

**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 7:34 p.m., Monday, February 14, 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.

Alderman Fruin read the same statement that appeared in the August 23, 2010 Council Proceedings prior to voting. He added that it only applied to the Consent Agenda

Mayor Stockton requested that additional time be allowed regarding the appointment of the Alderman for Ward 3.

Motion by Alderman Purcell, seconded by Alderman Stearns that the item be laid over the Council's February 28, 2011 meeting.

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, (viva voce).

Nays: None.

Motion carried.

Public Comment: Mayor Stockton opened the Public Comment portion of the meeting.

Ron Schultz, 1208 E. Oakland Ave., addressed the Council. He noted the previous discussion at the Council Work Session with the state legislators regarding health insurance. He was a retired City employee. He cited how the retiree cost for health insurance had increased over time. He expressed his opinion that the City was paying too much for retiree health insurance. Overall, the cost for health insurance were too high. He

cited the City's current deductible level. The City cited collective bargaining as the reason for same. He questioned when the deductible would be raised.

The following was presented:

SUBJECT: Council Proceedings of October 11, 2010 and January 24, 2011, Citizen Voice of November 15, 2010, and Work Session of November 8, 2010

RECOMMENDATION: That the reading of the minutes of the previous Council Proceedings of October 11, 2010 and January 24, 2011, Citizen Voice of November 15, 2010, and Work Session of November 8, 2010 be dispensed with and the minutes approved as printed.

BACKGROUND: The Council Proceedings of October 11, 2010 and January 24, 2011, Citizen Voice of November 15, 2010, and Work Session of November 8, 2010 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 Purcell, seconded by Alderman Anderson that the reading of the minutes of the previous Council Meetings of October 11, 2010 and January 24, 2011, Citizen Voice of November 15, 2010, and Work Session of November 8, 2010 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 10, 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 Purcell, seconded by Alderman Anderson 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: Installation of Street Lights in the 8th, 13th, & 14th Additions to Fox Creek Subdivision (Ward 2)

RECOMMENDATION: That the installation of streetlights in Fox Creek Subdivision be authorized and the payment to Ameren in the amount of \$53,417 be approved.

BACKGROUND: Street lighting in new subdivisions is typically installed when approximately sixty percent (60%) of the homes in an addition or phase are complete. The 8th, 13th and 14th Additions to Fox Creek Subdivision are currently at this approximate home construction level and many residents have requested the installation of street lights. Under the franchise

agreement between Ameren and the City, Ameren installs and owns the lighting. Under the rate structure approved by the ICC, Ameren is allowed to charge the City the capital cost to install street lighting, in addition to a monthly fee for the power and maintenance.

Ameren has submitted an estimate in the amount of \$53,417 for the installation of thirteen (13) 100 watt HPS lights in the 8th, 13th, & 14th Additions to Fox Creek Subdivision. In accordance with Section 9.02 of the City's Manual of Practice for the Design of Pubic Improvements, the developer is required to pay the Street Light Electric Service Fee. This fee includes the original installation costs, but not the monthly usage fee. Once the installation and payment to Ameren is complete, the developer will be billed for the actual installation cost.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Fox Creek Subdivision Residents and Ameren.

FINANCIAL IMPACT: The estimate for the installation of the street lighting is \$53,417. These funds were budgeted in the FY 2011 budget in the street lighting account G16220-70990. Payment for this project will be made from the same account.

Respectfully submitted for Council consideration.

Prepared by: Financial review by: Reviewed for legal sufficiency:

Jim Karch
Director of Public Works

Timothy Ervin
Finance Director

Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

Motion by Alderman Purcell, seconded by Alderman Anderson that the installation of streetlights in Fox Creek Subdivision be authorized and the payment to Ameren in the amount of \$53,417 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: Replacement Police Patrol Vehicles

RECOMMENDATION: That six (6) replacement Police Patrol Vehicles be purchased from Green Chevrolet, through the State of Illinois Joint Purchasing Contract, plus necessary equipment in an amount not to exceed \$147,600, the Purchasing Agent be authorized to issue a Purchase Order for same, and the Resolution adopted.

BACKGROUND: A total of ten (10) police vehicles have mileage exceeding 100,000 which need to be replaced at this time. Normal replacement of marked patrol vehicles occurs at 100,000 miles. Three (3) vehicles are scheduled for replacement during the current fiscal year and one (1) vehicle was totaled when it was struck by another vehicle through no fault of the officer.

Staff respectfully requests to replace five (5) police vehicles with the highest mileage or that need repairs that exceed their value at the time the new vehicles are put into service, and replace the one (1) that was totaled. The replaced vehicles would be declared surplus and sold at public auction.

The six (6) replacement vehicles, through the State of Illinois Joint Purchasing Contract, cost \$19,973.67 each for a total of \$119,842.02. Police vehicles have additional equipment that is necessary for performing police work, (lights and sirens, etc.) Staff has received quotations for this various equipment, and will install them in the vehicles which will cost \$27,700. The total cost for the six (6) replacement vehicles and equipment shall not exceed \$147,600. The equipment currently located in the totaled vehicle will be installed in the replacement vehicle.

Green Chevrolet, Jacksonville, currently holds the State of Illinois Joint Purchasing Contract. Staff respectfully requests to purchase six (6) replacement police vehicles at a cost of \$119,842.02, and necessary equipment at a cost of \$27,700, for a total amount not to exceed \$147,600, the Purchasing Agent be authorized to issue a Purchase Order for same, and the Resolution be adopted.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The City received \$11,375.11 for the totaled police vehicle from Alternative Service Concepts, the City's insurance provider. These funds were placed into the General Fund. Four (4) marked patrol vehicles plus equipment in the amount of \$91,114.68 will be paid from the Police Department FY 2011 Budget, G15110-72130. Two (2) marked patrol vehicles plus equipment in the amount of \$47,427.34 will be paid from the Drug Enforcement Fund, X20900-72130. The remaining balance of \$9,000 for equipment will be paid from the Public Works Fleet Division FY 2011 Budget, G16310-71710.

Respectfully submitted for Council consideration.

Prepared by:

Financial review by:

Recommended by:

Jim Karch
Director of Public Works

Timothy Ervin
Director of Finance

David A. Hales
City Manager

RESOLUTION NO. 2011 - 05

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF SIX (6) MARKED PATROL CARS FROM
GREEN CHEVROLET THROUGH THE STATE OF ILLINOIS JOINT PURCHASING
CONTRACT IN AN AMOUNT NOT TO EXCEED \$119,842.02**

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 six (6) replacement Police Patrol Cars from Green Chevrolet, through the State of Illinois Joint Purchasing Contract at a cost not to exceed \$119,842.02.

ADOPTED this 14th day of February, 2011.

APPROVED this 15th day of February, 2011.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Purcell, seconded by Alderman Anderson that six (6) replacement Police Patrol Vehicles be purchased from Green Chevrolet, through the State of Illinois Joint Purchasing Contract, plus necessary equipment in an amount not to exceed \$147,600, the Purchasing Agent be authorized to issue a Purchase Order 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: Analysis of Bids for Lime Room Door and Masonry Modifications

RECOMMENDATION: That the bid for Lime Room Door and Masonry Modifications be awarded to Tarter Construction, Inc. in the amount of \$35,100, and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: The Water Treatment Plant uses lime to reduce the hardness of the water it delivers to citizens. The lime dust collector system is used when lime is unloaded at the water treatment facility. It is unloaded several times a week. The current system was experiencing operational problems including difficulty changing filter bags, obsolescence of filter bags and a general decline in the overall capability of the system to remove dust.

Requests for bids for the project were publicly opened on October 12, 2010, at 2:00 PM. The overall scope included:

1. A new door opening;
2. Cleaning of accumulated lime before and after the installation of the new dust collection system; and
3. The construction of a new door opening to facilitate the cleaning of the room and installation of new dust collection equipment.

Two (2) vendors are listed on the Plan Holders List. Tarter Construction, Inc. was the sole bidder responding to this portion of the project that includes construction of the door opening. Their bid was read in the amount of \$35,100.

Staff and AECOM, Inc., the design engineering firm, analyzed the bid and found it to be in order. The engineer's estimate for this project was \$35,000. Staff respectfully requests that the Council accept the bid in the amount of \$35,100 from Tarter Construction for the construction of a new door opening into the lime room to facilitate improved efficiency in cleaning the room and installation of the new dust collection equipment at the water treatment plant. This door must be installed prior to the purchase and installation of the lime dust equipment.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice of the bid was placed in the Pantagraph. In addition, the project was listed with Dodge Report, a national construction project publication. A pre-bid meeting was held on Tuesday, September 28, 2010. City staff, AECOM, Inc.'s staff, and five (5) vendors were in attendance. One (1) vendor submitted a bid.

FINANCIAL IMPACT: This project will require payment of \$35,100 from the Water Department Depreciation Fund, X50200. That fund has a positive balance. This project was not included in the Water Department's Fiscal Year (FY) 2010-2011 capital budget. It is anticipated that at least two (2) projects planned for this FY will not reach the total amount budgeted.

These projects, both at the water treatment plant are 1) the completion of the filters design in the amount of \$200,000, and 2.) completion of the administration building improvements design, including electrical system upgrades, in the amount of \$300,000. These dollars can be utilized to cover the cost of these three (3) projects while meeting FY 2010-2011 budget commitments.

Respectfully submitted for Council consideration.

Prepared by:

Financial review by:

Recommended by:

Craig M. Cummings
Director of Water

Timothy Ervin
Director of Finance

David A. Hales
City Manager

Motion by Alderman Purcell, seconded by Alderman Anderson that the bid be awarded to Tarter Construction, Inc. in the amount of \$35,100, 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 Booboo's Dawghouse, Inc., d/b/a Boo Boo's Dawg House, located at 3907 G.E. Rd., 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 Booboo's Dawghouse, Inc., d/b/a Boo Boo's Dawg House, located at 3907 G.E. Rd., be created, contingent upon compliance with all applicable health and safety codes.

BACKGROUND: The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the application of Booboo's Dawghouse, Inc., d/b/a Boo Boo's Dawg House, located at 3907 G.E. Rd., requesting 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. Present at the hearing were Liquor Commissioners Steve Stockton, Richard Buchanan, Marabeth Clapp, Steve Petersen, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Bob Wall, Asst. Police Chief and Tracey Covert, City Clerk; and Todd Maynor, owner/operator and Applicant representative.

Commissioner Stockton opened the liquor hearing and requested that the Applicant explain this request. Todd Maynor, owner/operator and Applicant representative, addressed the Commission. The application was for his restaurant on the City's east side. He had lease an additional 1,500 square feet. This meant that the square footage had doubled. He had received requests for alcoholic beverages from customers. He believed his inability to offer same had a negative impact upon his business during the evening hours. Liquor sales would accompany food sales. He hoped that the combination of additional space and the ability to offer alcoholic beverages would mean a doubling of income. He had been in business for fourteen (14) years with the same menu. He planned to expand same. He cited the variety of items offered. Boo Boo's would offer a sit down atmosphere. Televisions had also been added. He believed that customers would enjoy the improvements. He had already seen a revenue increase. He had also received request to host parties, etc.

Commissioner Stockton questioned the number of restaurants operated by the Applicant. Mr. Maynor responded two (2). The other one was located in the Downtown.

Commissioner Buchanan informed the Commission that he had visited the establishment the previous evening. He was surprised by the interior. Mr. Maynor had changed his original business plan. The space and menu had been expanded. He questioned if the restaurant's kitchen could accommodate the menu changes. Mr. Maynor responded affirmatively. The lone exception was the pizza. He had also had request for same.

Commissioner Buchanan questioned if this would be the Applicant's first venture with alcohol service. Mr. Maynor responded affirmatively as an owner and negatively as an employee. He had been employed with Portillo's as a restaurant manager. He had move to Bloomington in 1994 and opened Boo Boo's in 1997. In the past, he had been BASSET (Beverage Alcohol Sellers & Servers Education & Training) trained.

Commissioner Clapp questioned the restaurant's occupancy. Mr. Maynor informed the Commission that there were forty-nine (49) seats. He would employ two (2) wait staff and a bartender. The original side of the restaurant would remain an "eat it and beat it". He restated that he would hire a bartender. Commissioner Clapp questioned if Boo Boo's would have trained and experienced staff. Mr. Maynor noted that the existing staff was familiar with the menu. The bartender would be BASSET trained. In addition, anyone who handled alcoholic beverages would also be BASSET trained.

Commissioner Stockton questioned if Mr. Maynor was familiar with Chapter 6. Alcoholic Beverages. Mr. Maynor responded affirmatively.

Commissioner Stockton opened the hearing to public comment. No one came forward to address the Commission.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He cited Item 9 on the License Application and Item 1.(e) Legal Requirements on the Liquor License Questionnaire. These items address if the Applicant had warranted the public's trust.

Mr. Maynor noted that a single incident occur in 1997. He had been arrested and served ninety (90) days. During that time, he was allowed to go to work each day. He had become involved in a fist fight in what was described as a bad night. He had been evaluated by Countermeasures, Inc. A Substance Abuse Evaluation had been placed on file. He expressed his belief in community service. He cited his involvement with youth services. He noted his involvement with McLean County Pony League Baseball as an example. He had learned from his past mistake. He had continued in the job as a business owner for the past fourteen (14) years. This event was in the past and he planned to keep it that way. He had also included letters of recommendation with his application.

Commissioner Petersen was impressed with the information provided. He appreciated Mr. Maynor's honesty. The Commission had addressed this tough issue. He was encouraged by Mr. Maynor's responses. He was comfortable with a recommendation to create the liquor license.

Commissioner Petersen questioned Mr. Maynor's driver's license record. Mr. Maynor cited winter weather driving and hurrying between two (2) restaurants. He also noted issues with Downtown parking.

Commissioner Stockton stated that there had not been a pattern of disregard. The Commission needed to see if there was pattern of risk for certain offenses. The Applicant had been forth coming. A number of years had passed since the incident. He added that the application included letters of recommendation.

Commissioner Stockton noted that the Applicant had disclosed the information to the Commission. The offense had occurred in 1997. Based upon the documentation submitted, the Commission did not believe that the Applicant should be barred from the opportunity of obtaining a liquor license. Mr. Boyle believed that the Commission's findings were sufficient.

Commissioner Stockton requested that the Police Department verify the information presented prior to the City Council's February 14, 2011 meeting.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with City Code. In accordance with City Code, approximately twenty-six (26) courtesy copies of the Public Notice were mailed. In addition, the Agenda for the January 11, 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 is a new application. 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

Motion by Alderman Purcell, seconded by Alderman Anderson that an RAS liquor license for Booboo's Dawhouse, Inc., d/b/a Boo Boo's Dawg House, located at 3907 G.E. Rd., 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, Fruin and Purcell.

Nays: Alderman Sage.

Motion carried.

The following was presented:

SUBJECT: Application of Orient Cuisine, Inc., d/b/a Orient Gourmet, located at 2103 N. Veterans Pkwy., #312, for an RBS liquor license, which will allow the sale of beer and wine 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 RBS liquor license for Orient Cuisine, Inc., d/b/a Orient Gourmet, located at 2103 N. Veterans Pkwy., #312, be created, contingent upon compliance with all applicable health and safety codes.

BACKGROUND: The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the application of Orient Cuisine, Inc., d/b/a Orient Gourmet, located at 2103 N. Veterans Pkwy., #312, requesting an RBS liquor license which allows the sale of beer and wine 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, Steve Petersen, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Bob Wall, Asst. Police Chief and Tracey Covert, City Clerk; and Xiang Zhong Li, owner/operator, Ming Lin, interpreter, and Cris Holzworth, Restaurant Manager, and Applicant representatives.

Commissioner Stockton opened the liquor hearing and requested that the Applicant update the Commission since the December 14, 2010 meeting. Ming Lin, interpreter for Xiang Zhong Li, owner/operator, and Applicant representatives, addressed the Commission. The application was for an RBS liquor license, liquor would be served to accompany the food offerings. The Applicant has reviewed Chapter 6. Alcoholic Beverages. The restaurant staff would be instructed to check customers' identification. All of the restaurant's servers were nineteen (19) years of age or older. The business hours were 11:00 a.m. to 9:00 p.m.

Commissioner Stockton noted that the Applicant had studied the City's liquor ordinance. Mr. Lin did not believe that there would be any issues. Cris Holzworth, Restaurant Manager, had been employed with the Orient Gourmet for five to six (5 - 6) years. The restaurant had been open for the last eight to nine (8 - 9) years. The restaurant was under new ownership. Ms. Holzworth would provide assistance as she had experience with liquor sales.

Commissioner Stockton noted that there had not been any issues with the restaurant's previous owner. There were not any violations. The Applicant appeared to be familiar with the City's Code. Commissioner Stockton questioned the business hours. Mr. Lin restated that Orient Gourmet was open from 11:00 a.m. to 9:00 p.m. Sundays through Thursdays; and from 11:30 a.m. to 8/9:00 p.m. on Fridays and Saturdays. Alcohol would only be sold to dine in customers. Commissioner Stockton questioned if these were typical work hours. Mr. Lin responded affirmatively. Ms. Holzworth checked on restaurant staff and customers as part of her responsibilities.

Commissioner Tompkins questioned the number of employees who were under the age of twenty-one (21). Mr. Lin believed that there were five (5) employees who were under twenty-one (21). Ms. Holzworth addressed the Commission. All wait staff was over the age of twenty-one (21). The host/hostess may be under twenty-one (21) years of age. Alcoholic beverages were handled by the wait staff.

Commissioner Buchanan informed the Commission that he had visited the establishment the previous evening. His visit only lasted ten to fifteen (10 - 15) minutes. He observed the restaurant's operations. Orient Gourmet was a nice, well run establishment. The establishment only had a service bar. The Applicant had stated that a customer must order dine in food in order to request an alcoholic beverage.

Commissioner Petersen noted that the Restaurant Manager had alcoholic beverage sales experience. Ms. Holzworth responded affirmatively. She had been employed with the Orient Gourmet for some time.

Commissioner Stockton opened the hearing to public comment. No one came forward to address the Commission.

Commissioner Stockton restated that the restaurant's management would be remaining the same. The restaurant was under new ownership.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with City Code. In accordance with City Code, approximately twelve (12) courtesy copies of the Public Notice were mailed. In addition, the Agenda for the January 11, 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 is a new application. Annual fee for an RBS liquor license is \$1,110.

Respectfully,

Reviewed and concur:

Stephen F. Stockton
Chairman of Liquor Commission

Randall D. McKinley
Police Chief

Motion by Alderman Purcell, seconded by Alderman Anderson that an RBS 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, Fruin and Purcell.

Nays: Aldermen Sage.

Motion carried.

The following was presented:

SUBJECT: Fiscal Year 2010 - 2011 Midyear Budget Amendment

RECOMMENDATION: That the Fiscal Year (FY) 2010 - 2011 Midyear Budget Amendment be approved and the Ordinance passed.

BACKGROUND: State of Illinois statutes require expenditures incurred within each individual fund not exceed the appropriation amount set forth in the annual budget of an established fiscal period. In an effort to strengthen the fiscal controls of the budgetary process, staff has prepared a list of budgetary amendments for the current FY. This action corresponds with the August 24, 2009 discussion where staff committed to the Council that the majority of budget amendments would be presented in the FY the expenditure occurred rather than in the proceeding FY.

The appropriated budget of individual funds may be exceeded for several reasons such as but not limited to:

- Prior year encumbrances paid out of the fiscal period in question;
- Transfers to cover higher than planned expenses;
- Purchases and/or projects (ex. grants) that were approved in midyear but not included within the appropriated budget;
- Projects approved after the annual budget was approved; and
- Cost incurred for unforeseen circumstances.

Attached is documentation which itemized the proposed midyear budgetary amendments and a short description of the reason behind the budget amendment. As a reminder, as part of the Financial Impact section for each Council memo, if necessary a statement will be included that will disclose the need for a budget amendment if the applicable item is approved by the Council.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Timothy L Ervin
Finance Director

Barbara J Adkins
Deputy City Manager

David A. Hales
City Manager

ORDINANCE NO. 2011 - 07

**AN ORDINANCE AMENDING THE BUDGET ORDINANCE
FOR THE FISCAL YEAR ENDING APRIL 30, 2011**

WHEREAS on April 12, 2010 by Ordinance Number 2010 - 14, the City of Bloomington passed a Budget and Appropriation Ordinance for the Fiscal Year Ending April 30, 2011, said Ordinance was approved by Mayor Stephen F. Stockton on April 13, 2010; and

WHEREAS a budget amendment is needed as detailed below;

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

SECTION ONE: Ordinance Number 2010 - 14 (the Budget and Appropriation Ordinance for the Fiscal Year Ending April 30, 2011) is further hereby amended by inserting the following line items and amounts presented in Exhibit #1 in the appropriate place in said Ordinance.

SECTION TWO: Except as provided for herein, Ordinance Number 2010 - 14 shall remain in full force and effect, provided, that any budgeted or appropriated amounts which are changed by reason of the amendments made in Section One of this Ordinance shall be amended in Ordinance Number 2010 -14.

SECTION THREE: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED the 14th day of February, 2011.

APPROVED the 15th day of February, 2011.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Purcell, seconded by Alderman Anderson that the Fiscal Year (FY) 2010 – 2011 Midyear Budget 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: Lake Bloomington Lease Transfer Petition for Lot 21, Block 3, in Camp Kickapoo, from Gwen Newcomer to Joseph and Patricia Solberg

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

BACKGROUND: Staff has reviewed the Lake Bloomington Lease Transfer Petition for Lot 21, Block 3, in Camp Kickapoo, from Gwen Newcomer to Joseph and Patricia Solberg. The petition is in order and staff recommends that this transfer be approved. The sewage disposal system inspection was conducted at the end of January 2011. The system was operating satisfactorily at the time. It is a subsurface draining system. The effluent from the septic tank percolates through the soil as opposed to flowing over the ground surface after filtration as in a sand filter system. If the system were to fail, the risk of contamination to the reservoir is negligible. The seepage field and pump are undersized by current standards but will be allowed to remain in place until the system requires major maintenance, fails, or is evaluated at the time of a future lease transfer. The term of this lease is until December 31, 2131.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: This petition will have a neutral financial impact in that the lease will remain at the formula of \$0.40 per \$100 of Equalized Assessed Value for determining the Lake Lease Fee. The current lease rate is \$513 and will remain in that range in 2012. The real estate closing is scheduled for the end of February 2011. Lake Lease income will be posted to Lake Lease revenue account 5010-50100-50140-57590.

Respectfully submitted for Council consideration.

Prepared by:

Financial review by:

Craig M. Cummings
Director of Water

Tim Ervin
Director of Finance

Reviewed by:

Recommended by:

J. Todd Greenburg
Corporation Counsel

David A. Hales
City Manager

Motion by Alderman Purcell, seconded by Alderman Anderson that the Lake Lease 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: Petition from Illinois Wesleyan University (IWU) for the Vacation of a Utility Easement located in Lot 12, North Country Club Place, 1st Addition (Ward 8)

RECOMMENDATION: That the Vacation be approved and the Ordinance passed.

BACKGROUND: A petition has been received from IWU for approval of an Easement Vacation Plat for Lot 12 in North Country Club Place Subdivision, 1st Addition. The request is to vacate the existing utility easement on the south five feet (5') of Lot 12. This request is being made in conjunction with the IWU/Shirk Subdivision which divides this lot into two (2) separate lots. All relevant private utility companies have reviewed the plat and granted their approval of the easement vacation. Staff has also reviewed the plat and finds no conflict with existing or proposed public utilities and drainage ways.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

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

J. Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

PETITION FOR VACATION OF UTILITY EASEMENT

STATE OF ILLINOIS)
) ss.
COUNTY OF MCLEAN)

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

Now comes Illinois Wesleyan University, hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

- 1. That your Petitioner is interested as fee simple owner in the premises hereinafter described in Exhibit A attached hereto and made a part hereof by this reference;
- 2. That your Petitioner seeks approval of the vacation of a utility easement on the south end of said premises, also described in Exhibit A;
- 3. That said vacation of the utility easement is reasonable and proper because such utility easement is not needed by any public utility serving the premises or surrounding property.

WHEREFORE, your Petitioner prays that the utility easement be vacated with such reservation of utility easements as may seem proper.

Respectfully submitted,

Illinois Wesleyan University, Owner,

By: Todd E. Bugg, its attorney

ORDINANCE NO. 2011-08

**AN ORDINANCE PROVIDING FOR THE VACATION OF
UTILITY EASEMENT**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting the vacation of a utility easement, said specifically described as follows:

The South 5 feet of Lot 12, except the West 5 feet thereof, in First Addition to North Country Club Place Addition in the East ½ of the Northeast ¼ of Section 3, Township 23 North, Range 2 east of the Third Principal Meridian, City of Bloomington, McLean County, Illinois; and

WHEREAS, said petition complies in all respects with the ordinances of said City and the statutes of the State of Illinois in such case made and provided; and

WHEREAS, the City Council of said City has the power to pass this Ordinance and grant said vacation; and

WHEREAS, it is reasonable and proper to vacate said utility easement as requested in this case.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS:

1. That the described utility easement is hereby vacated.
2. That this ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 14th day of February, 2011.

APPROVED this 15th day of February, 2011.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

The South 5 feet of Lot 12, except the West 5 feet thereof, in First Addition to North Country Club Place Addition in the East ½ of the Northeast ¼ of Section 3, Township 23 North, Range 2 east of the Third Principal Meridian, City of Bloomington, McLean County, Illinois

Alderman Schmidt stated her intention to abstain from voting as she was employed by Illinois Wesleyan University.

Motion by Alderman Purcell, seconded by Alderman Anderson that the Vacation be approved and the Ordinance passed.

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

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

Nays: None.

Abstains: Alderman Schmidt.

Motion carried.

The following was presented:

SUBJECT: Petition submitted by Illinois Wesleyan University and James A. Shirk, requesting approval of an Expedited Final Plat for the IWU/Shirk Subdivision with an exemption from the minimum lot size in an R-1A, Single Family Residence District

RECOMMENDATION: That the Expedited Final Plat be approved and the Ordinance passed.

BACKGROUND: The Planning Commission held a public hearing on this petition on January 12, 2011. No one from the public spoke in favor or against the request. The Commission voted 6-0 in favor of recommending approval.

The petitioner desires to create a two (2) lot subdivision for the construction of two (2) single family residences upon the issuance of building permits. The R-1A, Single Family Residence District is a low density zoning district and is the most restrictive of the residential zones. The proposed lots will have 21,820 and 22,195 in square feet and thus they will be less than the required minimum of 22,500 square feet in lot area. Upon review of the neighborhood it is apparent that many of the existing lots are less than 22,500 and the proposed lot sizes will not be out of character.

The Planning Commission is recommending Council approve the expedited final plat for case PS-01-11 for IWU/Shirk Subdivision with an exemption of the minimum lot size in an R-1A,

Single-Family Family Residence District for land located on the west side of Country Club Place and east of the Bloomington Country Club golf course.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was placed in the newspaper, mailed to nearby property owners, and a public notice/identification sign was posted on the property.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Mark Woolard
City Planner

Reviewed by:

Barbara J. Adkins
Deputy City Manager

Reviewed by:

Mark Huber
Director of PACE

Recommended by:

David A. Hales
City Manager

PETITION FOR APPROVAL OF FINAL PLAT

State of Illinois)
) ss.
County of McLean)

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

Now comes ILLINOIS WESLEYAN UNIVERSITY and JAMES A. SHIRK, as Trustee under the provision of a trust agreement dated the 14th day of December, 2005, known as McLean County Land Trust Number H-316, hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioners are the owners of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A which is attached hereto and made a part hereof by this reference;
2. That your petitioners seek approval of the Final Plat for the subdivision of said premises to be known and described as IWU/Shirk Subdivision;
3. That your petitioners also seek approval of the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code, 1960:

Minimum lot size in R-1A zoning district. Lot size requirement is 22,500 sq. ft. Subject lots are 21, 820.47 sq. ft. and 22,195.33 sq. feet respectively.

WHEREFORE, your petitioner respectfully prays that said Final Plat for the IWU/Shirk Subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

Illinois Wesleyan University and
James A. Shirk, Trustee, Owner,

By: Todd E. Bugg, its attorney

ORDINANCE NO. 2011 - 09

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE
IWU/SHIRK SUBDIVISION**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for approval of the Final Plat of the IWU/Shirk Subdivision, legally described in Exhibit A attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition requests the following exemptions or variations from the provisions of the Bloomington City Code-1960, as amended: Minimum lot size in R-1A zoning district; and

WHEREAS, said Petition is valid and sufficient and conforms to the requirements of the statutes in such cases made and provided and the Final Plat attached to said Petition was prepared in compliance with requirements of the Bloomington City Code except for said requested exemptions and/or variations; and

WHEREFORE, said exemptions and/or variations are reasonable and in keeping with the intent of the Land Subdivision Code, Chapter 24 of the Bloomington City Code-1960, as amended.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS:

1. That the Final Plat of the IWU/Shirk Subdivision be, and the same is hereby approved.
2. That this Ordinance shall be in full force and effective as of the time of its passage this 14th day of February, 2011.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Legal Description

A Resubdivision of the North 50 feet of Lot 6 in North Country Club Place Addition; all of Lots 12 & 13 and the South 12.5 feet of Lot 14 in First Addition to North Country Club Place Addition, all in the East ½ of the Northeast 14' of Section 3, Township 23 North, Range 2 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois.

Alderman Schmidt stated her intention to abstain from voting as she was employed by Illinois Wesleyan University.

Motion by Alderman Purcell, seconded by Alderman Anderson that the Expedited Final Plat be approved and the Ordinance passed.

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

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

Nays: None.

Abstains: Alderman Schmidt.

Motion carried.

The following was presented:

SUBJECT: Petition submitted by Forrest Deane Lauher and Forrest Deane Lauher and Jeanne Marie Lauher as Co-trustees of the Forrest Deane Lauher and Jeanne Marie Lauher Revocable Living Trust dated November 14, 1991, Forrest B. Lauher, Valerie Sue Mudd and Douglas Mudd, requesting approval of an Annexation Agreement including the Rezoning from A, Agricultural District to R1 A, Single Family Residence District, for land located north of Six Points Road and west of Sweetbriar Dr. and Timber Ct., to be known as Lauher Family Subdivision

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

BACKGROUND: The Planning Commission held two (2) public hearings on January 12, 2011 and 26, 2011, to review the Annexation Agreement, which included rezoning.

The petitioner desires to create a four (4) lot subdivision for family members. The uses of these lots will be single-family residences. The requested zoning change is for low density residential and is compatible with the surrounding zoning. The proposed lots will be served by City water and septic systems. The existing City sanitary sewer lines are not sufficiently close to the property to require an extension and connection to serve the four (4) lots.

No one from the public spoke in favor of or against the request. One (1) person questioned where the entrance would be located and if the trees in the rear would be destroyed. The

petitioner responded that access to the rear would be along the east side of the property and that there was no desire to alter the landscaping.

The commission voted 7-0 in favor of recommending approval of the Annexation Agreement which includes rezoning.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notices were placed in the newspaper, mailed to the nearby property owners, and a notice/identification sign was posted on the property.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

Reviewed by:

Mark Woolard
City Planner

J. Todd Greeburg
Corporation Counsel

Barbara J. Adkins
Deputy City Manager

Recommended by:

David A. Hales
City Manager

ANNEXATION AGREEMENT

PURSUANT to legislative authorization found in Article 11 Division 15.1 of the Illinois Municipal Code of 1961, and as an exercise of the Home Rule powers of the City of Bloomington, and for and in consideration of the mutual promises contained herein and other good and valuable consideration, the undersigned CITY OF BLOOMINGTON, ILLINOIS, a Municipal Corporation, hereinafter referred to as “City” and FORREST DEANE LAUHER AND FORREST DEANE LAUHER AND JEANNE MARIE LAUHER AS CO-TRUSTEES OF THE FORREST DEANE LAUHER & JEANNE MARIE LAUHER REVOCABLE LIVING TRUST DATED NOVEMBER 14, 1991, FORREST BRIAN LAUHER, VALERIE SUE MUDD AND DOUGLAS MUDD, hereinafter referred to as “Owner”, are the owners of property, a legal description of which is on Exhibit “A”, hereinafter “the property”, AGREE AS FOLLOWS:

I. ANNEXATION PETITION. The Owner, subject to the terms and conditions set forth in this annexation agreement, has petitioned the City of Bloomington, requesting annexation of the property to the corporate limits of the City of Bloomington, Illinois. The City has heretofore published and given such notices and conducted such public hearings as may be required to

annex the property, including specifically a public hearing on this annexation agreement conducted after notice as required by law and ordinance on the 14th day of February, 2011.

II. ANNEXATION. The City agrees to adopt an ordinance annexing the property to the City of Bloomington within 60 days from the date of submission of an annexation plat depicting the area to be annexed and all required supporting documentation.

III. ZONING, CONCEPT PLAN APPROVAL, SUBDIVISION AND DEVELOPMENT.

A. Zoning - Within 60 days of annexation, the City agrees to rezone the property annexed to R-1A Single Family Residence District. The public hearings required for such rezoning having been held before the Planning Commission of the City of Bloomington on the 12th and 26th days of January, 2011, after notice required by law and ordinance.

B. Subdivision Plan and Plat Approval

1. Preliminary Plan. Within 60 days from the submission of a Preliminary Subdivision Plan in the form and with the content required by the City's Land Subdivision Code, the City agrees to approve the Preliminary Plan if it is in substantial conformance with the Sketch Plan attached as Exhibit B. The public hearings required for such Preliminary Plan approval having been held before the Planning Commission of the City of Bloomington on the 12th and 26th days of January, 2011 after notice as required by law and ordinance.

2. Final Plat(s). Within 60 days from submission of a Final Plat for all or any portion of the approved Preliminary Plan in the form and with the content required by the City's Land Subdivision Code, the City agrees to approve the Final Plat if it is in substantial accordance with the approved Preliminary Plan.

C. In connection with the subdivision and development of the property, City agrees to permit the property to be used for single family dwelling(s), including customary accessory buildings. A private drive access to proposed Lot 1 from Six Points Road may serve proposed Lots 1 and 2. Garbage pick-up for all lots shall be from Six Points Road.

IV. PUBLIC IMPROVEMENTS. With regard to the annexation, rezoning and subdivision, the installation of public improvements within and serving the property, and the use and development of the property during the term of this Agreement, the following agreements and conditions shall apply in place of those that might otherwise apply during subdivision or development of the site:

A. Streets & Sidewalks

1. Six Points Road - The owner may subdivide, develop and use the Property as proposed in this Annexation Agreement without any adjacent street improvement obligation, the payment of any tap-on fee or connection charge, or the posting of any bond or security for access to Six Points Road, provided however, any division of the property into more than the 4 lots shown on the Sketch Plan or change in use of the property from single family residential shall require the posting of substandard adjacent

street improvement bond with security based on the City standards at that time. The owner shall dedicate 43 feet of right-of-way for north half of Six Points Road at the time of Final Platting.

B. Water

1. Owner may tap and use a water main in the Six Points Road right-of-way for any or all of the lots, in which case Owner shall pay a tap-on fee (\$28 x 600 = \$16,800.00), due at final platting of the first lot platted (all other required water tap-on fees having been paid previously). The water service line from the public main to any single family residence shall be at the lot owner's expense. Only one water main tap per lot will be permitted.

C. Septic System

Any single family residence on any lot may be served by a private septic system meeting County Health Department and all other applicable standards. No public sanitary sewer extension shall be required and no tap on fee shall be payable at this time for the currently planned single family residential use. At any time when connection to a City sanitary sewer is granted, all applicable permit, tap-on, and connection fees shall be paid.

D. Storm Water Drainage

Owner agrees to discharge storm water to an existing pond on the property. No other storm water detention requirements shall be imposed at this time for the currently planned single family residential use. Any future changes in use or division of the property shall comply with City regulations.

E. Park Land Dedication

Owner agrees to pay a fee of \$520.00 per lot in lieu of park land dedication per City Code at final platting, based on one additional dwelling unit per lot.

F. School Site Dedication

None required.

G. Annexation Fee

Owner agrees to pay an annexation fee of \$540.41 per lot. The fee shall be paid on a lot by lot basis at the time building permits issue.

V. The Owner, not later than thirty (30) days after the date of annexation of the Tract, shall file the necessary petitions to annex that area to the Central Illinois Regional (Bloomington-Normal) Airport Authority and Bloomington and Normal Water Reclamation District. The owner is responsible to pay any fees as required by either entity.

VI. Except as provided in the agreement, the Owner shall in the use and development of the property comply with all then applicable zoning, subdivision, building and mechanical codes of the City.

VII. This Agreement is declared to be enforceable by the parties for a period of twenty (20) years from the date of its execution. Said Agreement is further binding upon the present Owners, their heirs, successors or assigns and upon the City of Bloomington's designated corporate authorities and successors in office.

DATED at Bloomington, Illinois, this 22nd day of February, 2011.

CITY OF BLOOMINGTON, ILLINOIS,
A MUNICIPAL CORPORATION

BY: Stephen F. Stockton, Mayor

ATTEST:

Tracey Cover, City Clerk

OWNERS

Forrest Deane Lauher

Jeanne Marie Lauher

Forrest Brian Lauher

Valerie Sue Mudd

Douglas Mudd

EXHIBIT A

LEGAL DESCRIPTION

The West 808 feet of Lots 10, 11 and 13 in the Southwest ¼ of Section 8, Township 23 North, Range 2 East of the Third Principal Meridian, according to plat recorded in Book 34 of Deeds, Page 72, recorded in the Recorder's Office, McLean County, Illinois

P.I.N. 05-21-08-376-029 and 05-21-08-376-030

Mark Huber, Director – PACE, addressed the Council. He noted that there were two (2) related items, (Annexation Agreement and Preliminary Plan). The land which was subject to this petition would eventually be zoned R – 1A, Single Family Residence District. The Preliminary Plan showed four (4) lots. The petitioner would pay the follow the fees: water and park land dedication. These two (2) petitions have been recommended by the Planning Commission and staff.

Alderman Anderson questioned the infrastructure needed and if the property owner would cover these costs. He questioned the allowance of septic systems. Mr. Huber noted that there was not a City sewer available. These would be four (4) large lots. The septic systems would be permitted by the McLean County Health Department.

Alderman Stearns questioned the total acreage for these four (4) lots. Mr. Huber stated that there were fifteen (15) acres. Alderman Stearns noted that the development of this land would not be restricted to family members. Mr. Huber informed the Council that this petition was a family project.

Mayor Stockton opened the public hearing.

Frank Miles, 202 N. Center St., addressed the Council as the petitioner’s attorney. The Lauher family was present at the meeting. There would be four (4) lots for the Lauher family members. In the future, if the land was sold it may not be a family member.

Mayor Stockton closed the public hearing.

Motion by Alderman Schmidt, seconded by Alderman Hanson that the Annexation Agreement be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition submitted by Forrest Deane Lauher and Forrest Deane Lauher and Jeanne Marie Lauher as Co-trustees of the Forrest Deane Lauher and Jeanne Marie Lauher Revocable Living Trust dated November 14, 1991, Forrest B. Lauher, Valerie Sue Mudd and Douglas Mudd, requesting approval of a Preliminary Plan for land located north of Six Points Road and west of Sweetbriar Dr. and Timber Ct. to be known as Lauher Family Subdivision

RECOMMENDATION: That the Petition and Sketch Plan be approved.

BACKGROUND: The Planning Commission held two (2) public hearings on January 12, 2011 and 26, 2011, to review the Preliminary Plan for the Lauher Family Subdivision. There was an initial concern that the preliminary plan should not be approved because only a sketch plan was submitted. After additional discussion, the Planning Commission and staff recommend its approval since it is only for four (4) lots and a full plan will be reviewed at a later time.

No one from the public spoke in favor of or against the request. One (1) person questioned where the entrance would be located and if the trees in the rear would be destroyed. The petitioner responded that access to the rear would be along the east side of the property and that there was no desire to alter the landscaping.

The Commission voted 6-1 in favor of recommending approval of the Petition and Sketch Plan be approved.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notices were placed in the newspaper, mailed to the nearby property owners, and a notice/identification sign was posted on the property.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

Reviewed by:

Mark Woolard
City Planner

J. Todd Greenburg
Corporate Counsel

Barbara J. Adkins
Deputy City Manager

Recommended by:

David A. Hales
City Manager

**PETITION FOR APPROVAL OF PRELIMINARY SKETCH PLAN FOR A
SUBDIVISION**

State of Illinois)
)ss.
County of McLean)

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

Now comes FORREST DEANE LAUHER, FORREST DEANE LAUHER & JEANNE MARIE LAUHER AS CO-TRUSTEES, FORREST BRIAN LAUHER, VALERIE SUE MUDD, DOUGLAS MUDD, hereinafter referred to as your Petitioners respectfully representing and requesting as follows:

1. That your petitioners are interested as Owners in the premises hereinafter described in Exhibit A attached hereto and made a part hereof to be known by this reference;
2. That your Petitioners seek approval of the Preliminary Sketch Plan for a subdivision of said premises to be known and described as LAUHER FAMILY SUBDIVISION, which Preliminary Sketch Plan is attached hereto and made a part hereof;
3. That your Petitioners also seek approval of the following exemptions or variations from the provisions of Chapter 24, of the Bloomington City Code: **All those listed in the signed and approved Annexation Agreement, if any.**

WHEREFORE, your Petitioners pray that the Preliminary Sketch Plan for the LAUHER FAMILY SUBDIVISION submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

Forrest Brian Lauher

EXHIBIT A

LEGAL DESCRIPTION

The West 808 feet of Lots 10, 11 and 13 in the Southwest ¼ of Section 8, Township 23 North, Range 2 East of the Third Principal Meridian, according to plat recorded in Book 34 of Deeds, Page 72, recorded in the Recorder’s Office, McLean County, Illinois

P.I.N. 05-21-08-376-029 and 05-21-08-376-030

Motion by Alderman Schmidt, seconded by Alderman Purcell that the Petition and Sketch Plan 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: Application of Andy & Associates, Inc., d/b/a Price Rite Food & Liquor, located at 706 Clinton St., currently holding a GPBS liquor license which allows the sale of packaged beer and wine for consumption off the premises seven (7) days a week requesting a change in classification to a PAS liquor license which will allow the sale of all types of packaged alcohol for consumption off 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 the change of classification from a GPBS to a PAS liquor license for Andy & Associates, Inc., d/b/a Price Rite Food & Liquor, located at 706 Clinton St., be created, contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) substantial reduction in the sale of single serve products; 2.) no sale of half pint spirits; 3.) offering of convenient store items remain substantially the same; and 4.) spirits shall be stocked behind the counter.

BACKGROUND: The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the application of Andy & Associates, Inc., d/b/a Price Rite Food & Liquor, located at 706 Clinton St., currently holding a GPBS liquor license which allows the sale of packaged beer and wine for consumption off the premises seven (7) days a week requesting a change in classification to a PAS liquor license which allows the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Steve Stockton, Richard Buchanan, Marabeth Clapp, Steve Petersen, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Bob Wall, Asst. Police Chief and Tracey Covert, City Clerk; and Fouad Samhan, Applicant and License holder's representative.

Commissioner Stockton opened the liquor hearing and requested that the Applicant/License holder explain this request. Fouad Samhan, Applicant and License holder's representative, addressed the Commission. Currently, Price Rite lost money on gasoline sales. He informed the Commission that there was an issue with the State of Illinois and payment of sales taxes. This was his family's first gas station. The family had experience in the packaged liquor store business. The plan was to remove the gasoline pumps because this portion of the business was

operating at a loss. It was difficult to keep the store open. The solution would be to change the business into a convenient store which offered all types of alcohol. He reminded the Commission of the recent change of classification at the Main St. Convenient Store located at 1919 S. Main St.

Commissioner Buchanan added the spirits would be stocked behind the counter. Mr. Samhan noted that the counter would be extended. Spirits would be stocked behind the counter in order to maintain control over these items. There would not be any self service of same. Customers currently have access to beer stock. He cited his family's past experience with shoplifting.

Commissioner Petersen noted that the business currently sold gasoline and held a GPBS liquor license. Mr. Samhan noted his nine (9) years of experience at this location. Customers' requests for spirits had increased since Ace Liquors located at 907 E. Oakland Ave. had closed. Alcohol sales would not represent a large volume of the store's business.

Commissioner Clapp questioned the neighborhood. The store was located on the southwest corner of Locust and Clinton. She noted the nearby residential properties. Mr. Samhan responded that this intersection contained all commercial properties.

Commissioner Clapp acknowledged Mr. Samhan's liquor sales experience. She questioned littering and loitering. Mr. Samhan noted that these two (2) issues were addressed on a daily basis with the goal of eliminating same. One hoped to prevent issues from occurring. At this time, business was slow and there were no issues.

Commissioner Tompkins questioned the sale of single serve items. Mr. Samhan planned to attempt the elimination of these items with the addition of spirits, (an "A", All types of alcohol, liquor license). He acknowledged that there were issues raised with the sale of small sizes. Currently, single serve items represented forty percent (40%) of beer sales.

Commissioner Petersen restated that Price Rite intended to discontinue the sale of gasoline. He questioned if Mr. Samhan would be interested in a trial PBS liquor license. The Applicant/License holder was requesting to become a packaged liquor store. He expressed his concern with Mr. Samhan's experience. Mr. Samhan noted that there was not an "A" liquor license in the area. He believed that an "A" liquor license would result in more customer traffic. The plan called for additional lighting and security cameras. The plan was to stay in business by enhancing liquor sales.

Commissioner Stockton stated that the neighborhood had been mailed notices of today's hearing. He questioned if Mr. Samhan had spoken with the store's neighbors. Mr. Samhan responded affirmatively. He cited the store's customers and Alderman Judy Stearns. He restated that customers have requested spirits.

Commissioner Stockton questioned the display of spirits. Commissioner Buchanan restated that spirits would be stocked behind the counter. Commissioner Stockton questioned the sizes that would be offered. Mr. Samhan noted that the majority would be 750 ml (fifth). He estimated the shelving at eight (8) linear feet. Commissioner Stockton questioned if there was a plan for the

store to grow into a full service liquor store. Mr. Samhan responded negatively. Price Rite was a neighborhood convenience store.

Commissioner Stockton noted that the neighbors had been contacted. A commissioner had suggested a trial PBS liquor license, (the current license was a GPBS liquor license). A trial PAS liquor license would be a better alternative. There would not be a huge investment by the Applicant/License holder. Mr. Samhan restated the goal was to remain in business. The plan was to add a small spirits section and attempt to eliminate the sale of single serve items.

Commissioner Stockton noted his inclination to support this Application on a trial basis. He added that there were no objections raised at the hearing. He stated his expectation that the Applicant/License holder police the area around the store for litter. There should not be any loitering in and around the store. In addition, spirits must be stocked behind the counter.

Commissioner Tompkins noted that Mr. Samhan had spoken with Alderman Stearns. Mr. Samhan responded affirmatively. Alderman Stearns had not raised any objections. Commissioner Tompkins questioned the size of spirit offerings. Mr. Samhan responded fifths and pints. He added that he would not commit to no sales of half pints. He planned to stock expensive liquors in response to daily requests.

Commissioner Buchanan informed the Commission that he visited this store frequently. He had expressed concerns over the years for the store at this location when it was under its previous ownership. The Samhans operated a good business. Price Rite had been in business for seven (7) years. He had observed the store's staff discouraging loitering. He described their demeanor as professional. He noted that currently the convenient store portion of the business was in compliance with City Code regarding "G", Gasoline, liquor license classification. He requested that Mr. Samhan address floor space utilization. Mr. Samhan restated the store's floor plan would remain the same. Spirits would be stocked behind the counter.

Commissioner Buchanan acknowledged that there were some concerns about the sizes offered for sale. He recommended that Price Rite not offer half pints for sale and reduce the number/volume of single serve items. Mr. Samhan agreed to eliminate the sale of half pints, twenty-four and forty ounce, (24 & 40 oz.), items in order for the change of classification to be granted.

Commissioner Clapp anticipated push back from the neighborhood. She cited litter and public intoxication as neighborhood concerns. She believed that Mr. Samhan made good concessions.

Commissioner Stockton opened the hearing to public comment. No one came forward to address the Commission.

Bob Wall, Asst. Police Chief, addressed the Commission. The Police Department's biggest concerns were loitering and litter. He noted the nearby alley. There had not been a lot of complaints at this location. He encouraged Mr. Samhan to be proactive.

Commissioner Stockton noted that the Applicant/License holder had agreed to the following items: 1.) elimination of small sizes; 2.) stocking spirits behind the counter; 3.) policing loitering; 4.) patrolling/picking up litter; 5.) enhancing lighting and security cameras; and 6.) "A", All types of alcohol, would be granted for a trial period.

Asst. Police Chief Wall requested that Mr. Samhan schedule a meeting with the Police Department's Crime Prevention Officer. If there were policing issues, then the department would request revocation.

The Commission directed that the following statement be made a part of the record but not a part of the motion: the license holder shall work with the Commission by 1.) policing the area surrounding the store for litter and loitering; and 2.) addressing future and/or additional security needs by installing additional lighting and/or security cameras.

Commissioner Stockton noted that the Applicant/License holder had been put on notice. The Commission had the authority to revert the license back to a PBS liquor license.

Commissioner Tompkins noted that the Applicant/License holder had stated in the application that additional lighting and security cameras would be installed, (see Floor Plan - Note: if approved for all types, liquor will only be behind the counter, secured, and only the employees have access to it. High tech security cameras will be installed all around the building plus more). Commissioner Stockton noted that the Commission would review the liquor license in eight (8) months.

Commissioner Petersen questioned if Price Rite would be a liquor store or a convenience store. He questioned the percentage of space to be allocated to liquor sales. Commissioner Buchanan stated that a percentage of floor space was one of the conditions place upon a "G", Gasoline, liquor license. Commissioner Stockton restated that spirits would be stocked behind the counter. He added that there would be no reduction to the existing stocked items for sale.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with City Code. In accordance with City Code, approximately thirty-one (31) courtesy copies of the Public Notice were mailed. In addition, the Agenda for the January 11, 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 request is for a change of classification from a GPBS to a PAS, (annual net gain \$230). Annual fee for a PAS liquor license is \$1,410.

Respectfully,

Reviewed and concur:

Stephen F. Stockton
Chairman of Liquor Commission

Randall D. McKinley
Police Chief

Alderman Stearns stated that this item was evolving. She had heard from neighbors and Council members. This was a struggling, fragile neighborhood. A neighborhood meeting was held. She had questioned police calls to this establishment. The numbers were low. Concerns remained. The details needed to be worked out. She recommended that this item be laid over until March 14, 2011. She noted the license holder's willingness for give and take. She cited single serve sales, closing hours, and spirits would be stocked behind the counter. She questioned enforcement of conditions. Conditions were legally a part of the license. She cited the volume of single serve sales. There was a need for additional discussions.

Mayor Stockton noted that the Commission can tailor conditions. There were a variety of conditions due to mitigating circumstances.

Alderman Stearns questioned the gasoline pumps. Mayor Stockton stated that the pumps would be removed. He urged anyone present including individuals who resided in the ward to attend the Commission meeting. There were no objections at the Commission's first meeting. Alderman Stearns planned on attending the Commission's March 8, 2011.

Alderman Hanson expressed his concern regarding this request. The Council needed to be sensitive to the fact that this establishment was in proximity to Bloomington Junior and Senior High Schools.

Alderman Fruin expressed support of a discussion regarding this issue. He noted that this request involved a single site. He questioned how to treat this issue City wide. He believed that this could be applied to other convenient stores. He cited Franzetti's Pantry located at 801 E. Washington St., (currently holding a PBS, Packaged Beer and wine only, Sunday sales, liquor license).

Mayor Stockton stated that the Commission considered the neighborhood. He noted that Franzetti's does not hold a "G", Gasoline, classification liquor license because there were not any gasoline pumps. The Commission also considered the license holders record and if there was a history of violations. He restated that this request was for a change of classification. The Commission met on the second Tuesday of the month at 4:00 p.m. The next meeting would be on March 8, 2011. The Commission attempted to place items of interest later on the meeting agenda in the hopes that the discussion would not commence until after 5:00 p.m.

Motion by Alderman Stearns, seconded by Alderman Purcell that the item be returned to the Liquor Commission and laid over until the Council's March 14, 2011 meeting.

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, (viva voce).

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Ordinance Authorizing Loan Agreement for Illinois Environmental Protection Agency (IEPA) Water Pollution Control Loan Program Funds

RECOMMENDATION: That the Ordinance be passed.

BACKGROUND: The City sewer system operates Combined Sewer Overflow (CSO) outlets near the intersection of Locust Street and Colton Avenue. These CSO outlets operate under a permit from the IEPA that includes a Long Term Control Plan to eliminate CSO. The City conducted a Locust Colton CSO Elimination Study which identified a multiphase construction plan to eliminate these CSO outlets by completely separating the storm and sanitary flows. Phase I construction includes building new sanitary sewer across Bloomington High School (BHS) property, Bloomington Country Club (BCC) property and through the neighborhoods south of BHS & BCC. The design plans are moving forward to begin construction in the fall of 2011.

On May 11, 2009, Council approved borrowing IEPA loan funds up to an amount of \$9 million to pay Phase I project expenses estimated at \$7.5 million. Loan terms included three percent (3%) interest on a twenty (20) year repayment schedule with no principle forgiveness. However, the IEPA has informed the City that it is now eligible for loan terms that include 1.25% interest on a twenty (20) year repayment schedule and twenty-five percent (25%) principle forgiveness. With these more favorable loan terms, staff recommends that Council approve increasing the project scope to include project costs up to \$10 million, which will include additional construction Phases II & III identified in the study.

As part of the loan approval process, the IEPA requires passage of an Ordinance authorizing the City to borrow funds from the program. In order not to limit the City's ability to obtain IEPA loan funds, in the event costs exceed the estimate, the Ordinance authorizes the City to borrow up to \$12 million from the IEPA Water Pollution Control Revolving Loan Program.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: School District 87 and Bloomington Country Club.

FINANCIAL IMPACT: Twenty (20) year loan repayment, beginning May 2013, estimated on \$10 million in project cost, as follows:

\$250,000 /yr Sewer & Storm Water Funds
\$180,000 /yr Water Funds

Respectfully submitted for Council consideration.

Prepared by:

Jim Karch
Director of Public Works

Reviewed by:

Craig Cummings
Director of Water

Financial review by:

Timothy Ervin
Director of Finance

Reviewed as to legal sufficiency:

Todd Greenberg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

ORDINANCE AUTHORIZING LOAN AGREEMENT

ORDINANCE NUMBER 2011 - 10

AN ORDINANCE AUTHORIZING THE CITY OF BLOOMINGTON OF MCLEAN COUNTY, ILLINOIS TO BORROW FUNDS FROM THE WATER POLLUTION CONTROL LOAN PROGRAM

WHEREAS, the CITY OF BLOOMINGTON, MCLEAN County, Illinois (the "CITY"), operates its sewerage system (the "System") in accordance with the provisions of the Illinois Municipal Code (65 ILCS 5/11-129-1 et seq.); and the Local Government Debt Reform Act, (30 ILCS 350/1 et seq.), and the Illinois Municipal Code and 65 ILCS 5/8-4-1 et seq.), (collectively, the "Act"); and

WHEREAS, the MAYOR AND CITY COUNCIL of the CITY (the "Corporate Authorities") have determined that it is advisable, necessary, and in the best interest of the public health, safety, and welfare to improve the System, including the following:

Phase I, II and III of the Locust/Colton Combined Sewer Overflow (CSO) elimination by total separation of storm and sanitary sewer flows, together with any land or rights in land and all electrical, mechanical or other services necessary, useful or advisable to the construction and installation (the "Project"), all in accordance with the plans and specifications prepared by the consulting engineers of the CITY, which Project has a useful life of 30 years; and

WHEREAS, the estimated cost of construction and installation of the Project, including engineering, legal, financial and other related expenses is \$10,000,000.00, and there are insufficient funds on hand and lawfully available to pay these costs; and

WHEREAS, the loan shall bear an interest rate as defined by 35 Ill. Adm. Code 365, which does not exceed the maximum rate authorized by the Bond Authorization Act, as amended, 30 ILCS 305/0.01 et seq., at the time of the issuance of the loan; and

WHEREAS, the principal and interest payment shall be payable semi-annually, and the loan shall mature in 20 years, which is within the period of useful life of the Project; and

WHEREAS, the costs are expected to be paid for with a loan to the CITY from the Water Pollution Control Loan Program through the Illinois Environmental Protection Agency, the loan to be repaid from revenues of the System, and the loan is authorized to be accepted at this time pursuant to the Act; and

WHEREAS, in accordance with the provisions of the Act, the CITY is authorized to borrow funds from the Water Pollution Control Loan Program in the aggregate principal amount of \$10,000,000 to provide funds to pay the costs of the Project; and

WHEREAS, the loan to the CITY shall be made pursuant to a Loan Agreement, including certain terms and conditions between the CITY and the Illinois Environmental Protection Agency;

NOW THEREFORE, be it ordained by the Corporate Authorities of the CITY BLOOMINGTON, MCLEAN County, Illinois, as follows:

SECTION 1. INCORPORATION OF PREAMBLES

The Corporate Authorities hereby find that the recitals contained in the preambles are true and correct, and incorporate them into this Ordinance by this reference.

SECTION 2. DETERMINATION TO BORROW FUNDS

It is necessary and in the best interests of the CITY to construct the Project for the public health, safety, and welfare, in accordance with the plans and specifications, as described; that the System continues to be operated in accordance with the provisions of the Illinois Environmental Protection Act, 415 ILCS 5/1 et seq.; and that for the purpose of constructing the Project, it is hereby authorized that funds be borrowed by the CITY in the aggregate principal amount (which can include construction period interest financed over the term of the loan) not to exceed \$10,000,000.

SECTION 3. ADDITIONAL ORDINANCES

The Corporate Authorities may adopt additional ordinances or proceedings supplementing or amending this Ordinance, providing for entering into the Loan Agreement with the Illinois Environmental Protection Agency, prescribing all the details of the Loan Agreement, and providing for the collection, segregation and distribution of the revenues of the System, so long as the maximum amount of the Loan Agreement as set forth in this Ordinance is not exceeded and there is no material change in the project or purposes described herein. Any additional ordinances or proceedings shall in all instances become effective in accordance with the Act or other applicable laws. This Ordinance, together with such additional ordinances or proceedings, shall constitute complete authority for entering into the Loan Agreement under applicable law.

However, notwithstanding the above, the CITY may not adopt additional ordinances or amendments which provide for any substantive or material change in the scope and intent of this Ordinance, including but not limited to interest rate, preference or priority of any other ordinance with this Ordinance, parity of any other ordinance with this Ordinance, or otherwise alter or impair the obligation of the CITY to pay the principal and interest due to the Water Pollution Control Loan Program without the written consent of the Illinois Environmental Protection Agency.

SECTION 4. LOAN NOT INDEBTEDNESS OF CITY

Repayment of the loan to the Illinois Environmental Protection Agency by the CITY pursuant to this Ordinance is to be solely from the revenue derived from revenues of the System, and the

loan does not constitute an indebtedness of the CITY within the meaning of any constitutional or statutory limitation.

SECTION 5. APPLICATION FOR LOAN

The MAYOR is hereby authorized to make application to the Illinois Environmental Protection Agency for a loan through the Water Pollution Control Loan Program, in accordance with the loan requirements set out in 35 Ill. Adm. Code 365.

SECTION 6. ACCEPTANCE OF LOAN AGREEMENT

The Corporate Authorities hereby authorize acceptance of the offer of a loan through the Water Pollution Control Loan Program, including all terms and conditions of the Loan Agreement as well as all special conditions contained therein and made a part thereof by reference. The Corporate Authorities further agree that the loan funds awarded shall be used solely for the purposes of the project as approved by the Illinois Environmental Protection Agency in accordance with the terms and conditions of the Loan Agreement.

SECTION 7. RESERVE ACCOUNTS

A reserve account shall be established by the City designated the "Sewerage Reserve Account". There shall be deposited in said account an amount equal to one half of one annual payment required to be made by the CITY on the Loan pursuant to the terms of the Loan Agreement. Said account may be funded by the CITY by making twelve monthly installments over a year.

SECTION 8. AUTHORIZATION OF MAYOR TO EXECUTE LOAN AGREEMENT

The MAYOR is hereby authorized and directed to execute the Loan Agreement with the Illinois Environmental Protection Agency. The Corporate Authorities may authorize by resolution a person other than the MAYOR for the sole purpose of authorizing or executing any documents associated with payment requests or reimbursements from the Illinois Environmental Protection Agency in connection with this loan.

SECTION 9. SEVERABILITY

If any section, paragraph, clause, or provision of this Ordinance is held invalid, the invalidity of such section, paragraph, clause, or provision shall not affect any of the other provisions of this Ordinance.

SECTION 10. REPEALER

All ordinances, resolutions, orders, or parts thereof, which conflict with the provisions of this Ordinance, to the extent of such conflict, are hereby repealed.

PASSED by the CITY Council of the CITY OF BLOOMINGTON, Illinois on the 14th day of February, 2011.

APPROVED on the 15th day of February, 2011.

Stephen F. Stockton,
Mayor
CITY OF BLOOMINGTON,
MCLEAN County, Illinois

ATTEST:

Tracey Covert
City Clerk
CITY of BLOOMINGTON
MCLEAN County, Illinois

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

David Hales, City Manager, introduced this item. It involved a city/state loan agreement for the Locust/Colton CSO. There was a federal mandate to address and eliminate combined sewers. The Council had been presented with various options. The design work completed to date only addressed Phase 1. Staff was comfortable with a recommendation that the City address Phase 1 – 3 based upon the favorable terms offered by the state, (low interest rate – 1.25% with twenty-five percent principal forgiveness). Staff believed that these three (3) phases would cost at least \$10 million. Staff was requesting permission to borrow up to \$12 million.

Kevin Kothe, City Engineer, addressed the Council. He recognized Greg Kallevig, Project Engineer. Mr. Koth added that the additional \$2 million would provide a cushion. The higher figure would be the preapproval amount. He noted that when working under ground there were unknowns. He added that design plans were needed for Phases 2 and 3. There would also be additional field work.

Mr. Hales added that staff believed that the actual, final cost for this project would be \$10 million. The higher amount, (\$12 million) would be used to address any unknowns. Change orders would be placed before the Council for approval. He cautioned that the financial documents prepared by City staff were based upon a \$10 million debt service. He questioned the Illinois Environmental Protection Agency's (IEPA) flexibility.

Mr. Kothe stated that the IEPA was looking for a cap. Once all funds were obligated, there would not be any additional dollars available.

Mr. Hales noted that dollars had been budgeted for existing projects. The Sewer Fund was a significant part of the City's budget. Funds had been budgeted for maintenance. He cited sewer breaks and cave ins as examples. In addition, the budget contained significant dollars for a Sanitary Sewer Master Plan. This would be the first

comprehensive study of the City's sewer system. This plan would assist the City with establishing priorities and sewer ratings. The sewer rating system would be comparable to the street rating system. With a rating system in place, the City would know the costs to maintain the system and determine the funding level needed. The Council would be able to make more informed decisions regarding sewer rate fees.

Mr. Kothe acknowledged that older sewers were susceptible to breaks and cave ins. The City needed an aggressive sewer lining program. A plan which would assist staff in determining the funding needs was a critical piece.

Alderman Hanson cited a meeting held in the Public Library's Community Room on this project. Citizens raised a variety of concerns from streets to street lighting to curb and gutter. Mr. Kothe informed the Council that the CSO sewer work plan called for patching the trench. Alderman Hanson recommended that the City build dollars into the capital budget. Mr. Hales stated that this idea was not a part of this evening's discussion/decision. City staff would research costs and alternatives. A presentation would be given to the Council with a recommendation from staff.

Alderman Stearns believed that the trench would involve forty percent (40%) of the street. Mr. Kothe acknowledged that a significant part of the street would be involved. Alderman Stearns cited the Prairie St. Water Main project as an example. The City resurfaced the street as a change order. She questioned updated figures on the cost to complete this project.

Alderman Stearns questioned this \$10 million project. She cited the City's intention to borrow funds from the state. She acknowledged that this project was important and cited the federal mandate. She questioned if the project could be put off. Mr. Kothe cited staff's presentation at the Council's January 24, 2011 meeting. The EPA was pushing for the elimination of CSO. Sewer overflows occur frequently and were significant. The Locust/Colton CSO study identified ten (10) phases. This was a tremendous opportunity for the City. This would be a good start and the back bone of this project would be built.

Alderman Anderson questioned the additional \$2 million requested. He understood staff's concerns about under ground work. He was willing to support a request for \$10 million. This project involved a lot of money.

Mr. Hales questioned the reliability of the project's cost estimate. He noted that the City did not have final drawings. Mr. Kothe noted the cost for Phase 1 was estimated at \$7.5 million. Due to the IEPA's offer, the scope of the project had been expanded. All of the design work was not complete. Mr. Hales questioned the percentage completed for Phase 1. Mr. Kallevig addressed the Council. Phase 1 was eighty percent (80%) complete. Design work had not been started for Phases 2 and 3. Mr. Hales added that the IEPA wanted to lock in the dollar amount for the City's CSO project. The IEPA must allocate all of the dollars available.

Alderman Anderson questioned if there were other areas of the City that needed attention. Mr. Kothe responded negatively. Staff recommended a higher figure due to this one time offer. He restated the twenty-five percent (25%) principal forgiveness. This work must be done. He stressed that this project involved ten (10) phases. All of the work must be done. Mr. Hales recommended that the budget for Phases 1 – 3 be capped at \$10 million. He restated that for Phases 2 and 3 there were not any construction plans. He cautioned that by capping the project budget the scope may have to be reduced. Prior to the City soliciting bids, the plan may be revised. The City had the ability to amend the amount. Mr. Kallevig affirmed that the EPA would allow the City to amend the agreement. Mr. Hales noted that the dollar figure would be changed to \$10 million.

Alderman Hanson shared Alderman Anderson's sentiment. He questioned if the allocation figures allowed the City to establish a line of credit with the IEPA. Mr. Kothe responded affirmatively. Mr. Kallevig added that the \$12 million figure represented a worst case scenario. City staff's goal was the \$10 million figure. Alderman Hanson did not see the higher figures as a huge risk. The City would be establishing a line of credit at \$12 million.

Alderman Schmidt expressed her support for the \$10 million figure. City staff had not prepared a spreadsheet for the higher figure. She believed that the City would expend the dollar figure cited. Mr. Hales restated that the principal amount would be changed to \$10 million. Project sketches would be attached to the ordinance upon submittal to the IEPA. The City would be consistent throughout the process.

Alderman Purcell stated if additional dollars were needed the City would make application to the IEPA. He was comfortable with the \$10 million figure. Mr. Hales reminded the Council that City staff had presented them with options. The project's scope may have to be reduced.

Motion by Alderman Hanson, seconded by Alderman Schmidt that the amended Ordinance be 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: Resolution Establishing the Downtown Entertainment Task Force

RECOMMENDATION: That the Resolution be adopted.

BACKGROUND: On January 11, 2011, a Joint Work Session was held with Council and the Liquor Commission to discuss liquor issues, and the creation of an Advisory Group Task Force with emphasis on the Downtown. It was the consensus that Mayor Stockton and Alderman Karen Schmidt would be charged with establishing a mission, membership, timetable, and recommendations to the City Council and Liquor Commission that would research and discuss:

- Identification of the root causes of issues/challenges
- Consideration of specific activities that can contribute to issues/challenges
- Research into best practices used in other communities
- Enhancement of entertainment opportunities
- Analysis of costs, revenues, and timelines

The Downtown Task Force is also charged with presenting their recommendations to the Council and Liquor Commission by July 1, 2011. In turn, the Council and Commission will review the Task Force's recommendation and provide a respond by the end of August 2011.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: This action has been taken by recommendation of Council and Liquor Commission.

FINANCIAL IMPACT: Financial impact to the City will be limited to staff time and resources associated with operation of such a Task Force.

Respectfully submitted for Council consideration.

Prepared by:

Barbara J. Adkins
Deputy City Manager

Recommended by:

David A. Hales
City Manager

RESOLUTION NO. 2011 - 06

A RESOLUTION ESTABLISHING 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
- 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 28th, 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 14th day of February, 2011.

Approved this 15th day of February, 2011.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Mayor Stockton introduced this item. Concerns had been raised regarding Downtown liquor licenses since at least 1990. There had been an informal moratorium on taverns. The Liquor Commission has applied conditions to liquor licenses. The Council and Commission held a joint meeting on January 11, 2011. A consensus was reached to establish an ad hoc task force. He had worked with Alderman Schmidt to draft the resolution. At the completion of the task force's work, the Council and Commission would review their findings and determine if/what policy changes were needed. He read from the Resolution and addressed the mission and relevant factors. He also reviewed the task force's make up. He hoped to present the Council with an appointment memorandum at their February 28, 2011 meeting. Some of the task force members would be appointed by their respective groups, (perhaps by the group's chairman or board). Alderman Schmidt acknowledged that the Downtown Residents Association was not the most active group. This group had a spokesperson and maintained a mailing list. Mayor Stockton added that this group would commence by the end of the month.

Alderman McDade thanked Alderman Schmidt for her interest in the project.

Alderman Fruin thanked Mayor Stockton and Alderman Schmidt for their efforts. He recommended that the task force's make up be amended to appoint two (2) citizens instead of one (1). In addition, he recommended that the task force's final recommendation be due by June 1st instead of July 1st. The college students would return to the community in the middle of August.

Alderman Stearns expressed her support for two (2) citizens. She questioned how an individual could be recommended and the selection process for same. Mayor Stockton informed the Council that he had already received two (2) applications for this task force. One individual lived on the City's east side but worked Downtown. He noted that there were two (2) wards within the Downtown. He had already spoken with Marabeth Clapp, Liquor Commissioner. Ms. Clapp had retired from Illinois State University. Alderman Stearns readdressed the two (2) citizens. She planned to submit two (2) names for consideration. Mayor Stockton noted that there was an application form on the City's web site. Applications were also available in the City Administration Office.

Alderman Purcell stated that there would be twelve (12) members of this task force. He clarified that the task force's recommendations would be due on June 1, 2011.

Alderman Schmidt addressed timing. Individuals needed to be selected quickly. Once the group is formed, then it can determine when to meet. Mayor Stockton restated his intention to finalize the appointments at the Council's February 28, 2011 meeting. He requested Alderman Schmidt's assistance with this task.

Motion by Alderman McDade, seconded by Alderman Hanson that the amended 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, (viva voce).

Nays: None.

Motion carried.

MAYOR'S DISCUSSION: Mayor Stockton noted the blizzard of 2011. He had received positive comments from citizens. He cited the work of various City staff, (snow plow drivers, police officers, firefighters, telecommunicators, etc.) The staff had worked hard, done advance planning, and showed a spirit of cooperation. The citizens should be proud of staff's efforts. This issue was raised at the Citizen Voice meeting held on February 7, 2011. He applauded staff's efforts. Staff made him and the Council look good.

Enforcement of sidewalk shoveling had been raised. The City has focused on commercial areas, (Downtown). He cited the cost to clear sidewalks. He noted that

pedestrians were forced to walk in the street. He questioned the City's expectations and requested that the Council give thought to this item.

CITY MANAGER'S DISCUSSION: David Hales, City Manager, noted the coordination between City staff during the recent blizzard. The City had forty (40) pieces of equipment in use during the storm. There had only been limited equipment break downs. He thanked the citizens who showed that they were community minded. Neighbors were out assisting neighbors. The City needed excellent staff with quality resources.

Mr. Hales addressed the FY 2011 – 2012 budget. Staff was busy finalizing documents. The Council would receive at least two (2) binders: 1.) General Fund and 2.) Enterprise Funds. He hoped to hold two (2) Budget Work Sessions on Saturdays, (March 19 and 26, 2011). In addition, the City would host a Citizen Budget Open House. The month of March would be dedicated to the budget.

The City would have the opportunity to participate in an ICMA, (International City Managers Association), performance measurement exercise. It would be a low cost pilot project. Staff would be instructed how to submit the data with the end goal being receipt of the results. He believed that this would be an opportunity to address performance metrics.

Mr. Hales addressed the Work Session held earlier in the evening with the City's state legislators. He applauded staff efforts in preparation for this meeting.

Finally, he recognized Barb Adkins', Deputy City Manager, efforts to respond to the Council's questions regarding items on their meeting agenda. The goal was to post the responses on the City's web site by the afternoon on the day of the meeting.

ALDERMEN'S DISCUSSION: Alderman Anderson informed the Council that he was out in the blizzard. City staff's efforts were phenomenal.

Alderman Stearns questioned if a complaint form for sidewalks could be placed on the City's web site. Mr. Hales recommended that citizens call the City's PACE Department at 434 – 2226. Alderman Stearns expressed her appreciation to PACE's staff for their efforts to address sidewalks in her ward. She recognized that there were employees who had worked a twenty-four (24) hour shift during the blizzard. The next challenge before the City would be potholes. Mr. Hales reminded the Council that the asphalt plants were not open. City staff was using a winter patch mixture.

Alderman Stearns addressed the Neighborhood Quality of Life group. Meetings have been held. Discussions addressed vacant properties: the positives, success stories and recognition. She cited 602 E. Chestnut as an example. In addition, there were properties on Main St. Properties have been turned around. She suggested a "block booster" program.

Alderman Purcell thanked all involved in the snow removal efforts. He cited the extra work done on parking lots and sidewalks. He noted that there were plowing

businesses which were covering the sidewalks and crosswalks. Pedestrians were in the street. Mayor Stockton noted that it was illegal to plow snow on to the street. Mark Huber, Director - PACE, addressed the Council. Sidewalks were also to be kept clear.

Alderman Schmidt thanked everyone. The winter storm showed the City's remarkable sense of community.

Aldermen Fruin and McDade also extended their appreciation.

Alderman Sage also recognized the City's Information Services staff. The City's web site was kept current which provided citizens with the ability to check on the status of the City's snow plowing efforts.

Alderman McDade informed those present that the last Citizen Voice meeting for fiscal year 2010 – 2011 had been held. One goal was constant improvement. She welcomed anyone's concerns and/or compliments. She believed that some issues had been solved. In addition, the City was moving in the right direction. Citizen Voice meetings were an open forum. The plan was to move forward with this idea. She thanked the staff and residents.

Alderman Hanson thanked staff for their efforts during the blizzard. The City was in the customer service business. There was communication from staff through out the event.

Motion by Alderman Anderson, seconded by Alderman Purcell, that the meeting be adjourned. Time: 9:06 p.m.

Motion carried.

Tracey Covert
City Clerk