

**COUNCIL PROCEEDINGS
PUBLISHED BY THE AUTHORITY OF THE CITY COUNCIL
OF BLOOMINGTON, ILLINOIS**

The Council convened in regular Session in the Council Chambers, City Hall Building, at 7:36 p.m., Monday, July 12, 2010.

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

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

Aldermen: Judy Stearns, Kevin Huette, 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.

The following was presented:

Oath of Office – Police Patrol Officer – Jeremy Cunningham.

Randy McKinley, Police Chief, introduced Jeremy Cunningham. He was hired on December 31, 2009 and successfully completed the eighteen (18) month probationary period. He had previously been employed by Farm & Fleet as a mechanic. He graduated from Park Land Community College.

Tracey Covert, City Clerk, administered the Oath of Office. Mayor Stockton presented Mr. Cunningham with the Commission’s Certificate.

Mr. Cunningham addressed the Council. He considered himself extremely lucky to work for the City. It was his number one (1) choice out of the twelve (12) entities where he tested. He thanked everyone involved in the process. He hoped to do his best. Mayor Stockton offered congratulations on behalf of the City.

The following was presented:

SUBJECT: Council Proceedings of December 8, 2008, February 23, August 24 and September 14, 2009, and the Executive Session of June 28, 2010

RECOMMENDATION: That the reading of the minutes of the previous Council Proceedings of December 8, 2008, February 23, August 24 and September 14, 2009, and the Executive Session of June 28, 2010 be dispensed with and the minutes approved as printed.

BACKGROUND: The Council Proceedings of December 8, 2008, February 23, August 24 and September 14, 2009, and the Executive Session of June 28, 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 Schmidt, seconded by Alderman Anderson that the reading of the minutes of the previous Council Meeting of December 8, 2008, February 23, August 24 and September 14, 2009, and Executive Session of June 28, 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, Huette, 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 furnished to you on Thursday, July 8, 2010 by posting via the City's web site.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT:

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)

Ron Schultz, 1208 E. Oakland Ave., addressed the Council. He questioned if the expense for the safety shoes was part of inventory. He also questioned the Fire and Police Pension Funds' payment schedule. Tim Ervin, Finance Director, stated pension funds were distributed biannually. The City collected and distributed the funds as part of the City's annual contribution. Mayor Stockton stated contributions were required by state law. The contributions came from property taxes. Mr. Ervin stated there should be two to three (2 - 3) additional payments in August or September. Mr. Schultz requested his additional question be answered via email.

Mike Fitzgerald, 1805 Dunraven Rd., addressed the Council. He cited TishlerBise's services. He questioned if the service report would be available to the public. David Hales, City Manager, stated the final report would be available on the City's web site. A preliminary copy had been brought to the Council. Mayor Stockton added the purpose of the Council's engagement with this firm had been to reexamine the value given.

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Payments from Various Municipal Departments

RECOMMENDATION: That the payments be approved.

BACKGROUND: All of the described payments are for planned and budgeted contracts previously approved by the City Council.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: As follows:

1. The fifteenth partial payment to Technical Design Services in the amount of \$2,932 on a contract amount of \$99,619 of which \$98,531.94 (\$6,290.06 in reimburseables) will have been paid to date for work certified as 93% complete for the Enterprise Resource Planning Selection Process – Phase I. Completion date – October 2010.
2. The first partial payment to Cannon Cochran Management Services, Inc. in the amount of \$10,237.50 on a contract amount of \$49,500 of which \$10,237.50 will have been paid to date for work certified as 21% complete for the Loss Control Services FY 2010. Completion date – April 2011.
3. The fifth partial payment to Farnsworth Group in the amount of \$25,355.67 on a contract amount of \$108,600 of which \$86,803.50 (\$1,201.58 in reimburseables) will have been paid to date for work certified as 79% complete for the Kickapoo Restoration Project – Phase II. Completion date – May 2010.
4. The sixth partial payment to Stark Excavating, Inc. in the amount of \$160,930.92 on a contract amount of \$929,561.50 of which \$412,314.37 will have been paid to date for work certified as 44% complete for the Division B – TIF District Streetscape Improvements. Completion date – August 2010.
5. The first partial payment to Rowe Construction in the amount of \$10,848.32 on a contract amount of \$1,094,081.72 of which \$10,848.32 will have been paid to date for work certified as 1% complete for the Street and Alley Repair. Completion date – November 2010.
6. The first partial payment to Rowe Construction in the amount of \$20,254.14 on a contract amount of \$576,549.79 of which \$20,254.14 will have been paid to date for work certified as 4% complete for the 2010-2011 General Resurfacing. Completion date – October 2010.
7. The twenty-ninth partial payment to Clark Dietz in the amount of \$1,237.50 on a contract amount of \$305,000 of which \$222,947.90 will have been paid to date for work certified as 73% complete for the Locust/Colton St. Sewer Separation & Water Main Replacement - CSO Elimination Phase I. Completion date – October 2010.
8. The second partial payment to Gildner Plumbing in the amount of \$100,883.25 on a contract amount of \$414,990 of which \$128,193.59 will have been paid to date for work certified as 31% complete for the Water Main Replacement – TIF Water Main – Mulberry from Prairie to Douglas. Completion date – August 2010.

9. The eighth partial payment to Consoer Townsend in the amount of \$1,697.80 on a contract amount of \$49,760 of which \$27,400.67 will have been paid to date for work certified as 55% complete for the Direct Injection of Carbon Dioxide at Treatment Plant. Completion date – December 2010.
10. The first partial payment to AECOM in the amount of \$7,698.39 on a contract amount of \$17,800 of which \$7,698.39 will have been paid to date for work certified as 43% complete for the Decant Pumps at Lake Bloomington. Completion date – December 2010.
11. The eleventh and final payment to Clark Dietz in the amount of \$3,818.86 on a contract amount of \$20,000 of which \$20,000 will have been paid to date for work certified as 100% complete for the Inspection Services for Water Main Construction on E. Lincoln from Morrissey to McGregor. Completion date – December 2010.
12. The eleventh and final payment to Clark Dietz in the amount of \$1,171.89 on a contract amount of \$21,700 of which \$21,700 will have been paid to date for work certified as 100% complete for the Lincoln St. – Bunn to Morrissey Dr. Observation. Completion date – December 2010.
13. The first and final payment to Farnsworth Group in the amount of \$26,500 on a contract amount of \$26,500 of which \$26,500 will have been paid to date for work certified as 100% complete for the Water Main Design at Gridley & Jackson. Completion date – January 2011.
14. The sixth partial payment to Carl Walker, Inc. in the amount of \$2,392.62 on a contract amount of \$28,600 of which \$21,413.57 (\$538.57 in reimburseables) will have been paid to date for work certified as 73% complete for the Design for Market St. Garage Restoration. Completion date – December 2010.
15. The first partial payment to J.G. Stewart Contractors, Inc. in the amount of \$16,335.35 on a contract amount of \$180,428 of which \$16,335.35 will have been paid to date for work certified as 9% complete for the 2010 – 2011 Sidewalk Replacement and Handicap Ramp Program. Completion date – April 2011.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Tracey Covert
City Clerk

Timothy Ervin
Director of Finance

David A. Hales
City Manager

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Final Payment to the State of Illinois for the City's Share of Construction of a Public Sidewalk on the West Side of Main Street from Hamilton Road to Woodrig Road (Ward 1)

RECOMMENDATION: That the payment be approved and the Resolution adopted.

BACKGROUND: On April 28, 2008, Council approved a joint agreement with the Illinois Department of Transportation (IDOT) to share the cost for the construction of a public sidewalk along the west side of South Main Street (US Route 51) from Hamilton Road to Woodrig Road. The agreement specified a 50/50 cost share for all items related to the construction of a sidewalk to accommodate pedestrians.

In the summer of 2008, IDOT installed the sidewalk as part of the resurfacing work done on South Main Street from Lafayette Street to Woodrig Road. IDOT has submitted a final bill for construction of the sidewalk in the amount of \$28,867.51. This amount is \$20,984.49 more than the previously adopted MFT resolution. Most of the extra cost was due to additional earth excavation and modifications required for the traffic signal at Main Street and Hamilton Street to accommodate pedestrians on the new sidewalk.

MFT Resolution 1 approved on 4/28/2008		\$40,000.00
<u>MFT Resolution 2 for approval 7/12/2010</u>		<u>\$20,984.49</u>
Total MFT Resolutions		\$60,984.49
Initial Payment to IDOT	\$32,116.98	MFT Funds (X20300-72530)
<u>Final Payment to IDOT</u>	<u>\$28,867.51</u>	<u>MFT Funds (X20300-72530)</u>
Total Payments to IDOT	\$60,984.49	MFT Funds (X20300-72530)

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The City's total match for construction of this public sidewalk was \$60,984.49. The second and final payment to the state for this project will be made from the Motor Fuel Tax Fund (X20300-72530). This memo seeks approval to disburse the second and final payment of \$28,867.51. The additional \$20,984.49 was not budgeted within the City's Motor Fuel Tax Fund.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Jim Karch
Director of Public Works

Tim Ervin
Director of Finance

David A. Hales
City Manager

(MFT RESOLUTION NO. 2010-024 ON FILE IN CLERK'S OFFICE)

Alderman Purcell noted the thirty percent (30%) cost increase. He expressed concern about the use of the sidewalk. Motor Fuel Tax (MFT) funds were used for same. He believed the money could have been used for other needs.

Alderman Stearns questioned if the \$20,000 was paid from MFT funds. She cited the extra \$21,000 spent on modifications. She questioned what the modifications entailed. Kevin Kothe, City Engineer, addressed the Council. There had been an opportunity to put in a sidewalk when IDOT was resurfacing US 51. There had been a dirt path there. Staff anticipated an increase in pedestrian traffic as residential development continued. IDOT had left out the traffic signal at Main St. and Hamilton Rd. The pedestrian indicators had been an oversight. The earthwork had been underestimated. The Council may have seen many streets and state routes without sidewalks. As a safety precaution sidewalks were included on new projects. Not having a sidewalk could be a dangerous situation. He reiterated that there would be more pedestrians using the sidewalk in the future.

Alderman Stearns clarified this was a Change Order to IDOT. Mr. Kothe responded affirmatively. IDOT managed the contract.

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Payment to Pay JG Stewart Contractors, Inc. for Emergency Repair on General Electric Road 1400 feet east of Auto Row Drive (Ward 3)

RECOMMENDATION: That the payment be approved.

BACKGROUND: The westbound right lane of General Electric Road was closed due to a void under the pavement. The void was caused by storm water eroding away the embankment around a box culvert. The work was of an emergency nature as a lane on General Electric Road was closed to traffic until repairs were completed. Due to the amount of work needed to make the repair, JG Stewart Contractors, Inc. was retained to remove the sunken pavement and curb, fill the void, patch the street, replace curb, and repair the slope wall around the end of the box culvert.

A time and materials bill had been submitted in April 2010. Staff submitted a response to JG Stewart questioning some listed charges. A revised time and materials bill has been received for this work in the amount of \$20,446.19. Staff has reviewed the bill and the time and materials used are consistent with repairs of this nature.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Payment in the amount of \$20,446.19 will be paid with Storm Water Management Funds, (X55100-70552).

Respectfully submitted for Council consideration.

Prepared by:

Financial review:

Recommended by:

Jim Karch
Director of Public Works

Tim Ervin
Finance Director

David A. Hales
City Manager

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Analysis of Bid for Water Main Replacement on Illinois Street from Euclid Avenue to the west end of Illinois Street and south to Indiana Street

RECOMMENDATION: That Council waives a minor informality, the bid for the Illinois Street Water Main be awarded to Walker Excavating Company, Inc. in the amount of \$210,785.56 and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: Illinois Street is a dead end street that runs west from Euclid Avenue to a dead end approximately 1,500 feet west of Euclid Avenue and adjacent to Sunnyside Park. The four inch (4”) water main currently in Illinois Street is vastly undersized for current domestic and fire protection needs. It has been the site of six (6) water main breaks over the last three (3) years. With a high density apartment complex directly adjacent to Illinois Street, improved fire protection is needed in this area.

This project will replace the four inch (4”) dead end water main with approximately 2,100 feet of eight inch (8”) ductile iron water main. The project also involves the installation of four (4) replacement hydrants and looping the new eight inch (8”) water main to an existing eight inch (8”) water main at the western end of Indiana Street to eliminate the dead end. The project will also replace all the water services from the water main to the curb stop (the valve at the property line) at no cost to the citizens.

Requests for bids for this project were advertised and sealed bids were opened at 1:00 PM on June 29, 2010. The following is the summary of the bids received. Please note that (2) two bids had mathematical errors in their totals that were corrected when staff analyzed the bids. Walker Excavating, Inc. had the corrected total reduced. The total bid “as read” was reduced by \$36.00. Atlas Excavating, Inc. had the corrected total increased. The bid “as read” was increased by \$1,000. Neither of these changed the bid order of the first and second lowest bidders.

Walker Excavating Company, Inc.	Base bid (as read)	\$171,192.01
	Base bid (as corrected)	\$171,171.01
	Alternate bid	\$ 39,614.55
	Total (as read)	<u>\$210,821.56</u>
	Total (as corrected)	<u>\$210,785.56*</u>
George Gildner, Inc.	Base bid	\$182,807.00
	Alternate bid	\$ 31,914.00
	Total	<u>\$214,721.00</u>
Stark Excavating, Inc.	Base bid	\$208,107.00
	Alternate bid	\$ 35,565.00
	Total	<u>\$243,672.00</u>
Atlas Excavating, Inc.	Base bid	\$211,000.00
	Alternate bid (as read)	\$ 32,000.00
	Alternate Bid (as corrected)	\$ 33,000.00

	Total (as read)	<u>\$243,000.00</u>
	Total (as corrected)	<u>\$244,000.00</u>
Hoerr Construction, Inc.	Base bid	\$220,408.00
	Alternate bid	\$ 34,472.50
	Total	<u>\$254,880.50</u>

* Low Bidder

Staff has analyzed these bids. All bids had the addendum (Addendum #1) returned with the bid submittal except Walker Excavating Company, Inc. Walker acknowledged the addendum, in writing, on their bid envelope and proposal price sheet. Walker Excavating, Inc. is a Peoria based firm that made its first bid submittal for Water Department projects.

The specifications for this project called for the return of the addendum with the bid documents, (Specifications, page 3, Instructions to Bidders). The City’s advertisement for bids contain the following language, “The City of Bloomington reserves the right to reject any and all bids and waive technicalities in bidding”. Staff views the failure to return the addendum with the bid package as a minor informality since the bidder acknowledged the addendum. Walker would be bound by anything in the addendum, by their acknowledgement.

A minor informality or irregularity is one, which is merely a matter of form and not of substance or pertains to some immaterial or inconsequential defect or variation of a bid from the exact requirement on the IFB (Invitation for Bid), the correction or waiver of which would not be prejudicial to other bidders. The defect or variation in the bid is immaterial and inconsequential when its significance as to price, quantity, or quality, or delivery is trivial or negligible when contrasted with the total cost or scope of the supplies or services being procured. Failure to return a bid addendum or amendment if, on the face of the bid, the vendor acknowledges receipt of the addendum or amendment, is recognized as an example of a minor informality that may be waived.

Furthermore, staff views the acceptance of the lowest bid to be in the best interest of the City. Staff recommends that Council waive this minor informality and accept the bid from Walker Excavating Company, Inc. in the amount of \$210,785.56, and the Mayor and City Clerk be authorized to execute the necessary documents. The Engineers estimate for this project was \$249,000.

Funds for this project were included in the FY 2010/20011 budget under Water Department Depreciation Funds (Account # X50200-72540) in the amount of \$250,000.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: A public meeting concerning this project will be held prior to the commencement of work.

FINANCIAL IMPACT: This project will require the payment of up to \$210,785.56 from the Water Department Depreciation Fund, X50200-72540. This fund has a positive balance. This

water main replacement project is included in the FY 2010/11 capital budget for the Water Department.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Craig M. Cummings
Water Director

Tim Ervin
Finance Director

Reviewed by:

Recommended by:

Rosalee Dodson
Asst. Corporation Counsel

David A. Hales
City Manager

Motion by Alderman Schmidt, seconded by Alderman Anderson that the Council waives a minor informality, the bid for the Illinois Street Water Main be awarded to Walker Excavating, Company, Inc. in the amount of \$210,785.56 and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Application of Castle Productions, LLC, d/b/a The Castle, located at 209 E. Washington St., Unit 1, 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 Castle Productions, LLL, d/b/a The Castle, located at 209 E. Washington St., Unit 1, be created, contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) that the lower level of the auditorium be restricted to those over twenty-one (21) years of age with the exception of no under twenty-one (21) events; 2.) that for no under twenty-one (21) events the premise would include the lobby and balcony area of the theater; 3.) that bar food sales are

encouraged and may become a future requirement; and 4.) that the Commission reserves the right to reconsider parking arrangements in the future if needed.

BACKGROUND: The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of Castle Productions, LLC d/b/a The Castle, located at 209 E. Washington, Unit 1, requesting an RAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Marabeth Clapp, Steve Petersen, and Geoffrey Tompkins, George Boyle, Asst. Corporation Counsel, and Tracey Covert, City Clerk; and John Campbell and Rory O'Connor, owners/operators and Applicant representatives.

Commissioner Stockton questioned the purpose of this application. He noted that the goal was to reopen the theater. John Campbell and Rory O'Connor, owners/operators and Applicant representatives, presented the Commission with a brochure entitled Where Music is King. Mr. Campbell resided in Chicago and Mr. O'Connor resided in Bloomington. Mr. Campbell attended Illinois State University and resided in the community from 1997 - 2000. He was present in the community on most weekends. The plan was to reopen the theater as an entertainment venue. Mr. O'Connor is employed in the radio industry. Mr. Campbell had a marketing background and was employed in advertising. Peter Erickson, (third partner), was employed in event management. They believed the City needed a place for live music performances. The opening was planned for October 2010. They have clients involved in the music industry.

Commissioner Stockton expressed his interest in the project. The City had invested TIF (Tax Increment Financing) dollars in this building. He believed the theater was a great property. The business plan would fill a void. He noted that according to demographics reports there were approximately 100,000 college age students in the Central Illinois area. The Applicant had presented an interesting proposal.

Mr. Campbell stated the intention to bring national acts to Central Illinois. This type of venue would fill a void. The space was evaluated for sound. Mr. O'Connor noted the building's interior and its aesthetics. The stage would need to be deepened, (sixteen to seventeen feet was needed).

Commissioner Petersen questioned if there would be any food service. Mr. O'Connor stated that the initial plans did not call for food service. This would be a live entertainment venue not a restaurant.

Commissioner Stockton noted that the City did not expect the theater to become a restaurant. He encouraged the Applicants to give consideration to food service. He added that food sales were not a legal requirement. He cautioned that liquor service may need to be de-emphasized.

Commissioner Stockton addressed parking. Mr. O'Connor informed the Commission that he had spoken with PNC Bank. Their Washington St. lot had seventy (70) spaces. He had also contacted State Farm regarding the two (2) parking lots located near Second Presbyterian

Church. He added that the Lincoln lot was located a block and half away from the theater. He had also reached out to the owner of the former Illinois Healthcare Building. The owner had requested compensation.

Commissioner Buchanan questioned the application's classification, (RAS). He noted that fifty-one percent (51%) of revenue must come from sales other than alcohol. He added that individuals would not have to be twenty-one (21) years of age to enter the Castle Theater. Mr. Campbell noted that the application had been completed based upon projected revenue. He believed that they would meet the City's requirement.

Commissioner Stockton noted that the license classification could be changed. Mr. O'Connor stated that the majority of sales revenue would come from ticket sales. Ticket prices would range from \$15 - \$45. Commissioner Stockton added that sales of merchandise may or may not count towards the necessary percentage.

Mr. Campbell restated that the theater would be a music venue. Time in the facility would be limited. He believed that they had the ability to provide a positive concert going experience.

Commissioner Tompkins questioned if the Applicants had prior liquor sales experience. He specifically cited holding a liquor license. He also questioned the Applicants' plan to address security. Mr. O'Connor responded negatively to the first question. He noted that the liquor would be secured when the facility was not in use. He informed the Commission that the church wanted to remain a tenant. Mr. Campbell added that there was a storage room. There would be security taps on the beer kegs.

Commissioner Tompkins questioned identification checks. Mr. Campbell noted that there was a separate entrance/exit to the balcony. This area would be used for underage patrons.

Commissioner Stockton reminded the Applicants that they would be responsible for what occurred in the facility. He believed segregation of underage patrons might be the best option. Mr. O'Connor added that wrist bands would also be used. Staff would monitor all ingress/egress points.

Commissioner Petersen questioned if the Applicants would have a policy to limit the number of liquor sales to an individual at one time.

Commissioner Tompkins questioned if the Applicants were familiar with the City's Alcoholic Beverage Code. Mr. O'Connor informed the Commission that they had friends in the liquor industry. They planned to seek expert advice.

Commissioner Buchanan expressed his belief that when the music stopped liquor sales would cease. Mr. Campbell stated that the plan intended that there would be an artist meet and greet within thirty (30) minutes of the concert's end. Meet and greets would be hosted in the lobby area. Alcohol would only be allowed inside the auditorium. Commissioner Buchanan recommended that this application include a condition that no alcohol be sold/consumed thirty to

forty-five (30 - 45) minutes after a performance/show. Mr. O'Connor added that the music would be over by 10:30 p.m. The goal was to be closed by 11:30 p.m.

Commissioner Tompkins questioned if there would be a green room. Mr. O'Connor stated that work continued on performer accommodations. He had contacted Fred Wollrab, building's owner, regarding the use of space above the theater for performers. There would be no fan interaction in this area.

Commissioner Stockton noted that the premise would not include the lobby. The premise would include the theater's interior (auditorium). He questioned if the performer's space would be included in the premise. He also recommended that a restriction be placed on the balcony. Mr. O'Connor noted that music can be for persons of all ages. There would be different types of performances.

Commissioner Stockton suggested that the classification be changed from an "R" Restaurant to a "T" Tavern. Under the City Code, a "T" Tavern classification would allow persons under twenty-one (21) years of age when accompanied by a parent or legal guardian. Commissioner Stockton referred the Applicants to Chapter 6. Section 27 No Underage or Intoxicated Person in Licensed Premises - Exceptions and Burden of Proof, (2) (a). Mr. Campbell stated that they would know the band's appeal. There would be times when there would be no cross over to those under twenty-one (21). There may also be some events (family) where no alcohol would be offered for sale. Mr. O'Connor added that each event would draw from a certain demographic. Commissioner Stockton suggested that restrictions be placed upon the auditorium. Those under twenty-one (21) years of age would have access to lobby and balcony for events which drew from a cross section ages.

Commissioner Buchanan questioned if a condition should be placed upon this application which would not allow alcohol service unless there was a performance. Commissioner Stockton noted that the Applicants presented their plan and stated that it would be a performance venue. Mr. O'Connor questioned as an example if an Oscar Night Party would be considered an event. Mr. Campbell stated their intention to update the audiovisual equipment. The auditorium could then be used to host corporate training/meetings.

Commissioner Buchanan questioned the planned date for the first show. Mr. O'Connor stated a tentative date of September 26, 2010. They hoped to host a grand opening weekend.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with City Code. In accordance with City Code, approximately fifty-five (55) courtesy copies of the Public Notice were mailed. In addition, the Agenda for the June 8, 2010 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT: This would be a new liquor license with an annual fee of \$2,210.

Respectfully,

Reviewed and concur:

Stephen F. Stockton
Chairman of Liquor Commission

Randall D. McKinley
Police Chief

Alderman Schmidt understood serving of alcohol would be limited to ticketed events only. She clarified that it was not a bar comparable to other Downtown bars. Mayor Stockton stated the building would only be open on event nights. There would be a charge for admission. The Commission had discussed that it was not a bar. He was unsure of what the Commission's minutes contained. He reiterated that it was not a bar.

Alderman Purcell had read the Council memorandum. He expressed concern regarding an "R", Restaurant license. He questioned if food would be served. Mayor Stockton stated food was a possibility in the future. The main generator of revenue would be admissions to events. A restaurant license required the establishment to have more than half of its revenue from non-alcoholic sources. Initially there would be limited food sales. The offsetting amount would be admission charges.

Alderman Purcell stated people under twenty-one (21) would be in the building. He questioned preventing under age drinking. Mayor Stockton stated individuals under twenty-one (21) would be seated in the balcony. Alcohol would not be allowed in the balcony. It was a good way to segregate the under twenty-one (21) population. He reiterated that no one under twenty-one (21) was allowed on the main floor and no alcohol could be served in the balcony.

Alderman Purcell expressed concern regarding parking guidelines. He questioned the use of the Lincoln Garage or Market St. Garage. Mayor Stockton noted the lots were available after 5:00 p.m. Castle Productions would look into private lots. Parking was discussed at the Commission's meeting. A certain number of parking spaces were not required. The Commission would re-address parking if it became an issue.

Alderman Purcell stated control of alcohol was "iffy". In addition, there were no parking requirements.

Alderman Stearns questioned if each person would have an admissions ticket. Mayor Stockton stated there might be private charity events. Initially food offerings would be limited. The Commission urged the offer of food at all establishments that served alcohol.

Alderman Stearns commented that the condominium owners seemed to be in agreement. The Castle would host similar events as it had in the past. The license went from movies to live music.

Motion by Alderman Schmidt, seconded by Alderman Anderson that an RAS liquor license for Castle Productions, LLC, d/b/a The Castle, located at 209 E. Washington St.,

Unit 1, be created, contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) that the lower level of the auditorium be restricted to those over twenty-one (21) years of age with the exception of no under twenty-one (21) events; 2.) that for no under twenty-one (21) events the premise would include the lobby and balcony area of the theater; 3.) that bar food sales are encouraged and may become a future requirement; and 4.) that the Commission reserves the right to reconsider parking arrangements in the future if needed.

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

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

Nays: Alderman Purcell.

Motion carried.

The following was presented:

SUBJECT: Text Amendment to Chapter 6. Alcoholic Beverages, Section 38A – Record of Hearings - Costs

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

BACKGROUND: While reviewing the City’s Liquor Code, the staff deemed it advisable to add language specifically stating that in cases where an enforcement decision of the Liquor Commission was appealed to the State Liquor Control Commission, the appeal would be limited to the record as supplied by a certified court reporter. The ordinance before you tonight closely mirrors the language used in the Town of Normal’s liquor code. The staff respectfully requests passage of the proposed ordinance.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

Stephen F. Stockton
Mayor

George Boyle
Asst. Corporation Counsel

ORDINANCE 2010 - 29

**AN ORDINANCE AMENDING SECTION 38 OF CHAPTER 6 OF THE
BLOOMINGTON CITY CODE, ALCOHOLIC BEVERAGES**

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

SECTION ONE: That Section 38A of Chapter 6 of the Bloomington City Code, 1960, as amended, be further amended as follows (additions are indicated by underlines; deletions indicated by strikeouts):

Chapter 6: Section 38A: Alcoholic Beverages, Record of Hearings.

~~Each licensee against whom one (1) or more charges for violating the law have been filed and on which a hearing has been scheduled, shall pay one half (1/2), or an equal amount with the City and multiple respondents, of any certified court or certified shorthand reporter's fee for appearing at and recording the hearing on the charge(s). The licensee shall pay this amount to the City of Bloomington prior to the commencement of the hearing and the City shall pay the bill of the reporter.~~

A certified court reporter shall at the public hearing take the complete record of all evidence, testimony and comments and, upon notification by the Commission, shall prepare a certified official record of the proceedings suitable for filing with the State Liquor Control Commission and that all reviews of the proceedings of the Commission be on the record. The cost of taking the certified official record of the proceedings shall be shared equally between the Commission and the licensee, with payment of the licensee's share to be made to the City of Bloomington at or before the time the Order of the Commission becomes effective.

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

SECTION THREE. The City Clerk is hereby authorized to publish this ordinance in pamphlet form as provided by law; this ordinance shall be effective upon the date of such publication.

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

PASSED this 12th day of July, 2010.

APPROVED this 12th day of July, 2010.

APPROVED:

Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Lake Bloomington Lease Transfer Petition for Lot 3, Block 5 of Camp Iroquois from Leroy and Diane Shouse to Thomas C. Ocheltree, Jr.

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

BACKGROUND: The sewage disposal system was not inspected as the prospective buyer plans to demolish the structure and rebuild on the lot. This will necessitate the construction of a new septic system.

Staff has reviewed the Lake Bloomington Lease Transfer Petition for Lot 3, Block 5 of Camp Iroquois from Leroy and Diane Shouse to Thomas C. Ocheltree, Jr. This petition is in order and staff respectfully recommends that this transfer be approved.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The current EAV is \$91,228, and lot rental is \$364.91. Dr. Ocheltree intends to demolish the existing structure and rebuild. Future EAV and lot rental is unknown at this time. The future lease income will be posted to Lake Lease revenue account 5010-50100-50140-57590.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Craig M. Cummings
Director of Water

Tim Ervin
Director of Finance

David A. Hales
City Manager

Alderman Purcell stated more homes were being sold at Lake Bloomington. Small houses were being demolished to be replaced by larger homes, sometimes with full time residents. He expressed concern that more septic tanks would be needed. There would be an increase in sewer needs. He cited various costs for the City. There were a variety of issues the City needed to consider. The sizes of the replacement homes were usually larger. The City needed to look at lot rentals.

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition from Paul Nord, Requesting Approval of a Final Plat for the Resubdivision of Lot 4 of the Business Park at Nord Farms Subdivision, commonly located south of Market Street and east of Mitsubishi Motorway along Thor Drive (Ward 9)

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

BACKGROUND: On July 25, 2005, Council approved the original final plat for the Business Park at Nord Farms Subdivision. The purpose of this final plat is to resubdivide lot 4 into two (2) smaller commercial lots. The Final Plat is in general conformance with the Preliminary Plan approved by the Council on May 23, 2005 with the exception of these two (2) smaller lots. This area is zoned M-1, Manufacturing District.

The public infrastructure in this area is complete, except for the public sidewalk. There are fees required from this resubdivision prior to recording the final plat. As all items are in order, staff respectfully recommends that Council accept the Petition and pass an ordinance approving the

Final Plat for the Resubdivision of Lot 4 of the Business Park at Nord Farms Subdivision, subject to the Petitioner paying the necessary fees prior to recording the plat.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Jim Karch
Director of Public Works

Reviewed as to legal sufficiency:

J. Todd Greenburg
Corporation Counsel

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 Paul Nord, hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner 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, of is a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises; and
2. That your petitioner seeks approval of the Final Plat for the subdivision of said premises to be known and described as: resubdivision of Lot 4 of the Business Park at Nord Farms, Bloomington, Illinois; and
3. That your petitioner also seeks approval of the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code, 1960: all those itemized in any all those itemized in any approved Preliminary Plan or Annexation Agreement with the City of Bloomington.

WHEREFORE, your petitioner respectfully prays that said Final Plat for the resubdivision of Lot 4 of the Business Park at Nord Farms subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

By: Paul F. Nord

ORDINANCE NO. 2010 - 30

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE
RESUBDIVISION OF LOT 4 OF THE BUSINESS PARK AT NORD FARMS
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 Resubdivision of Lot 4 of the Business Park at Nord Farms 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: all those itemized in any all those itemized in any approved Preliminary Plan or Annexation Agreement with the City of Bloomington; 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 Resubdivision of Lot 4 of the Business Park at Nord Farms Subdivision and any and all requested exemptions and/or variations 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 12th day of July, 2010.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Lot 4 in the Business Park at Nord Farms as platted and recorded as Document Number 2005-32142 at the Office of the McLean County Recorder, Illinois.

I further certify that I have subdivided the same into two lots numbered 4A and 4B and Easements as shown on the attached plat. Said Subdivision to be known as "The Re-Subdivision of Lot 4 of the Business Park at Nord Farms" in the City of Bloomington, McLean County, Illinois.

PIN #20-01-101-004

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

Nays: None.

Motion carried.

The following was presented:

Presentation of Preliminary Unaudited FY 2009-10 Financial Report.

David Hales, City Manager, addressed the Council. He presented highlights from the year end financial report. Copies had been provided to the Mayor and Council. This report was an unaudited preliminary year end report. He hoped to bring the audited report to the Council by the end of August or early September. He wanted to point out the significant highlights of the report including the Unreserved Fund Balance (UFB). There were areas of concern, with state reimbursements as an example. He believed this was a positive report on where the City stood with the General Fund (GF). He cited quotes for the bond rating agency on page 2 of the Executive Summary. This report had shown positive trend developments. Some of last year's Council decisions had a positive impact on the GF.

Mr. Hales acknowledged the efforts of the Finance Department. He cited some major revenue sources. He noted the overall property tax revenue. The total levy variance used was less than requested. He noted the property tax allocation. There was a smaller percentage of overall property tax levy going to the GF for operating expenses. He also cited page 7. A voucher had been received from the state for \$2 million in income tax due. It was the same as other units of government. The auditors were working on how to show the \$2 million in the final audit.

Tim Ervin, Finance Director, addressed the Council. Past financial statements have always shown a twelve (12) month history. The voucher from the state was received over seventy (70) days ago. The City had been working with Sikich LLC. He cited GASB 33 which applied to several transactions. Mayor Stockton questioned if the voucher was an IOU. Mr. Ervin responded affirmatively. This had been an issue throughout the state. He wanted to make sure the City was consistent with other entities. Mr. Hales stated utility tax collections had increased 1.4%. This had been the amended budget. The numbers would continue to be monitored. He noted that the footnotes were missing from the report.

Mr. Ervin cited the state mandated sales tax. The top section showed the monthly comparisons which was up 2.1%. The second section compared 2009 to 2010 which was down 3.8%. The allocation of sales tax by the City was displayed in a pie chart. He noted the home rule sales tax had a similar format. The City collected more then they had budgeted. For the year, there had been an increase of 6.4%. The City divided the sales tax among various areas. He also referenced the bullet points for the US Cellular Coliseum (USCC) and the Bloomington Center for the Performing Arts (BCPA). Mr. Hales stated the .25% more than covered the debt service. He believed the bond payment would increase in the future.

Mr. Hales discussed the Refuse Fee and noted it had appeared on water bills. The Food and Beverage tax was flat in the year to year comparison from 2009 to 2010. The Hotel/Motel tax had a decline for the year by 4.6%. There was a 12.99% decline for the year to year comparison. He emphasized that revenue had declined. The question was should contributions to the Convention and Visitors Bureau (CVB) be tied to collection. The GF had taken the loss. The local use tax had also been a little over budget.

Mr. Ervin explained the replacement tax. It was money received from the state. The allocation of the replacement tax went towards the GF, the library, and general bond and interest. This was displayed in a pie chart. Mr. Hales questioned if the state was delinquent. He pointed out the ambulance fees and mentioned there would be some changes. The building permit fees were down 11.5% in collections and had declined by 9.76% from the previous year.

Mr. Hales recapped the significant revenue sources. He mentioned the unaudited GF budget summary. He cited the GF expenditures. The actual expenditures were below budget. He expressed appreciation to the department heads for their cost control efforts to rebuild the Unreserved Fund Balance (UFB). It had been rebuilt in two (2) ways: 1.) revenue exceeded projections and 2.) expenditures were below budget. He questioned the bottom line. The City would see an increase to the UFB. Many of the savings had been one (1) time savings. Equipment purchases that were delayed would need to be completed. He cited the department summaries. Mr. Ervin explained the department summaries. He reviewed non-departmental and utility tax.

Mr. Hales stated in the Fiscal Year (FY) 2009 – 2010 there was not a budget for the full cost of retiring employees. In FY 2010 – 2011, the City budgeted at a hundred percent (100%). He noted the GF balance for the last six (6) years. He requested Mr. Ervin give a

range for unaudited financial statements and projects for FY 2009 - 2010. Mr. Ervin hoped the total fund balance would increase \$3 - 5 million. The fund balance was made up of reserved and unreserved funds.

Mr. Hales stated staff tried to be conservative with revenue projections and cost controls. Mr. Ervin stated that both the Sewer Fund, (\$5 million) and the Storm Water Fund (\$12 million) were in the red. Mr. Hales stated staff had looked at rate increases as part of the long term financial plan. The City may have to consider interfund transfers.

Alderman Purcell questioned the storm water bill. Mr. Ervin stated the money went to the Storm Water Fund. Mr. Hales stated the money from each fund went to CSO projects. Mr. Ervin stated the negative amount was due to the loan on the books with the Bloomington Normal Water Reclamation District (BNWRD).

Alderman Stearns questioned Fire Pension liability. Mr. Hales stated more details were provided in the audited financial statements. The long term plan needed to include how to address that issue. Mr. Ervin stated the Council would receive the specific numbers. The City went through six (6) audits and four (4) actuarials a year. He directed the Council's attention to the note disclosures.

Alderman Stearns questioned the dates for the comments from the bond agencies. Mr. Ervin stated the dates were located on the top of the page. He believed the City would be reviewed in a year. Mr. Hales stated the budget was in a positive trend. The City was building the fund balance back up. It would take time. Other funds also needed attention. Long term financial planning was needed.

Mr. Hales requested that Mr. Ervin address the other funds listed on page 36. Mr. Ervin stated the funds listed were in a similar format as the GF. He cited Appendix A as generic information that had been requested by the Council. Mr. Hales made reference to Appendix C. The Budget Act did not give the Governor the authority to reduce the Local Government Distributive Funds (LGDF). The Governor had proposed to reduce the LGDF which could result in a potential loss of \$1.7 million to the City. The Budget Act was moving in a positive direction.

Mayor Stockton questioned the liability issue and the actual payment. Mr. Hales stated they would need to wait for additional information.

Alderman Sage noted the format of the report allowed for better line of sight. He suggested that Appendix A be moved to page 5. This made it easier for people to understand how taxing bodies worked. Mr. Ervin stated the City's share of property taxes was .13 cents on the dollar.

Alderman McDade clarified that some residents pay taxes to Unit 5.

Mr. Hales concluded with presentation highlights. The bottom line was the GF balance could increase by \$5 - 7 million. Everyone needed to be aware and watch the

budget and track revenues. He believed this was a positive turn of events. The City had an emergency fund with the UFB. The City's financial position was improving.

Alderman Purcell commented on the page 10 regarding the USCC. A sunset date had been set for 2014. Additional money would be directed towards the debt. The money had been set aside until 2014. As the economy improved he would like to see money directed towards debt.

Alderman Fruin liked the dollar bill presentation. He questioned the list of postponed items. Mr. Hales stated explanations were in the department head's comments.

Alderman Fruin stated the City had found excess money and had directed it towards road work. There were still many pending and backlogged items. Mr. Ervin requested that the Council review the Executive Summary. The audit was half way done. There was some good news. He requested Council pay attention to the important points, comments and bullet points. He cited the \$1 million Water Fund loan to the GF.

Mayor Stockton questioned if the percentage of revenue to expenses and subsidy analysis could be added to the report. Mr. Hales responded affirmatively. This was not the full cost/full revenue analysis for City programs.

MAYOR'S DISCUSSION: Mayor Stockton referenced two (2) letters sent to the Editor of the Pantagraph. The first was regarding the national anthem during the July 4, 2010 fireworks display. The City respected the flag. There were a number of patriotic songs featured. The flag was not displayed on the lake for three (3) reasons 1.) it was very dark on the lake; 2.) there was no sound system on the lake due to the expense; and 3.) the noise would negatively impact the surrounding neighborhood. The City worked with WJBC radio to play the national anthem on the radio during the fireworks display.

The second letter addressed Lincoln St. repair from Center St. to Mercer Ave. This repair was in the budget. David Hales, City Manager, added the State Emergency Fund was on the City's web site. Mayor Stockton questioned if the City was waiting on state approval to proceed with repairs. Mr. Hales responded affirmatively. The bids would begin August 2010.

CITY MANAGER'S DISCUSSION: David Hales, City Manager, addressed the Council. In answer to Ron Schultz previous question, the amount quoted was one (1) month expenses for Prairie Vista Golf Course. Only \$35 was spent on safety shoes.

He acknowledged Ronald Wall, a long term City employee with the Water Department, who recently passed away. He had worked for the City for fifty-one (51) years.

He informed the Council that he would be absent July 26, 2010. Barbara Adkins, Deputy City Manager, would fill in for him.

ALDERMEN'S DISCUSSION: Alderman Anderson hoped that the Lincoln St. repairs would be completed this year. He believed the fireworks display was great. He commented on the General Fund. He hoped the City was ready for an emergency. The cost impact for an emergency could be great.

Alderman Stearns stated the fund balance direction was encouraging. She expressed concern for pension funding. She hoped there would money for infrastructure needs.

Alderman Purcell commented on Chapter 4, Section 26 on Open Fires. Stores sell supplies for an open fire but do not provide guidelines. The ordinance stated open fires were not allowed. He would like the Council to examine the ordinance again. Mayor Stockton stated there had been a number of comments in support for both sides of the issue. Clarification of the ordinance was needed. The Council welcomed public input.

David Hales, City Manager, stated Mike Kimmerling, Fire Chief, could clarify enforcement of the ordinance during the July 26, 2010 Council meeting. Mayor Stockton hoped that staff would have public comments by then.

Alderman Fruin stated as a courtesy to fellow Trustees that he had asked Joe Gibson, Township Supervisor, for clarification regarding topics listed on the Township's meeting agenda.

Alderman Sage echoed Alderman Purcell's comments. He was also interested in information on the open fire ordinance. He also believed the fireworks display was outstanding. He was proud of the City. Mayor Stockton added that the Sea to Shining Sea riders were impressed with their welcome. There had been a lot of positive feedback regarding the July 4, 2010 events.

Alderman McDade reminded citizens that the next Citizens Voice meeting would be held Monday August 16, 2010 at 6:00 p.m. at Fire Station #6. It was an opportunity to address the Council and staff. This meeting would have the same format as the previous meeting. Citizens could tour the new Fire Station.

Alderman Anderson stated the policy on televised meetings had been reviewed in by communications group. Mayor Stockton noted that a number of details needed to be worked out.

Alderman McDade stated staff had been working on revising the City's web site this year. The goal was to make it more user friendly and appealing. A resident survey would be posted to receive feedback on the web site. List serve members would also receive the survey.

Motion by Alderman Purcell, seconded by Alderman Stearns, that the meeting be adjourned. Time: 9:25 p.m.

Motion carried.

**Tracey Covert
City Clerk**