

**Alderman Purcell thanked staff for their efforts. He believed that these agreements would make good use of staff time.**

**Alderman Sage noted that the City would be outsourcing fine collection. Mr. Boyle noted that a payment date would be set. Compliance would be linked to post judgment action. Some cases would be retained while others would be contracted out. Alderman Sage stated that services would be provided without additional staff. He cited the partnership with the County. This was an example of relationship building by the City with other governmental entities.**

**Alderman Stearns noted staff's resourcefulness. She cited the amount owed the City, (\$500,000). She was interested in the Harris Law Office's success rate. She also questioned the amount the City would receive. Mr. Boyle restated that these agreements represented a year long experiment. The Harris Law Office had the experience. This firm would bring resources to the City that it did not have. He expressed his hope for good collection rate. Alderman Stearns expressed her belief that collection would not be a problem if a person's vehicle was towed. She noted that the Police Department had increased its efforts in this area. Mr. Boyle noted that the figure cited by the Alderman represented the amount which had not been collected during the past five (5) years. Five (5) individuals represented the majority of the funds owed. A percentage of all judgments were linked to an individual's behavior. Alderman Stearns expressed her interest in fine collection and property clean up.**

**Motion by Alderman Hanson, seconded by Alderman Anderson that the agreements 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, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Application of Tailwind BMI, LLC, d/b/a Tailwind Deli, News & Gifts, located at 3201 CIRA Dr., for an RAS liquor license, which will allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week

**RECOMMENDATION:** Based upon the report from the Liquor Hearing, the Liquor Commission recommends to the City Council that an RAS liquor license for Tailwind BMI, LLC, d/b/a Tailwind Deli, News & Gifts, located at 3201 CIRA Dr., be created, contingent upon compliance with all applicable health and safety codes with the following condition: 1.) the City's Corporation Counsel review the Applicant's file for completeness.

**BACKGROUND:** The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the application of Tailwind BMI, LLC, d/b/a Tailwind Deli, News & Gifts, located at 3201 CIRA Dr., requesting an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Steve Stockton, Richard Buchanan, Marabeth Clapp, and Steve Petersen; George Boyle, Asst. Corporation Counsel, Bob Wall, Asst. Police Chief and Tracey Covert, City Clerk, and Jess Backhaus, Operations Manager and Kevin Scott, General Manager, and Applicant representatives.

Commissioner Stockton opened the liquor hearing. He stated that this hearing would be de novo, (starting over). He added that an objection was raised due to the number of Council members present, (Aldermen Fruin, McDade, Purcell, Sage and Stearns). The Illinois Attorney General's Office has confirmed the City's Corporation Counsel Office's opinion that as long as the Council members do not participate in the hearing, (no speaking/discussion), their presence was allowed. He stated that there would not be any input/discussion by Council members. He requested that the Applicant explain this request. Jess Backhaus, Operation Manager and Applicant representative, addressed the Commission. He introduced Kevin Scott, Tailwind's General Manager. Mr. Scott was a life long resident of the County and resided in Normal. He had been employed as Tobin's General Manager.

Mr. Backhaus informed the Commission that Tailwinds opened on the airport's air side (post security) on December 10, 2010. It offered a full menu with coffee service. He cited that the question of need for a liquor license was cited as a reason for denial. He presented the Commission with a petition/customer survey. He added that the voice of air passengers went beyond the City. The petition included the individual's name, location and a comments field. The survey was presented when a customer's requested an alcoholic beverage. In two (2) weeks, approximately 200 individuals had signed same. A petition was also placed in the land side (pre security) gift shop. Eight (8) signatures had been collected. Only two (2) individuals signed no. Mr. Backhaus read the petition/survey. Tailwind's was pleased to have the opportunity to readdress the Commission. This application was larger than a local issue.

Commissioner Stockton questioned Mr. Scott's experience. Mr. Scott addressed the Commission. He had been employed at Tobin's for ten (10) years. He described his career as general management in the restaurant field. He cited his thirty-five (35) years of experience. He added that Tobin's held an RBS (Restaurant, Beer & wine, Sunday sales) liquor license. Commissioner Stockton questioned if there had been any violations at Tobin's during his tenure. Mr. Scott responded negatively. Tobin's had a strict liquor service policy. Liquor service had to accompany food sales. Tobin's also used different colored glasses for beer, pop and water. He cited challenging weekends such as Illinois State and Illinois Wesleyan Universities' homecomings.

Commissioner Stockton questioned Tailwind's application and if there were proper procedures to handle liquor sales. Mr. Scott cited Tailwind's 100% identification check policy. In addition, there was a four (4) drink maximum regardless of delay time. Tailwind provided responsible liquor service. The company was aware of the fact that this service was offered post security.

Commissioner Stockton noted that generally there were short boarding times. He cited the potential impact of four (4) drinks. Mr. Scott added that individual drink sales were spaced out, (fifteen to thirty minutes apart). He defined a drink as one (1) beer, one (1) glass of wine, and/or one (1) ounce of spirits. There was no reason for air passengers to sit and drink. He had completed the STEPS, (Safety Training to Encourage Profitable Services), program and become a certified trainer through Chestnut Health Systems. He would be providing STEPS training to Tailwind's employees. Commissioner Stockton questioned if this training would occur prior to an employee being authorized to provide alcohol service. Mr. Scott responded affirmatively. Failure to check identification prior to a liquor sale resulted in immediate termination. Tailwind's employees were instructed to check everyone's identification regardless of business volume. Tailwind's staff was trained to follow company policy/procedures. Mr. Backhaus informed the Commission that this policy was set in place in the last two (2) years.

Commissioner Stockton questioned Tailwind's physical layout. There was a bar area. Mr. Scott noted that signs would be posted. Alcohol would remain within the restaurant. It would not be allowed to leave the premise. Air passengers may have to surrender their beverages. Tailwind would contact the McLean County Sheriff's Deputy on duty if necessary. Commissioner Stockton noted that the Bloomington Normal Airport Authority, (BNAA), had a contract with the McLean County Sheriff's Department for additional airport security. Mr. Scott added that Tailwind's had direct contact with the deputy on duty within the airport. Commissioner Stockton questioned if the deputy's on duty station was located on the air side.

Mr. Scott stated that liquor service would occur behind the bar area. Tailwind's offered seven to eight (7 - 8) bar stools. Identification would be checked. The alcoholic beverage must stay within the restaurant. There was only one (1) entrance. Customers would be made aware of this restriction through staff communication and signage.

Commissioner Stockton noted that the area under lease terminated at the concourse. Mr. Backhaus stated that there was a transition line, (Tailwind's flooring was tile; the airport's concourse was carpeted). Commissioner Stockton noted that there was a leased area on the air

side. Mr. Backhaus added that there also was a standing bar. Commissioner Stockton questioned the defined area of the premise. He recommended that the kitchen area be excluded.

Commissioner Tompkins questioned the viability of the business without liquor sales. Mr. Backhaus noted the loss of food sales without liquor service. Tailwind's business model was built off the experience at other airports of similar size. Operating Tailwind without a liquor license would be difficult.

Commissioner Buchanan noted that Tailwind had a retail area. He cited the BNAA's RFQ (Request for Qualification) process. Tailwind's response included space on the land and air sides of the airport. He questioned if Tailwind's plan included "P", Packaged, liquor sales at the land side's retail space. Mr. Backhaus responded negatively.

Commissioner Clapp questioned Tailwind's other locations. Mr. Backhaus stated that Tailwind operated in three (3) different states, (North Carolina, Florida and Tennessee). A single violation had occurred at the facility located in North Carolina, (NC). It involved underage sales. Tailwind appeared before the NC state liquor board and paid a fine. All of Tailwind's staff had gone through the state's two and a half, (2½), hour class and been certified. Tailwind had held this license for five (5) years. There had been no further violations. The company also changed its policy, (check identification for all liquor sales).

Commissioner Clapp questioned if there were other alcohol service issues. Mr. Backhaus responded negatively. He added that all airports had a variety of security options.

Commissioner Petersen questioned the Applicant's answer to Items 1(e) and 1(k) on the Liquor License Questionnaire, (1. Legal Requirements). He noted that both questions were answered affirmatively. Mr. Backhaus believed that there had been a misunderstanding. The only violation had occurred at the NC airport.

Commissioner Stockton stated that the application would be amended. The answer to Item 1(e) would be no. The answer to Item 1(k) would note the NC liquor violation. There were two (2) separate corporations with common ownership.

Commissioner Stockton cited the original application. He noted that construction had commenced prior to the liquor hearing. The Commission admonished applicants to not make any assumptions regarding the granting of a liquor license. He questioned why construction had been started.

Mr. Backhaus informed the Commission that Tailwind was awarded the bid. The space involved was the former vending machine lounge. A complete built out was required. The BNAA required Tailwind to be open by the holidays. A lease was needed to file the application. Tailwind recognized that a liquor license was a privilege. Tailwind held liquor licenses at other airports in three (3) different states. Tailwind had a good record. He provided a brief history of the company. Tailwind believed it could earn the City's trust and felt confident in its ability to be granted a liquor license. The lease was signed in September 2010. The original goal was to open by Thanksgiving 2010. Tailwind opened on December 10, 2010.

Commissioner Stockton questioned if anyone had lead Mr. Backhaus to believe that a liquor license was guaranteed. Mr. Backhaus stated that this was not a factor in Tailwind's application. Tailwind had never been denied a liquor license.

Commissioner Petersen questioned Tailwind's history. Mr. Backhaus stated that the company began in 2001 in Aspen, Colorado. Tailwind moved to Wilmington, NC in 2005. Commissioner Petersen noted the process that Tailwind had gone through, (BNAA to the Liquor Commission to the City Council). He questioned if the process at Tailwind's other locations were similar. Mr. Backhaus responded affirmatively with the exception of the approval of the City Council.

Commissioner Buchanan noted that the BNAA had sent representatives to address the Commission.

Commissioner Tompkins questioned if Tailwind had joined any business organizations. Mr. Backhaus informed the Commission that Tailwind planned to join the McLean County Chamber of Commerce.

Commissioner Stockton stated that the technical standards had been met. He addressed the issue of need. He cited the petition with air passenger signatures which had been submitted. He questioned if the Applicant had any other testimony. Mr. Backhaus cited TSA, (Transportation Security Administration) standards. He cited the liquid ban as an example. The TSA's regulations were becoming even more stringent. Business travelers expect food and beverage service post security. This service included the availability of alcoholic beverages. He cited Tailwind's experience at its FL location. He expressed his belief that there was a definite need post security for air passengers. He noted Tailwind's investment, (air side - \$330,000 and land side - \$70,000), estimated at \$400,000. On the land side the gift shop had already been built out.

Commissioner Stockton questioned the revenue projection for alcohol sales. Mr. Backhaus cited liquor sales were estimated at thirteen to twenty percent, (13 - 20%). The majority of sales would come from food sales. Tailwind had seen lost food sales. There was no fair comparison. Tailwind would be a restaurant with a small bar. Commissioner Stockton noted that a food purchase was not required to purchase an alcoholic beverage. He questioned the business hours. Mr. Backhaus stated that staff arrived at 4:30 a.m. Tailwind opened at 5:00 a.m. and remained open until the last out going flight left, (7:00 - 8:00 p.m.). Tailwind would remain open an additional hour for a delayed flight. Tailwind was closed by 9:00 p.m. Tailwind would make adjustment to its business hours as needed by the BNAA.

Commissioner Stockton noted that Tailwind did not plan to offer entertainment. He added that the Hanger held a liquor license on the airport's land side. He questioned interaction/competition between the two (2) businesses. Mr. Backhaus cited the possibility of air passengers visiting both facilities. He believed that the two (2) businesses operated in two (2) separate markets. Tailwind's staff must be responsible and use common sense when handling liquor sales.

Commissioner Petersen questioned when the Applicant understood the City's process. Mr. Backhaus arrived in August 2010. He had remained here for four (4) months. He reviewed the

City's alcoholic beverage code and picked up a liquor application packet in September/October 2010.

Commissioner Petersen questioned if at other airports where Tailwind operated if it was the only air side establishment. Mr. Backhaus stated that Tailwind was the only establishment on the air side. Two (2) airports offered additional food and beverage services. One (1) airport was smaller. Tailwind would be opening two (2) additional facilities, (one at a same size airport and the other at a smaller one).

Commissioner Tompkins noted that this was the first time that Tailwind needed Council approval. Mr. Backhaus responded affirmatively. All other applications were addressed before a state's liquor commission.

Aaron Quick, BNAA board member, addressed the Commission. He introduced the other board members present, Dave Colee and Earl Kingman, Carol Olson, Executive Director, and Bill Wetzel, board attorney. CIRA (Central Illinois Regional Airport)/BNAA was a municipal corporation and a regional entity. It was created by referendum in 1964. There was a seven (7) member Commission. Each commissioner served five (5) year terms. The make up of the Board was as follows: City - two, Town of Normal - two, and McLean County - three. One third of the airport's operating revenues came from taxes. The BNAA had never raised its tax rate. The remaining two thirds of the airport's revenue came from businesses at the airport. The airport was a regional facility. Its growth was well documented. Air passengers had increased by thirteen percent, (13%) from 2009 to 2010.

He reviewed the daily flight service at the airport. Fifty-five percent (55%) of air passengers drive twenty-five (25) miles or more. Twenty-five percent (25%) of air passengers were from Bloomington/Normal. The airport was important to the community. Businesses were looking for locations with vibrant community airports. This was a business requirement. The BNAA provided a variety of services. There were 125 leases at the airport. The airport's staff must administer these leases. They were a major source of revenue. Customer expectations were addressed. He cited food and beverage service which included alcohol post security. This was becoming a standard practice at airports. Various airports were cited which offered alcoholic beverages post security. Security at airports had become a boundary. The airport retained private security. In addition, there was an intergovernmental agreement with the County Sheriff's Department to address security. There were no issues with the airlines regarding alcohol service post security.

Commissioner Stockton questioned if there had been security incidences with intoxicated passengers at the airport. Mr. Quick responded that perhaps once a year a passenger was not allowed to board. This was one of the reasons why the airport had security. The board required that the concessionaire's be trained.

Dave Colee, BNAA board member, addressed the Commission. He had been a resident of the City and/or Town of Normal since 1968. He had recently retired from State Farm. The TSA security check point was a barrier, (physically and functionally). The business traveler was a post security purchaser. There was no interest to cycle back and forth due to the need to be

rescreened. From a business perspective, the airport offered the lowest airfares outside of Chicago. He cited the Air Tran, the airport's low cost carrier since 1997. Air Tran would soon become Southwest. The BNAA offered low airport fees and a competitive cost structure. Food and beverage sales including liquor on the land and air sides were important to the airport.

Commissioner Stockton noted that companies wanted an airport. It was important to his former employer. Mr. Colee stated that State Farm represented one third of the airport's passengers. The board was attempting to give its passengers what they wanted on both the land and air sides. These services were also important to the individual traveler.

Commissioner Stockton noted that distance and fares were important. Mr. Colee noted that total sales at the airport (including liquor) helped to keep fares low.

Commissioner Stockton questioned diversions. Mr. Quick noted that travelers have choices. The airport must be customer oriented. It was a competitive industry. Liquor sales were an important issue to the board. The board had passed a resolution. Diversions were due to inclement weather. Planes land at the airport for layovers. The airport offered these passengers amenities. These actions assisted the airport to build relationships with other airlines.

Commissioner Tompkins noted that the airport was the gateway to and from the community. He cited comments made on Tailwind's petition. Mr. Quick noted that the airport was not offering the amenities they were use to.

Commissioner Petersen questioned if there was an outcry for liquor service post security. Mr. Quick restated that the Board was in the process of responding to customer requests. Commissioner Petersen questioned if offering liquor service on both sides, (land and air), would result in viable businesses. He believed that this action might eliminate a business. Mr. Quick stated that the Board had the assistance of airport experts. The board considered the entire airport and performed due diligence.

Commissioner Clapp questioned the percentage of business to leisure travelers. Carl Olson, Executive Director, addressed the Commission. Generally, the ratio was 60:40. These figures differed during the holidays. He noted that in February 2011 flights to Ft. Myers, FL would be offered. He anticipated that these flights would be used for leisure travel.

Mr. Olson reviewed/recapped the Board's process for solicitation and award. The process was driven by customer requests. On the air side providing services that the customers want was important. The study began in 2008. CIRA was bench marked against other airports. An RFQ was developed in line with the FAA's, (Federal Aviation Administration), policies. It was an open process. The existing concessionaires were invited to submit a proposal. In addition, the board placed local and national advertisements. Three (3) proposals were received. A committee was formed to review, evaluate and rank the proposals. Tailwind's proposal was ranked number one. Tailwind submitted a strong proposal. The Hanger's proposal was incomplete. He cited various items that were missing. This included the food and beverage portion. The Hanger's ownership acknowledged that their proposal was incomplete.

Tailwind exceeding all deadlines. He cited the company's investment at the airport. The airport had received positive feedback from its customers. He addressed Tailwind's application for a liquor license. At the board's September 2010 meeting, the lease was authorized with an opening date December 2010. Tailwind appeared before the Commission on November 9, 2010. The board drove the process. Packaged sales would not be allowed on the land side. In addition, under Tailwind's lease with the BNAA packaged sales were not allowed. Liquor would be controlled on the air side. The area was well defined by the finishes and the lone entrance. There were no issues with the Hanger. It had been a good tenant. The airport had good support from local law enforcement.

Commissioner Clapp questioned the board's evaluation criteria. She also questioned if a quantitative methodology had been used. Mr. Olson noted that a spread sheet had been prepared by the airport's consultant. Upon review of same, it was easy to determine the best submittal. An RFQ process was used and not a competitive bid. Airport staff negotiated the lease terms, (rates/charges).

Commissioner Stockton questioned if liquor could be a detriment in the airport. He cited disturbances and the impact upon air passengers. Mr. Olson did not believe that there was a negative impact. There was a short time frame prior to boarding. It was an airport. Tailwind and the airport were businesses. Liquor sales would not be an issue. The dynamics were the same for both markets, (land and air).

Commissioner Stockton cited the potential for delay. Mr. Olson stated that passengers would make a decision based on the flight schedule. Passengers would need to leave the air side if they needed to rebook on to another flight. Passengers may remain or leave the airport.

Commissioner Tompkins noted that the airport had two (2) tenants and two (2) markets. He questioned if both would survive. Mr. Olson believed there was the opportunity for both businesses. Air traffic was growing. The Hanger was located in the free zone and offered a sit down menu. Tailwind was located on the air side. It offered a grab and go menu. He presented the Commission with a copy of the RFQ plus the three (3) submittals. These documents were entered into the record.

Commissioner Buchanan requested that Mr. Olson contrast the airport's arrangements (leases) with the Hanger and Tailwind. Mr. Olson cited past leases were based on square footage. Today, there was a different rate structure. The airport received a percentage of gross sales. Tailwind's food preparation area was based on square footage. The retail area was based upon a commission rate. The food and beverage sale area was based upon percentage. In addition, there was an annual minimum guarantee. The current industry standard was based upon a complicated formula. It was a cooperative arrangement which offered advantages to both parties.

Commissioner Stockton questioned TSA policy. Mr. Olson noted that air passengers recycling through security were frowned upon. He cited the impact upon work load. At this time, there was not an official policy.



Bill Wetzel, 115 W. Jefferson, BNAA's attorney, addressed the Commission. He was present in support of Tailwind's application. The project had developed over time. The facts did exist to support the application. He requested that the Commission support same.

Mr. Quick readdressed the Commission and entered into the record the BNAA's Resolution 2011 - 1, Request for Cooperation with the City of Bloomington.

Commissioner Stockton opened the hearing to public comment.

Brian Mooty, attorney with Kavanagh, Scully, Sudow, White, 301 SW Adams St., Suite 700, Peoria, IL, addressed the Commission on behalf of Hubbard and Davis, Inc., d/b/a The Hanger, located at 3201 CIRA Dr., Suite 110, currently holding an RAS, (Restaurant, All types of alcohol, Sunday Sales), liquor license. He cited his procedural objection to the hearing, (number of Council members present). He claimed that a Freedom of Information Act, (FOIA) request had been filed for Tailwind's reapplication. (*Upon a review of the FOIA database, no request was found.*) He cited the Council's December 13, 2011 seven to one, (7 to 1) vote to deny Tailwind's original application. There were interested parties beyond The Hanger's ownership. He noted that Tailwind reapplied within weeks. He questioned if the City had charged Tailwind the application fee. (*See receipt number 14145C dated January 27, 2011 in the amount of \$300.*) Tailwind had submitted a new application.

Mr. Mooty major concern addressed procedural issues. He noted that more than one (1) Council meeting had passed and therefore this item could not be brought back before the Council. He cited that Tailwind had been granted liquor licenses in other states. The City had the authority in this matter and should not rely upon another unit of government. The City had no provisions for LLC as applicants within its code. An LLC was a separate legal entity. He compared LLCs to partnerships. He cited membership and agreements as examples. There was a separate act for LLCs. He expressed his opinion that technically and LLC could not hold a liquor license. He questioned the responsible party. He added that Tailwind's application was insufficient. There was not a local employee.

He questioned if criminal background checks had been done. He believed that additional inquiry was needed regarding the criminal felony question. Tailwind had failed to demonstrate that the company had a clear criminal history. He questioned if the City could enforce a liquor license issued to this company. He also questioned who would be the responsible party for the license and the City's actions if a violation occurred. He questioned if a criminal background check had been performed on Tailwind's General Manager. He noted that Mr. Scott had recently been hired.

Mr. Mooty directed his comments to the BNAA. He questioned the legality of its actions. He believed that the BNAA had violated the Open Meetings Act (OMA) by failing to post its agendas and minutes on its web site. He questioned the actions and conduct of the BNAA. He added that its failure to post agendas and minutes made it difficult for him to conduct his research.

He again raised the question regarding the presence of Council members which he believed was a violation of the OMA. He also questioned the BNAA's preparation of this meeting. He noted that the RFQ did not specifically mention liquor sales. He also cited the BNAA's new lease provisions. The Hanger paid a flat rent and made timely payments. Other concessionaires had gone out of business. He believed that the percentage rate was fairer. The market was not there. He described the Hanger's sales as marginal. He noted Tailwind's short market, (thirty minutes). Most lease holders paid little to no rent. He also claimed to have filed a FOIA request for Tailwind's financial records. He questioned the claim that Tailwind had invested \$400,000. This figure equaled \$1,000 per square foot. He did not believe this claim. He encouraged the Commission to look to the necessity for the liquor license. The Commission needed to trust and verify the information presented. He encouraged the Commission to file a FOIA with the BNAA to verify that lessees were in arrears. He questioned the true impact of this application on the City. Businesses under stress cut back on proper training and staffing levels. He questioned Tailwind's ability to handle liquor sales.

Commissioner Stockton noted that the RFQ provided some latitude. The Commission had seen businesses with marginal operations and the detrimental effects.

Mr. Mooty expressed his opinion that the City's rules were lacking. The current concessionaire was under stress. Tailwind was an out of town concessionaire with remote management. He questioned profitability. There were important salient points such as the appropriateness of the application and the necessity of the liquor license. He reminded the Commission that he had not received a response from the BNAA to his FOIA's request. No new information had been raised. He questioned the business' sophistication and if the lease was contingent upon obtaining a liquor license. Tailwind believed that a liquor license would be granted. This fact was assumed at the time of application. Tailwind believed that their application would be accepted. He cited the Council's December 13, 2010 vote. A decision had been made. The Council did not return the application to the Commission. In his opinion, based upon Tailwind's application, any applicant could reapply. He recommended that the Commission deny the application.

Commissioner Tompkins noted that the City's code allowed an applicant to reapply. Mr. Mooty stated that other applicants had been informed that they could not reapply for six (6) months. He believed that something was materially different with this application. He again requested that the Commission vote no.

George Boyle, Asst. Corporation Counsel, addressed the Commission. This was a new application. Tailwind was not prohibited from reapplying. He addressed the LLC issue. He had drafted a memorandum to the Council dated December 1, 2010. The City treated an LLC like a corporation. A number of issues raised by Mr. Mooty were not relevant in the City. An LLC was not precluded from applying. He acknowledged that LLCs were under a different act. Both were treated similarly by the state and the state's Liquor Control Commission. It was a Commission decision. Local control was provided by the responsible party, (General Manager).

Commissioner Buchanan expressed his opinion that it would be impractical to address Mr. Mooty's objections this evening. Mr. Mooty responded that it was incumbent upon him to raise the issues.

Commissioner Stockton believed that the LLC versus incorporation issue had been clarified. The Commission allowed for corrections/amendments to applications. Mr. Mooty believed that the issue went beyond correction. The Commission should have required more of an explanation for its consideration.

Commissioner Stockton addressed Tailwind's General Manager. This individual was a resident of the county.

Commissioner Petersen expressed his opinion that the whole process was unusual. He questioned the number of weeks that had passed since Tailwind first appeared before the Commission. (*First appearance was on November 9, 2010.*) The Commission's vote was four to two (4 to 2) in favor of the application. The Council's vote was seven to one (7 to 1) to deny the application. The Council did not return the application to the Commission. There were concerns and inconsistencies. He noted the potential impact upon a local business that also had made an investment. The Commission's vote would be forwarded on to the Council.

Commissioner Stockton restated that this hearing was de novo. The BNAA had the authority to enter into a lease with Tailwind. The Commission had never made a request of other landlords as to the reason for a lease. Tailwind had been approved as a tenant by the BNAA.

Commissioner Petersen restated his concern regarding Tailwind's inconsistency. He cited the answer to Item 1(e) and the LLC as examples. Commissioner Stockton noted that an applicant must inform the City as to the entity applying for a liquor license.

The Commission recessed from 6:35 p.m. until 6:55 p.m.

Mr. Boyle addressed the Commission. Tailwind was an LLC. He referred the Commission to his December 1, 2010 memorandum. The LLC was held by a lone member. There was a local responsible party.

Commissioner Stockton added that the City has allowed LLC to hold liquor licenses. There was a number of City liquor licenses currently held by an LLC. (*The City currently had an estimated forty liquor licenses held by LLC.*) There had not been any problems. He addressed standards for creation and the factors to be considered. (See Chapter 6. Alcoholic Beverages, Section 4B. Creation of New License, (b)(1) - (14). He specifically cited Items (5)(h) and (i), location of proposed establishment and probable impact upon surrounding neighborhood or City as a whole, (h) extent other businesses are licensed to sell liquor at retail in the area and (i) whether and what types of liquor proposed for sale in single serve sizes for off premise consumption.

Mr. Mooty stated that this application was not necessary for local individuals. It would be a convenience for travelers. The Commission was not compelled to approve this application.

Commissioner Stockton addressed any liquor license which was awarded. He cited restaurants which viewed a liquor license as a necessary public convenience. The Commission believed that the market place would decide. These same standards had been applied to the Hanger.

Mr. Mooty noted the finding by the Council. He acknowledged the unique circumstance, (airport). He expressed his belief that both businesses would suffer. There was a lack of business at the airport. In addition, Tailwind was an out of town business.

Commissioner Stockton noted that a large number of City liquor licenses had been issued to out of town firms. In addition, there were a number of licenses issued to LLCs. He noted the Commission's agenda for February 8, 2011 which cited two (2) LLCs.

Mr. Mooty questioned the applicant. The Commission needed to act in a consistent manner. The application needed to be justified and necessary.

Commissioner Stockton noted that the Hanger also had facilities at the General Wayne A. Downing Peoria International Airport. Mr. Mooty acknowledged that the Hanger was that airport's operating concessionaire. The Hanger was the only one, (both land and air sides). He restated his belief that there would not be enough business at CIRA. Commissioner Stockton noted that the Hanger was an out of town operator in Peoria. Mr. Mooty stated that the Hanger stood on its reputation. It conducted business in both cities.

Commissioner Stockton questioned the relevancy of Tailwind being an out of town application. He readdressed the question of necessity and impact on the area. Mr. Mooty questioned Tailwind's operational structure. He described Tailwind as a whatever organization. He questioned if the applicant's file was complete. He questioned the City's power of enforcement. He expressed his opinion that an applicant must file all the necessary originating documents before an application is advanced.

Commissioner Stockton provided the applicant with an opportunity for rebuttal. Mr. Backhaus readdressed the Commission. Tailwind filed a new application and the filing fee was paid. Commissioner Stockton noted that the file had been reviewed. At an earlier date, a corporation had been established and dissolved. The applicant was an LLC.

Commissioner Stockton questioned the BNAA's lease and if the lease payment had been reduced. He noted Tailwind's business plan anticipated liquor sales. Mr. Olson readdressed the Commission. Tailwind anticipated liquor sales would equal fifteen to twenty percent (15 - 20%) of total sales revenue. The BNAA required that the facility be ready by the holidays. The BNAA had temporarily reduced the concessionaire rate until April 30, 2011.

Commissioner Stockton noted the issue of necessity, (see Chapter 6. Section 4B.(a)). Mr. Quick readdressed the Commission. There were a number of reasons why the BNAA believed that a liquor license was necessary. He restated that only twenty-five percent, (25%), of all travelers were City residents. Air passengers want this service post security. CIRA was vibrant airport. It was good for the City's taxpayers. He cited CIRA's competition - the General Wayne A. Downing Peoria International Airport. There also was the issue of economic development. CIRA offered low passenger fees which allowed it to attract air services. Business operation revenues were critically important to the airport. The airport currently held 125 leases. The airport was a gateway to the community. The BNAA needed the City's cooperation to operate the airport.

Commissioner Stockton closed the public comment portion of the hearing.

Commissioner Buchanan cited the preference for a local firm. He was glad that there had been a second hearing. He was pleased to learn about the process used by the BNAA. The approach used was professional. He had reviewed the RFQ submittals. He believed that the Commission had reached a conclusion.

Commissioner Clapp agreed that it had been a learning experience. The process had been interesting. She added the Commission rarely received this much information. She believed that Tailwind had demonstrated need. The Applicant had met the standards/requirements. She hoped that both business do well. She was a Hanger customer. The case had been made.

Commissioner Stockton noted the level of scrutiny. He added that questions had been raised by the Commission and public. There was testimony regarding the Applicant's background. All issues raised were not relevant to the factors listed in the City code. In broad terms, he described the process as largely subjective. The Commission considered all input provided.

Commissioner Petersen believed all had learned something through this process. He had a better appreciation for the role and responsibilities of the BNAA. CIRA was a fine facility. It was a gateway to the City. Good comments had been made by the Hanger's legal counsel. The Commission would report to the Council.

Commissioner Stockton questioned if the Police Department had any concerns. Bob Wall, Asst. Police Chief, addressed the Commission. He responded negatively.

Motion by Commissioner Buchanan, seconded by Commissioner Clapp that the application of Tailwind BMI, LLC, d/b/a Tailwind Deli, News & Gifts located at 3201 CIRA Dr., requesting an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week be approved with the following condition: 1.) the City's Corporation Counsel review the Applicant's file for completeness.

Ayes: Commissioners Stockton, Buchanan, Clapp and Tompkins.

Nays: Commissioner Petersen.

Motion carried.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Public notice was published in the Pantagraph in accordance with City Code. In accordance with City Code, approximately ten (10) courtesy copies of the Public Notice were mailed. In addition, the Agenda for the February 8, 2011 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

**FINANCIAL IMPACT:** This would be a new RAS liquor license. Annual fee for an RAS liquor license is \$2,210.

Respectfully,

Reviewed and concur:

Stephen F. Stockton  
Chairman of Liquor Commission

Randall D. McKinley  
Police Chief

**Mayor Stockton introduced this item. This was the second time that Tailwind appeared before the Council. The Liquor Commission held a three (3) hour hearing on this application. He referred the Council to the Council memorandum. He hoped that all were familiar with the facts contained in this report.**

**Alderman Purcell expressed his appreciation to the Commission for their efforts on this application. He was respectful of their efforts. He would not support this application. The Airport Authority's RFP (Request for Proposal) did not address liquor sales. There was no justification for this application. He believed that there should be a sole license holder at the airport. He added that the current license holder had claimed that currently sales were not sufficient at the airport. Finally, he stated that liquor was available on the plane.**

**Alderman Anderson expressed his concern that those who were opposed to this application were addressing landlord tenant issues. The Council's involvement in marketing at the airport was unwise. He believed that the consumer should decide. It was the Airport Authority's role to determine its business needs. Competition was healthy. He cited Downtown liquor licenses and their close proximity as an example. He added his interest in economic development and the City's ability to attract new businesses. The Council was attempting to control business growth.**

**Alderman Fruin reviewed the process and attempted to view this application from both sides. He referenced the City's Alcoholic Beverage Code. He read from same. He noted the phrase "necessary for public convenience". He believed that the process of evaluating an application was subjective. The existing license holder was looking for protection. The Commission allowed the marketplace to decide. It did not act as a shield for any license holder from competition.**

**He addressed the issue of small business protection. He cited various laws which impacted same. He cited taxes, minimum wage and health care. The Airport Authority's RFQ (Request for Qualifications) process was fair, diligent, business like, thorough, complete, and analytical. He did not believe that the Council should sit in judgment of the Airport Authority's efforts on their RFQ. An out of town provider was selected as the most responsible vendor. All parties were aware of the Airport Authority's decision.**

**He had hoped that the Airport Authority and the Hanger would find common ground. He questioned if there was room for compromise. He believed that offering liquor sales on the air side of the airport would be a convenience. He recommended that this item be laid over until the Council's March 14, 2011 meeting. He restated that there was a license holder on the land side. The proposal was for another license holder on the air side.**

He thanked the Airport Authority for the information provided to the Council. He also thanked the opposition for their input.

Alderman McDade informed the Council that she had attended the Commission's meeting. She respected the Commission's efforts. She had thought about this application and spoken with residents. She addressed verbage from the City's Alcoholic Beverage Code, (necessary and in the best interest of the public). She was not ready to approve this application. The airport was successful. There already was a liquor license at the airport. Alcohol had been served post security in the past. She planned to vote no.

She supported the free market and competition. There had been too much politics, too much negative criticism, and too much urgency. She noted that the Airport Authority's decision to lower Tailwind's rent due to the fact that there were no liquor sales. It was apparent that liquor sales were important to the bottom line. She was uncomfortable with this application. The Council's role was one of checks and balances. She respected everyone who had been involved in this project.

Alderman Schmidt echoed Alderman McDade's comments. She took issue with Alderman Anderson's comments. She understood the phrase level playing field. The Council had the opportunity to address the application. The Council's role was not one of a mediator. She hoped that the Airport Authority would reach out to the Hanger. She did not believe that a second liquor license was necessary at the airport.

Alderman Anderson restated his concerns. The Council had brought in issues which were not the City's concern. Landlord/tenant issues were not the Council's concern. The Council needed to change what it wanted from the Commission. He had heard from individuals who represented the other view point – they want this application approved. There was a large number of individuals who were in support of the airport. He stated his respect for Alderman Schmidt's position.

Alderman Stearns stated that she represented her constituents. She took this responsibility seriously. This issue was not about protectionism. The issue was business viability. She expressed her concern about liquor sales on the air side at the airport. She cited intoxicated passengers. CIRA (Central Illinois Regional Airport) was a great airport and she wanted it to thrive. She noted that liquor sales were not a part of the RFQ. She noted the Commission's affirmative response in December 2010. Liquor sales should have been thought of up front. She questioned if it was appropriate to create yet another liquor license at the airport. Businesses had come and gone at the airport. She cited her duty to the taxpayers. She believed that if this application were approved then there would be another failed business at the airport. This application did not make sense.

Alderman McDade clarified her comment about Tailwind's rent. She believed that the issue of urgency was relevant. She also believed that it was a problem. There was an arrangement between the Airport Authority and Tailwind and she questioned same.

**Alderman Fruin expressed his belief that the application would be denied. He questioned next steps as there had been a second hearing. At some point he believed that there would be liquor sales on the air side of the airport. He restated his hope that the Airport Authority and the Hanger would reach a compromise. He believed that the Council would support such a compromise. He hoped for same in the future. The time was not right.**

**Alderman Hanson stated that he was not present at the Council's December 13, 2010 meeting. He hoped that the Airport Authority would bring a compromise to the table. He shared Alderman McDade's sentiments. He added issues were brought before the Council. He compared the activity on this application to the smoking ban. He noted his disbelief. He had tried to reach out to the Airport Authority. He suggested that Tailwind's application be laid over or withdrawn. The Council was attempting to place its arms around liquor issues. He was sensitive to this issue. He addressed the Downtown Entertainment Task Force. He cited his preference for its mission to be more global. He questioned what was attached to a liquor license when the City granted one. The process needed to be slowed down. He hoped that the Task Force's recommendation would be broader. He also expressed his concern regarding urgency. He recommended that Tailwind wait a few months. Key questions were what does the community want and/or need. He would not vote to approve this application or any further liquor license applications.**

**Mayor Stockton noted his participation on the Commission. He cited the Commission's observations. The Council should not micromanage the Airport Authority's relationships with its tenants, (landlord/tenant). He addressed Chapter 6. Section 4B. A number of the factors listed were subjective. Council's action superseded the Commission's recommendation. The Council's judgment should not be arbitrary or capricious. He did not anticipate Tailwind returning before the Commission/Council in the near future. It was the Airport Authority's decision to reach a compromise with its tenants.**

**Motion by Alderman Purcell, seconded by Alderman Stearns that the application of Tailwind BMI, LLC, d/b/a Tailwind Deli, News & Gifts, located at 3201 CIRA Dr., for an RAS liquor license be denied.**

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

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

**Nays: Alderman Fruin and Anderson.**

**Motion carried.**

**MAYOR'S DISCUSSION: None.**

**CITY MANAGER'S DISCUSSION: None.**



**ALDERMEN'S DISCUSSION:** Alderman Anderson made a closing comment. He planned to support small businesses.

Alderman Stearns expressed her appreciation of David Hales, City Manager. She stated her interest in a block booster program which would award neighborhood properties which had been turned around. Criteria would be developed for vacant properties. The Planning Commission would be responsible for the award program.

Mayor Stockton informed the Council that there was a proposal. The concept needed to be developed. Properties make a difference. He cited construction and rehabilitation.

Alderman Purcell thanked the Public Work's crews for their snow removal efforts. He also noted their efforts on pot hole repair. City staff pulled together during the blizzard.

He addressed this evening's votes. The Council cannot please everyone. The Council must do what it believes to be best for the City.

Alderman Schmidt noted that the Downtown Entertainment Task Force had ninety (90) days to take action. The Task Force needed to schedule a meeting.

She addressed her disappointment in the appointment for Ward 3 Alderman. She found this item distressing both personally and publicly.

Alderman Fruin noted that a number of Council members began their careers on the Council via the appointment process. This process had changed over time. He cited the weight given to the outgoing Alderman's opinion. He believed that the process needed to be consistent. He described this evening's meeting as a learning opportunity. The Council needed to move forward.

He addressed the City being committed to all. He cited the recent recognition by the Bloomington Normal Public Transit System of its employees. There was an accident free ad in the Pantagraph. It helped all to know what was happening at the Transit System, (the number of days without an accident). The City needed to look for opportunity to give praise and recognition.

Alderman Sage addressed the appointment process. He was speaking on behalf of himself and directed his comments to the Mayor. He believed that the process was mishandled from the beginning. He was puzzled by the process. He did not believe that the Mayor viewed the Council's opinion as important. He took exception to the Pantagraph editorial. He added that the Pantagraph implied that the Council should show deference to the Mayor with regards to the Ward 3 vacancy. He expressed his opinion that the Mayor should have shown deference to the voters of Ward 3. The Mayor had caused Mr. Mwilambwe needless embarrassment. In addition, the Mayor had needlessly divided

the Council. As a result, he viewed their relationship as strained. It was an unfortunate situation.

Mayor Stockton responded to Alderman Sage's comments. He had taken responsibility. The process could be improved. The appointment was defined by statute. Council's opinions were important. He had requested that the Council provide acceptable candidates. Three (3) individuals had been identified. It was the mayor's appointment. He restated his request that the Council review the January 31, 2011 Work Session Minutes. He restated that the Council provided him with their feedback, (acceptable candidates). The process included a Council vote in February. He noted that Alderman Sage referenced the Pantagraph editorial. Mayor Stockton did not believe that the Council held secret meetings. He believed that the Council would support his selection for Ward 3 Alderman. He noted that the process was not completed. He hoped that this issue would be settled at the Council's March 14, 2011 meeting.

Alderman McDade shared her concerns. At this time, the business of the City was the budget. She recognized staff's efforts on same.

Alderman Hanson noted that he had not made any comments this evening. He addressed the impact upon small businesses. He was impacted daily by government actions. He expressed his disagreement with Alderman Anderson's comments. He cited his sensitivity to liquor issues within the City. It was an issue. There were issues with liquor in the City. Tailwind had been voted down by the Council twice. He restated that he was sensitive to small business.

He agreed with Alderman McDade's comments. The Council did not want to address controversial issues. These were not easy decisions. The Council had feelings. He recognized staff's efforts on the budget. This was a big issue and a major Council responsibility.

Motion by Alderman Anderson, seconded by Alderman Hanson, that the meeting be adjourned. Time: 10:00 p.m.

Motion carried.

Tracey Covert  
City Clerk