

**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 7:30 p.m., Monday, June 23, 2008.**

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

**The Meeting was called to order by the Presiding Officer, Alderman Karen Schmidt, who directed the City Clerk to call the roll and the following members answered present:**

**Aldermen: Judy Stearns, Allen Gibson, David Sage, John Hanson, Steven Purcell, Karen Schmidt, and Jim Fruin.**

**Aldermen Absent: Jim Finnegan and Kevin Huette, and Mayor Stephen Stockton.**

**Deputy City Manager Barbara J. Adkins, City Clerk Tracey Covert, and Corporate Counsel Todd Greenburg were also present.**

**Staff Absent: Tom Hamilton, City Manager.**

**The following was presented:**

To:           Honorable Mayor and Members of the City Council

From:         Staff

Subject:      Work Session Minutes of May 14, 2007 and Council Proceedings of May 14, 2007 and May 27, 2008

The Work Session Minutes of May 14, 2007 and Council Proceedings of May 14, 2007 and May 27, 2008 of have been reviewed and certified as correct and complete by the City Clerk.

Respectfully,

Tracey Covert  
City Clerk

Tom Hamilton  
City Manager

**Motion by Alderman Purcell, seconded by Alderman Hanson that the reading of the Work Session Minutes of May 14, 2007 and Council Proceedings of May 14, 2007 and May 27, 2008 be dispensed with and the minutes approved as printed.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Bills and Payroll

The following list of bills and payrolls have been furnished to you in advance of this meeting. After examination I find them to be correct and, therefore, recommend their payment.

Respectfully,

Brian J. Barnes  
Director of Finance

Tom Hamilton  
City Manager

(ON FILE IN CLERK'S OFFICE)

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

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Payments from Various Municipal Departments

1. The first partial payment to Peace Meal in the amount of \$2,082 on a contract amount of \$25,000 of which \$2,082 will have been paid to date for work certified as 8% complete for the Peace Meals. Completion date – April 2009.
2. The first partial payment to Peace Meal in the amount of \$625 on a contract amount of \$7,500 of which \$625 will have been paid to date for work certified as 8% complete for the John M. Scott Home Delivered Meals. Completion date – April 2009.
3. The twenty-fifth partial payment to APACE Architects & Design in the amount of \$4,098.50 on a contract amount of \$349,800 of which \$303,787 will have been paid to date for work certified as 87% complete for the Design of Fire Station #5. Completion date – May 2008.
4. The first partial payment to 3 D Design Studio in the amount of \$1,634.60 on a contract amount of \$39,625 of which \$1,634.60 will have been paid to date for work certified as 3% complete for the Comprehensive Parks & Recreation Plan. Completion date - October 2008.
5. The eleventh partial payment to Farnsworth Group in the amount of \$7,573.23 on a contract amount of \$246,100 of which \$152,655.96 will have been paid to date for work certified as 62% complete for the Design/Development of Kickapoo Renovation. Completion date – October 2008.
6. The seventh partial payment to Farnsworth Group in the amount of \$2,748.75 on a contract amount of \$60,945.31 of which \$52,111.66 will have been paid to date for work certified as 86% complete for the Downtown Main St. Beautification Preliminary Report, Field Survey and Project Development. Completion date – July 2008.
7. The first partial payment to McLean County Highway Dept. in the amount of \$47,274.07 on a contract amount of \$392,340.82 of which \$47,274.07 will have been paid to date for work certified as 12% complete for the Towanda Barnes – Oakland Ave. Traffic Signals. Completion date – December 2008.
8. The seventh and final payment to Farnsworth Group in the amount of \$1,117.75 on a contract amount of \$23,100 of which \$23,100 will have been paid to date for work certified as 100% complete for the Woodrig Rd. & South Main Street Signals – a/k/a Cedar Ridge IDS. Completion date – February 2008.

9. The ninth and final payment to Rowe Construction in the amount of \$16,204.15 on a contract amount of \$357,704.15 of which \$357,704.15 will have been paid to date for work certified as 100% complete for the Downtown Intersection Improvements. Completion date – November 2006.
10. The sixteenth partial payment to McLean County in the amount of \$3,995.80 on a contract amount of \$100,000 of which \$54,550.33 will have been paid to date for work certified as 55% complete for the East Side Corridor. Completion date – June 2008.
11. The twelfth partial payment to Rowe Construction Co. in the amount of \$13,032.23 on a contract amount of \$817,603.74 of which \$447,781.50 will have been paid to date for work certified as 55% complete for the 2007 Curb & Gutter Improvements. Completion date – September 2008.
12. The twelfth partial payment to Terracon Consultants Inc., (Dept. 1277) in the amount of \$364.38 on a per ton and hour contract of which \$30,508.67 will have been paid to date for work certified as ongoing for the 2007-2008 Asphalt and Portland Concrete Plant Inspection & Lab Testing. Completion date – July 2008.
13. The first partial payment to Testing Services Corporation in the amount of \$260 on a per ton and hour contract of which \$260 will have been paid to date for work certified as ongoing for the 2008-2009 Asphalt and Portland Concrete Plant Inspection & Lab Testing. Completion date – July 2009.
14. The second partial payment to Rowe Construction in the amount of \$92,135.98 on a contract amount of \$2,376,000 of which \$372,376.96 will have been paid to date for work certified as 16% complete for the 2008-2009 General Resurfacing. Completion date – October 2008.
15. The tenth partial payment to Rowe Construction in the amount of \$70,203.71 on a contract amount of \$2,940,450.76 of which \$863,423.62 will have been paid to date for work certified as 29.4% complete for the Mitsubishi Motorway – Six Points to Sugar Creek. Completion date – September 2008.
16. The ninth partial payment to Stark Excavating, Inc. in the amount of \$39,235.73 on a contract amount of \$1,925,274.55 of which \$814,260.02 will have been paid to date for work certified as 42% complete for the Morris Avenue – Miller to Fox Hill Apartments. Completion date – January 2009.
17. The first partial payment to McLean County Soil & Water Conservation in the amount of \$17,620 on a contract amount of \$70,480 of which \$17,620 will have been paid to date for work certified as 25% complete for the Professional Services. Completion date – Annual.

18. The fourth partial payment to Gildner Plumbing, Inc. in the amount of \$44724.60 on a contract amount of \$265,362 of which \$211,161.60 will have been paid to date for work certified as 80% complete for the Water Main Replacement – Parkview Project Phase I – Livingston from Beyer to Tokio. Completion date – December 2008.
19. The third partial payment to Lewis, Yockey, & Brown, Inc. in the amount of \$741 on a contract amount of \$12,000 of which \$7,542 will have been paid to date for work certified as 63% complete for the Design of the Water Main Abandonment on South Main from Miller to Oakland. Completion date – December 2008.
20. The first partial payment to Gildner Plumbing, Inc. in the amount of \$55,950.76 on a contract amount of \$178,384 of which \$55,950.76 will have been paid to date for work certified as 31% complete for the Water Main Extension on Lincoln from Morrissey Ave. to McGregor St. Completion date – December 2008.
21. The twenty-eighth partial payment to Farnsworth Group in the amount of \$6,097.05 on a contract amount of \$384,300 of which \$369,124.12 will have been paid to date for work certified as 96% complete for the Kickapoo Force Main Property Surveys and Brokaw Road Surveys. Completion date – July 2008.
22. The seventh partial payment to AB&H Donohue & Associates in the amount of \$700.79 on a contract amount of \$12,000 of which \$11,898.29 will have been paid to date for work certified as 99% complete for the Sewer Rate Study. Completion date – December 2007.
23. The tenth partial payment to Village of Downs in the amount of \$17,827.56 on a contract amount of \$300,000 of which \$260,491.07 will have been paid to date for work certified as 87% complete for the Village of Downs and City of Bloomington Sewerage Improvements Project. Completion date – July 2008.

All of the above described payments are for planned and budgeted items previously approved by the City Council. I recommend that the payments be approved.

Respectfully,

Tom Hamilton  
City Manager

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

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council  
From: Staff  
Subject: Audit of the Accounts for the Township Supervisor of General Assistance Fund and General Town Fund for the Month of May, 2008

Audit of the Accounts for the Township Supervisor of General Assistance Fund and General Town Fund for the month of May were presented for Audit by the Township Supervisor.

The Audit of these accounts took place on Monday, June 23, 2008 at 6:30 p.m. in the Conference Room of Bloomington City Hall and should, at this time, be made a matter of record.

Respectfully,

Tracey Covert  
City Clerk

**Motion by Alderman Purcell, seconded by Alderman Hanson that the audit of the bills and payrolls for the Township for the month of May, 2008 be made a matter of record.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council  
From: Staff  
Subject: Report

The following reports should be received and placed on file with the City Clerk:

1. Monthly Receipt & Expenditure Report, May 2008.

Respectfully,

Tracey Covert  
City Clerk

Tom Hamilton  
City Manager

(REPORTS ON FILE IN CLERK'S OFFICE)

**Motion by Alderman Purcell, seconded by Alderman Hanson that the report be received and placed on file.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Members of the City Council

From: Stephen Stockton, Mayor

Subject: Appointment(s) and Reappointment(s) to Various Boards and Commissions

I ask that you concur with the following appointment:

John Scott Health Commission:

John F. Couillard, OD, 2404 Northwood Ln.

His term will expire May 31, 2011. He is replacing Dr. Craig Witte.

I ask that you concur with the following reappointment:

John Scott Health Commission

Thomas A. Allison, Jr., 2 Milton Ln.

His term will expire May 31, 2011.

Respectfully,

Stephen F. Stockton  
Mayor

**Motion by Alderman Purcell, seconded by Alderman Hanson that the appointment and reappointment be approved.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Payment to the County of McLean for Design Services and a Supplemental Resolution for the Appropriation of Motor Fuel Tax Funds for Improvement of Towanda Barnes Road and Oakland Avenue Intersection

On August 28, 2006, Council approved an Intergovernmental Agreement with the County of McLean for the Improvement of the Intersection of Towanda Barnes Road and Oakland Avenue. The agreement obligates the City to pay for half of the cost of the design and construction of the improvements. On April 23, 2007, Council approved \$23,650 to repay the County for the design of the project.

The Intersection Design Study prepared during the design process identified the need for additional turn lanes which were not in the original project scope. The project as designed consists of the widening of the pavement on the east and west approaches to provide left turn lanes, the widening of the north and south approaches to provide right turn lanes, and the installation of traffic signals. The County's consultant, Farnsworth Group, did considerably more work than was included in the scope of the original design services contract.

Staff has examined the invoice from the County and finds the requested payment of \$25,844.27 to be correct. There are sufficient Motor Fuel Tax Funds available to pay this expense. Staff respectfully recommends that Council approve payment to the McLean County Highway Motor Fuel Tax Fund of \$25,844.27 and the Council approve a supplemental Resolution appropriating the additional Motor Fuel Tax Funds (X20300-72530) to repay the County for the work.



Respectfully,

Douglas G. Grovesteen  
Director of Engineering

Tom Hamilton  
City Manager

(RESOLUTION 2008 – 42 ON FILE IN CLERK’S OFFICE)

**Motion by Alderman Purcell, seconded by Alderman Hanson that the payment be approved, and the Supplemental Resolution passed.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

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

The Illinois Environmental Protection Agency (IEPA) requires that all cities with combined sewer overflows obtain a yearly permit. For a city with a population of over 25,000, the permit fee is \$20,000 per year. The City has received a notice from the IEPA that the fee is now due for the period 07/01/08 through 06/30/09.

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 with payment to be made from the Storm Water Management Fund (X55100-70550).

Respectfully,

Douglas G. Grovesteen  
Director of Engineering

Tom Hamilton  
City Manager

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

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Request to Pay JG Stewart Contractors, Inc. for Emergency Repairs the Intersection of Front Street and Center Street

It was discovered that a storm sewer inlet, an adjacent traffic signal hand hole, and a nearby manhole at the intersection of Front Street and Center Street had deteriorated and each had begun to collapse. Due to the traffic hazard, proximity to the Transit Bus Transfer Station on Front Street, and the complexity of the repair, staff retained a contractor to perform emergency repairs. JG Stewart Contractors, Inc. was retained to remove and replace the inlet, manhole, hand hole and surrounding pavement. During repairs it was also found necessary to remove and replace the adjacent sidewalk and handicap access ramp.

JG Stewart Contractors has submitted a time and materials invoice for the repair work in the amount of \$13,129.63. Staff has reviewed the invoice and finds it to be in order. Staff respectfully requests that Council approve a payment in the amount of \$13,129.63 to JG Stewart Contractors, Inc. for the repairs with payment to be made with Downtown Tax Increment Financing Funds (X40300-72560).

Respectfully,

Douglas G. Grovesteen  
Director of Engineering

Tom Hamilton  
City Manager

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

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council  
From: Staff  
Subject: Waive the Formal Bidding Process and Enter a Professional Services Agreement with Clark Dietz, Inc., for a Knowledge Transfer Project

Staff proposes a project to capture the knowledge of senior employees in the Water Department that are leaving due to scheduled retirements and the early retirement plan. One (1) of these employees is leaving in December and the others will probably leave in April, 2009. These employees represent the some of the most senior and most knowledgeable working in the distribution system.

This project will center on the operation and maintenance of the water distribution system. In addition to these three (3) individuals, other information will be gathered from other department personnel and related individuals. This information will be used in conjunction with a Distribution System Master Plan which will be developed within the next two (2) years. It will focus on gleaning information not already on system maps and other records. It will encompass maintenance issues, known system weaknesses and operating issues, as well as a variety of other topics and issues that the distribution system affects.

Staff respectfully recommends that the bidding process be waived and an Agreement with Clark Dietz, Inc. be approved in the amount of \$16,500. Funds for this project will be paid for with funds from the Water Department/Depreciation Fund, Consultant Services (Account # X50200-70050).

Respectfully,

Craig M. Cummings  
Director of Water

Tom Hamilton  
City Manager

**RESOLUTION NO. 2008 - 43**

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH CLARK DIETZ, INC., FOR A KNOWLEDGE TRANSFER PROJECT IN THE AMOUNT OF \$16,500**

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

1. That the bidding process be waived and a Professional Services Agreement with Clark Dietz, Inc., for a Knowledge Transfer Project in the amount of \$16,500 be approved.

ADOPTED this 23<sup>rd</sup> day of June, 2008.

APPROVED this 24<sup>th</sup> day of June, 2008.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Alderman Stearns requested information regarding what this contract would accomplish. Craig Cummings, Director of Water, addressed the Council. Clark Dietz, Inc., will meet with the staff members to document their knowledge. The retirees knew the distribution systems and potential issues which could create problems. This company was familiar with the City's processes and projects. The knowledge transfer would identify and document problems and solutions.**

**Alderman Stearns questioned how the City would fund this agreement. Mr. Cummings stated this was not a budgeted item. At the time the budget was proposed, the Early Retirement Initiative (ERI) program was not in place. Since ERI, the department had to glean this information before individuals retired.**

**Alderman Purcell questioned the previous knowledge transfer for the Supervisory Control and Data Acquisition (SCADA) system. Mr. Cummings responded that knowledge transfer project had to do with the electronic brains which operated the pumps. This one would address distribution system issues.**

**Alderman Schmidt questioned the number of man years the Water Department would be losing. Mr. Cummings estimated close to two hundred (200) man years would be lost when these individuals retired. He noted one individual had worked for the department for over fifty (50) years.**

**Alderman Sage questioned the distribution of the information, once it was gathered, (interactive versus written report). Mr. Cummings stated the Water Department wanted to build a framework. The City was growing and the previous Master Plan was obsolete. The final document would be a new Master Plan.**

**Motion by Alderman Purcell, seconded by Alderman Hanson that the formal bidding process be waived, the Agreement with Clark Dietz, Inc. be approved in the amount of \$16,500, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council  
From: Staff  
Subject: Waive the Formal Bidding Process and Enter Into a Service Agreement with Verizon for Recording Equipment

Staff respectfully requests permission to enter into a one (1) year agreement with Verizon Select Services for the maintenance of recording equipment. This agreement will replace the warranty that expired on November 7, 2007. Verizon has been providing service on a time and material basis since the expiration of the warranty on November 7, 2007.

The cost to enter into a one (1) year agreement to maintain the recording equipment is \$12,853.01. The maintenance agreement will cover material and labor for the equipment that records telephone (911 and Admin lines) and radio communications. This maintenance agreement guarantees a two (2) hour response time for equipment repair. The total cost has been budgeted in G15118-70530 (Repair and Maintenance Office and Computer Equipment).

Staff respectfully requests approval of the service agreement with Verizon Select Services for maintenance of the recording equipment for one (1) year.

Respectfully,

Roger Aikin  
Chief of Police

Tom Hamilton  
City Manager

**RESOLUTION NO. 2008 - 44**

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND  
AUTHORIZING A MAINTENANCE AGREEMENT WITH VERIZON SELECT  
SERVICES, INC. FOR RECORDING EQUIPMENT FOR THE POLICE  
DEPARTMENT IN THE AMOUNT OF \$12,853.01**

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

1. That the bidding process be waived and maintenance agreement with Verizon Select Services, Inc. for recording equipment for the Police Department in the amount of \$12,853.01 be approved.

ADOPTED this 23<sup>rd</sup> day of June, 2008.

APPROVED this 24<sup>th</sup> day of June, 2008.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Motion by Alderman Purcell, seconded by Alderman Hanson that the formal bidding process be waived, the maintenance agreement with Verizon Select Services, Inc. for recording equipment in the amount of \$12,853.01 be approved for the period of one (1) year, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council  
From: Staff  
Subject: Waive the Formal Bidding Process and Enter Into a Service Agreement with Verizon Select Services for the Maintenance of Voice Service Plus System

Staff respectfully requests permission to enter into a five (5) year agreement with Verizon Select Services for the maintenance of Voice Service Plus. The Voice Service Plus System includes printers, power supplies, data interface modules, activity tracking devices, and telecommunication equipment. This agreement will replace the warranty that expired on November 7, 2007. Verizon has been providing service on a time and material basis since the expiration of the warranty.

The first year cost to enter into the five (5) year agreement to maintain the Voice Service Plus with Verizon Select is \$56,746.68, with sequential billings of \$59,550.72, \$62,495.04, \$65,586.48 and \$65,832.72 for years two through five (2-5). This agreement would cover labor and materials for the Voice Service Plus system. The Voice Service Plus System agreement includes a two (2) hour response time for major failures. The total cost has been budgeted in G15118-70530 (Repair and Maintenance Office and Computer Equipment).

Staff respectfully requests approval of the service agreement with Verizon Select Services for maintenance of the Voice Service System for five (5) years in the amount of \$56,746.68, with sequential billings of \$59,550.72, \$62,495.04, \$65,586.48 and \$65,832.72 for years two through five (2-5), the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.

Respectfully,

Roger Aikin  
Chief of Police

Tom Hamilton  
City Manager

**RESOLUTION NO. 2008 - 45**

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND AUTHORIZING A MAINTENANCE AGREEMENT WITH VERIZON SELECT SERVICES FOR THE VOICE SERVICE SYSTEM IN THE AMOUNT OF \$56,746.68, WITH SEQUENTIAL BILLINGS OF \$59,550.72, \$62,495.04, \$65,586.48, AND \$65,832.72 FOR YEARS TWO THROUGH FIVE (2-5) IN THE CONTRACT BETWEEN THE CITY OF BLOOMINGTON AND VERIZON SELECT SERVICES FOR MAINTENANCE OF THE VOICE SERVICE SYSTEM**

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

1. That the bidding process be waived and a maintenance agreement with Verizon Select Services for maintenance of the Voice Service System for five (5) years in the amount of \$56,746.68, with sequential billings of \$59,550.72, \$62,495.04, \$65,586.48, and \$65,832.72 for years two through five (2-5) be approved.

ADOPTED this 23<sup>rd</sup> day of June, 2008.

APPROVED this 24<sup>th</sup> day of June, 2008.

APPROVED

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Motion by Alderman Purcell, seconded by Alderman Hanson that the formal bidding process be waive, the maintenance agreement with Verizon Select Services for maintenance of the Voice Service System be approved for five (5) years in the amount of \$56,746.68, with sequential billings of \$59,550.72, \$62,495.04, \$65,586.48, and \$65,832.72 for years two through five (2-5), the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Waive the Formal Bidding Process and Purchase Live Scan Digital Fingerprint Equipment



The Police Department applied for a grant for the procurement of a digital fingerprint system. The grant was awarded from Illinois Criminal Justice Information Authority in the amount of \$13,472. Staff researched suppliers of digital fingerprint equipment and obtained quotes from (3) suppliers that provide the type of system needed. The quotes are as follows:

- |   |                         |
|---|-------------------------|
| 1. Crossmatch Technologies, Palm Beach Gardens, FL, | \$20,295.56             |
| 2. Cogent Systems, Inc., Dublin, OH,                | \$18,000.00 w/o cabinet |
| 3. L-1 Identity Solutions, Bloomington, MN,         | \$18,792.00             |

The grant does not cover the entire amount as it is a 75/25% matching grant. The City is responsible for 25% for a total of \$4,491. In addition, staff also would like to purchase extended warranties at a cost of \$829. The total of \$5,320 is available in the Drug Enforcement Fund – 20900-79990 (Other Misc. Expense).

The quote from L-1 Identity Solutions is the lowest quote and they provide an exceptional product. The product would have been the preferred equipment since it is the best system for interfacing with the AFIX fingerprint database system.

Staff requests that the Live Scan Digital Fingerprint Equipment be purchased in the amount of \$18,792, with the City's portion of \$5,320 coming from the Drug Enforcement Fund and the balance of \$13,472 paid by the ICJEA grant.

Respectfully,

Roger Aikin  
Chief of Police

Tom Hamilton  
City Manager

#### **RESOLUTION NO. 2008 - 46**

#### **A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND AUTHORIZING THE PURCHASE OF DIGITAL FINGERPRINT SYSTEM FOR THE POLICE DEPARTMENT FROM L-1 IDENTITY SOLUTIONS IN THE AMOUNT OF \$17,963, WITH \$13,472 PAID FROM A GRANT FROM ICJEA AND \$4,491 PAID FROM DRUG ENFORCEMENT FUND 20900-79990**

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

1. That the bidding process be waived and the Purchasing Agent be authorized to Purchase digital fingerprint system at a Purchase Price of from L-1 Identity Solutions in the amount of \$17,963, with \$13,472 paid from a grant from ICJEA and \$4,491 paid from Drug Enforcement fund 20900-79990.

ADOPTED this 23<sup>rd</sup> day of June, 2008.

APPROVED this 24<sup>th</sup> day of June, 2008.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Motion by Alderman Purcell, seconded by Alderman Hanson that the digital fingerprint system be purchased from L-1 Identity Solutions in the amount of \$17,963, with \$13,472 paid from a grant from ICJEA and \$4,491 paid from Drug Enforcement Fund 20900-79990, the Purchasing Agent be authorized to issue a Purchase Order for same, and the Resolution adopted.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Analysis of One Bid for 2016 Juniper Lane

At the Council meeting of June 9, 2008 a single bid was opened for siding and window work to be performed at 2016 Juniper Lane. The total bid was for \$9,986 however, the estimate was for \$16,700. Based on the large discrepancy between the estimate and the bid amount, Council voted to lay the matter over in order for staff to review the bid.

Staff determined that the discrepancy was an error in calculating the estimate. The estimate should have been \$4,700 for the windows and \$4,900 for the siding, for a total estimate of \$9,600. Therefore, the bid of \$9,986 is within the limits of the estimated cost for the project.

As such, staff respectfully recommends that Council award the contract to Brady Lumber and Construction, Pekin, in the amount of \$9,986. Funds for this work will be paid from account #15430-79020.

Respectfully,

Mark R. Huber  
Director of PACE

Tom Hamilton  
City Manager

**Motion by Alderman Purcell, seconded by Alderman Hanson that the bid be awarded to Brady Lumber and Construction in the amount of \$9,986, and an order to proceed be issued.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Analysis of Bids-Printing of Brochure

On Thursday, June 3, 2008 at 11:00 am, bids were opened in the City Clerk's office for the printing of 16,800 copies of the 2008 Fall Program Guide, 16,800 copies of the 2009 Winter/Spring Program Guide, and 17,400 copies of the 2009 Summer Program Guide for the Parks and Recreation Department. Ten (10) printers responded to the bid.

<b>FIRM</b>	<b>BID PRICE</b>
KK Stevens, Astoria, IL **	\$26,575.81
Action Printing, Fon Du Lac, WI	\$27,613.00
Ron Smith Printing, Bloomington, IL	\$28,110.00
Premier Print Group, Champaign, IL	\$31,523.00
BOPI, Bloomington, IL	\$36,409.00
Illinois Graphics, Bloomington, IL	\$37,419.31
Phillips Bros., Springfield, IL	\$38,873.00
Color Q/AB Direct, Miamisburg, OH	\$42,000.00
Original Smith, Bloomington, IL	\$49,585.00

Heartland, Bloomington, IL

No bid

\*\* Low and recommended bid

\$31,000 has been budgeted for all three (3) program guides. Staff respectfully requests that Council award the bid to KK Stevens Printing in the amount of \$26,575.81 and that the Purchasing Agent be authorized to issue a purchase order for same. There are sufficient funds available in account G14112-70740 for this purchase.

Respectfully,

Barb Wells  
Superintendent of Recreation

Dean Kohn, Director  
Parks and Recreation

Tom Hamilton  
City Manager

**Motion by Alderman Purcell, seconded by Alderman Hanson that the bid be awarded to KK Stevens Printing in the amount of \$26,575.81, and the Purchasing Agent be authorized to issue a Purchase Order for same.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Analysis of Bids for the Construction of Phase I of the Mitsubishi Motors Booster Station Project on College Avenue

Requests for bids for the above-mentioned project were advertised and sealed bids for the project were opened on June 9, 2008. The following is the summary of the bids received:

G. A. Rich & Sons, Inc.	\$36,300.00
Stark Excavating, Inc.	\$42,525.00
George Gildner, Inc.	\$49,300.00

This capital project is included in the 2008/2009 budget. This project is necessary to conserve energy by reducing the pressure to the west and southwest areas of the City to match that of the central part of the City. Staff respectfully requests that Council accept the least cost, qualified bid and award the contract to G. A. Rich & Sons, Inc. in the amount of \$36,300 with payment to be made from Water Depreciation Funds X50200- 72540.

Respectfully,

Craig M. Cummings  
Director of Water

Tom Hamilton  
City Manager

**Motion by Alderman Purcell, seconded by Alderman Hanson that the bid be awarded to G.A. Rich & Sons, Inc. in the amount of \$36,300 and the Mayor and City Clerk be authorized to execute the necessary documents.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Service Agreements with Motorola

Staff respectfully requests permission to renew a one (1) year agreement with Motorola for the maintenance of the dispatch radios and equipment. This agreement will replace the agreement that will expire on June 30, 2008. The cost to enter into a one (1) year agreement to maintain the dispatch radios and equipment is \$20,496. This cost includes material and labor. The total cost has been budgeted in G15118-70990 (Other Contractual Services).

Respectfully,

Roger Aikin  
Chief of Police

Tom Hamilton  
City Manager

**RESOLUTION NO. 2008 - 47**

**A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE AMOUNT OF \$20,496 IN THE CONTRACT BETWEEN THE CITY OF BLOOMINGTON AND MOTOROLA FOR THE MAINTENANCE OF THE DISPATCH RADIOS AND EQUIPMENT FOR THE POLICE DEPARTMENT**

WHEREAS, the City of Bloomington has previously entered into a contract with Motorola for maintenance of the dispatch radios and equipment; and

WHEREAS, for the reasons set forth in a staff report dated June 23, 2008 it was necessary to renew the service agreement; and

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the June 23, 2008 memo was in the best interest of the citizens of the City of Bloomington.

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

That a change order in the amount of \$20,496 in the contract between the City of Bloomington and Motorola for maintenance of the dispatch radios and equipment be approved.

ADOPTED this 23<sup>rd</sup> day of June, 2008.

APPROVED this 24<sup>th</sup> day of June, 2008.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Motion by Alderman Purcell, seconded by Alderman Hanson that the maintenance agreement with Motorola in the amount of \$20,496 be renewed for the period of one (1) year, the Purchasing Agent be authorized to issue a Purchase Order for same, and the Resolution adopted.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Members of the City Council

From: Liquor Commission

Subject: Application of Board of Trustees of Illinois State University on behalf of its College of Fine Arts, d/b/a Illinois Shakespeare Festival, located at 48 Sunset Rd., for a LB liquor license, which will allow the selling and serving of beer and wine by the glass for consumption on the premise

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to hear the application of Board of Trustees of Illinois State University on behalf of its College of Fine Arts for a Limited Alcoholic Liquor License, Class LB, which will allow the selling and serving of beer and wine by the glass for consumption on the premise. Present at the hearing were Liquor Commissioners Steven Stockton, Rich Buchanan, and Marabeth Clapp, Todd Greenburg, Corporation Counsel and Tracey Covert, City Clerk; and John Poole, Illinois State University's Shakespeare Festival Managing Director and Applicant representative.

Commissioner Stockton questioned the purpose of this application. John Poole, Illinois Shakespeare Festival and Managing Director and Applicant representative, began by informing the Commission that his first request involved reciprocity with the Town of Normal for class "S", Secondary liquor licenses. The issue had become complicated. The decision was made that Illinois State University, (ISU), would apply for a class "L", Limited liquor license for this year's performance season. Only beer and wine would be offered for sale. The season would run from June 25 through August 10, 2008. He expressed his hope that the City and Town would be able to expand the current "S" license classification in the near future.

Mr. Poole informed the Commission that this would be his first year in the role of Managing Director. He planned to serve as same for three (3) years. Patrons would be free to walk the grounds of Ewing Manor. The property was surrounded by a fence. Access to the grounds was limited. The theaters seating capacity was 438. There would be a single point of sale for the alcohol.

Commissioner Stockton questioned the sale hours. Mr. Poole stated that the grounds would open at 5 p.m. Liquor sales would close at the end of intermission. He estimated the closing hour at 8:45 - 9:00 p.m. He expressed his opinion that it would be unlikely for a patron to leave the grounds with a beverage. He noted that patrons picnic on the grounds and may bring their own bottle (alcohol). Commissioner Stockton stated that if the entire grounds was defined as the

premise there would be the possibility of a violation. He encouraged Mr. Poole to develop a system to insure patron do not leave the grounds with open liquor.

Commissioner Buchanan encouraged Mr. Poole to establish a good record keeping system. ISU will need to keep its sales separate from individual patrons who bring their own bottle. Mr. Poole acknowledged that in the past a licensed establishment operated the food & beverage service. ISU had a hands off policy.

Commissioner Clapp questioned the liquor liability coverage. Mr. Poole informed the Commission that he had been working with ISU's Risk Management area. Commissioner Stockton offered the City's assistance to Mr. Poole. Mr. Poole noted that all employees will go through a safe server training program.

Commissioner Buchanan noted that the Festival opened on Wednesday, June 25, 2008. Mr. Poole acknowledged that the dates would be tight. All needed to be ready for the gala on Friday, June 27, 2008. Commissioner Buchanan stated that Mr. Poole had contacted the City in plenty of time. Things became complicated.

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

Motion by Commissioner Buchanan, seconded by Commissioner Stockton to recommend that an LB liquor license be created for Board of Trustees of Illinois State University on behalf of its College of Fine Arts for Illinois Shakespeare Festival to be held from June 25, 2008 through August 10, 2008 at the Ewing Cultural Center, 48 Sunset Rd.

Based on the above, the Liquor Commission recommends to the City Council that an LB liquor license for Board of Trustees of Illinois State University on behalf of its College of Fine Arts, for Illinois Shakespeare Festival to be held from June 25, 2008 through August 10, 2008, located at 48 Sunset Rd., be created, contingent upon compliance with all applicable health and safety codes.

Respectfully,

Stephen F. Stockton  
Chairman of Liquor Commission

**Motion by Alderman Purcell, seconded by Alderman Hanson that an LB liquor license for Board of Trustees of Illinois State University on behalf of its College of Fine Arts, for Illinois Shakespeare Festival to be held from June 25, 2008 through August 10, 2008, located at 48 Sunset Rd., be created, contingent upon compliance with all applicable health and safety codes.**

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



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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Members of the City Council

From: Liquor Commission

Subject: Application of Downtown Business Association, for a Limited Alcoholic Liquor License, Class LA, which will allow the selling and serving of all types of alcohol by the glass for consumption on the premise

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to hear the application of Downtown Business Association for a Limited Alcoholic Liquor License, Class LA, which will allow the selling and serving of all types of alcohol by the glass for consumption on the premise. Present at the hearing were Liquor Commissioners Steven Stockton, Rich Buchanan, and Marabeth Clapp, Todd Greenburg, Corporation Counsel and Tracey Covert, City Clerk; and Peggy Flynn, Executive Director, and Jennifer Mullinix, Events & Outreach Asst., Downtown Business Association, (DBA), and Applicant representatives.

Commissioner Stockton questioned the purpose of this application. He noted that this would be the second year for Hot August Nights. Peggy Flynn, DBA Executive Director and Applicant representative, began by informing the Commission that this application was for a taste of Bloomington. This year twenty (20) restaurants planned to participate. Last year, there were fourteen (14) participants. Hot August Nights was a Downtown festival. Last year, the Mayor opened the event. The event would be held on the 400 and 500 blocks of N. Main St. There would be five (5) bands. The stage would be located just south of Market St. The event would be held from 12 noon until 11:00 p.m. Liquor sales would cease at 10:30 p.m. The liquor tent would be located on the 400 block of N. Main St. There would only be one (1) entrance/exit. The area would be enclosed with snow fencing. Picnic tables would be placed outside of the tent in front of the stage. This area would also be secured with fencing. Ms. Flynn did not believe that there were any policing issues with last year's event.

Commissioner Buchanan questioned the impact of the McLean County History Museum's construction project. Ms. Flynn noted that there would not be any impact from same upon Hot August Nights. She noted that India Fest would be held on the same day. It would be held at/around the History Museum. She noted that August 23, 2008 would be a busy day for the Downtown. There would be a number of events hosted in the Downtown that day, (Farmer's Market, OSF Light the Road 5K Run/Walk, Hot August Nights, and India Fest).

Commissioner Stockton questioned if the Downtown retailers had been notified. Ms. Flynn stated that the DBA would do outreach to the Downtown businesses and residents. She

expressed her opinion that the Downtown's residents enjoyed last year's event. She added that a number of businesses stayed open later and did well. The Downtown bars also did well after Hot August Nights was over. The Coffeehound had committed to staying open for the entire event.

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

Commissioner Stockton stated that the event had been done well the previous year.

Based on the above, the Liquor Commission recommends to the City Council that an LA liquor license for Downtown Business Association for Hot August Nights to be held on August 23, 2008 from 12:00 noon until 11:00 p.m. on the 400 block of N. Main St., be created, contingent upon compliance with all applicable health and safety codes.

Respectfully,

Stephen F. Stockton  
Chairman of Liquor Commission

**Motion by Alderman Purcell, seconded by Alderman Hanson that an LA liquor license for Downtown Business Association for Hot August Nights to be held on August 23, 2008 from 12:00 noon until 11:00 p.m. on the 400 block of N. Main St., be created, contingent upon compliance with all applicable health and safety codes.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Text Amendment to Chapter 25 – Library

Staff and the Library Board of Trustees have reviewed and updated Chapter 25 – Library, of the City Code. There are not any substantive changes, mainly updated language and changes to reflect current practice. Staff respectfully requests that the Text Amendment be approved and the Ordinance passed.

Respectfully,

Georgia Bouda  
Director, Public Library

Tom Hamilton  
City Manager

**ORDINANCE NO. 2008 – 41**

**AN ORDINANCE AMENDING CHAPTER 25  
OF THE BLOOMINGTON CITY CODE**

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

Section One: Chapter 25 (Library) of the Bloomington City Code, 1960, as amended, is further amended as follows (additions are indicated by underlines; deletions are indicated by strikeouts):

Section 1: Public Library established – Name.

There hereby is established a free public library ~~and Reading Room~~ for the use and benefit of the inhabitants of the City of Bloomington, which ~~Library and Reading Room~~ shall be known as “The Withers Public Library”, now known as the “Bloomington Public Library.”

Section 2: Supervision and control.

The ~~said~~ Bloomington Public Library ~~and Reading Room~~ shall be under the supervision and control of the Board of ~~Directors~~ Trustees thereof.

Section 3: Board of ~~Directors~~ Trustees Created – Appointment.

~~There hereby is created~~ A Board of Library ~~Directors~~ Trustees consisting of nine members is hereby created. The said ~~directors~~ trustees shall be appointed by the Mayor, with the approval of the Council, three of said ~~directors~~ trustees to be so appointed or reappointed before the first day of July of each year to take the place of the retiring ~~directors~~ trustees.

Section 4: Terms of – Reappointment and Removal.

~~The terms of three of said directors shall commence each year.~~ Said ~~directors~~ trustees respectively shall hold office for three years from the first day of July following their appointment, and until their successors are appointed and have qualified. The Mayor, by and with the consent of the Council, may ~~reappoint and trustee or~~ remove any ~~director~~ trustee for misconduct or neglect of duty.

Section 5: Vacancies -How Filled - Compensation.

Vacancies in the Board of ~~Directors~~ Trustees occasioned by removals, resignation or otherwise shall be reported to the ~~council~~ Mayor and be filled in like manner as original appointments. No ~~director~~ trustee shall receive any compensation ~~as such~~.

Section 6: Oath.

The ~~directors-trustees~~ shall, before entering upon the duties of their office, severally take and subscribe the oath prescribed by law for City Officers.

#### Section 7: Organization – Powers – Funds.

Said ~~directors-trustees~~ shall annually meet and organize by the election of one of their number president, and the election of such other officers as they may deem necessary. They shall make and adopt such bylaws, rules, and regulations for their own guidance and for the ~~government governance~~ of the Library ~~and Reading Room~~ as may be expedient, not inconsistent with the laws of the State of Illinois or of the Code of the City.

They shall have the exclusive control of expenditure of all ~~moneys monies~~ collected to the credit of the library fund, and of the construction of any library building and the supervision, care, and custody of the grounds, rooms, or buildings constructed, leased, or set apart for that purpose; provided that all ~~moneys monies~~ received for such library shall be deposited in the treasury of the City to the credit of the library fund and shall be kept separate and apart from other ~~moneys monies~~ of such City, and drawn upon by the proper officers of said City only upon properly authenticated vouchers of said Board.

Said Board shall have the power to purchase or lease grounds, to occupy, lease, or erect an appropriate building or buildings for the use of said library. Said Board shall have power to appoint and fix the compensation a suitable librarian and necessary assistants, who shall have the authority to hire such other employees as may be necessary and to fix their compensation and shall also have power to remove said appointees, subject to the approval of the Board, but these powers are subject to Division 1 of Article 10 of the Illinois Municipal code in municipalities in which that Division is in force. The Board shall, in general carry out the spirit and intent of this ordinance in establishing and maintaining a Public Library and Reading Room, which shall be forever free to the use of the inhabitants of said City, always subject to such reasonable rules and regulations as the Library Board may adopt in order to render the use of said Library and Reading Room of the greatest benefit to the greatest number; and said Board may exclude from the use of said Library and Reading Room to any and all persons who shall willfully violate such rules. Said Board may extend the privileges and use of said Library and Reading Room to persons residing outside of such City upon such terms and conditions as said Board may from time to time by its regulations prescribe.

#### Section 7.2: Dedication Requirements.

No changes to this section.

#### Section 8: Annual Report and Estimate.

No changes to this section.

#### Section 10: Injuring ~~Book~~ Library Materials– Penalty.

Any person who shall willfully or maliciously cut, write upon, injure deface, tear, or destroy any book newspaper, plate, picture, record, engraving, statue, CD, audio book, DVD or other item belonging to the ~~Withers-Bloomington~~ Bloomington Public Library shall be liable ~~to a fine of not less than five Dollars (\$5.00) not more than fifty dollars (\$50.00) for every such offense~~ for the replacement cost of the item or property.

Section 11: Injury to Furniture, Etc. – Penalty.

Any person who shall willfully or maliciously commit any injury upon the ~~Withers-Bloomington~~ Bloomington Public Library, or upon the grounds, buildings, furniture, fixtures or other property thereof, shall be liable ~~to a fine of not less than Ten dollars not more than One hundred dollars for every such offense.~~ for the replacement or repair of the damage.

Section 12: Failure to Return ~~Book~~ Circulating Materials – Penalty.

Any person who shall fail to return any ~~book~~ circulating materials belonging to the ~~Withers Bloomington~~ Bloomington Public Library, ~~according to the requirements of the bylaws duly made and adopted by the directors of such library for the government thereof~~ shall be liable ~~to a fine of not less than Five Dollars (\$5.00) nor more than Ten Dollars(\$10.00) for every such offense.~~ Determined by the policies duly made and adopted by the Trustees of said library.

Section 13: Theft of Library Materials.

(a) Definitions. As used in this section:

- (1) “Library facility” means the Bloomington Public Library and any and all means through which it makes library materials available to persons, including but not limited to a Bookmobile and any mail or delivery services.
- (2) “Library material” includes any book, plate, picture, photograph, engraving, painting, sculpture, statue, artifact, drawing, map, newspaper, pamphlet, broadside, magazine, manuscript, document, letter, microfilm, sound recording, audiovisual materials, magnetic or other tape, electronic data processing record or other documentary, written or printed material regardless of physical form or characteristics, or any part thereof, belonging to, or on loan to or otherwise in the custody of a library facility.

(b) Offense. It shall be unlawful for any person to:

- (1) Borrow from a library facility ~~library~~ any circulating materials ~~which as an aggregate value of \$75.00 or more pursuant to an agreement with or procedure established by the library facility for the return of such library materials, and~~

willfully without good cause fail to return the library materials and ~~so borrowed in accordance with such agreement or procedure; or~~

(2) ~~Without regard to whether any of the library material had an aggregate value of \$75.00 or more was borrowed prior to February 8, 1988.~~ willfully without good cause fail to return such material within 30 days after receiving written notice by ~~certified or registered mail from the library facility~~ demanding the return of such library material.

(c) Sentence. A person convicted of a violation of this ordinance shall be fined twice the replacement cost of the library materials not returned, but not to exceed \$500.00 and be ordered to reimburse the library for the actual replacement cost of the library materials not returned in accordance with established Board policies.

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

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

Section Five: This ordinance shall be effective ten days after the date of its publication..

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

PASSED this 23<sup>rd</sup> day of June, 2008.

APPROVED this 24<sup>th</sup> day of June, 2008.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

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

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Ordinance Amending Chapter 40, Sec. 601 (a) (2) (3) and (b) (5) of the City Code to increase the base rate fares (flag down) to \$2.50 for the first one-sixth (1/6) mile or fraction thereof; Forty Cents (\$.40) for each, one-sixth (1/6) mile or fraction thereof; Increase waiting time to Fifty Cents (\$.50) for each one (1) minute of waiting time or fraction thereof; Increase fuel surcharge to \$1.00 if the price of fuel exceeds \$5.00 per gallon per trip

On Tuesday, June 10, 2008 a public hearing was held to discuss a proposal to raise the following taxi cab rates:

1. Base rate fare (flag down) from \$1.50 to \$2.50 for the first one-sixth mile or fraction thereof.
2. Increase any one-sixth mile(s) or fraction thereof from \$.30 to \$.40.
3. Increase waiting time from \$.30 to \$.50.
4. Increase the fuel surcharge from \$.50 to \$1.00 if the cost of fuel exceeds \$5 per gallon.

Two (2) of the active cab companies (Red Top and Checker Cab of Bloomington) were present and provided testimony in support of the increases. The current fee structures for items one (1) through three (3) has been in place since March of 2001. Item four (4) has been in place since May of 2006. There is no doubt that operating costs for taxi service have increased over the last couple of years.

The proposed increases would bring the fares in Bloomington-Normal in line with those in other Central Illinois communities, as their base fares range from \$2.00 to \$6.00. A copy of the fare survey is attached. Staff believes there is a need and justification for the fare increases. The higher fuel charges have been the moving force for the increase request. No one came forward to oppose same.

There has been good taxi service in Bloomington-Normal for many years. Staff believes that the proposed fare increases will ensure that quality taxi cab companies remain in operation and that the service level will remain good. Staff respectfully recommends that the Ordinance be passed.



Respectfully,

Barbara J. Adkins  
Deputy City Manager

Tom Hamilton  
City Manager

**TAXI CAB INFORMATION**

<b>CITY</b>	<b>FARES</b>
Champaign/Urbana	Cab companies set their own fares. \$6.00 base fare. Meter cost range from \$2.00 to \$4.00. No fuel surcharge at this time
Decatur	Cab companies set their own fares. Fares have to be reasonable and approved by the City Manager every January. Current rate is \$2.00. \$2.25 for each additional mile.
Peoria	\$2.85 base rate. \$.50 a minute wait time.
Springfield	\$2.20 base rate. \$1.50 for each additional mile. \$16.00 a minute wait time. Some companies do charge a \$1.00 fuel charge.

**TAXICAB HEARING HELD ON JUNE 10, 2008  
TO HEAR TESTIMONY IN DETERMINATION OF RATE INCREASE**

Tom Hamilton, City Manager, opened the hearing at 2:00 p.m. The purpose of the hearing was to hear testimony regarding the potential for a fare increase. He cited the significant increase in the cost of fuel. It was important to insure the economic viability of taxi businesses within the area. He called for testimony from those in support.

Aaron Halliday, owner of Checker Cab of Bloomington, Inc., had approached the City about allowing advertising in/on taxicabs. The request was not approved. The next step was to request a fare increase. This process had begun in February and it was now June. He had heard from Gary Etko, Red Top Cab, Inc. They had reached an agreement which they believed would be seen as a fair and legitimate plan. He expressed his opinion that fuel may reach \$5 per gallon. The base rate, (flag down), would be \$2.50 and would include the first one-sixth of a mile. The mileage rate would be change to .40 for each one-sixth of a mile. There would not be a fuel surcharge unless the cost of fuel exceeds \$5.00 per gallon. The fuel surcharge would be increased to \$1.00. In addition, the fee for waiting time would be changed from .30 to .50 per minute. These fees would be similar to other cities. He noted the US Cellular Coliseum and the discussions regarding living wage. Taxicab drivers serve a variety of customers from every walk of life.

Gary Etko, business manager and co-owner of Red Top Cab, Inc., had sent in a proposal to the City Manager's office. The City has been fair with the taxicab companies. There had not been a rate increase in years. He expressed his belief that it had been twenty (20) years since the last one. He stated his support for the \$2.50 base rate, (flag down). He cited the cost of fuel. The mileage rate would be linked the total fare to the length of the trip, (.40 for each one-sixth of a mile). Each customer would pay a proportionate share. He noted that taxicab drivers were spending \$40 - \$50 per day on fuel. Mr. Halliday's proposal made the most sense. He was also in agreement on the increase to the fee for waiting time.

Mr. Hamilton requested testimony from anyone who was opposed to the proposed fair increase. No one came forward. Mr. Hamilton closed the Public Hearing.

Mr. Hamilton stated that he believed that the increase was needed. He restated the cost of fuel. He would recommend the same to the City Council. An Ordinance would be prepared for the Council's June 23, 2008 meeting. This item would appear on the Consent Agenda. Once the Ordinance is passed by Council, the Clerk's Office will send a copy of the Ordinance to each cab company.

The hearing was adjourned at 2:10 p.m.

Respectfully submitted,

Tracey Covert  
City Clerk

**ORDINANCE NUMBER 2008 - 42**

**AN ORDINANCE AMENDING SECTION 601 OF CHAPTER 40  
OF THE BLOOMINGTON CITY CODE BY  
INCREASING TAXICAB RATES**

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

Section One: That Section 601(a) of Chapter 40 of the Bloomington City Code, 1960, as amended, shall be further amended as follows: (additions are indicated by underlines; deletions are indicated by strikeouts):

**Chapter 40: Section 601: Rates.**

The following rates and no others shall be charged for taxicab services:

(a) Meter Rates:

- (1) Hour Rates: Eighteen Dollars (\$18.00) per hour for one (1) or more passengers.
- (2) Mileage Rates: ~~One Dollar Fifty Cents (\$1.50)~~ Two Dollars Fifty Cents (\$2.50) for the first one-sixth (1/6) mile or fraction thereof; ~~Thirty Cents (\$.30)~~ Forty Cents (\$.40) for each, one-sixth (1/6) mile or fraction thereof.
- (3) Waiting Time: ~~Thirty Cents (\$.30)~~ Fifty Cents (\$.50) for each one (1) minute of waiting time or fraction thereof if taximeter is equipped to measure time provided, however, that the charge for waiting time may be assessed only in the case of delays caused by the customer.

Section Two: That Section 601(b) of Chapter 40 of the Bloomington City Code, 1960, as amended, shall be further amended as follows: (additions are indicated by underlines; deletions are indicated by strikeouts):

(b) Special Rates:

- (1) Additional passengers over the age of twelve (12) being transported from same point of departure to same destination shall be carried at an additional charge of Fifty Cents (\$.50).
- (2) Children under the age of twelve (12) shall be carried free when accompanied by an adult.
- (3) Senior Citizens (anyone 60 years of age or older), meter rate less 15%.
- (4) Zone Service To and From Bloomington-Normal Airport. As an alternative to the rates provided in subsection (a), zone rates may be charged for service between Bloomington-Normal Airport and service zones within the combined Bloomington-Normal corporate limits. (Ordinance No. 2001-31)

- (5) On any day in which the price of the lowest grade of unleaded gasoline is at or more than ~~\$2.00 (Two Dollars)~~ \$5.00 (Five Dollars) per gallon, an additional charge of ~~\$0.50 (Fifty Cents)~~ \$1.00 (One Dollar) per trip shall be charged. ~~On any day in which the price of the lowest grade of unleaded gasoline is at or more than \$2.50 (Two Dollars and Fifty Cents) per gallon, a surcharge of \$.50 (Fifty Cents), which shall be in addition to the surcharge permitted in the previous sentence of this section, shall be charged.~~ In case of a complaint that this surcharge was imposed when the price of the lowest grade of unleaded gasoline was below ~~\$2.00~~ \$5.00 per gallon, the taxicab service shall supply to the City the name and location of the gasoline station which the taxicab service used to determine that such price was at or more than said price.

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

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

Section Five: This ordinance shall be effective July 1, 2008.

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

PASSED this 23<sup>rd</sup> day of June, 2008.

APPROVED this 24<sup>th</sup> day of June, 2008.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

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

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Suspension of Chapter 6 Section 26(d) and Chapter 31 Section 701 to Allow Possession of Open Alcohol on Public Property for the “Zoo Do” Event on September 6, 2008

For many years, the Miller Park Zoo Society has held its Annual Gala at Bloomington Country Club. The event has consisted of a dinner and silent auction with proceeds helping to support both education and capital development projects.

In order to develop a more personal approach to the event, the committee has requested to move the event back to Miller Park using both the Pavilion and Zoo grounds. The event now called the “Zoo Do” will be a catered event with the main dinner and auction staged in the pavilion and celebrity chefs preparing hors d’oeuvres with a cocktail hour within the zoo grounds. The event is set for September 6, 2008 from 6 pm until 10 pm.

Section 26(d) of Chapter 6 and Section 701 of Chapter 31 of the Bloomington City Code prohibits the possession of open containers of alcohol on public property and the sale and possession of alcohol in the parks respectively.

Staff prepared an Ordinance suspending the code as needed for this event. Council will note that the Ordinance makes the suspension effective one (1) hour before the sales begin to allow the caterer time to set up for the event. Staff respectfully recommends that the Ordinance be passed.

Respectfully,

Dean Kohn  
Director of Parks & Recreation

Tom Hamilton  
City Manager

**ORDINANCE NO. 2008 - 43**

**AN ORDINANCE SUSPENDING PORTIONS OF SECTION 26(d) OF CHAPTER 6 and SECTION 701 OF CHAPTER 31 OF THE BLOOMINGTON CITY CODE TO ALLOW POSSESSION OF OPEN ALCOHOL ON PUBLIC PROPERTY DURING THE ZOO DO TO BE HELD AT THE MILLER PARK ZOO AND PAVILION**

WHEREAS, the Miller Park Zoo Society will hold a Zoo Do at the Miller Park Zoo and Pavilion on September 6, 2008; and

WHEREAS, the Miller Park Zoo Society requested permission to allow sales and consumption of alcohol during the Zoo Do, its Annual Gala; and

Whereas, to allow possession of an open container of alcohol on a public street, Section 26(d) of Chapter 6 which prohibits the possession of open containers of alcohol on public streets and Section 701 of Chapter 31 which prohibits alcohol within the park of the Bloomington City Code, must be suspended.

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

Section 1: That Section 26(d) of Chapter 6 and Section 701 of Chapter 31 of the Bloomington City Code, 1960, as amended, are suspended on the following dates during the following hours: September 6, 2008 between 5:00 o'clock p.m. and 10:00 o'clock p.m. for Miller Park Zoo and Pavilion. This suspension shall be effective only as to persons inside the designated area only and for alcohol purchased from an event vendor within the designated area. No alcohol may be taken out of a licensed premises into the designated area, notwithstanding the fact that the premises are operated by the event vendor.

Section 2: Except for the dates, times and location set forth in Section 1 of this Ordinance, Section 26(d) of Chapter 6 and Section 701 of Chapter 31 of the Bloomington City Code, 1969, as amended, shall remain in full force and effect. Nothing in this ordinance shall be interpreted as repealing said Section 26(d) and Section 701.

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 23<sup>rd</sup> day of June, 2008.

APPROVED this 24<sup>th</sup> day of June, 2008.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

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

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Amendment to Chapter 39, Section 332 of the City Code, Increasing Penalties for Failing to Pay Food and Beverage Tax When Due

The City Code currently imposes a five percent (5%) penalty on persons and entities which fail to pay the City's Food and Beverage Tax when it is due. The Finance Department reports that the cost of collecting past due Food and Beverage Tax is much closer to ten percent (10%) than five percent (5%). This Ordinance will increase the penalty for late payment to ten percent (10%) for each month the tax remains unpaid.

This increase will make the penalty for late payment of the Food and Beverage Tax consistent with the penalty for late payment of the Package Liquor and Hotel/Motel taxes. The Town of Normal approved a similar amendment at its June 16<sup>th</sup> Council Meeting. Since the City collects Food and Beverage Taxes on behalf of both municipalities (the Town of Normal does the initial collection for vehicle use tax), amending the penalty at this time will promote consistency in the collection process. The staff respectfully recommends that the Ordinance be passed.

Respectfully submitted,

Todd Greenburg  
Corporation Counsel

Tom Hamilton  
City Manager



**ORDINANCE NO. 2008 - 44**

**AN ORDINANCE AMENDING SECTION 332 OF  
CHAPTER 39 OF THE CITY CODE, INCREASING PENALTIES FOR  
NON PAYMENT OF FOOD AND BEVERAGE TAX**

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

Section One: That Section 332 of Chapter 39 is amended to read as follows (additions are indicated by underlines; deletions are indicated by strikeouts):

Section 332: Failure to File Return and Pay Tax.

(a) If for any reason any tax is not paid when due, a penalty at the rate of ten percent (10%) ~~five percent (5%)~~ per thirty (30) day period or portion thereof, from the day of delinquency, shall be added and collected.

(b) In addition to the penalty assessed under 332(a), any amount of tax which is not paid when due shall bear interest at the rate of two percent (2%) per month or fraction thereof from the date when such tax becomes past due until such tax is paid or a judgment thereof is obtained by the City of Bloomington.

(c) As compensation for services rendered in the collection an payment of this tax, retailers filing a tax return may retain an amount of money equal to one percent (1%) of the tax due.

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

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

Section Four: This ordinance shall be effective ten 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 23<sup>rd</sup> day of June, 2008.

APPROVED this 24<sup>th</sup> day of June, 2008.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

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

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

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

**Nays: None.**

**Motion carried.**

**MAYOR'S DISCUSSION: Alderman Schmidt reminded the Council that a Work Session regarding the Downtown Plan would be held on June 30, 2008 at 5:00 p.m.**

**She also acknowledged Mike Malone, McLean County Chamber of Commerce (MCCC) Executive Director. This would be his last Council meeting. She expressed the Council's appreciation for the impact he had on the City and wished him the best in his future endeavors.**

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

**ALDERMEN'S DISCUSSION: Alderman Gibson stated the need for better enforcement of noise ordinances. He had received calls from throughout the City complaining about noise levels. The excessive noise needed to stop. He believed those violating the Ordinance should be ticketed.**

**He also noted a residence on Lee Street with several cars in the yard and on the street. He heard complaints from neighbors and wondered how many of these vehicles were licensed and insured. Alderman Schmidt noted that Alderman Purcell had worked on this issue. Alderman Purcell responded that the City of Pekin used a Violations Hearing Officer to address this issue. He had met with the Hearing Officer and would report back to Council at a later date.**

**Alderman Gibson referred to a house destroyed by fire at Stewart Street and Main Street. The owners were now using that lot to park cars. Neighbors were upset. Connie Griffin, Community Development Program Manager, addressed the Council. That lot was zoned B - 1, Highway Business District. The owners could park up to ten (10) cars on the lot without it being paved.**

Alderman Stearns requested the specific criteria for the City to tow a vehicle. Ms. Griffin stated the following: 1.) unlicensed; and 2.) inoperable. All vehicle issues were referred to the Police Department. The City must have permission to go onto private property for the purpose of towing.

Roger Aikin, Chief of Police, addressed the Council. An inoperable vehicle can be towed. An unlicensed vehicle was issued a warning. Todd Greenburg, Corporation Counsel, addressed the Council. The City needed a judicial order to go onto private property. This would be a search and seizure issue. Currently, the City had requested a Court Injunction against the property referenced earlier. Staff had made previous requests for other locations.

Alderman Stearns noted that several Police Officers had sat on top of Dunkin Donuts to raise money for Special Olympics. Unit 21 was ranked eighth (8<sup>th</sup>) in the state for money raised. She applauded their efforts towards Special Olympics.

She had received a letter from Unit 21 in support of an Employee Satisfaction Survey, which she had recommended several weeks ago. It was important to continue to talk about this survey. It should also be considered for other departments. Alderman Schmidt concurred. She, too, believed there was support for this type of survey.

Alderman Purcell cited the skate competition held at the Skate Park on Saturday, June 21, 2008. There were over sixty (60) participants and over two hundred (200) spectators.

He questioned the City's hiring freeze. Barb Adkins, Deputy City Manager, addressed the Council. There were positions open within the City due to vacancies. All hiring requests must be authorized by Tom Hamilton, City Manager.

Alderman Purcell reiterated his visit with the Hearing Officer in Pekin. He planned to meet with the City's Corporation Counsel. He believed a Violations Hearing Officer would foster compliance.

Alderman Fruin noted the Taxi Cab Ordinance which had been included on the Consent Agenda. The comparisons listed were helpful. He appreciated staff's extra work on the issue.

Alderman Sage had spent an evening at Miller Park. The Spray Park was fabulous and something the City should be proud of. John Kennedy, Assistant Director of Parks and Recreation, addressed the Council. The Spray Park had been well received. The only issue which had arisen was parking.

Alderman Hanson thanked Mike Malone, MCCC Executive Director, for his service. He believed Mr. Malone had brought positives throughout the MCCC and he wished him the best.

**Alderman Hanson cited comments he has heard regarding the Downtown. Many residents and business owners raved about it. They enjoyed the various venues. There were many positives. He wanted to ensure that the Downtown Business Association was aware.**

**Motion by Alderman Gibson, seconded by Alderman Hanson, that the meeting be adjourned. Time: 7:56 p.m.**

**Motion carried.**

**Tracey Covert  
City Clerk**