

**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, June 28, 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:**

SUBJECT: Proclamations

**RECOMMENDATION:** That the proclamations be made a matter of record.

**BACKGROUND:** The proclamation will be presented:

1. 25 Under 25 in McLean County.
2. 2010 Community Partnership Intern.

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

**FINANCIAL IMPACT:** Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Tracey Covert  
City Clerk

Recommended by:

David A. Hales  
City Manager

Mayor Stockton read and presented the Proclamation to 25 Under 25 in McLean County. These individuals were potential future community leaders. He thanked them for attending. Leadership was needed at all levels. Deb Halperin, Illinois Wesleyan University, addressed the Council. 25 Under 25 was launched on Global Youth Services Day. The youth worked with community leaders in mentor/mentee pairs. This allowed for an exchange of ideas. They all worked together to make the community better.

Mayor Stockton read and presented the Proclamation to the 2010 Community Partnership Interns. Todd Richardson, representative of the 2010 Community Partnership Interns, addressed the Council. All the interns had done well this summer. He was looking forward to seeing the results of their efforts in the fall.

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Council Proceedings of September 8 and 22, 2008, November 24, 2008, September 28, 2009, October 26, 2009, and March 22, 2010

**RECOMMENDATION:** That the reading of the minutes of the previous Council Proceedings of September 8 and 22, 2008, November 24, 2008, September 28, 2009, October 26, 2009, and March 22, 2010 be dispensed with and the minutes approved as printed.

**BACKGROUND:** The Council Proceedings of September 8 and 22, 2008, November 24, 2008, September 28, 2009, October 26, 2009, and March 22, 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 Schmidt that the reading of the minutes of the previous Council Meetings of September 8 and 22, 2008, November 24, 2008, September 28, 2009, October 26, 2009, and March 22, 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 Friday, June 25, 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)

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

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

**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 fifth partial payment to Stark Excavating, Inc. in the amount of \$107,285.45 on a contract amount of \$929,561.50 of which \$251,383.45 will have been paid to date for work certified as 27% complete for the Division B - TIF District Streetscape Improvements. Completion date – August 15, 2010.
2. The third partial payment to Ideal Environmental in the amount of \$500 on a contract amount of \$25,000 of which \$13,734.75 will have been paid to date for work certified as 55% complete for the Mitigating Hazardous Materials in Vaults to be Abandoned and Filled (Downtown TIF). Completion date – August 2010.
3. The second partial payment to Convention and Visitors Bureau in the amount of \$42,300 on a contract amount of \$507,600 of which \$84,600 will have been paid to date for work certified as 17% complete for the Convention & Visitors Bureau Funding Commitment. Completion date – April 2011.
4. The third partial payment to Planning Resources, Inc. in the amount of \$1,754.25 on a contract amount of \$49,915 of which \$8,413.21 will have been paid to date for work certified as 17% complete for the Gaelic Park Planning/Development. Completion date – December 2010.

5. The sixth partial payment to Testing Services Corporation in the amount of \$2,968 on a per ton and hour contract of which \$10,072 will have been paid to date for work certified as ongoing for the 2010-2011 Asphalt & Portland Concrete Plant Inspection & Laboratory Testing. Completion date – December 2011.
6. The eight and final payment to McLean County Asphalt in the amount of \$1,874.40 on a contract amount of \$375,000 of which \$334,171.61 will have been paid to date for work certified as 100% complete for the 2009-2010 Street & Alley Repair. Completion date – June 2010.
7. The seventh partial payment to Rowe Construction Co. in the amount of \$29,904.06 on a contract amount of \$746,708.79 of which \$739,212.21 will have been paid to date for work certified as 99% complete for the General Resurfacing 2009-2010. Completion date – August 2010.
8. The forty-first partial payment to Clark Dietz, Inc. in the amount of \$332.05 on a contract amount of \$392,895 of which \$377,462.06 will have been paid to date for work certified as 96% complete for the Hamilton Road – Timberlake to Main St., f/k/a Hamilton & Main St. Completion date – September 2010.
9. The second partial payment to Clark Dietz, Inc. in the amount of \$7,936.50 on a contract amount of \$93,400 of which \$9,901.50 will have been paid to date for work certified as 11% complete for the Design Regency Pump Station Rehabilitation. Completion date – January 2011.
10. The fourth partial payment to Gildner Plumbing, Inc. in the amount of \$24,886.35 on a contract amount of \$251,326 of which \$226,066.95 will have been paid to date for work certified as 90% complete for the Water Main Replacement Parkview Project – Phase II – Miller, Wood, Pancake and Barker. Completion date – December 2010.
11. The ninth partial payment to Gildner Plumbing, Inc. in the amount of \$33,609.17 on a contract amount of \$1,393,142.48 of which \$1,347,129.27 will have been paid to date for work certified as 97% complete for the Division D Pipeline Rd. 36 inch Transmission Main. Completion date – August 2010.
12. The first partial payment to Gildner Plumbing, Inc. in the amount of \$27,310.34 on a contract amount of \$414,990 of which \$27,310.34 will have been paid to date for work certified as 7% complete for the Water Main Replacement Downtown TIF Water Main – Mulberry & Prairie from Mulberry to Douglas. Completion date – August 2010.

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 Schmidt that the payments be approved.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Report

**RECOMMENDATION:** That the report be received and placed on file.

**BACKGROUND:** The following report should be received and placed on file with the City Clerk:

1. Monthly Receipt & Expenditure Report, May, 2010.

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

**FINANCIAL IMPACT:** Not applicable.

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

(ON FILE IN CLERK'S OFFICE)

**Motion by Alderman Purcell, seconded by Alderman Schmidt that the report be placed on file and made a matter of record.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Request to Pay the Illinois Environmental Protection Agency for a Combined Sewer Non Point Discharge Elimination System (NPDES) Permit

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

**BACKGROUND:** The Illinois Environmental Protection Agency (IEPA) requires that all cities with combined sewer overflows obtain a yearly permit. For a city of our size, over 25,000 in population, the permit fee is \$20,000 per year. This NPDES permit covers the Combined Sewer Overflow (CSO) sites such as the Locust-Colton CSO location that the City is preparing construction plans to eliminate. There is currently a plan to work towards eliminating all of the CSO locations within the City. Notice has been received from IEPA that the fee is due for the period July 1, 2010 through June 30, 2011.

Staff respectfully requests that Council authorize payment to the Illinois Environmental Protection Agency for our Combined Sewer NPDES Permit in the amount of \$20,000.

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

**FINANCIAL IMPACT:** Payment to the IEPA for \$20,000 will be paid from the Storm Water Management Fund – X55100-70553 as budgeted in the Fiscal Year 2011 budget.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Jim Karch  
Director of Public Works

David A. Hales  
City Manager

**Alderman Huette questioned if this item was intended to be a fine to the City to ensure they move ahead with the project. David Hales, City Manager, addressed the Council. It was not unusual to see a regulatory program fee. Jim Karch, Director – Public Works, addressed the Council. Typically the permit cost was in line with the cost. The goal was compliance.**

**Alderman Schmidt questioned if the City of Chicago's fee was similar.**

**Alderman Anderson cited his recollection regarding this item. Mr. Karch stated there used to be a gap. It had been a major complaint. The fee was set by the**

**Environmental Protection Agency (EPA) at \$20,000 for any agency serving a population over 25,000.**

**Alderman Stearns questioned if the City would apply for a loan. Mr. Karch responded affirmatively. This would require Council’s approval. Mr. Hales noted funding was a serious issue. Mr. Karch added that the City would apply within the month. A response may be received by the fall.**

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

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT: Payment for Regional Planning Service Agreement**

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

**BACKGROUND:** The McLean County Regional Planning Commission has been providing long term planning for the City, Town of Normal and McLean County for many years. Their functions include such things as long range transportation needs, comprehensive plans, public mapping services, etc. These three (3) government entities, along with state and federal grants, provide the operational funding for the Commission.

Over the past several years, the City’s contribution has varied widely, to include the past two (2) fiscal years, where payment was not required. The Commission used some of their reserves to assist the City, Town and County in these tough financial times. This year the City’s contribution has been set at \$23,023.

Fiscal Year	City Contribution
2007	\$36,253
2008	\$43,491
2009	\$0
2010	\$0
2011	\$23,023



Staff respectfully recommends that Council approve a payment in the amount of \$23,023 to the McLean County Regional Planning Commission for the Regional Planning Services.

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

**FINANCIAL IMPACT:** The Planning Division of the Planning and Code Enforcement Department budgeted \$35,000 in account #15420-74025 for this payment.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Mark R. Huber  
Director of PACE

Barbara J. Adkins  
Deputy City Manager

David A. Hales  
City Manager

### **REGIONAL PLANNING SERVICE AGREEMENT**

This agreement is entered into as of the 1<sup>st</sup> day of July, 2010, by and between the McLean County Regional Planning Commission (hereinafter referred to as the “Commission”) and the City of Bloomington (hereinafter referred to as the “City”).

The parties do mutually agree as follows:

A. Period of Agreement

This agreement shall remain in full force and effect through June 30, 2011.

B. Long Range Planning Services

The Commission shall maintain a permanent professional planning staff capable of performing, or causing to be performed, a long range planning work program, including the following activities:

1. Prepare and maintain current base maps for public use.
2. Prepare and maintain statistical data and other information in order to assist public agencies in their development decisions.
3. Attendance at meetings of county, municipal, civic clubs or other groups interested in planning and development as requested and as schedules permit.
4. Prepare or coordinate the preparation of applications for Federal or State funding provided that no special studies or analyses need to be made.

5. Prepare or coordinate the preparation of reports that are an integral part of the McLean County Transportation Study; including the Unified Work Program (UWP); the preliminary and final long range transportation plan; and the Transportation Improvement Program (TIP).
6. Assist the City in the periodic updating of plans, laws, and ordinances that have a direct relationship to planning and development, including zoning ordinances and subdivision regulations.
7. Provide technical assistance as needed and requested in matters of long range planning and development.
8. Coordinate with the City as required in matters pertaining to the process of developing, maintaining, and/or updating the Comprehensive Plan for the City.

C. Staff

The Commission shall employ a Director of the Commission and other employees as necessary and authorized by the budget. It is agreed by all parties that the City short range planner will be available to assist the Commission staff to accomplish the activities specified in “B” above.

D. Financing

The City of Bloomington will remit to the Commission the sum of TWENTY THREE THOUSAND AND TWENTY THREE DOLLARS (\$23,023.00) for deposit in the accounts of the Commission upon the City's receipt of an invoice for said amount.

Stephen F. Stockton Mayor - City of Bloomington	Tracey Covert City Clerk - City of Bloomington	06/29/2010
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Carl Teichman Chairman McLean County Regional Planning Commission	Paul Russell Executive Director McLean County Regional Planning Commission	07/01/2010
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**Alderman Schmidt questioned this item. She had received a response from staff. The payment would be divided by the three (3) government entities. She questioned the basis for same. Mark Huber, Director – PACE, addressed the Council. The payment was divided equally between the three (3) units: the City, the Town of Normal and McLean County.**

**Motion by Alderman Purcell, seconded by Alderman Schmidt that the agreement and payment 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:** Advertising in the Pantagraph for the Bloomington Center for Performing Arts, (BCPA) for the 2010-2011 Season

**RECOMMENDATION:** That the formal bidding process be waived, the contract with the Pantagraph for seasonal advertising be approved in the amount of \$46,585.92, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.

**BACKGROUND:** Staff respectfully requests permission to waive the formal bidding process and enter into a contract with the Pantagraph be approved in the amount of \$46,585.92 to promote programming of the BCPA, from May 2010 to May 2011. The Pantagraph is the only major daily newspaper publishing for a general audience in the Bloomington/Normal area. As such, the Pantagraph provides the only practical solution for promoting BCPA events and activities in the printed media to a broad audience. The sponsorship includes Media Sponsor support from the Pantagraph, who has partnered with the City in this way since the BCPA's inaugural 2006-07 season.

The performance schedule of the BCPA's 2010-2011 season is set therefore this advertising buy is exclusively for marketing those performances. The advertising needs for other divisions within the department are more fluid in nature. It is not as practical to layout an exact annual schedule. Having a single point of contact on staff to handle advertising purchases, will allow staff to leverage purchases to obtain the best possible rate for the needs of all divisions within the department. This is the same approach currently being used for outdoor and radio marketing purchases.

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

**FINANCIAL IMPACT:** Total expenditures for the 2010-2011 seasonal advertising with the Pantagraph will not exceed \$46,585.92, which includes \$15,000 in sponsorship trade. Funding for advertising will come from account X21100-70730 of the BCPA budget.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

John Kennedy, Director -  
Parks, Recreation & Cultural Arts

Barbara J. Adkins  
Deputy City Manager

David A. Hales  
City Manager

**RESOLUTION NO. 2010 - 23**

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND  
AUTHORIZING THE PURCHASE OF ADVERTISING IN THE PANTAGRAPH FOR  
THE BLOOMINGTON CENTER FOR PERFORMING ARTS, (BCPA) FOR THE 2010-  
2011 SEASON AT A PURCHASE PRICE OF 46,585.92**

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

1. That the bidding process be waived and AUTHORIZING THE PURCHASE OF Advertising in the Pantagraph for the Bloomington Center for Performing Arts, (BCPA) for the 2010-2011 Season at a Purchase Price of \$46,585.92.

ADOPTED this 28<sup>th</sup> day of June, 2010.

APPROVED this 29<sup>th</sup> day of June, 2010.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Alderman McDade thanked staff for their feedback on this item.**

**Motion by Alderman Purcell, seconded by Alderman Schmidt that the formal bidding process be waived, the contract with the Pantagraph for seasonal advertising be approved in the amount of \$46,585.92, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Analysis of Bid for Water Main Replacement on Greenwood Avenue from Main Street to Morris Avenue

**RECOMMENDATION:** That the bid for the Greenwood Avenue Water Main be awarded to George Gildner, Inc., in the amount of \$442,516.10, and the Mayor and City Clerk be authorized to execute the necessary documents.

**BACKGROUND:** Greenwood Avenue runs along the south side of and parallel to Veterans Parkway, from Main Street on the east to Morris Avenue on the west. The twelve inch (12”) and six inch (6”) water mains currently in Greenwood Avenue are beyond their useful lives and have been the site of frequent breaks.

This project will replace both water mains with a single 12” ductile iron water main. The project also involves the installation of approximately twelve (12) replacement hydrants and the replacement of all water services from the water main to the curb stop (at the property line). Existing water services will be connected to the new water main at no cost. This is a standard business practice.

This project is being completed before the Illinois Department of Transportation’s construction project to completely reconfigure and replace the intersection of Morris Avenue and Veterans Parkway. Greenwood Avenue will be completely rebuilt as part of this project in 2011 and 2012.

There are no reimbursement dollars from the state for this portion of the project. It will be completely funded by the City’s Water Fund.

Requests for bids for the above-mentioned project were advertised and sealed bids for the project were opened at 2:00 p.m., June 10, 2010. The following is the summary of the bids received:

George Gildner, Inc.	\$442,516.10 **
Stark Excavating, Inc.	\$544,297.40
G.A Rich	\$553,696.51
Atlas Excavating	\$648,000.00

\*\* Lowest bidder

Staff and Shive – Hattery, Inc., our design engineering firm, have analyzed these bids and find them to be in order. The engineers estimate for this project was \$610,597.80. Staff respectfully requests that the Council accept the least cost, qualified bid and award the contract to George Gildner, Inc. in the amount of \$442,516.10.

Funds for this project were included in the fiscal year (FY) 2010/2011 budget under Water Department's Depreciation Funds (Account # X50200-72540) in the amount of \$750,000.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** None at this time. A pre-construction meeting will be held in the next few weeks.

**FINANCIAL IMPACT:** This project will require the payment of up to \$442,516.10 from the Water Department's Depreciation Fund, X50200-72540. The fund has a positive balance. This water main replacement project is included in the FY 2010/2011 capital budget for the Water Department.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Craig M. Cummings  
Director of Water

Tim Ervin  
Finance Director

David A. Hales  
City Manager

**Motion by Alderman Purcell, seconded by Alderman Schmidt that the bid for the Greenwood Avenue Water Main be awarded to George Gildner, Inc. in the amount of \$442,516.10, 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: Edward Byrne Memorial Justice Grant (JAG)

**RECOMMENDATION:** That the 2010 Edward Byrne Memorial Justice Grant in the amount of \$28,654 be accepted and the Mayor and City Clerk be authorized to execute the necessary documents.

**BACKGROUND:** Staff recommends acceptance of federal grant money from 2010 Edward Byrne Memorial Justice Grant (JAG) in the amount of \$57,308 to be shared equally by the department and the McLean County Sheriff's Department (\$28,654 each). The monies for the City would be used to acquire the following: 1) helmets for SWAT members; 2) a sensitive key tracking system; 3) undercover equipment for the Vice unit, and 4) monitors for Criminal Intelligence and Analysis Unit.

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

**FINANCIAL IMPACT:** Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Randall D. McKinley  
Police Department

David A. Hales  
City Manager

**GMS APPLICATOIN NUMBER 2010-H7650-IL-DJ**

**CONTRACT NO. \_\_\_\_\_**

**The Sate of Illinois**

**KNOW ALL BY THESE PRESENT**

**County of McLean**

**INTERLOCAL AGREEMENT  
BETWEEN THE CITY OF BLOOMINGTON, IL AND COUNTY OF MCLEAN, IL**

**2010 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD**

This Agreement is made and entered into this 20<sup>th</sup> day of July, 2010, by and between The COUNTY of McLean, acting by and through its governing body, McLean County Board, hereinafter referred to as COUNTY, and the CITY of Bloomington, acting by and through its governing body, the City Council, hereinafter referred to as CITY, both of McLean County, State of Illinois, witnesseth:

WHEREAS, this Agreement is made under the authority of the County and City Government codes: and,

WHEREAS, each governing body, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party: and,

WHEREAS, each governing body finds that the performance of this Agreement is in the best interests of both parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this agreement: and,

WHEREAS, the City agrees to provide the County \$28,654.00 from the JAG award for technology upgrades for security systems for the Law and Justice Center (Courts), P25 compatible UHF rural communications, public safety enforcement and evidence security, and, inmate education and safety and security of the McLean County Adult Detention Facility; and,

WHEREAS, the CITY and COUNTY believe it to be in their best interests to reallocate the JAG Funds.

NOW THEREFORE, the COUNTY and CITY agree as follows:

**Section 1.**

City agrees to pay County a total of \$28,654.00 of JAG funds.

**Section 2.**

County agrees to use \$28,654.00 for upgrades for security systems for the Law and Justice Center (Courts), P25 compatible UHF rural communications, public safety enforcement and evidence security, and, inmate education, safety and security of the McLean County Adult Detention Facility until August 31, 2014.

**Section 3.**

Nothing in the performance of this Agreement shall impose any liability for claims against COUNTY other than claims for which liability may be imposed by the \_\_\_\_\_Tort Claims Act.

**Section 4.**

Nothing in the performance of this Agreement shall impose any liability for claims against CITY other than claims for which liability may be imposed by the \_\_\_\_\_Tort Claims Act.

**Section 5.**

Each party to this agreement will be responsible for its own actions in providing services under this agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party.

**Section 6.**



The parties to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

**Section 7.**

By entering into this Agreement, the parties do not intend to create any obligations express or implied other than those set out herein; further, this Agreement shall not create any rights in any party not a signatory hereto.

CITY OF Bloomington, Illinois

COUNTY OF McLean, Illinois

Stephen F. Stockton  
Mayor, City of Bloomington

Matt Sorensen  
McLean County Board Chairman

ATTEST:

APPROVED AS TO FORM:

Tracey Covert  
City Clerk for City of Bloomington

Mike Emery  
McLean County Sheriff

Todd Greenburg  
City Attorney

Peggy Ann Milton  
McLean County Clerk

Hannah Eisner  
Assistant Civil State Attorney

\*By law, the District Attorney's Office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contracts or legal document on behalf of other parties. Our view of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval and should seek review and approval by their own respective attorney(s).

**Motion by Alderman Purcell, seconded by Alderman Schmidt that the 2010 Edward Byrne Memorial Justice Grant in the amount of \$28,654 be accepted 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 NTR Foodmart, Inc., d/b/a Clark Gas Station, located at 1810 S. Morris Ave., for a GPBS liquor license, which will allow the sale of packaged beer and wine 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 a GPBS liquor license for NTR Foodmart Inc., d/b/a Clark Gas Station, located at 1810 S. Morris Ave., be created, contingent upon compliance with all applicable health and safety codes.

**BACKGROUND:** The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing in order to hear the request of the NTR Foodmart, Inc., d/b/a Clark Gas Station located at 1810 S. Morris Ave., requesting a GPBS liquor license which would allow the sale of packaged beer and wine for consumption off 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 Nageswara Ravi, owner/operator and Applicant representative.

Commissioner Stockton questioned the purpose of this application. Nageswara “Robbie” Ravi, owner/operator and Applicant representative, addressed the Commission. He had been the Store Manager for the past two and a half (2½) years. He planned to purchase the business from the current owner, Bloom Fuel, Inc., d/b/a Bloom Fuel, Inc. (Gas Station & C - Store). He noted that the business may be impacted by the state’s road project at the intersection of Veterans Pkwy. and Morris Ave. In the end, he believed that the business would see an increase in sales. Commissioner Stockton noted that access to the business might be limited during road construction. Mr. Ravi informed the Commission of his plan to improve the store’s site after the road construction project was over. He planned to remodel Clark’s former office building into an expanded Food Mart, (convenient store).

Commissioner Stockton questioned the Applicant’s familiarity with the City’s Alcoholic Beverage code. He noted the section which reference convenience items, (Chapter 6. Alcoholic Beverages, Section 1. Definitions, Retail Grocery Convenience Store). Commissioner Buchanan questioned the Applicant’s responses to the City’s Questionnaire. He cited sources of revenue and the response gas and pop as an example. He cited various items which should be available for sale, (categories of items). Mr. Ravi noted that at present gas and pop were the sales leaders. The current store was small.

Commissioner Tompkins noted that a liquor license holder must carry other food items for sale. Commissioner Buchanan added that offering a variety of convenient items for sale was a condition of the “G” Gasoline liquor license. There were several categories of sale items.

Commissioner Buchanan referred the Commission to the floor plan. Mr. Ravi reviewed the various items stocked/for sale.

Commissioner Clapp questioned if there had been any violations. Mr. Ravi cited a single violation. It involved underage sales of a product which was labeled as tea but contained alcohol. It was a mistake.

Commissioner Petersen questioned if Mr. Ravi's remodeling project was a short or long term goal. Mr. Ravi responded long term, (at least three years from now).

Commissioner Buchanan questioned the business hours. Mr. Ravi responded that the store would open at 5:00 a.m. There would not be any liquor sales until 6:00 a.m. The store currently opened at 6:00 a.m.

George Boyle, Asst. Corporation Counsel, questioned the current owner of the establishment. Mr. Ravi stated Bloom Fuel, Inc. Currently, he was leasing the store from the owners.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Public notice was published in the Pantagraph in accordance with City Code. In accordance with City Code, approximately one (1) courtesy copy of the Public Notice was 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:** None. This application would replace an existing liquor license. Annual fee for a GPBS is \$1,180.

Respectfully,

Reviewed and concur:

Stephen F. Stockton  
Chairman of Liquor Commission

Randall D. McKinley  
Police Chief

**Motion by Alderman Purcell, seconded by Alderman Schmidt that a GPBS liquor license for NTR Foodmart, Inc., d/b/a Clark Gas Station, located at 1810 S. Morris Ave., 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, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Application of Penalty Box Restaurants, LLC, d/b/a Baxter's American Grille, located at 3212 E. Empire St., for an RAPS liquor license, which will allow the sale of all types of alcohol by the glass for consumption on the premises and the sale of all types of packaged liquor 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 an RAPS liquor license for Penalty Box Restaurants, LLC, d/b/a Baxter's American Grille, located at 3212 E. Empire St., be created, contingent upon compliance with all applicable health and safety codes.

**BACKGROUND:** The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of the Penalty Box Restaurants, LLC d/b/a Baxter's American Grille, located at 3212 E. Empire St., requesting an RAPS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises and the sale of all types of packaged liquor for consumption off 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 Rod Burchett, owner/operator and Applicant representative.

Commissioner Stockton questioned the purpose of this application. He noted that it involved new ownership. Rod Burchett, owner/operator and Applicant representative, addressed the Commission. He became the restaurant's manager in March 2010. The hotel's ownership wanted out of the restaurant business. The operation of the restaurant would remain the same. Baxter's was opened three (3) years ago. He hoped that Baxter's would be busier under his ownership. The clientele would be in the thirty-five to sixty-five (35 - 65) year old range. There would be two additional (2) LLCs: 1.) for the land and 2.) for the hotel.

Commissioner Buchanan believed that there was an error on the Application Questionnaire. He cited the section entitled Legal Requirements, item (i), the correct answer was No.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Public notice was published in the Pantagraph in accordance with City Code. In accordance with City Code, approximately two (2) 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:** None. This application would replace an existing liquor license. Annual fee for an RAPS is \$2,210.

Respectfully,

Stephen F. Stockton  
Chairman of Liquor Commission

Reviewed and concur:

Randall D. McKinley  
Police Chief

**Motion by Alderman Purcell, seconded by Alderman Schmidt that an RAPS liquor license for Penalty Box Restaurants, LLC, d/b/a Baxter's American Grille, located at 3212 E. Empire St., 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, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT: Suspension of Ordinances to Allow Consumption of Alcohol at Lake Bloomington's Davis Lodge on July 10, 2010**

**RECOMMENDATION:** That the Ordinance suspending Section 26(d) of Chapter 6 and Section 701 of Chapter 31 to allow the possession and consumption of alcohol at the Lake Bloomington Davis Lodge on July 10, 2010 be passed.

**BACKGROUND:** The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of Mary and Valentine Schonberger to allow moderate consumption of alcohol at their son's July 10, 2010 wedding reception to be held at Davis Lodge at Lake Bloomington from 5:00 p.m. - midnight. 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 Mary Schonberger, mother of the groom and requester.

Commissioner Stockton opened the liquor hearing. The Commission had agreed to allow moderate consumption of alcohol at the Davis Lodge on a trial basis. Mary Schonberger, mother of the groom, addressed the Commission. Kenney's Restaurant (f/k/a The Fireside Inn), in Lexington, had been hired to cater the food and beverage service for the wedding reception. She anticipated a hot day. There would be two (2) bartenders. The plan was to provide beer.

Commissioner Buchanan informed the Commission that he had contacted the Lexington Police Department. Christee Collier, Kenney's Restaurant's responsible party held a catering license. He recommended that the Commission amend the conditions for this request.

Commissioner Stockton had spoken to Hannah Eisner, McLean County's Civil Asst. State's Attorney. The County honors the City's liquor licenses. He believed that the City had some leverage over City liquor license holders. He added that he had no concerns regarding this wedding reception.

Commissioner Petersen noted that Kenney's had been retained to provide food and beverage service for the wedding reception. Ms. Schonberger responded affirmatively. Commissioner Petersen expressed concern about setting a precedent. He noted that Kenney's has a catering license and is also located in McLean County.

Tracey Covert, City Clerk, informed the Commission that she would request a copy of Kenney's catering license plus a Certificate of Insurance stating that there would be liquor liability coverage at the Davis Lodge on July 10, 2010. A catering license meant that alcohol is poured and served at the event. There will not be a cash bar.

Commissioner Stockton added that the City could require a bond to coverage any damages. Davis Lodge was a City asset. The Commission wanted to allow reasonable use.

Commissioner Petersen questioned if the entire premise would be included. Commissioner Stockton responded affirmatively.

Commissioner Buchanan stated that the City's "B" Beer and wine category would allow wine service. He cited a champagne toast as an example.

The Commission encouraged Mrs. Schonberger to work with Craig Cummings, Director - Water. The Commission noted that there would be conditions implicit in the contract with the City.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** 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:** None.

Respectfully,

Stephen F. Stockton  
Chairman of Liquor Commission

Reviewed and concur:

Randall D. McKinley  
Police Chief

**ORDINANCE NO. 2010 - 27**

**AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND SECTION 26(d) OF CHAPTER 6 OF THE BLOOMINGTON CITY CODE FOR A WEDDING RECEPTION AT THE LAKE BLOOMINGTON DAVIS LODGE**

WHEREAS, Mary and Valentine Schonberger are planning to hold a wedding reception at the Lake Bloomington Davis Lodge from 5:00 p.m. to midnight on July 10, 2010; and

WHEREAS, Mary and Valentine Schonberger has requested permission from the City to serve beer and wine during this event; and

WHEREAS, in order to legally possess alcohol in a City Park, Section 701(a), (b) and (c) of Chapter 31 of the Bloomington City Code, which prohibits the drinking, selling and possessing alcohol beverages with the City parks and Section 26(d) of Chapter 6 of the Bloomington City Code, which prohibits possession of open alcohol on public property must be suspended.

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

Section 1: That Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, are suspended for the duration of the wedding reception at the Lake Bloomington Davis Lodge on July 10, 2010 under the conditions set forth in the rental agreement.

Section 2: Except for the date of date set forth in Section 1 of this Ordinance, Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, shall remain in full force and effect. Nothing in this Ordinance shall be interpreted as repealing said Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6.

Section 3: This Ordinance shall be effective on the date of its passage and approval.

Section 4: This Ordinance is adopted pursuant to the home rule authority granted the City of Bloomington by Article VII, Section 6 of the 1960 Illinois Constitution.

PASSED this 28<sup>th</sup> day of June, 2010.

APPROVED this 29<sup>th</sup> day of June, 2010.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Alderman McDade appreciated staff's answers and clarification on licensing issues regarding this item.**

**Motion by Alderman Purcell, seconded by Alderman Schmidt that the Ordinance suspending Section 26(D) of Chapter 6 and Section 701 of Chapter 31 to allow the possession and consumption of alcohol at the Lake Bloomington Davis Lodge on July 10, 2010 be passed.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Application of Ireland Grove, LLC, d/b/a Links at Ireland Grove, located at 3807 Ballybunion, 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 Ireland Grove, LLC, d/b/a Links at Ireland Grove, located at 3807 Ballybunion, 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 request of the Ireland Grove, LLC d/b/a Links at Ireland Grove, located at 3807 Ballybunion, requesting an RBS liquor license which would allow 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 Stephen Stockton, Richard Buchanan, Marabeth Clapp, Steve Petersen, and Geoffrey Tompkins, George Boyle, Asst. Corporation Counsel, and Tracey Covert, City Clerk; and Jeff Hunt, General Manager and Applicant representative.

Commissioner Stockton questioned the purpose of this application. Jeff Hunt, General Manager and Applicant representative, addressed the Commission. This application involved a change of stockholder and a change of corporate name. There would be little to no difference. However



under the City Code, an application for a liquor license was required. This liquor license would be for the golf course.

Commissioner Buchanan questioned if the existing corporation would remain the same. Tracey Covert, City Clerk responded negatively. The current license holder was The Links at Ireland Grove, LLC d/b/a The Links at Ireland Grove.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Public notice was published in the Pantagraph in accordance with City Code. In accordance with City Code, no 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:** None. This application would replace an existing liquor license. 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 Schmidt that an RBS liquor license for Ireland Grove, LLC, d/b/a Links at Ireland Grove, located at 3807 Ballybunion, 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, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT: Revision to City Code Chapter 2, Sec. 82 – Establishing the Foreign Fire Insurance Board**

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

**BACKGROUND:** The 96<sup>th</sup> General Assembly passed Public Act 96505 effective August 14, 2009 that revised the Illinois Municipal Code (65 ILCS 5/Art. 11, Div. 10). Due to this revision,

Section 82 of Chapter 2, Foreign Fire Insurance Board needs to be revised to reflect this. The revisions affect the composition of the Board as follows:

- One (1) member of the Board shall be the Chief of the Department;
- members will increase from four (4) to six (6), elected at large from the department;
- members can be reduced to no less than three (3) if there are an insufficient number of candidates;
- the election of members moved from September to December.

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

**FINANCIAL IMPACT:** Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

Michael S. Kimmerling  
Fire Chief

J. Todd Greenburg  
Corporation Counsel

Recommended by:

David A. Hales  
City Manager

**ORDINANCE 2010 - 28**

**AN ORDINANCE AMENDING SECTION 82 OF CHAPTER 2 OF THE  
BLOOMINGTON CITY CODE, ESTABLISHING THE FOREIGN FIRE INSURANCE  
BOARD**

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

Section One: That Section 82 of Chapter 2 of the Bloomington City Code, 1960, as amended, be further amended as follows (additions are indicated by underlines; deletions indicated by strikeouts):

Chapter 2: Section 82: Foreign Fire Insurance Board.

(a) There is hereby established a Foreign Fire Insurance Board.

(b) Definitions:

(1) Board - The Foreign Fire Insurance Board.

(2) Department - Bloomington Fire Department.

(3) Fund - Foreign Fire Insurance Tax Fund.

(4) Members of the Department - Any person currently employed full-time in the Bloomington Fire Department who was initially hired as a firefighter by the Board of Fire and Police Commissioners of the City of Bloomington, or otherwise appointed as Chief of the Department by the City Manager.

(c) Election of Members:

(1) The Foreign Fire Insurance Board shall consist of seven (7) ~~five~~ members.

(A) One (1) member of the Board shall be the Chief of the Department ~~elected from the Administrative Division of the Department, i.e. either the Chief of the Department or a staff officer position (the Assistant Chiefs, Training Officer, Communications Officers or Deputy Chief). The Administrative Division shall elect the person to represent the Administrative Division.~~

(B) The other six (6) ~~four~~ members shall be elected by secret ballot from the members of the Department ~~Suppression Division at large.~~

(C) If there are an insufficient number of candidates to fill all of these positions, the number of board members may be reduced to no fewer than three (3) members.

(2) Members shall be elected annually by the members of the Department the first week of December ~~last full week of September.~~

(d) ~~(3)~~ The Foreign Fire Insurance Board may provide by-laws governing the operation of the Board.

(e) The Foreign Fire Insurance Board shall comply with the Illinois Open Meetings Act (5 ILCS 120).

(f) The Foreign Fire Insurance Board shall comply with Art. II, Div. 10 of the Illinois Municipal Code (65 ILCS 5/Art. 11, Div. 10).

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.

Section Four. This ordinance shall be effective ten (10) days after the date of its publication.

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

PASSED this 28<sup>th</sup> day of June, 2010.

APPROVED this 29<sup>th</sup> day of June, 2010.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

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

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Three (3) year Agreement with Habitat for Humanity of McLean Co. for the Distribution of Vacant Property for Development of Low to Moderate Income Housing in the City

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

**BACKGROUND:** Over the next three (3) years, from May, 2010 to April 2013, the Department of Planning and Code Enforcement, (PACE) Community Development Division, proposes to donate up to six (6) vacant lots per year to Habitat for Humanity of McLean County, (Habitat) for the purpose of the provision of building affordable dwelling units to households whose income does not exceed sixty percent (60%) of the area median income. The City currently has four (4), soon to be six (6) vacant properties awaiting approval of this agreement for transfer in the current fiscal year. These include:

1202 N. Livingston	1405 W. Graham
517 W. Oakland Ave.	501 S. Morris Ave. *
1013 N. Evans *	1005 W. Olive St.

\* Demolition in process.

Upon transfer of the property, maintenance will be assumed by Habitat. This will save \$400 to \$500 per month of Community Development Block Grant (CDBG) funds currently being spent for mowing.

The City and Habitat have partnered in the provision of affordable housing for more than twenty (20) years. Community Development acquires dilapidated structures through Code Enforcement; demolishes and clears the structure; pays any back taxes due, and then deeds the lot over to Habitat for new construction of an affordable home. Habitat constructs six to ten (6 - 10) homes per year.

The Department of Housing and Urban Development (HUD) requires “one for one replacement” under Section 104 (d) of the Housing and Community Development Act of 1974. When a unit of affordable housing is removed, another unit must be provided so as not to deplete a community’s affordable housing stock.

Staff has been in correspondence with Bill McConnell, Habitat’s Executive Director, and has received pictures and plans from some of their recent homes which are intended to blend into the neighborhood in which they are built. Additionally, staff is in the process of discussing a similar agreement with YouthBuild.

Staff respectfully recommends that Council approve the proposed three (3) year agreement with Habitat of McLean County for the distribution of vacant lots obtained through the activities of the PACE's Community Development Division. This activity is directly related to goals three (3) and five (5) of the City's Strategic Plan: "Strong Neighborhoods" and "Great Place to Live – A Livable, Sustainable City".

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Bill McConnell and Bill Waller, Habitat for Humanity; and Suzanne Fitzgerald, YouthBuild.

**FINANCIAL IMPACT:** There is no direct financial impact to the City's General Fund. All activities related to the acquisition, demolition if necessary and disposition of property is funded with Federal Community Development Block Grant funds received and managed by PACE's Community Development Division.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Mark R. Huber  
Planning and Code Enforcement

Barbara J. Adkins  
Deputy City Manager

David A. Hales  
City Manager

**LAND DONATION and CONSTRUCTION AGREEMENT  
CITY OF BLOOMINGTON, PLANNING AND CODE ENFORCEMENT  
DEPARTMENT  
and  
HABITAT FOR HUMANITY, MCLEAN COUNTY**

This Agreement made this 28<sup>th</sup> day of June, 2010 between the City of Bloomington, a municipal corporation, Department of Planning and Code Enforcement, Code Enforcement Division, hereinafter referred to as "City" with its principal place of business at 115 East Washington Street, Bloomington, Illinois, hereby enters into a Land Donation and Construction Agreement with Habitat for Humanity of McLean County, hereinafter referred to as "Habitat for Humanity", as approved by City Council.

WHEREAS, the City wishes to donate cleared vacant land to Habitat for Humanity and allow Habitat for Humanity to construct new single-family homes on the aforementioned vacant land.

WHEREAS, over a period of two (2) years, from 2010 to 2013, the City may donate up to six (6) lots per year to Habitat for Humanity.

WHEREAS, Habitat for Humanity will be sensitive to the neighborhood they are building within and construct homes that are architecturally similar in design. The completed

homes are to be sold to low-income households with earnings below 60% of the area median income.

NOW, THEREFORE, in consideration of the foregoing recitals, the mutual covenants and agreements contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

**A. Responsibilities of the City and Habitat for Humanity.**

1. The City will provide the vacant land, at locations to be determined, for the construction of the projects; in addition, a new water service will be provided from the main to the property, at the City's expense.
2. The City will complete all inspections, as required by the issuance of building permits.
3. The City agrees to waive all permit fees for Habitat for Humanity for single family homes on land donated by the City as part of this Agreement.
4. The City will provide any technical assistance and guidance through the Department of Planning and Code Enforcement with the assistance of Habitat for Humanity to facilitate completion of the project.
5. The City will review and approve the plans and specifications for the construction of the project PRIOR to the start of construction and issuance of any building permits.
6. Habitat for Humanity will obtain competitive bids and prepare all written construction contracts between each subcontractor, as necessary.
7. Habitat for Humanity agrees to keep the yard mowed and trimmed throughout their ownership period.
8. Habitat for Humanity will maintain insurance on the dwelling throughout the period of ownership.
9. Habitat for Humanity will handle all general accounting associated with and during the construction of the single family dwelling. Habitat for Humanity will make all payouts for materials and/or subcontractors and will obtain lien waivers for each.
10. At the conclusion of construction, Habitat for Humanity shall market and sell the completed homes to low-income households with earnings below 60% of the area median income.

**B. Notices**

Any notices required or permitted to be given hereunder shall be deemed to have been properly given if sent by United States certified or registered mail, return receipt requested, postage prepaid, or if delivered in hand, as follows:

**City of Bloomington:**

Sharon Walker, Fiscal Officer  
Planning and Code Enforcement Department  
P. O. Box 3157  
Bloomington, IL 61702-3157  
Phone 309-434-2342, Fax 309-434-2801

**Habitat for Humanity of McLean County:**

Bill McConnell, Executive Director  
410 N. Prairie  
Bloomington IL 61701  
Phone 309-827-3931, Fax 309-827-5347

**C. Amendments.**

The City or Habitat for Humanity may amend this Agreement at any time provided that such amendments make specific reference to this Agreement, and are executed in writing, signed by a duly authorized representative of each organization, and approved by the Director of the Department of Planning and Code Enforcement, or his or her designee and the City Council. Such amendments shall not invalidate this Agreement, nor relieve or release the City or Habitat for Humanity from its obligations under this Agreement.

The City may, in its discretion, amend this Agreement to conform with federal, state or local governmental guidelines, policies and available funding amounts, or for any other reason it deems necessary. If such amendments result in a change in the funding, scope of services, or schedule of activities to be undertaken as part of this Agreement, such modifications will be incorporated only by written amendment by the City and Habitat for Humanity.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first written above.

Stephen F. Stockton  
Mayor  
City of Bloomington

Date: June 29, 2010

Sharon Walker, Fiscal Officer  
Department of Planning and Code Enforcement  
City of Bloomington

Date: June 29, 2010



Bill McConnell  
Executive Director  
Habitat for Humanity of McLean County

Date: July 20, 2010

Mayor Stockton introduced this item. David Hales, City Manager, addressed the Council. The City would be using Community Development Block Grant (CDBG) funds. Additional information had been provided to the Council including: the number of lots and City costs. Also included was an addressed letter from Habitat for Humanity with photographs of some of the homes built. There would be no impact to the City's General Fund. CDBG funds would be used to pay for permit fees, building inspections, and water mains. Fees would no longer be waived. He questioned contract language and requested that the City's Corporate Counsel take a look at same. He addressed item five (5). He questioned if the City could approve the plans and if the neighborhoods were able to provide input. He also questioned if the Council, staff or the neighborhood associations would approve plans. This was a three (3) year agreement. He saw benefits to a two to three (2 – 3) year agreement. Things changed over time.

Alderman Stearns noted Mr. Hales had answered several of her questions. She noted that several neighborhood association presidents were present. She suggested neighbors be notified when homes were being built. She questioned if there would be an addition to the agreement to allow neighborhood input. Mr. Hales stated that could be added to the agreement in item five (5).

Alderman Stearns believed it was a good way to partner with the neighborhood associations. She preferred a two (2) year agreement. She questioned if the homes could be built in S – 4, Historic Preservation District. Mr. Hales stated it was possible. It was unlikely however, due to the value of neighborhood. The Town of Normal had special guidelines concerning this issue. Mayor Stockton noted the outstanding issue was a two or three (2 or 3) year agreement.

Alderman Purcell recalled that when Habitat for Humanity built two (2) homes on N. Oak St. neighborhood input was provided.

Alderman Schmidt believed it was important to acknowledge Habitat for Humanity's efforts in housing design. Mayor Stockton had seen many fill in properties. He believed Habitat had assisted neighborhoods. Mr. Hales stated staff would draft neighborhood notification standards. The agreement would be amended.

Motion by Alderman Purcell, seconded by Alderman Stearns that the amended Agreement (two year) 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:** Application of TVEO Corporation, d/b/a Eric's Mini Mart & Restaurant, located at 903 W. Wood St., for an RAPS liquor license, which will allow the sale of all types of alcohol by the glass for consumption on the premises and the sale of all types of packaged liquor 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 an RAPS liquor license for TVEO Corporation, d/b/a Eric's Mini Mart & Restaurant, located at 903 W. Wood St., be created, contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) that there be no outstanding PACE (Planning and Code Enforcement) fees and/or fines at this address; 2.) that the "P" Packaged portion of said license would sunset six (6) months from date of issuance unless subsequent action is taken by the Commission; 3.) that the Commission would request an audit of food and liquor sales for the "R" Restaurant and "P" Packaged portion of the license; and 4.) "P" Packaged liquor items for sale must be unrefrigerated.

**BACKGROUND:** The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of the TVEO Corporation d/b/a Eric's Mini Mart & Restaurant, located at 903 W. Wood St., requesting a RAPS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises and the sale of all types of packaged liquor for consumption off 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 Hamilton "Eric" Trujillo, owner/operator and Applicant representative.

Commissioner Stockton questioned the purpose of this application. He noted that this business was located across the street from Miller Park. Hamilton "Eric" Trujillo, owner/operator and Applicant representative, addressed the Commission. He had renovated the building. There was a restaurant and mini mart on the first floor with apartments located above. He opened the restaurant and mini mart on July 1, 2009. He has tried to operate both businesses without liquor sales. Customers to both businesses have requested alcohol. He had a sizable investment in the building. The rental property helped to finance the restaurant/mini mart. He had lost business when potential customers discover that there is no alcohol service. He described the business situation as difficult. He had informed his customers that he would apply for a liquor license.

Mr. Trujillo informed the Commission that he had been employed with NICOR for twenty (20) years. He had also worked construction. At present, he was the cook at his restaurant. He presented the Commission with signatures from customers in support of this application. He also presented the Commission with a menu.

Currently, he offered meat, vegetable, dairy, and tobacco products. He had had no issues with customers. He wanted to meet his customers' needs and the financial needs of his business. He only wanted to stock beer and wine in the mini mart. He was not interested in packaged sales of hard liquor.

Commissioner Stockton noted the menu. He expressed his support for the restaurant license, ("A" All types of alcohol). He was not comfortable with a "P" Packaged license across the street from Miller Park. He cited other nearby "P" Packaged license locations.

Commissioner Petersen cited his concern. He questioned if customers had requested the "R" Restaurant and/or the "P" Packaged license. Mr. Trujillo responded both.

Commissioner Clapp questioned people who visit the park. Mr. Trujillo informed the Commission of his efforts to attract people who visit the park. He wanted to offer one stop shopping. He offered a variety of products.

Commissioner Buchanan questioned if there was a way to become more comfortable with this Application in order for the Commission to support same. He questioned the operations of these two (2) businesses. He cited the potential for customers to take packaged alcohol to the park. He questioned if Mr. Trujillo planned to offer single serve products. Mr. Trujillo responded negatively. He acknowledged Miller Park's location. He added that there was heavy traffic into the park approximately three (3) months a year. He acknowledged that he might not be able to prevent a customer from purchasing packaged alcohol and entering the park. He noted the location of Westside Liquors, (906 S. Morris Ave.).

Commissioner Petersen questioned Westside Liquor's business hours. Mr. Trujillo believed that the store closed at 10:00 p.m. The Mini Mart closed at 9:00 p.m.

Commissioner Petersen stated that if there were issues with underage consumption of alcohol in the park then he would support removal of the "P" Packaged portion of this Application. Mr. Trujillo responded affirmatively.

Commissioner Buchanan questioned if Mr. Trujillo would accept an RAS liquor license. Mr. Trujillo stated his preference for an RAPS license but was willing to accept an RAS.

Commissioner Buchanan questioned on site management. Mr. Trujillo noted that he acted as same. In addition, he had an employee who served as his back up. Mr. Trujillo had placed a hundred percent (100%) of his focus on the restaurant and mini mart. This project had been his dream. He reviewed this project's history. He had complied with the City Code. There had been various public hearings involved. The process took two (2) years. He added that there had been a restaurant at this location in the past.

Commissioner Tompkins questioned security. Mr. Trujillo informed the Commission that there was video surveillance.

Commissioner Clapp suggested signage for the mini mart informing customers that alcohol was not allowed in the park. The mini mart could limit the quantity of liquor sold by Mr. Trujillo using his best judgment. Mr. Trujillo acknowledged that if something went wrong, then he would accept the responsibility.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He had visited that store. He believed that there were outstanding PACE issues. Mr. Trujillo expressed his belief that everything had been settled.

Commissioner Petersen questioned if this would be a grocery store which also offered alcohol for sale. Mr. Trujillo responded affirmatively. He had spent \$10,000 on coolers.

Commissioner Stockton commended Mr. Trujillo for his efforts. The Commission must consider the location and the impact upon the neighborhood.

Commissioner Stockton opened the hearing to public comment.

Surena Fish, 909 W. Wood, addressed the Commission. She had grown up in Bloomington. At this time, she spent half of the year here. Under no circumstances should liquor sales be allowed at this location. The restaurant was opened with food only. She wished Mr. Trujillo the best of luck. She cited the history of the area. On Memorial Day there was alcohol consumed in Miller Park. The addition of another liquor license would compound the problem. Alcohol is readily available. The Commission needed to stand up and say no. She cited the impact of alcohol and drugs on the neighborhood. The neighborhood was starting to turn around. Miller Park was beautiful and well maintained.

Commissioner Stockton understood that things were improving. He acknowledged issues involving alcohol and drugs. He noted that Ms. Fish was opposed to this Application.

Michael Schoenecke, 908 W. Wood, addressed the Commission. He attended the meeting with his wife. They had been lived in the City for the past three (3) years. They also were Mr. Trujillo's customers. He approved the idea of a liquor license for the restaurant. He specifically cited beer and wine sales. He believed that packaged sales were an issue of convenience. Mr. Trujillo had taken a business approach. He expressed concern about the impact upon the area. He cited calls for police service. He believed that Westside Liquors was enough. He cited litter such as glass. He believed that liquor would end up in the park. A "P" Package liquor license was not the best idea for the area.

Commissioner Stockton noted the Mr. Schoenecke was supportive of the "R" Restaurant but opposed to the "P" Packaged liquor license. He questioned if Mr. Schoenecke would be supportive of the "A" All types of alcohol for the restaurant. Mr. Schoenecke did not have a problem with an "A" liquor license. Margaritas were cited as an example. Customers purchasing "P" Packaged alcohol would only be interested in the convenience. Packaged liquor could be purchased with weekly groceries. A mini mart was for convenience items not weekly shopping.

Henry Wright, 902 N. Linden, addressed the Commission. Mr. Trujillo had remodeled the building. This was a neighborhood improvement. Mr. Trujillo had been encouraged by his customers. If there was an issue with alcohol consumption in the park, then there was an enforcement issue. He did not believe that this application would have a negative impact upon the neighborhood.

Hal Jennings, 102 S. East St., addressed the Commission. Mr. Trujillo's restaurant offered good food at great prices. Mr. Trujillo had remodeled/restored the building. He had invested in the area and building. The restaurant was clean. There was a small bar with four (4) stools. He supported this Application. The "P" Packaged license would be for the Mini Mart. It offered generic and ethnic items. Mr. Trujillo's efforts were amazing. He encouraged the Commission to look at the big picture. Mr. Trujillo's invested two (2) years of his time and \$300,000. He attested to Mr. Trujillo's character.

Ms. Fish readdressed the Commission. She noted that Mr. Jennings did not live in the neighborhood. This neighborhood was dealing with a variety of issues.

Commissioner Stockton noted that if there were issues, then there needed to be enforcement. He expressed his willingness to work with Ms. Fish. He described Miller Park as the jewel of the City's west side.

Commissioner Stockton presented four options: 1.) deny the Application; 2.) approve the "R" Restaurant portion only; 3.) approve the "P" Packaged portion with a sunset clause; and 4.) approved the "R" Restaurant portion now and reconsider the "P" Packaged portion in the future. He noted that Mr. Trujillo had assumed a lot of risk. He added his expectation that Mr. Trujillo would perform well and there would not be any liquor issues related to his business. The summer was a busy season at the park.

Commissioner Buchanan cited his years of experience on the Commission. Mr. Trujillo was a credible applicant. He had considered this application's impact upon the neighborhood. The issues cited were not related to Mr. Trujillo as at this time he does not have a liquor license. The key question was would this Application add to or compound the issues cited. He again cited the quality of the Applicant and a sunset clause. He believed that now was the best time for a trial period, (when the park is busy). There may be a need for greater enforcement. He questioned the volume of liquor sales at West Side Food & Beverage. He questioned if Mr. Trujillo planned be price competitive with same. Mr. Trujillo operated a small grocery store. He had no plans of competing with West Side Food & Beverage.

Commissioner Petersen noted the quality of the Applicant's plan. Mr. Trujillo appeared to be sincere. The park was in high season. He expressed support for the fourth option. At a later date the Commission could review Mr. Trujillo's performance and reconsider a "P" Packaged license. The "R" Restaurant license would provide additional revenue, Mr. Trujillo would gain experience with alcohol sales, the risk would be limited. He stated his support for the "R" Restaurant portion but not the "P" Packaged portion of this Application.

Commissioner Clapp expressed support for this Application with the third option. This would provide a six (6) month trial with a review by the Commission. She believed the “R” Restaurant portion would assist Mr. Trujillo by providing an additional revenue stream.

Commissioner Stockton acknowledged that Mr. Trujillo was not responsible for the current situation. The Commission must consider the impact on the neighborhood. He noted that Miller Park was located across the street. He expressed his belief that the Council would be concerned about that fact. He expressed his interest in the Council having confidence in the Commission. He cited the proximity of West Side Food & Beverage. He believed that there was a sufficient number of “P” Packaged liquor licenses in the area. He was not in favor of this Application. Commissioner Buchanan questioned the logic applied to the number of packaged licenses. Commissioner Stockton had considered the traffic, the need for, the potential negative impact, and the proximity to the park in reaching his decision.

Commissioner Tompkins was conflicted. He appreciated Mr. Trujillo’s efforts to improve the neighborhood. He would support the “R” Restaurant portion of the Application. He understood the need for a business to make a profit. He expressed his concern for the character of the customers. Mr. Trujillo had earned the Commission’s trust. Citizens live in this neighborhood. He questioned the percentage of sales from liquor at the mini mart, (“P” Packaged portion of the Application).

Mr. Trujillo restated that the businesses had been open for approximately one (1) year. An “R” Restaurant license would be of assistance. He respectfully requested the opportunity.

Commissioner Tompkins recommended that if a “P” Packaged license was to be approved Mr. Trujillo would have to make it inconvenient for his customers to take the liquor to the park. Mr. Trujillo restated that he had no intention of carrying single serve products.

Commissioner Buchanan suggested that the product be sold unrefrigerated. Mr. Trujillo cited the impact of refrigeration on pop sales as an example. He had no intention of stocking/selling hard liquor and stressed that there would not be any single serve products available.

Mr. Boyle made of point of clarification: the “R” Restaurant portion of the license would be an “A” All types of alcohol, and the “P” Packaged portion of the license would be a “B” Beer and Wine only.

Motion by Commissioner Buchanan, seconded by Commissioner Clapp that the application of TVEO Corporation, d/b/a Eric’s Mini Mart & Restaurant, located at 903 W. Wood St., requesting an RAPS liquor license which allows the sale of all types of alcohol the glass for consumption on the premises and the sale of packaged beer and wine for consumption off the premises seven (7) days a week be approved with the following conditions: 1.) that there be no outstanding PACE (Planning and Code Enforcement) fees and/or fines at this address; 2.) that the “P” Packaged portion of said license would sunset six (6) months from date of issuance unless subsequent action is taken by the Commission and 3.) that the Commission would request an audit of food and liquor sales for the “R” Restaurant and “P” Packaged portion of the license.

Ayes: Commissioners Buchanan, Clapp and Tompkins.

Nays: Commissioners Stockton and Petersen.

Motion carried.

Commissioner Buchanan suggested that the unrefrigerated condition apply to “P” Packaged sales during the six (6) month trial period.

Motion by Commissioner Tompkins, seconded Commissioner Buchanan to reconsider the Commission’s previous action.

Ayes: Commissioners Stockton, Buchanan, Petersen, and Tompkins.

Nays: Commissioner Clapp.

Motion carried.

Commissioner Buchanan stated his intention to amend his previous motion by adding the condition that “P” Packaged liquor sales must be unrefrigerated.

Commissioner Stockton encouraged the Commission to consider the store’s proximity to the park. He believed that it would be advantageous to all to commence packaged sales in the winter months. He restated his opposition to this Application.

Commissioner Buchanan acknowledged this was a difficult Application. The Applicant had presented a compelling case. Citizens had raised legitimate concerns. He believed the negative impact on the neighborhood from this business was questionable.

Motion by Commissioner Buchanan, seconded by Commissioner Clapp that the application of TVEO Corporation, d/b/a Eric’s Mini Mart & Restaurant, located at 903 W. Wood St., requesting an RAPS liquor license which allows the sale of all types of alcohol the glass for consumption on the premises and the sale of packaged beer and wine for consumption off the premises seven (7) days a week be approved with the following conditions: 1.) that there be no outstanding PACE (Planning and Code Enforcement) fees and/or fines at this address; 2.) that the “P” Packaged portion of said license would sunset six (6) months from date of issuance unless subsequent action is taken by the Commission and 3.) that the Commission would request an audit of food and liquor sales for the “R” Restaurant and “P” Packaged portion of the license; and 4.) “P” Packaged liquor items for sale must be unrefrigerated.

Ayes: Commissioners Buchanan, Clapp and Tompkins.

Nays: Commissioners Stockton and Petersen.

Motion carried.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Public notice was published in the Pantagraph in accordance with City Code. In accordance with City Code, approximately sixty-two (62) 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 RAPS liquor license. The annual fee is \$2,210.

Respectfully,

Reviewed and concur:

Stephen F. Stockton  
Chairman of Liquor Commission

Randall D. McKinley  
Police Chief

Mayor Stockton introduced this item. Hamilton "Eric" Trujillo, owner of Eric's Mini Mart and Restaurant, 903 W. Wood St., had done a good job of restoring the property. He had been operating a restaurant there for approximately one (1) year. There was concern regarding the application for a package license as the minimart was located across the street from Miller Park. The City prohibited alcohol in the park. He reviewed the license classifications that were discussed during the Liquor Commission's hearing.

Alderman Schmidt noted that the Miller Park Neighborhood Association had recently formed. They were unable to attend the Commission's hearing. She had attended their neighborhood meeting with about a dozen individuals present. The recommendation at the meeting was to approve the restaurant license but not the package license. There had been nothing but support for Mr. Trujillo. She believed many people wanted to see him succeed. She noted people were able to purchase alcohol from Parkview Inn, located at 1003 S. Morris Ave., currently holding an RAPS, (Restaurant, All types of alcohol, Packaged, Sunday sales), liquor license. She recommended the Council pass the ordinance with a restaurant license only.

Alderman Anderson had received emails and a phone call. He also attended the neighborhood meeting that made the issue very clear. There were many people opposed to the package license.

Alderman Schmidt received a copy of a petition from Mr. Trujillo in support of a liquor license. Petition was placed on file in the City Clerk's Office.

Alderman Hanson referenced the forty ounce (40 oz) issue (single serve). He questioned if this would put a business at a disadvantage. He also questioned if there had been problems at Miller Park. Mayor Stockton stated there had been some enforcement issues with alcohol consumption at the park. The Commission considered suitability of the location. They looked at the need for a liquor license. They also questioned the impact upon the neighborhood. There were concerns due to the park being located across the street. He cited the ability to purchase alcohol at Parkview Inn and the gas station, Fast Stop, 1001 Six Points Rd., down the street.



**Alderman Hanson appreciated the time spent on this issue by Aldermen Schmidt and Anderson. If a problem existed then it needed to be addressed.**

**Alderman Fruin agreed with Aldermen Schmidt and Anderson. He believed Alderman Hanson had made a good point regarding equity. He questioned if the license were denied if the petitioner had to wait one (1) year to reapply. Todd Greenburg, Corporate Counsel, stated the license was created by the Council. The Commission made recommendations to the Council.**

**Alderman Schmidt expressed her confusion. Mayor Stockton stated there were various options. One (1) would be to make a motion to grant the restaurant license.**

**Alderman Schmidt questioned if the applicant could reapply in a year. The residents of Ward 6 would like to see Eric's start with a restaurant license.**

**Alderman Anderson questioned if it was Alderman Schmidt's intention to require the petitioner to wait one (1) year.**

**Alderman Schmidt wanted to see Mr. Trujillo make a business case for the package license. She questioned the possibility of allowing a future opportunity. Mr. Greenburg stated there was no language regarding change of classifications.**

**Alderman Purcell questioned Mr. Trujillo regarding tax and minimum wage issues. Mr. Greenburg stated the Council had discretion. The applicant could choose to answer the question. Mayor Stockton stated another alternative would be to place conditions on the license. Mr. Greenburg noted the state would pull a liquor license for failure to pay taxes.**

**Alderman Schmidt commented on how wonderful Eric's was for the neighborhood. She was a park supporter. There were a number of issues concerning noise. The park needed to be patrolled. The neighborhood was very supportive of the restaurant.**

**Alderman Sage supported the motion. He respected the other Aldermen's opinions. He appreciated the time Aldermen Anderson and Schmidt had committed to this issue. Mr. Hales clarified the motion would include applicable conditions.**

**Alderman Fruin questioned the need for the audit. Mayor Stockton stated conditions 2, 3, and 4 would be deleted.**

**Alderman McDade commended Mr. Trujillo's children for their good behavior throughout the meeting.**

**Motion by Alderman Schmidt, seconded by Alderman Anderson that an RAS liquor license for TVEO Corporation, d/b/a Eric's Mini Mart & Restaurant, located at 903 W. Wood St., be created contingent upon compliance with all applicable health and safety**

**codes with the following condition: that there be no outstanding PACE (Planning and Code Enforcement) fees and/or fines at this address.**

**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.**

**Alderman Purcell clarified that he voted no on Eric's Restaurant because he did not believe his questions were answered.**

**The following was presented:**

**SUBJECT: Approval of a Brush Disposal Contract with T. Kirk Brush, Inc. and a Modified Lease Agreement for Brush Storage Site**

**RECOMMENDATION:** That the RFP for brush disposal be awarded to T. Kirk Brush in the amount of \$406,050, the modified lease agreement be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

**BACKGROUND:** The City processes approximately 27,800 cubic yards of brush annually and continues to collect brush from the curb on a daily basis. On October 12, 2009, Council approved terminating the brush contract with T. Kirk Brush and entering into an agreement with B & B Bedding for the disposal of brush generated by citizens participating in the refuse collection service. In addition, the Council approved a lease for two (2) parcels of land off Bunn Street for brush disposal from Tom Kirk for \$3,000 per month. This lease agreement expires September 30, 2011. There are approximately fifteen (15) months until this date.

Under the agreement with B & B Bedding, the City did not have to pay for the disposal for brush. Under the previous contract with T. Kirk Brush, the City paid \$8.30 per cubic yard for brush disposal. In fact, B & B was to pay the City \$0.50 per cubic yard of brush. B & B Bedding opened a new processing facility in McLean to make bagged mulch for sale and distribution. B & B Bedding required raw brush material for this mulch production and it appeared to be a good partnership with savings for both the City and the company. Staff recommended entering this agreement in an attempt to save the City a substantial amount over the next few years. The City has realized a savings of approximately \$135,000 the previous Fiscal Year 2010 and \$39,000 in 2011 for an overall savings of \$174,000. Due to the anticipated savings, 2011's budget only included the fee for brush storage.

B & B Bedding has been unable to sell their product at the anticipated rate. There are large amounts of processed brush material at their Decatur, Springfield and McLean material

processing sites. The McLean site, where the City's processed material has been taken, has experienced three (3) separate fires. Due to business difficulties, B & B Bedding has stopped accepting processed material from the City. B & B Bedding did not execute this agreement and currently has stated that they will not do so. The City notified B & B Bedding in writing that the brush disposal contract was terminated and that the City would enter into a new contract with a third party for services.

A new Request for Proposal (RFP) was prepared for processing of City brush material. The proposal would be in effect until May 1, 2012 and could be extended for a one (1) year period upon mutual agreement. Three (3) proposals were received at the City Clerk's office and opened on May 28, 2010 at 2:00 pm.

The following are the proposal costs over the twenty-two (22) month contract:

	Allied Waste	T. Kirk Brush Inc.	Twin City Wood Recycling
Price for brush processing (unit price per cubic yard [c.y.])	No bid	\$406,050 (\$7.91/c.y.)	\$372,170 (\$7.25/c.y.)
Disposal of existing brush	No bid	\$0.00	\$45,500
Existing Lease Cost	No bid	\$0.00	\$45,000
Total Cost to City	No bid	\$406,050	\$462,700

Estimated costs for a twenty-two (22) month contract were based on the following numbers:

- a) 27,800 cubic yards of processed brush per year for a twenty-two (22) month period (51,000 cubic yards). Actual processed brush amounts will vary. Each dump truck holds approximately twelve (12) cubic yards of unprocessed brush which equates to an estimated 4,250 dump truck deliveries of brush every year.
- b) T. Kirk Brush Inc. has proposed waiving the lease fee if awarded the contract. The existing lease contract is \$3,000 per month over the next fifteen (15) months.

T. Kirk Brush not only has an approximate savings of \$56,650 over the contract period but also has proposed a fifty percent (50%) profit sharing plan with the City on any processed material that is sold during this time. There are no estimates on how much the profit sharing plan will generate for the City. Confirming the amount of profits, if any, realized by T. Kirk would be problematic.

Based upon these factors, staff respectfully recommends that Council approve a contract with T. Kirk Brush in the amount of \$406,050.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** The RFP was mailed to three (3) companies: Allied Waste, T. Kirk Brush, Inc., and Twin City Wood Recycling.

**FINANCIAL IMPACT:** When the City terminated the contract with T. Kirk Brush on October 12, 2009, it was anticipated that significant savings of approximately \$200,000 would be realized annually because B & B Bedding was not charging the City for disposal cost. While the City has not been able to fully realize the anticipated savings, there has been a savings over the last nine (9) months.

The total contract cost to the City is \$406,050 for the next twenty-two (22) months but the costs for next fiscal year will be addressed in the FY 2012 budget. The estimated unbudgeted expenditures under the current fiscal year are as follows:

<u>Description</u>	<u>Cost</u>	<u>Account</u>
Cost for brush disposal [\$7.91 x 2,060 cubic yards brush per month x 10 months]	\$162,950	(nonbudgeted)
Budgeted revenue from B & B Bedding contract not realized	\$13,000	(50700-54322)
Budgeted savings amount for brush storage fee [No charge in new contract - \$3,000 per month x 10 months]	(\$30,000)	(50700-70993)
Revenue realized from sale of recycle trailer	(\$15,000)	(10010-57114)
Estimated savings from bulk waste charges	<u>(\$20,000)</u>	(50700-54321)
<b>TOTAL Contract Amount for FY 2011</b>	<b>\$110,950</b>	<b>(19110-70990)</b>

The additional \$110,950 will need to be transferred from the contingency fund if approved.

Respectfully submitted for Council consideration.

Prepared by:	Reviewed as to legal sufficiency:	Reviewed by:
Jim Karch Director of Public Works	J. Todd Greenburg Corporation Counsel	Kim Nicholson Purchasing Agent
Reviewed by:	Reviewed by:	Recommended by:
Tim Ervin Director of Finance	Barbara J. Adkins Deputy City Manager	David A. Hales City Manager

**Amended  
Lease between Tom Kirk and  
City of Bloomington**

This document amends the lease entered into between the City of Bloomington (hereafter “City”) and Tom Kirk (hereafter “Owner”) on October 13, 2009.

Owner agrees to lease to City two parcels identified as Lot 1 in Flatbush Subdivision (Tax ID 21-15-151-017) and Lot 2 in Flatbush Subdivision, (Tax ID Number 21-15-151-016) (such two parcels hereafter referred to as “the property”), in return for monthly payments of \$3,000.00.

The term of this lease is for two years, commencing on October 1, 2009 and terminating on September 30, 2011. The City of Bloomington shall have the option of renewing the lease for two additional one-year terms under the same terms and conditions as set forth herein.

The City shall have the right to dispose of all brush collected pursuant to its brush collection program on the property. Owner shall keep the property in such condition that it can be accessed by the City or agents of the City (including persons under contract with the City); Owner shall keep the property in such condition that the City (or agents of the City) can chip the brush on the property and can transport the brush off the property to a separate location.

Owner agrees to process all brush deposited by City on Owner’s property; City agrees to pay Owner \$7.91 per cubic yard of unprocessed brush. The term of the agreement set forth in this paragraph shall be until May 1, 2012, and may be extended for one year upon mutual agreement of the parties. Owner shall equally divide with the City any profits from processed brush which is sold by Owner. Owner agrees to waive the right to receive the monthly lease payments set forth above during the term of this lease and the optional one-year extensions of this lease for all months in which the agreement set forth in this paragraph remains in effect.

Owner is permitted to use the leased property for other purposes on the condition that such other uses do not interfere with the City’s use of the property for the uses set forth in the preceding paragraphs.

Dated this 29<sup>th</sup> day of June, 2010.

Tom Kirk

City of Bloomington

By: Stephen F. Stockton  
Mayor

(CONTRACT ON FILE IN CLERK’S OFFICE)

Mayor Stockton introduced this item. Jim Karch, Director – Public Works, addressed the Council. The City’s current curb collection services included yard waste. The City hoped to save money. B & B Bedding failed to sign the contract with the City. They could not sustain a business. The contract was terminated. A Request for Proposal (RFP) process took place. There was a slight cost decrease. The cost would be covered by the contingency fund. David Hales, City Manager, stated staff could look into other options. They would come back before the Council with amendments. There was \$250,000 in the General Fund’s (GF) contingency line item. The GF budget was still subsidizing the refuse program.

Alderman McDade questioned the RFP amounts and lease costs. Mr. Karch stated T. Kirk planned to waive the \$3,000 per month lease cost.

Alderman Stearns questioned if the City had been paying the \$3,000 per month lease cost. Mr. Karch responded affirmatively.

Alderman Stearns questioned what other cities had done and how other companies dealt with brush disposal. Mr. Karch stated B & B Bedding had been a new business and were looking for raw material. The Town of Normal had the equipment needed to dispose of brush. The City did not have the equipment. There was typically an ample supply of brush.

Alderman Stearns questioned a partnership with the Town. Mr. Karch did not believe the Town could handle the City’s brush volume. She requested staff contact the Town. Mr. Karch offered to follow up with the Town.

Alderman McDade stated Illinois State University (ISU) had a partnership with the Town and paid a small fee.

Alderman Schmidt questioned Twin City Wood Recycling’s proposal and if the City would have to pay T. Kirk. Mr. Karch stated the City could utilize two (2) sites until the lease expired. The City would still have to pay the lease costs.

Alderman Schmidt questioned if the mulch would be available to citizens. Mr. Karch believed Parks and Recreation had enough for smaller projects.

Alderman Sage stated Council had talked about looking for an opportunity to collaborate with the Town of Normal. The City needed to be accountable. The Town should have been contacted. Mr. Karch clarified that the Town did not want to submit an RFP. Mr. Hales stated there would be an opportunity to continue discussions in the future. There were capital and maintenance costs associated with the brush equipment. He recommended awarding the RFP to T. Kirk.

Alderman Schmidt questioned if there was a disadvantage to laying over the item until the July 12, 2010 Council meeting. She wanted to be assured there were no opportunities with the Town. Mr. Karch added that the City was still collecting material

every day. A substantial amount of material had accumulated that the City needed to address same. If the Town was agreeable, an intergovernmental agreement would be required. The City would still have a disposal issue.

Alderman Fruin reiterated there had been conversations with the Town. He questioned if any further discussions would change the recommendation. Mr. Karch did not believe further conversation would change anything. Further discussions could be part of the comprehensive plan for refuse. The contract would expire in twenty-two (22) months. Mr. Hales did not believe the recommendation would change after further conversations with the Town.

Alderman Schmidt questioned if the City would continue their discussions with the Town if the motion was passed. Mr. Hales responded affirmatively.

Alderman Purcell requested costs for equipment. Mayor Stockton was hopeful that the City was being as creative as possible.

Motion by Alderman Huette, seconded by Alderman Hanson that the RFP for brush disposal be awarded to T. Kirk Brush in the amount of \$406,050, the modified lease 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 Huette, Schmidt, Hanson, Fruin and Purcell.

Nays: Alderman Stearns, Sage, McDade and Anderson.

Motion carried.

**MAYOR'S DISCUSSION:** Mayor Stockton stated on July 3 - 4, 2010 the Celebrate America performance would take place. Sea to Shining Sea Veterans Group would be passing through on these dates. They were invited by the City to attend the Celebrate America performance and to attend the July 4<sup>th</sup> fireworks. There would be additional events on July 5, 2010.

**CITY MANAGER'S DISCUSSION:** David Hales, City Manger, stated on July 9, 2010 there would be a Summer Municipal Legal Seminar. There was a citywide fee of \$30. It would take place at the Doubletree Hotel from 8:30 a.m. – 12:00 p.m. He encouraged Council members to attend. On July 12, 2010, staff would provide an unaudited preliminary year end report for FY 2009 – 2010. The communication group was working on another Citizens Voice meeting to be held on August 16, 2010 at Fire Station #6 from 6:00 – 7:30 p.m. Staff was discussing the 2010 Action Agenda. Staff would provide revisions and modifications. Mr. Hales would participate with Bloomington Normal Public Transit System's interviews for the General Manager position.

Staff was working on a report to answer questions regarding credit card convenience fees. McLean County used an outside third party. The County accepted large charges, i.e. property taxes. The Town of Normal did not charge a convenience fee. Merchant agreements may prohibit the City from levying a fee. It was a complex issue to implement. There were also software issues. Staff would look at the banking agreement. The agreement expired in 2011. That would be a good time to look at options. The report would also include advantages of credit card usage. Staff was looking for an opportune time to examine this issue. The report would be available in thirty (30) days. Mayor Stockton questioned if the report would contain pros, cons, and recommendations. Mr. Hales stated it would be a preliminary report. Limited staff resources were an issue.

**ALDERMEN'S DISCUSSION:** Alderman McDade liked the new microphones. She thanked staff for their efforts. She also thanked the Mayor and Council for the Proclamation to 25 Under 25. She was involved in the group. She thanked the Council for the recognition of the group. The purpose of 25 Under 25 was to encourage leadership and service. Applications would be available in February 2011 via their web site.

Alderman Sage was looking forward to the 4<sup>th</sup> of July activities at Miller Park.

Alderman Fruin stated the Park to Park run would be a great opportunity for the Council members to become involved. He expressed his appreciation to staff for the notes. He cited Mike Kimmerling, Fire Chief, for the Station #6 update. It was an asset for the airport and community. Mayor Stockton believed the advantage was that Advanced Life Support (ALS) services were distributed throughout the community.

Alderman Stearns would like to see the issue of credit card fees on an agenda in the near future. She cited the \$100,000 cost which was being underwritten. One of the City's goals was to strengthen the reserve fund. She wanted to discuss eliminating credit card fees at a future Council meeting. Mayor Stockton questioned if Alderman Stearns would like to see the City stop subsidizing credit card fees. Alderman Stearns believed there would not be an issue with a convenience fee. It could mean \$100,000 in savings.

Alderman McDade was also interested in discussing the credit cards fees. She had done some research. There may be limitations to the City by the credit card companies. David Hales, City Manager, would be happy to look into the issue further.

Alderman Purcell questioned online bill pay.

Alderman Huette was also interested in discussing credit card fees.

Alderman Anderson was interested in the same. He believed the meeting times for the Liquor Commission and Zoning Board of Appeals (ZBA) were not fair to citizens. There had been some individuals who had left the Council meeting when not allowed to speak. He encouraged citizens to contact the City Manager's office or an Alderman with questions. Mayor Stockton stated the last Liquor Commission meeting began at 4:30 p.m. and went to 7:30 p.m. Citizens were welcome to attend meetings at anytime.



**Alderman Schmidt believed the Board and Commission's meetings were too difficult for working individuals to attend. The City needed to honor the working individual. Mayor Stockton stated it was difficult to find the right time. Alderman Schmidt stated the meeting time discussion had been a recurring theme for several years. The ZBA meets at 3:00 p.m. She did not have a specific time recommendation.**

**Alderman Fruin was sensitive to public access. The Council needed to involve Boards and Commissions. He believed they should want to be available. Mayor Stockton stated there were a number of things to look at to find a balance. Mr. Hales suggested sending a letter to each chair. A Work Session could be held to discuss meeting times. Mayor Stockton stated not all Commissions had a need for public input.**

**Motion by Alderman Purcell, seconded by Alderman McDade, that the meeting be adjourned. Time: 9:35 p.m.**

**Motion carried.**

**Tracey Covert  
City Clerk**

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