

**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., Tuesday, May 27, 2008.

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

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

**Aldermen: Judy Stearns, Kevin Huette, Allen Gibson, David Sage, John Hanson, Jim Finnegan, Steven Purcell, Karen Schmidt, Jim Fruin and Mayor Stephen F. Stockton.**

**City Manager Tom Hamilton, Deputy City Clerk Julie Phillips, and Corporate Counsel Todd Greenburg were also present.**

**Staff absent: Tracey Covert, City Clerk.**

**The following was presented:**

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

The following proclamation has been requested and should be received and placed on file with the City Clerk:

1.     Declaring June, 2008 as Catholic Charities Month.

Respectfully,

Tracey Covert  
City Clerk

Tom Hamilton  
City Manager

**Motion by Alderman Huette, seconded by Alderman Schmidt that the proclamation 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, Finnegan, 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: Council Proceedings of December 26, 2007

The Council Proceedings of December 26, 2007 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 Huette, seconded by Alderman Schmidt that the reading of the minutes of the previous Council Proceedings of December 26, 2007 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, Finnegan, 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 Huette, 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, Finnegan, 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 thirteenth and final payment to Peace Meal in the amount of \$2,098 on a contract amount of \$25,000 of which \$25,000 will have been paid to date for work certified as 100% complete for the Peace Meal. Completion date – April 2008.
2. The twelfth and final payment to Peace Meal in the amount of \$636 on a contract amount of \$7,500 of which \$7,500 will have been paid to date for work certified as 100% complete for the John M. Scott Home Delivered Meals. Completion date – April 2008.
3. The eleventh partial payment to The Pantagraph in the amount of \$495.60 on a contract amount of \$35,350.92 of which \$31,103.08 will have been paid to date for work certified as 88% complete for the 2007-2008 Seasonal Advertising Services. Completion date – April 2008.

4. The twenty-fourth partial payment to APACE Architects & Design in the amount of \$5,128.50 on a contract amount of \$349,800 of which \$299,688.50 will have been paid to date for work certified as 86% complete for the Design of Fire Station #5. Completion date – May 2008.
5. The sixteenth partial payment to Ratio Architects, Inc. in the amount of \$1,153.41 on a contract amount of \$135,240 of which \$116,514.75 will have been paid to date for work certified as 86% complete for the Miller Park Playground Renovation. Completion date – February 2008.
6. The eighth partial payment to Farnsworth Group, Inc. in the amount of \$6,003.96 on a contract amount of \$246,100 of which \$63,114.49 will have been paid to date for work certified as 26% complete for the Design/Development – Kickapoo Renovation. Completion date – October 2008.
7. The second and final payment to Kirk C & D Recycling in the amount of \$2,621.05 on a contract amount of \$27,375 of which \$26,406.80 will have been paid to date for work certified as 100% complete for the Building Demolition – 904 E. Lincoln. Completion date – April 2008.
8. The fifteenth partial payment to McLean County in the amount of \$4,991.15 on a contract amount of \$100,000 of which \$50,554.53 will have been paid to date for work certified as 51% complete for the East Side Corridor Study. Completion date – June 2008.
9. The seventh partial payment to Stark Excavating, Inc. in the amount of \$213,349.10 on a contract amount of \$1,925,274.55 of which \$688,684.65 will have been paid to date for work certified as 32% complete for the Morris Ave. – Miller to Fox Hill Apartments. Completion date – January 2009.
10. The eighth partial payment to Rowe Construction Co. in the amount of \$73,379.41 on a contract amount of \$2,940,450.76 of which \$699,903.53 will have been paid to date for work certified as 23.8% complete for the Mitsubishi Motorway – Six Points to Sugar Creek. Completion date – September 2008.
11. The tenth partial payment to Rowe Construction, Inc. in the amount of \$5,607.70 on a contract amount of \$817,603.74 of which \$403,682.86 will have been paid to date for work certified as 49% complete for the 2007 Curb and Gutter Improvements. Completion date – September 2008.
12. The sixth partial payment to WHPA, Inc. in the amount of \$22,300 on a contract amount of \$518,846 of which \$114,660 will have been paid to date for work certified as 22% complete for the Strategic Source Water Study. Completion date – September 2009.

13. The first partial payment to Illinois Prairie Electric in the amount of \$62,125.65 on a contract amount of \$70,844.50 of which \$62,125.65 will have been paid to date for work certified as 88% complete for the Installation of Area Lighting around the Division St. Reservoir. Completion date – December 2008.
14. The nineteenth partial payment to Consoer Townsend & Associates in the amount of \$17,402.13 on a contract amount of \$185,000 of which \$118,367.70 will have been paid to date for work certified as 64% complete for the Electrical Improvements at Lake Bloomington. Completion date – December 2008.
15. The eighth partial payment to Consoer Townsend & Associates in the amount of \$1,837.61 on a contract amount of \$74,800 of which \$24,221.61 will have been paid to date for work certified as 32% complete for the In-Line Booster Station at Mitsubishi Motorway. Completion date – December 2008.
16. The ninth partial payment to Clark Dietz in the amount of \$525.53 on a contract amount of \$47,000 of which \$42,206.98 will have been paid to date for work certified as 90% complete for the Construction Observation at James/Charles Place. Completion date – November 2008.
17. The seventh partial payment to Clark Dietz in the amount of \$4,204.57 on a contract amount of \$60,000 of which \$20,169.31 will have been paid to date for work certified as 34% complete for the Observation/Inspection of Parkview Water Main Replacement Phase I. Completion date – October 2008.
18. The third partial payment to Gildner Plumbing, Inc. in the amount of \$34,138 on a contract amount of \$265,362 of which \$166,437 will have been paid to date for work certified as 63% complete for the Water Main Replacement Project Phase I – Livingston - from Beyer to Tokio. Completion date – December 2008.
19. The ninth partial payment to Village of Downs in the amount of \$50,305.19 on a contract amount of \$300,000 of which \$242,663.51 will have been paid to date for work certified as 81% complete for the Village of Downs Sewerage Improvements Project. Completion date – July 2008.
20. The third and final payment to Stark Excavating, Inc. in the amount of \$4,530.59 on a contract amount of \$48,204.50 of which \$43,055.90 will have been paid to date for work certified as 100% complete for the Somerset Court Storm Sewer. Completion date – June 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 Huette, 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, Finnegan, 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 April, 2008

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

The Audit of these accounts took place on Tuesday, May, 27, 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 Huette, seconded by Alderman Schmidt that the audit of the bills and payrolls for the Township for the month of April, 2008 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, Finnegan, 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 report should be received and placed on file with the City Clerk:

1. Monthly Receipt & Expenditure Report, April 2008.

Respectfully,

Tracey Covert  
City Clerk

Tom Hamilton  
City Manager

(REPORTS ON FILE IN CLERK'S OFFICE)

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

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

**Ayes: Aldermen Stearns, Huette, Schmidt, Finnegan, 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:

Police and Fire Board

W. Charles Witte, 33 Monarch Dr. His term will expire 4/30/2011. He is replacing Janet Whitworth.

Respectfully,

Stephen F. Stockton  
Mayor

**Mayor Stockton introduced W. Charles Witte.**

**Judge Witte addressed the Council. He stated that during his years working at the Law and Justice Center that he had not much opportunity to visit City Hall. He had taken the bench in 1978, and was now enjoying retirement.**

**Alderman Schmidt thanked Judge Witte for his service to the community. Alderman Purcell questioned if legal knowledge was required to be appointed to the Board of Fire and Police Commission. Judge Witte responded that he did not plan to practice law. He was serving as a concerned citizen that has a law background.**

**Alderman Stearns thanked Judge Witte for his service and acknowledged the importance of the Commission and the position. She also thanked Ms. Janet Whitworth for her service to the Commission.**

**Mayor Stockton echoed Alderman Stearns, and stated that the Council wished to entice only the best citizens for these appointed positions. He noted his experience while serving on the Commission, and warned that there would be times when Judge Witte may experience a flurry of activity that may include evening meetings in order to conduct interviews. He stated his appreciation to both Judge Witte and Ms. Whitworth for their service.**

**Motion by Alderman Huetten, seconded by Alderman Schmidt that the appointment be approved.**

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

**Ayes: Aldermen Stearns, Huetten, Schmidt, Finnegan, 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: Bond - Sidewalk Contractor

The following Sidewalk Contractor's Bond in the amount of \$1,000.00 are in order and should be received and placed on file in the Clerk's Office:

1. Manuel Reed – 2512 Old Peoria Ct.

Respectfully,

Doug Grovesteen  
Director of Engineering

Tom Hamilton  
City Manager

**Motion by Alderman Huette, seconded by Alderman Schmidt that the bond be received and placed on file with the Clerk's Office.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, Finnegan, 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: Norfolk Southern Invoice for Work Associated with the White Oak Road and Dr. Martin Luther King Jr. Drive Intersection Improvements (IDOT Contract 91362), ICC Order T06-0110

The signal and roadway improvements at the intersection of White Oak Road and Dr. Martin Luther King Jr. Drive impact the Norfolk Southern Railroad crossing just west of the intersection. Due to this construction, Norfolk Southern must perform work on the railroad crossing as stipulated in ICC Order T06-0110. The work performed by Norfolk Southern is covered 95% by the Grade Crossing Protection Fund. The City must pay this invoice to Norfolk

Southern and then request repayment from the Illinois Department of Transportation, (IDOT) administered Grade Crossing Protection Fund.

Norfolk Southern has submitted a bill for modifying the grade warning devices at this intersection in the amount of \$14,611.61. Staff has reviewed the bill and finds it to be in order.

Staff respectfully requests that Council approve a payment in the amount of \$14,611.61 to Norfolk Southern for modifying the grade warning devices with payment made with Capital Improvement Funds (X40100-72530).

Respectfully,

Douglas G. Grovesteen  
Director of Engineering

Tom Hamilton  
City Manager

**Motion by Alderman Huette, seconded by Alderman Schmidt that the payment be approved, and reimbursement requested from IDOT's Grade Crossing Protection Fund.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, Finnegan, 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: Annual Renewal of Software Maintenance Agreement for Bentley Inc. CADD, Civil Engineering, and Training Software

The annual software maintenance agreement with Bentley Systems Inc., the engineering software provider, is due for renewal. This is a recurring annual renewal for the maintenance of the software that the Engineering and Water Departments use for engineering and design of the City's infrastructure. This suite of programs is used for architecture, sanitary and storm sewer, roadway, water and watershed modeling, including training.

The invoice will be appropriately allocated to those users in each department. Bentley Inc. has submitted an invoice for the renewal in the amount of \$36,639.15. A portion of the

training/consultant expense will be reimbursed to the City by the Town of Normal, (\$3,750) and McLean County, (\$2,500), who also use this software.

Staff respectfully requests that Council approve the payment of \$36,639.15 to Bentley Systems, Inc. with payment to be made with Engineering Administration Funds G16210-71010 (\$28,997.65); Water Administration Funds X50110-71010 (\$3,770.70) and Water Purification Funds X50130-71010 (\$3,870.80).

Respectfully,

Douglas G. Grovesteen  
Director of Engineering

Craig Cummings  
Director of Water

Tom Hamilton  
City Manager

**Motion by Alderman Huette, 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, Finnegan, 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: Cedar Ridge Subdivision Outfall Sewer Reimbursement

As part of the annexation agreement for Cedar Ridge Subdivision, Snyder Development agreed to extend the necessary outfall sanitary sewer to serve the development with reimbursement from the City. Construction of this outfall sanitary sewer is complete. The developer has requested reimbursement for the cost. The total cost to complete the outfall sewer is \$384,493.52.

Staff has reviewed the reimbursement request from Snyder Development and respectfully recommends that Council approve the payment. Funds for this payment will be made with Sewer Depreciation Funds (X52200-72550).

Respectfully,

Douglas G. Grovesteen  
Director of Engineering

Tom Hamilton  
City Manager

**Alderman Stearns questioned this item. Tom Hamilton, City Manager stated that this was the main sewer line that connects Cedar Ridge Subdivision. It was part of an Annexation Agreement that had been approved years ago. Alderman Stearns questioned if a developer reimbursement was standard policy. Mr. Hamilton affirmed, noting that it was most frequently the case. Alderman Stearns noted that \$680,000 worth of fees were waived as part of the Annexation Agreement. Mr. Hamilton responded that this request for reimbursement was part of the waived fees.**

**Mr. Doug Grovesteen, Director of Engineering addressed the Council. He stated that this outfall sewer line was less than one half (1/2) mile in length. Alderman Stearns inquired if this was included in the development project. Mr. Grovesteen affirmed, noting that the developer had bid out the project. Mayor Stockton inquired if the City would be paid any tap on fees as part of this project. Mr. Grovesteen responded that some tap on fees would be paid.**

**Motion by Alderman Huette, 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, Finnegan, 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 Formal Bid Process and Purchase a Defibrillator for the Fire Department

Staff respectfully requests that Council waive the formal bidding process and authorize the purchase of a Phiso-Control Lifepak 12 defibrillator/monitor from Physio-Contro, Inc located in Redmond, WA at a cost of \$19,136.89. Phiso-Control is the sole source provider of this product. Purchasing this specific make and model of equipment maintains uniformity in patient care capabilities and equipment operation.

This equipment is used to monitor cardiac rhythms of EMS patients and to provide external defibrillation of patients that are in cardiac arrest. This unit will replace a ten (10) year old unit that is obsolete. The purchase price includes a two (2) year service agreement that provides on-site inspection and repair. The Fire Department's FY 08-09 fixed asset budget contains \$17,000 for this purchase. Payment will be made from Account F15210-72140.

Respectfully,

Keith Ranney  
Fire Chief

Tom Hamilton  
City Manager

**RESOLUTION NO. 2008 - 38**

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND  
AUTHORIZING THE PURCHASE OF A PHISO-CONTROL LIFEPAK 12  
DEFIBRILLATOR/MONITOR FOR THE FIRE DEPARTMENT FROM PHISO-  
CONTROL INC. IN THE AMOUNT OF \$19,136.89**

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 Phiso-Control Lifepak 12 defibrillator/monitor for the Fire Department from Phiso-Control Inc. in the amount of \$19,136.89.

ADOPTED this 27<sup>th</sup> day of May, 2008.

APPROVED this 28<sup>th</sup> day of May, 2008.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk - By: Julie Phillips, Deputy City Clerk

**Alderman Stearns questioned why this item was not let for bid. Mike Kimmerling, Assistant Fire Chief addressed the Commission. He stated that Phiso-Control, Inc. was the sole source provider for this equipment. This equipment was used exclusively by the Fire Department.**

**Alderman Stearns questioned if this type of equipment would ever be let for bid. Mr. Kimmerling stated that all of the equipment within the department would have to be replaced in order to have standard unity.**

**Motion by Alderman Huette, seconded by Alderman Schmidt that the formal bidding process be waived, the Phiso-Control Lifepak 12 defibrillator/monitor be purchased from Phiso-Control Inc. in the amount of \$19,136.89, the Purchasing Agent authorized to issue a Purchase Order for same, and the Resolution adopted.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, Finnegan, 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 Westin Engineering, Inc., for a Knowledge Transfer Project

Staff is proposing a project to capture the knowledge of senior employees in the Water Department that are leaving due to scheduled retirements, and in one (1) case, due to the Early Retirement Incentive Plan. Two (2) of these employees are leaving in July on scheduled retirements and one (1) in August. These employees represent the most senior Mechanic, the second most senior Mechanic and the most senior Water Plant Operator. This project was planned in anticipation of retirements before the Early Retirement Incentive Plan was approved.

Specifically, this project will center on the Supervisory Control and Data Acquisition (SCADA) system, the highly technical control system for the Water Department's treatment plant and distribution pump stations. 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 SCADA Master Plan which will be developed in the next fiscal year, 2009-2010.

This project will focus on gleaning information not already in Standard Operating Procedures. It will encompass security issues, maintenance issues, design and operating parameters as well as a variety of other topics and issues that the SCADA system affects.

Staff respectfully recommends that the formal bidding process be waived for this professional service and that an agreement with Westin Engineering, Inc. be approved in an amount not to exceed \$15,800, the Mayor and City Clerk authorized to execute the necessary documents, and the Resolution adopted. Payment 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 - 39**

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND  
AUTHORIZING AN AGREEMENT WITH WESTIN ENGINEERING, INC., FOR A  
KNOWLEDGE TRANSFER PROJECT FOR THE WATER DEPARTMENT IN AN  
AMOUNT NOT TO EXCEED \$15,800**

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

1. That the bidding process be waived and an agreement with Westin Engineering, Inc., for a Knowledge Transfer Project for the Water Department in an amount not to exceed \$15,800 be approved.

ADOPTED this 27<sup>th</sup> day of May, 2008.

APPROVED this 28<sup>th</sup> day of May, 2008.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk – By: Julie Phillips, Deputy City Clerk

**Mayor Stockton introduced this item. He noted that it was an appropriate item for discussion as the City would struggle with the loss of knowledge as senior personnel began retiring.**

**Craig Cummings, Director of Water, addressed the Council. He stated that this work consisted mainly of creating a master document for the Supervisory Control and**

Data Acquisition (SCADA) technology. Alderman Sage inquired if this document would include the technological knowledge. Mr. Cummings affirmed, stating that the SCADA technology was important, noting that code logic was also important. Alderman Sage expressed his appreciation of Mr. Cummings' foresight. Mr. Cummings stated that this project would also encompass other areas of expertise. The cost benefit to the City was tremendous. Due to the Early Retirement Incentive program there was only a twelve (12) month window of time to obtain this information.

Alderman Finnegan inquired how the knowledge was gleaned from the employees. Mr. Cummings responded that the company would interview them. Westin Engineering, Inc. had expert knowledge of SCADA systems. Westin's staff would ask expert questions to obtain the most thorough information from the employees.

Motion by Alderman Huette, seconded by Alderman Schmidt that the formal bidding process be waived, the agreement with Westin Engineering, Inc. be approved in an amount not to exceed \$15,800, 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, Finnegan, 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 a Pressure Reducing Station on Six Points Road

Requests for bids were advertised and sealed bids for the construction of a pressure reducing station on Six Points Road were opened on May 12, 2008. The results are as follows:

George Gildner, Inc.		<u>\$14,710.00</u>
	Total	\$14,710.00
G. A. Rich & Sons, Inc.		<u>\$21,083.00</u>
	Total	\$21,083.00
Hoerr Construction, Inc.		<u>\$21,475.00</u>



Total \$21,475.00

This capital project is not included in the Fiscal Year 2008/2009 budget but will be paid for from other capital projects for the year. This project is necessary to reduce pressure to the Heartland Hills Subdivision.

Staff has analyzed these bids and respectfully recommends that Council accept the least cost, qualified bid from George Gildner, Inc. in the amount of \$14,710. Payment for this project will be made from Water Depreciation Funds X50200- 72540

Respectfully,

Craig M. Cummings  
Director of Water

Tom Hamilton  
City Manager

**Alderman Purcell questioned how the City would maintain pressure plus supply at this location. Mr. Craig Cummings, Director of Water, addressed the Council. A twelve inch (12") water main was the only supply to Heartland Hills. This pressure reducing station would be adjustable and would include different settings for future flows. Alderman Purcell inquired if the station would be buried. Mr. Cummings affirmed, noting that it would be buried in a vault for access.**

**Motion by Alderman Huette, seconded by Alderman Schmidt that the bid be awarded to George Gildner, Inc. in the amount of \$14,710, 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, Finnegan, 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: Bid Analysis for the Construction of a Water Main Extension Project on Towanda Barnes Road from Route 9 to Oakland Avenue

Requests for bids were advertised and sealed bids for the construction of a water main extension project on Towanda Barnes Road from Route 9 to Oakland Avenue were opened on May 12, 2008. The results are as follows:

Stark Excavating, Inc.		<u>\$430,249.30</u>
	Total	\$430,249.30
George Gildner, Inc.		<u>\$442,168.26</u>
	Total	\$442,168.26
Hoerr Construction, Inc.		<u>\$630,581.20</u>
	Total	\$630,581.20
G. A. Rich & Sons, Inc.		<u>\$638,344.00</u>
	Total	\$638,344.00

This capital project is included in the Fiscal Year 2008/2009 budget. This project is necessary to provide a second feed to the Oakland Avenue/Towanda Barnes Road business park as well as to improve the pressure and flow to the southeast area of the water distribution system.

The Engineer's estimate for this project was \$624,597.75 and the winning bid is well below the estimate. Staff has analyzed these bids and respectfully recommends that Council accept the least cost, qualified bid from Stark Excavating, Inc. in the amount of \$430,249.30.

Respectfully,

Craig M. Cummings  
Director of Water

Tom Hamilton  
City Manager

**Motion by Alderman Huette, seconded by Alderman Schmidt that the bid be awarded to Stark Excavating, Inc. in the amount of \$430,249.30, 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, Finnegan, 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 Purchase and Installation of a New Transformer for the Water Treatment Plant

Requests for bids were advertised and sealed bids for the Purchase and Installation of a new transformer for the Water Treatment Plant were opened on May 8, 2008. The results are as follows:

Wm. Masters, Inc.	Base Bid	\$ 25,800
	Alternate Bid	\$ 67,400
Anderson Electric, Inc	Base Bid	\$ 73,000
	Alternate Bid	\$ 87,250
Egizii Electric, Inc.	Base Bid	\$ 33,400
	Alternate Bid	\$ 89,200

The following is the summary of the bids as corrected:

Anderson Electric, Inc	Base Bid	\$ 73,000
	Alternate Bid	\$ 87,250
Egizii Electric, Inc.	Base Bid	\$ 33,400
	Alternate Bid	\$ 89,200
Wm. Masters, Inc.	Base Bid	\$ 25,800
	Alternate Bid	\$ 93,200

This capital project is included in the 2008/2009 Fiscal Year budget. The Engineer's estimate on this project was \$108,500. This project is necessary to provide a new transformer with additional capacity for the Water Treatment Plant.

Staff has analyzed these bids and questioned the Alternate bid from William Masters, Inc. because it was close to twenty-five percent (25%) less than the other bids. The City's design engineering firm, Consoer Townsend, Envirodyne then contacted William Masters, Inc. to verify the bid and discuss details of the job. William Masters, Inc. then reviewed their submittal and determined that they had made a mathematical error when showing the Alternate bid, which should have been the sum of the base bid (\$25,800) and the number submitted for the alternate bid (\$67,400), which changed their Alternate bid amount to \$93,200. This bid was corrected.

Staff respectfully recommends that Council accept the least cost, qualified bid from Anderson Electric, Inc., in the amount of \$87,250. Payment for this project will be paid from Water Depreciation Funds, X50200-72540.

Respectfully,

Craig M. Cummings  
Director of Water

Tom Hamilton  
City Manager

**Motion by Alderman Huette, seconded by Alderman Schmidt that the bid be awarded to Anderson Electric, Inc. in the amount of \$87,250, 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, Finnegan, 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: Approval to Purchase and Implement a Utility Billing, (UB) Payments Program from Springbrook Software

The Water Department staff has spent several months reviewing an online billing and payment system that is available through the City's billing software provider, Springbrook Software. There have been several online training sessions to review the capabilities of this system. This online billing and payment system would allow customers to make credit card payments, check account balances and activity, and to request service through the internet 24-hours a day.

Currently the only online payment program offered for a City services bill is through the Secretary of State office and the E-Pay system. The customer is charged a fee for this service, only allows for payments, and does not provide any account information.

The water payment office averages approximately sixty (60) credit card payments by phone on a daily basis. Manually entering a credit card number into the credit card processing machine automatically results in the City being charged a higher rate to process that payment. However, the City has been able to secure a very competitive rate for all credit card transactions with the UB Payments. Additionally, this service will also allow customers to receive their City service bill electronically, decreasing printing and postage costs.

The initial set-up fee for the service is \$25,000 with an additional fee of \$1,200 for training and \$2,400 for implementation, bringing the total set-up charge to \$28,600. The annual maintenance fee for the service will be \$5,000.

Staff respectfully requests that Council approve of the purchase of the UB Payments System for the total price of \$28,600 from Springbrook Software of Portland, Oregon and that payment be made with New Fixed Asset Funds, F50110-72120.

Respectfully,

Craig M. Cummings  
Director of Water

Tom Hamilton  
City Manager

**Alderman Sage questioned this item. He cited the set up costs. He inquired about the cost benefit to the City, and if it included postage and printing savings.**

**Craig Cummings, Director of Water, addressed the Council. The request to acquire this software was customer driven. The community was computer savvy. The City would save roughly \$2,000 annually. Total savings were harder to project. It was hoped that the program would save an estimated \$10,000 annually.**

**Alderman Purcell questioned if this software program was similar to online banking. Mr. Cummings affirmed. The software also offered a twelve (12) month trend analysis allowing customers to view their usage history. Purchasing this software could potentially eliminate the need to hire an additional employee. Alderman Sage noted that the savings would be indirect. Mr. Cummings stated that his plan was to market the program by posting information, mailings and stuffers in bills. There was a marketing plan in place. If there was over ten percent (10%) participation in the program a savings may be seen in the first year. He could not provide an accurate dollar figure for projected labor savings.**

**Alderman Sage stated his desire to know the total cost versus benefits for this program. Mr. Cummings volunteered to report back to the Council in one (1) year. It was his belief that the public was accustomed to this type of service and that it would prove beneficial to the City.**

**Alderman Purcell inquired if bills and due date reminders would be sent by email. Mr. Cummings affirmed. Alderman Stearns inquired if there would be a charge to the customers for this service. Mr. Cummings responded negatively. She also questioned the break even point. Mr. Cummings responded in two (2) years.**

**Motion by Alderman Huette, seconded by Alderman Schmidt that the UB Payments System be purchased from Springbrook Software in the amount of \$28,600, and the Purchasing Agent be authorized to issue a Purchase Order for same.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, Finnegan, 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: Ratification of Settlement with Laborers Local 362 Parking Attendants

Staff respectfully request that Council ratify a settlement agreement to the Collective Bargaining agreement with Local 362 Parking Attendants. Previously, Council had ratified the last best offer that was rejected by the Union. The City voluntarily agreed to reopen a portion of the contract to settle the remaining contract issues. The following is a summary of proposed changes:

- Phase in of Health Insurance premiums over two (2) years so the employee pays the average of twenty-five percent (25%) for health insurance coverage
- Formation of a Health Insurance Committee
- One time \$100 signing bonus for May 1, 2008
- Scheduling of a meeting with ICMA representative for the membership

Staff recommends ratification of this Agreement by Council.

Respectfully,

Emily Bell  
Director of Human Resources

Tom Hamilton  
City Manager

**Alderman Stearns questioned the creation of the Health Insurance Committee. Mr. Hamilton responded that it had not yet been established. He added that the City of Peoria's had been successful. The committee would be comprised of the bargaining units and staff to review the various insurance options. Alderman Stearns questioned if this group would have any other function. Mr. Hamilton responded negatively.**

**Motion by Alderman Huette, seconded by Alderman Schmidt that the settlement agreement with Local 362 Parking Attendants be ratified.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, Finnegan, 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: Ratification of Settlement with Laborers Local 362 Support Staff

Staff respectfully requests that Council ratify a settlement agreement to the Collective Bargaining Agreement with Local 362 Support Staff. Previously, Council had ratified the last best offer that was rejected by the Union. The City voluntarily agreed to reopen a portion of the contract to settle the remaining contract issues. The following is a summary of proposed changes:

- Phase in of Health Insurance premiums over two (2) years so the employee pays the average of twenty-five percent (25%) for health insurance coverage
- Formation of a Health Insurance Committee
- One time \$100 signing bonus for May 1, 2008
- Scheduling of a meeting with ICMA representative for the membership
- Change from a three year (3) agreement to a two (2) year agreement.

Staff recommends ratification of this Agreement by Council.

Respectfully,

Emily Bell  
Director of Human Resources

Tom Hamilton  
City Manager

**Motion by Alderman Huette, seconded by Alderman Schmidt that the settlement agreement with Local 362 Support Staff be ratified.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, Finnegan, 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 La Bamba Grocery Store, Inc., d/b/a La Bamba Grocery Store, located at 1512 W. Market St., for a PAS liquor license, which will allow which allows the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week

The Bloomington Liquor Commissioner Steve Stockton called the Liquor Hearing to hear the application of La Bamba Grocery Store, Inc., d/b/a La Bamba Grocery Store, located at 1512 W. Market St., requesting a PAS liquor license which allows the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Steve Stockton, Rich Buchanan, and Marabeth Clapp; Hannah Eisner, Deputy Corporation Counsel; Lt. Tim Stanesa, Police Department; Tracey Covert, City Clerk; and Ralph Mendez, Mark Oertwig, CFO La Bamba, Inc., and Jose Aguas, owner/operator and Applicant representatives.

Commissioner Stockton opened the liquor hearing. He requested that the Applicant present the business plan. Ralph Mendez, Applicant representative, addressed the Commission. He had developed the concept for this west side full service grocery store with restaurant. They hoped to have a liquor department as well. La Bamba would be located in the former Aldi/More for Less.

Commissioner Buchanan noted that liquor sales were not allowed until noon on Sundays.

Commissioner Stockton questioned the floor plan. Mr. Mendez noted that the majority of the remodeling would be done to the rear of the store. It would be remodeled to house the butcher/deli area. This area was denoted within a circle on the floor plan. This would be a Mexican American grocery store with a small restaurant. The application was for a packaged liquor license which would allow off premise consumption.

Commissioner Buchanan questioned the business plan. He questioned the point of sale technology. Mr. Mendez noted that La Bamba would be purchasing the equipment from the previous tenant. He noted that More for Less did not have a liquor license. He hoped that the equipment had the capability.

Commissioner Clapp questioned staffing. Jose Aguas, owner/operator and Applicant representative, addressed the Commission. He would be the store's manager. He had worked in a grocery store in Chicago for seven to eight (7 - 8) years.



Commissioner Stockton questioned what changes La Bamba planned to make from the previous tenant in order for the business to be successful. Mr. Mendez cited the combination of services that would be offered at this Mexican American grocery store.

Commissioner Buchanan questioned the percentage of liquor sales from spirits. He questioned if an "A", all types of alcohol, was needed. Mr. Mendez stated that the business plan called for Mexican products. He cited tequila as an example.

Hannah Eisner, Deputy Corporation Counsel, addressed the Commission. She stated that the grocery store's staff must be twenty-one (21) years of age to process liquor sales. Customers' identification must be checked. Mr. Aguas stated that he planned to identify one (1) lane for liquor sales.

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

Based on the above, the Liquor Commission recommends to the City Council that a PAS liquor license for La Bamba Grocery Store, Inc., d/b/a La Bamba Grocery Store, located at 1512 W. Market St., be created, contingent upon compliance with all applicable health and safety codes.

Respectfully,

Stephen F. Stockton  
Chairman of Liquor Commission

**Motion by Alderman Huette, seconded by Alderman Schmidt that a PAS liquor license for La Bamba Grocery Store, Inc., d/b/a La Bamba Grocery Store located at 1512 W. Market 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, Finnegan, 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 OM Hariom Corporation, d/b/a Namaste Plaza Blm, located at 704½ S. Eldorado Rd., for a PAS liquor license, which will allow the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week

The Bloomington Liquor Commissioner Steve Stockton called the Liquor Hearing to hear the application of OM Hariom Corporation, d/b/a Namaste Plaza Blm, located at 704½ S. Eldorado Rd., requesting a PAS liquor license which allows the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Steve Stockton, Rich Buchanan, and Marabeth Clapp; Hannah Eisner, Deputy Corporation Counsel; Lt. Tim Stanesa, Police Department; Tracey Covert, City Clerk; and Keyur Patel, owner/operator and Applicant representative, and Venkat Musumusi, current owner/operator and Liquor license holder.

Commissioner Stockton opened the liquor hearing. He requested that the Applicant present the business plan. Keyur Patel, owner/operator and Applicant representative, addressed the Commission. Venkat Musumusi, current owner/operator and Liquor license holder, had accompanied him. Mr. Musumusi currently held a PBS, (Packaged, Beer and Wine only, Sunday sales), liquor license. Mr. Patel had formed a new corporation and had applied for a PAS, (Packaged, All types of alcohol, Sunday sales). This store was formerly the Oriental Food Store. Mr. Patel planned to offer specialty (imported) beer and spirits. Namaste was the largest Asian grocery store in town.

Commissioner Buchanan noted that the store was nice and offered a good selection.

Mr. Patel had lived in the community for seven (7) years. He had held a GPBS Liquor license for three and half, (3½), years, (OM Convenience located at 2444 S. Main St.).

Commissioner Stockton questioned if there had been any violations. Mr. Patel responded negatively.

Commissioner Buchanan informed the Applicant that there could not be any liquor sales before noon on Sundays.

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

Commissioner Stockton questioned nearby establishments with a liquor license. Mr. Patel noted that Namaste was located between the Chinese Buffet and Chevy's.

Based on the above, the Liquor Commission recommends to the City Council that a PAS liquor license for OM Hariom Corporation, d/b/a Namaste Plaza Blm, located at 704½ Eldorado Rd., be created, contingent upon compliance with all applicable health and safety codes.

Respectfully,

Stephen F. Stockton  
Chairman of Liquor Commission

**Motion by Alderman Huette, seconded by Alderman Schmidt that a PAS liquor license for OM Hariom Corporation, d/b/a Namaste Plaza Blm located at 704½ Eldorado Rd., be created, contingent upon compliance with all applicable health and safety codes.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, Finnegan, 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 6 Section 7A Changing the Definition of LA and LB Licenses

The liquor code has two (2) classifications of Limited liquor licenses, LA and LB, available to not for profit organizations which allow them to sell beer and wine or all types of alcohol at events sponsored by the organization. The licenses are currently restricted to a maximum of three (3) days each and limited to three (3) licenses per year. The organizations that apply for these licenses typically only have one (1) event per year and the restriction on the number of days and annual number of licenses has not been a problem. However, some organizations, such as the Illinois Shakespeare Festival, sponsor longer running events and the limitations on the LA and LB license preclude these organizations from obtaining their own licenses for these functions.

The Liquor Commission reviewed the current ordinance and determined that the three (3) day restriction on LA and LB licenses should be revised to make them available to organizations like the Illinois Shakespeare Festival. Staff has drafted an Ordinance that allows these licenses to be issued for a maximum of sixty (60) days. The terms of this license would remain the same in all other respects. There will still be a limit of three (3) per year and the applications would continue to be reviewed by the Liquor Commission and a recommendation provided to the Council.

The Liquor Commission and staff believe that this change will help promote cultural events in the community and respectfully recommends that the Text Amendment be approved and the Ordinance passed.

Respectfully,

Hannah R. Eisner  
Deputy Corporation Counsel

Tom Hamilton  
City Manager

**ORDINANCE NO. 2008 - 34**

**AN ORDINANCE AMENDING BLOOMINGTON CITY CODE  
CHAPTER 6 SECTION 7A CHANGING THE  
DEFINITION OF LA and LB LICENSES**

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

SECTION 1. That Bloomington City Code Chapter 6, Section 7A, be amended by adding the following paragraphs to read as follows (additions are indicated by underlining; deletions are indicated by strikeouts):

(6) "LA" (Limited - All Types of Alcoholic Liquor) primary licenses authorize the retail sale of all types of alcoholic liquor by civic, charitable, fraternal, educational, patriotic, festival and/or religious organizations on premises in nonresidential locations for a maximum period of ~~three (3)~~ sixty (60) days ~~or less as determined by the local Liquor Commissioner~~ with the following conditions. Only civic, charitable, fraternal, educational, patriotic and/or religious organizations which have been in active and continuous existence for a period of one (1) year prior to the date of making the application or those which are incorporated under the laws of the State of Illinois will be eligible to receive an "LA" license. No organization shall be issued more than three (3) LA licenses in any twelve (12) month period. The license shall only apply to catered functions and special events sponsored by the organization.

(7) "LB" (Limited - Beer and Wine Only) primary licenses authorize the retail sale of beer and wine of alcoholic liquor by civic, charitable, fraternal, educational, patriotic, festival and/or religious organizations on premises in nonresidential locations for a maximum period of sixty (60) ~~three (3)~~ days ~~or less as determined by the local Liquor Commissioner~~ with the following conditions. Only civic, charitable, fraternal, educational, patriotic and/or religious organizations which have been in active and continuous existence for a period of one (1) year prior to the date of making the application or those which are incorporated under the laws of the State of Illinois will be eligible to receive an "LB" license. No organization shall be issued more than three (3) "LB" licenses in any twelve month period.

SECTION 2. Except as provided herein, the Bloomington City Code, as amended, shall remain in full force and effect.

SECTION 3. The City Clerk shall be, and she is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 4. This Ordinance is enacted pursuant to the authority granted to the City as a home rule unit by Article VII, Section 6 of the 1970 Illinois Constitution.

SECTION 5. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 27<sup>th</sup> day of May, 2008.

APPROVED this 28<sup>th</sup> day of May, 2008.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk – By: Julie Phillips, Deputy City Clerk

**Motion by Alderman Huette, 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, Finnegan, 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: Variance from Chapter 38, Section 123 (a) of City Code to Allow a Driveway Approach 31 Feet Wide at 3013 Wembley Way

Staff has received a request from Jeff and Michele Henson to grant a variance to Chapter 38, Section 123 (a) of City Code to allow a driveway approach thirty one feet (31') wide at 3013 Wembley Way. This is a single family residence with an existing three (3) car garage located on lot 394 in the Sixth Addition to Rollingbrook Subdivision. The lot is 75 feet in width. The existing driveway approach is twenty feet (20') wide (measured at the back of sidewalk), which is the maximum allowed by code. There is sufficient room on the lot to widen the driveway to thirty one feet (31').

Staff respectfully recommends that Council approve a variance to Chapter 38, Section 123 (a) of City Code to allow a driveway approach thirty one feet (31') wide (measured at the back of sidewalk) at 3013 Wembley Way.

Respectfully,

Douglas G. Grovesteen  
Director of Engineering

Tom Hamilton  
City Manager

**Motion by Alderman Huette, seconded by Alderman Schmidt that the Variance be approved.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, Finnegan, 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: Lake Bloomington Lease Transfer Petition for Lot 2, Block 3 of Camp Kickapoo from Nathan J. and Laura E. Tinney to Nathan J. Tinney Jr. and Delores D. Tinney

Staff has reviewed the Lake Bloomington Lease Transfer Petition, and septic system deficiency letter from the McLean County Health Department for Lot 2, Block 3 of Camp Kickapoo from the Nathan J. and Laura E. Tinney to Nathan J. Tinney Jr. and Delores D. Tinney.

This septic system is a relatively new system, constructed in 1995. However, there are issues that need to be addressed immediately in order for staff to recommend approval of this lease transfer. The system must be pumped and the missing inlet baffle into the septic tank be replaced. Proof that the system has been pumped and that the inlet baffle has been replaced will need to be presented to the City prior the real estate closing.

Staff respectfully requests that Council approve the Lake Bloomington Lease Transfer for Lot 2, Block 3 of Camp Kickapoo from Nathan J. and Laura E. Tinney to Nathan J. Tinney Jr. and Delores D. Tinney contingent upon the (2) deficiencies being addressed.

Respectfully,

Craig M. Cummings  
Director of Water

Tom Hamilton  
City Manager

**Motion by Alderman Huette, seconded by Alderman Schmidt that the Lake Lease Transfer be approved, contingent upon the two (2) deficiencies being addressed, 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, Finnegan, 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: Petition Submitted by Interchange City West, LLC Requesting Disconnection of a 6.88 Acre Parcel of Land from the City

A petition has been received from Interchange City West, LLC requesting disconnection of a 6.88 acre parcel of land located west of Wylie Drive, east of the Interstate Center, and north of Market Street (IL Rte. 9/U.S. Rte. 150). The parcel lies within the Metro Zone (see agreement passed Jan. 27, 1986). Tax revenues within the Metro Zone are shared equally by the City and the Town of Normal, regardless whose corporate limits include the parcel. This parcel was annexed to the City on May 13, 1996 by Ordinance 1996-42. The annexation agreement which pertains to this parcel (approved Oct. 9, 1995) states in item 12: "If and when Tract 2 and/or Parcel 1 of Tract 1 become annexed to the City of Bloomington, the City agrees to disconnect and the Town agrees to annex the south 320 feet of Tract."

This disconnection will not become valid until the parcel is annexed by the Town of Normal. Staff respectfully recommends that Council pass an Ordinance approving the disconnection of this parcel from the City.



Respectfully,

Douglas G. Grovesteen  
Director of Engineering

Tom Hamilton  
City Manager

**PETITION FOR DISCONNECTION FROM THE CITY OF BLOOMINGTON**

STATE OF ILLINOIS            )  
  )ss.  
COUNTY OF McLEAN        )

To:    The Honorable Mayor and Town Council of the Town of Normal, McLean County, Illinois

NOW COMES INTERCHANGE CITY WEST, LLC, an Illinois Limited Liability Company, hereinafter referred to as your Petitioner, respectfully represents and requests as follows:

- 1.     That your Petitioner is the owner of the real estate described in Exhibit A, which is attached hereto.
- 2.     That the subject real estate is within the corporate limits of the City of Bloomington, McLean County, Illinois.
- 3.     That the real estate can be legally disconnected from the City of Bloomington pursuant to this Petition and pursuant to 65 ILCS 5/7-3-4 .
- 4.     That no electors reside on the real estate.
- 5.     That the owner hereby expresses its willingness and desire that the subject real estate be disconnected from the City of Bloomington, McLean County, Illinois.
- 6.     Attached hereto as Exhibit B is an accurate Disconnection Plat of the real estate, prepared by Lewis, Yockey & Brown, Inc., consulting engineers and land surveyors, dated April 2, 2008.
- 7.     Attached hereto as Exhibit C is the County Clerk’s Certificate showing that all taxes or assessments due are fully paid.

WHEREFORE, your Petitioner respectfully requests that an Ordinance be adopted disconnecting the real estate described in Exhibit A from the City of Bloomington, McLean County, Illinois.

Respectfully submitted,

Interchange City West, LLC, an  
Illinois Limited Liability Company,  
Petitioner,

By: David K. Stark, Its Managing  
Member

**ORDINANCE NO. 2008 - 35**

**AN ORDINANCE DISCONNECTING CERTAIN TERRITORY AS HEREINAFTER DESCRIBED FROM THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS**

WHEREAS, there was heretofore filed with the Clerk of the City of Bloomington, McLean County, Illinois, a Petition for Disconnection from the City of Bloomington certain premises ("Premises") hereinafter described in Exhibit A and in the Disconnection Plat for the Premises; and

WHEREAS, the City Council of the City of Bloomington, after proper notices were given, conducted a public hearing on said Petition; and

WHEREAS, the City Council of the City of Bloomington has determined that said Premises are within the confines of the City of Bloomington; and

WHEREAS, the City Council of said City is authorized to adopt this Ordinance and to disconnect the Premises.

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

SECTION ONE: That the City Council of the City of Bloomington, Illinois, determines that the territory in the attached Exhibit A is within the confines of the City of Bloomington.

SECTION TWO: That the Petition heretofore filed concerning disconnection of the Premises as been executed by the record owner of the Premises.

SECTION THREE: That the County Clerk's Certificate shows no taxes or assessments due on the Premises.

SECTION FOUR: That the Premises are by this Ordinance disconnected from the City of Bloomington, McLean County, Illinois, and that the boundary of said City is hereby changed to exclude the Premises.

SECTION FIVE: That this Ordinance shall be in full force and shall be effective as of the time of the passage of an Ordinance by the Town of Normal, McLean County, Illinois annexing the Premises into the confines of the Town of Normal.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert, City Clerk –  
By: Julie Phillips, Deputy City Clerk

**EXHIBIT A**  
Legal Description

A part of the SE ¼ of Section 36, Township 24 North, Range 1 East of the Third Principal Meridian and a part of the SW ¼ of Section 31, Township 24 North, Range 2 East of the Third Principal Meridian, all in the City of Bloomington, McLean County, Illinois, more particularly described as follows: Beginning at the northeast corner of the SE ¼ of Section 36, Township 24 North, Range 1 East of the Third Principal Meridian; thence S. 00°-04'-43" W. 63.83 feet to the northwest corner of the SW ¼ of Section 31, Township 24 North, Range 2 East of the Third Principal Meridian; thence S. 89°-23'-29"E. 332.41 feet on the north line of the SW ¼ of said Section 31; thence S. 00°-25'-04" W. 329.21 feet; thence N. 89°-13'-45"W. 814.02 feet to the east line of Lot 1 in Interstate Center Subdivision; thence N. 00°-18'-41"W. 395.22 feet on the east line of said Lot 1 to the north line of the SE ¼ of said Section 36; thence S. 88°-52'-03" E. 486.11 feet to the Point of Beginning, containing 6.88 acres, more or less, with assumed bearings given for description purposes only.

**Motion by Alderman Huette, seconded by Alderman Schmidt that the Disconnection be approved and the Ordinance be passed.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, Finnegan, 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: Petition the City and Mid Central Community Action Requesting Approval of a Final Plat for Trailside Subdivision

A Petition has been received from the City and Mid Central Community Action requesting approval of a Final Plat for Trailside Subdivision. This subdivision is located north of Grove Street, west of Lumber Street, and south of West Washington Street. The Final Plat is in

conformance with the preliminary plan approved July 24, 2006. There are no fees due from this subdivision.

Staff respectfully recommends that Council approve the Petition and adopt an Ordinance approving the Final Plat for Trailside Subdivision.

Respectfully,

Doug Grovesteen  
Director of Engineering

Tom Hamilton  
City Manager

**PETITION FOR APPROVAL OF FINAL PLAT**

State of Illinois )  
 )ss.  
County of McLean )

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

Now comes City of Bloomington, Illinois, and Mid Central Community Action, hereinafter referred to as your petitioners, respectfully representing and requesting as follows:

1. That your petitioners are the owners of the freehold or lesser estate thereinof the premises hereinafter legally described in Exhibit "A" which is attached hereto and made a part hereof by this reference, of are a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That your petitioners seek approval of the Final Plat for the subdivision of said premises to be known and described as Trailside Subdivision;
3. That your petitioner also seek approval of the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code, 1960: all those listed on the Preliminary Plan, if any.

WHEREFORE, your petitioners respectfully pray that said Final Plat for the Trailside subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,  
  
City of Bloomington, Illinois  
  
By: Stephen F. Stockton, Mayor  
  
Mid Central Community Action,  
  
By: John Burrill

**ORDINANCE NO. 2008 - 36**

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE  
TRAILSIDE SUBDIVISION**

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

WHEREAS, said Petition requests the following exemptions or variations from the provisions of the Bloomington City Code-1960, as amended: all those listed on the Preliminary Plan, if any; and

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

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

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

1. That the Final Plat of the Trailside Subdivision and any and all requested exemptions and/or variations be, and the same is hereby approved.
2. That this Ordinance shall be in full force and effective as of the time of its passage this 27<sup>th</sup> day of May, 2008.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**EXHIBIT A**

All of the Public Road Right-of-way known as Lumber Street in the City of Bloomington, McLean County, Illinois, vacated by Ordinance No. 2006-82 according to Document No. 2007-

223 in the McLean County Recorder's Office, and all of Lot 5, a part of Lot 6, all of the Street Right-of-way lying between said Lots 5 and 6 and a part of the Depot Grounds Lot, all in County Clerk's Subdivision of Lot 12 in the South Half of Section 5, Township 23 North, Range 2 East of the Third Principle Meridian, McLean County, Illinois, according to the plot recorded in Plat Book 6, Page 9 in said Recorder's Office, more particularly described as follows: Beginning at the Northwest Corner of said Lot 6, said Northwest Corner being a point on the South Right-of-way Line of the Union Pacific Railroad and on the West Line of the Southeast Quarter of said Section 5 lying 885.00 feet south of the Northwest Corner of said Southeast Quarter. From said Point of Beginning, thence south 173.00 feet along the West Line of said Southeast Quarter which Line is also the West Line of said Lot 6 to the North Right-of-Way Line of Grove Street as shown on the plot of Citizens Addition to the City of Bloomington, Illinois; thence east 20,00 feet along said North Right-of-Way Line which forms on angle to the right of 86°-20'-17" with the last described course; thence south 124.68 feet along the East Right-of-Way Line of the north-south portion of said Grove Street which forms an angle to the right of 273°-39'-43" with the last described course to the North Right-of-Way Line of said Grove Street; thence east 583.95 feet along sold North Right-of-Way Line and the Easterly Extension thereof which form on angle to the right of 86°-22'-25" with the last described course to the Northwest Right-of-Way Line of the Union Pacific Railroad; thence Northeast 571.56 feet along said Northwest Right-of-Way Line which forms on angle to the right of 119°-04'-22" with the last described course to a point on the South Line of land conveyed to the City of Bloomington per Quitclaim Deed recorded June 1, 1994 as Document No. 94-15037 in said Recorder's Office as shown on Sheet 3 of 5 of the Plan filed with said Document, said point lying 18.67 feet southwest of the South Right-of-Way Line of the Norfolk and Western Railroad as measured along said Northwest Right-of-Way Line; thence west 117.66 feet (117.56 feet recorded) along said South Line which forms an angle to the right of 69°-36'-12" with the last described course to a point on the Northwest Line of said Depot Grounds Lot lying 28.98 feet southwest of the South Right-of-Way Line of the Norfolk and Western Railroad as measured along sold Northwest Line, said Northwest Line also being the South Right-of-Way Line of the Union Pacific Railroad; thence southwesterly 783.55 feet along the Northwest Line of said Depot Grounds Lot, the Northwest Line of said Lot 5 and the Northwest Line of said Lot 6. said Northwest Lines also being the South Right-of-Way Line of the Union Pacific Railroad, said Lines being the arc of a curve concave to the northwest with a radius of 1960.08 feet and the 778.35 foot chord of said arc forms an angle to the right of 154°-53'-18" with the last described course to the Point of Beginning, containing 6.285 acres, more or less.

**Motion by Alderman Huette, seconded by Alderman Schmidt that the Final Plat be approved and the Ordinance passed.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, Finnegan, 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: Petition filed by Interchange City West, LLC, requesting approval of the Third Amended Preliminary Plan for a Portion of the Interchange City West Subdivision, which is commonly located north of Valley View Dr. and west of Wylie Dr., consisting of approximately 43.56 acres (Ward 6) (Case PS-02-08)

**BACKGROUND INFORMATION:**

Adjacent Zoning

north - B-1 & R-3A (Town of Normal)  
south - B-1 Highway Business District  
east - B-1 Highway Business District  
west - B-1 Highway Business District

Adjacent Land Uses

north - vacant land/agriculture  
south - business & commercial use  
east - vacant land & cinema  
west - Interstate Center

Current Zoning: B-1 Highway Business District.

Comprehensive Plan: recommends regional highway commercial land use for the subject property.

This proposed amended preliminary plan involves the 43.56 acre portion of the Interchange City West Subdivision that is located north of Valley View Drive, south of Enterprise Drive, west of Wylie Drive and east of the Interstate Center/McLean County Fairgrounds property. The original preliminary plan for this area, approved on March 22, 1999, had proposed sixteen (16) lots for commercial use, the dedication of right of way for Enterprise Drive from Wylie Drive to J.C. Parkway, and the construction of the following streets:

1. J.C. Parkway, a collector street from Valley View Drive to Enterprise Drive;
2. Bettis Drive, a local street from Valley View Drive to Enterprise Drive; and
3. Kerr Farm Drive, a local street from J.C. Parkway west to the eastern boundary of the Interstate Center property.

The proposed amended preliminary plan now shows only ten (10) commercial lots in this area and the extension of J.C. Parkway from Valley View Drive north to an intersection with the future Enterprise Drive. The dedication of right of way for Enterprise Drive is also shown between Wylie Drive and a "T" intersection with J. C. Parkway. Bettis Drive and Kerr Farm Drive have been omitted from this amended plan.

According to the Preliminary Plan for the Interchange City West, 2<sup>nd</sup> Addition, to the north in the Town of Normal, J.C. Parkway is proposed to be extended north of Enterprise Drive to a "T" intersection with Coachman Road.

Coachman Road is a proposed east-west collector street that would begin at Wylie Drive and be extended westerly past its intersection with J.C. Parkway to the western boundary of the 2<sup>nd</sup> Addition. It could then be extended southwesterly from this western boundary and westerly through the Interstate Center/McLean County Fairgrounds property and past the Verizon property and other properties to an intersection with Mitsubishi Motorway at 1450 North Road. This provides for a different alignment for an east-west collector street between Wylie Drive and Mitsubishi Motorway than what was cited in the annexation agreement for the fairgrounds property.

The "Review of Development Proposal for Consistency with Local and Regional Comprehensive Plans," by the McLean County Regional Planning Commission, resulted in a project rating of "C" which means that a "Favorable recommendation is possible."

#### PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission held a public hearing on this petition on Wednesday, May 14, 2008. Arguments in favor of this petition were presented at this hearing by Mr. Robert Lenz, Attorney at Law, 202 N. Center Street, Suite #2, on behalf of Interchange City West, LLC. He stated that both Kerr Farm Drive and Bettis Drive had been deleted from the plan and the alignment of the north-south J.C. Parkway had been altered. He noted that Enterprise Drive was originally intended to proceed more directly west to an intersection with Mitsubishi Motorway. He stated that with this amendment Enterprise Drive would have a 'T' intersection with J.C. Parkway, with J.C. Parkway proceeding north to intersect with Coachman Road and with Coachman Road making the connection to Mitsubishi Motorway.

Mr. Lenz explained that marketing was the reason behind this change. The developers have concluded that the market favors larger lots as sites for commercial development. The new changes in street configuration help achieve larger lots. He noted that the sixteen (16) commercial lots in the 1999 plan have now been reduced to ten (10) lots in the current plan.

Mr. Lenz noted that discussions with City staff had reminded him that the original Annexation Agreement must be amended as it pertains to the alignment of Enterprise Drive. He apologized for having forgotten that step, and requested that the Commission consider recommending Council approval of this Third Amended Preliminary Plan contingent upon an amended Annexation Agreement being approved by all of the parties to the agreement.

Mr. Lenz commented that the petitioner has no objections to the comments cited in an April 25, 2008 Memorandum to Mr. Douglas G. Grovesteen, Director of Engineering, from Mr. Russ Waller of the City's Engineering Department. Commissioner Baughan inquired about the intended provision for storm water detention. Mr. Grovesteen explained that there is a large regional detention basin to the east of the site, and since elevation falls southward from Enterprise Drive, the storm water drainage could be directed there. He expressed confidence in the adequacy of this arrangement, but noted that each lot is large enough to have on-site detention if it should prove to be more desirable.

No testimony was presented in opposition to this petition at this public hearing.

PLANNING COMMISSION RECOMMENDATION:

After having given due consideration to this petition and the testimony presented at the public hearing, the Planning Commission passed a motion by a vote of 8 to 0 recommending Council approval of this petition in Case PS-02-08, subject to compliance with the comments cited in the attached April 25, 2008 Memorandum to Douglas G. Grovesteen, Director of Engineering, and with the explicit understanding that this recommendation for approval is contingent on an amended Annexation Agreement being accepted and signed by all parties to the agreement.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission's recommendation and respectfully recommends Council approval of this petition subject to the conditions cited by the Planning Commission.

Respectfully,

Kenneth Emmons  
City Planner

Tom Hamilton  
City Manager

**PETITION FOR APPROVAL OF PRELIMINARY PLAN FOR A PORTION OF  
INTERCHANGE CITY WEST SUBDIVISION**

State of Illinois                    )  
  )ss.  
County of McLean                )

To: The Honorable Mayor and City Council of the City of Bloomington, Illinois.

Now comes INTERCHANGE CITY WEST, LLC., an Illinois Limited Liability Company, hereinafter referred to as your Petitioner respectfully representing and requesting as follows:

1. That your petitioner is interested as Owner in the premises hereinafter in Exhibit "A" attached hereto and made a part hereof to be known by this reference;
2. That your Petitioner seeks approval of the Third Amended Preliminary Plan for a portion of Interchange City West Subdivision which Preliminary Plan is attached hereto and made a part hereof;
3. That your Petitioner also seeks approval of the following exemptions or variations from the provisions of Chapter 24, of the Bloomington City Code: NONE.

WHEREFORE, your Petitioner prays that the Third Amended Preliminary Plan for a portion of Interchange City West Subdivision submitted herewith be approved with the exemptions or variations as requested herein, if any.

Respectfully submitted,

Interchange City West, LLC., an  
Illinois Limited Liability Company,  
Petitioner,

By: Robert J. Lenz,  
Its Attorney

**ORDINANCE NO. 2008 - 37**

**AN ORDINANCE APPROVING THE THIRD AMENDED PRELIMINARY PLAN OF A PORTION OF INTERCHANGE CITY WEST SUBDIVISION**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition for approval of the Third Amended Preliminary Plan of a portion of Interchange City West Subdivision, legally described in Exhibit "A" attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition requests the following exemptions or variations from the provisions of the Bloomington City Code, 1960, as amended: NONE; and

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

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

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

1. That the Third Amended Preliminary Plan of a portion of Interchange City West Subdivision and any and all requested exemptions and/or variations be, and the same is hereby approved.
2. That this Ordinance shall be in full force and effective as the time of its passage on this 27<sup>th</sup> day of May, 2008.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk – By: Julie Phillips, Deputy City Clerk

**EXHIBIT A**  
**Legal Description**

Part of the SW ¼ of Section 31, Township 24 North, Range 2 East of the Third Principal Meridian and part of the SE ¼ of Section 36, Township 24 North, Range 1 East of the Third

Principal Meridian, City of Bloomington, McLean County, Illinois, more particularly bounded and described as follows: Commencing at the northeast corner of Lot 8-B in Interchange City West Subdivision 1<sup>st</sup> Addition; thence N.00°-00'-00" E. 66.00 feet on the west right of way line of Wylie Drive, dedicated and platted as Document No. 92-21543 in the McLean County Recorder of Deeds Office, to the Point of Beginning on the north right of way line of Valley View Drive; thence N. 90°-00'-00" W. 1705.82 feet on the north right of way line of Valley View Drive; thence N.00°-18'-41" W. 1113.78 feet; thence S.89°-13'-45" E. 1712.03 feet; thence S.00°-00'-00" W. 690.73 feet; thence S.90°- 00'-00" E. 113.89 feet to the west right of way line of Wylie Drive recorded as said Document No. 92-21543; thence southwesterly 403.52 feet on said right of way line on a non-tangential curve concave to the southeast having a radius of 695.00 feet, central angle of 33°-16'-00" and a chord of 397.88 feet bearing S.16°-38'-00" W. from the last described course; thence S.00°-00'-00" W. 18.77 feet on said right of way line to the Point of Beginning, containing 43.56 acres, more or less, with assumed bearings given for description purposes only.

**Motion by Alderman Huette, seconded by Alderman Schmidt that the Third Amended Preliminary Plan for a Portion of the Interchange City West Subdivision be approved and the Ordinance be passed, contingent upon an amended Annexation Agreement being accepted and signed by all parties to same.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, Finnegan, 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 Request for Proposal (RFP) for the Tree Branch Disposal Contract

The current five (5) year tree branch disposal contract with Twin City Wood Recycling, Inc. expires on July 22, 2008. The Public Service Department has collected an average of 28,297 cubic yards of tree branches per year over the last five (5) years. Previously Twin City Wood Recycling was the sole provider of tree branch disposal services available. Recently representatives of TKirk Brush inquired about when the current brush disposal contract would expire. The firm indicated that they had set up a brush disposal operation with the ability to dispose of all brush collected by the department.

Staff researched TKirk Brush's operation and determined it was capable of receiving and disposing of all tree branches collected by the department. Staff published a Request for Proposal, (RFP), for Tree Branch Disposal Services on April 11, 2008 as there were at least two (2) vendors capable of receiving and disposing of tree branches collected by Public Service. A pre-proposal conference was held on April 24, 2008 in the City Hall Conference Room. Representatives from Twin City Wood Recycling and TKirk Brush attended this meeting. Sealed proposals for Tree Branch Disposal Services were opened on May 13, 2008 with the following results:

	<u>Twin City Wood Recycling</u>	<u>TKirk Brush</u>
Price per cubic yard:	\$8.50	\$8.06
Cost for 28,945 yearly c.y. average	\$246,032.50	\$233,296.70
Cost per hour for additional operating hours as needed:	\$45.00	\$0.00
Yearly cost increase per cubic yard of tree branches collected:	3%	3%

The proposals as submitted indicate that the RFP submitted by TKirk Brush would save the City an average of \$12,735.80 per year for the collection of tree branches. Additional dollars would be saved when extra operating hours are required (e.g. Saturdays during leaf season, storm events, etc.). TKirk Brush would not charge the City for these hours. Staff respectfully requests that Council enter into a five (5) year contract with TKirk Brush for the disposal of tree branches collected beginning August 1, 2008 and concluding August 1, 2013. \$249,684 has been budgeted for these services from refuse account 1001-16130-70990.

Respectfully,

Rick Clem  
Director of Public Service

Tom Hamilton  
City Manager

**Motion by Alderman Schmidt, seconded by Alderman Gibson to suspend the rules to allow someone to speak.**

**Motion carried.**

**Guy Fraker, 5 Bedford Ct., Attorney for Twin City Wood Recycling addressed the Council. He stated that he was representing John Wollrab and Dan Flynn. He added that there were two (2) elements in the favor of the successful bidder: 1.) price, and 2.) the charges for extra work. He requested that the Council consider his comments. He stated that brush grinding was not a proven simple process. Twin City Wood Recycling has been**

in the brush grinding business for fifteen (15) years. He added that the facility was built on a thirteen (13) acre tract. The regulations for disposing of brush waste are very specific.

Mr. Fraker requested that the Council consider the operation. There were four (4) employees on site at all times. One (1) monitors the loads as they come in. Sometimes items were in the loads that are not supposed to be brought in. Twin City Wood Recycling had learned through trial and error. The experience factor was very important. The quality factor was equally important. The ground material was turned into mulch, serving some 10,000 customers. Twin City Wood Recycling used expensive, quality equipment. All of these factors were considered at bid submittal. In addition, the company generates \$25,000 in sales tax.

Mr. Fraker noted that Twin City Wood Recycling's bid was lower than the amount budgeted for wood waste grinding. Based on the above, he requested that the Council reject the bid submitted by TKirk Brush, and accept Twin City Wood Recycling's bid.

Thomas Kirk, owner of TKirk Brush, 20 Edgewood Ct., addressed the Council. He stated that he had been in business for eleven (11) years. He has had grinding equipment for nine (9) years. He has the facility space necessary for wood grinding. His facility generates wood mulch for animal bedding. The wood mulch is transported to Kirkwood Products. He would have a six (6) month learning curve, but his business was already established. He had the ability to operate his grinders from 8:00 a.m. until 5:00 p.m. He had applied for and received a Special Use Permit to operate his business. It was his belief that he would save the City \$80,000 over five (5) years time. His business was familiar with and has a good working relationship with the Environmental Protection Agency and the laws regarding dust control. He planned to purchase additional equipment if the bid was awarded to his company and the contract was approved. In addition, he would be pouring a concrete pad.

Currently he has tub grinders at his facility. The cutters on a tub grinder are on the bottom. The end result determines how the product is used. Tub grinders are the least expense to run. His business is set up for massive grinding. The finished product was the most important item. It must be uniform or it cannot be sold. Kirkwood Products would make the finished wood mulch product.

Alderman Hanson stated that the purpose of the bid process was to save the taxpayers money. This process included labor savings and energy savings.

Rick Clem, Director of Public Service, addressed the Council. He stated that TKirk Brush would not charge the City for extra hours of grinding. Alderman Sage noted TKirk's location. It would save the City by way of extra employee time and fuel use. Mr. Clem affirmed, noting that TKirk was more centrally located. The concrete pad would limit the wear and tear on the City's refuse trucks and allow year around delivery.

Alderman Stearns questioned whether TKirk's location was in the City or the county and how that would affect sales tax revenue. Mr. Clem responded that TKirk's



facility was located in the county. Mayor Stockton noted that the point of sale determined who received the sales tax revenue.

Alderman Purcell commented that both companies responded to the Request for Proposals, (RFP) and both companies satisfied the requirements of the RFP. Mr. Hamilton responded that each company should have calculated cost, hours, operations, and fuel into their proposals. Alderman Schmidt noted the City's experience with Twin City Wood Recycling. It was a proven vendor versus an up and coming, establishing company. Mr. Hamilton reminded the Council that the City's contracts have written language that cover non-performance.

Alderman Sage commented that he is an advocate for competitive bidding. Hard dollar savings is always appreciated. Mr. Hamilton stated that was the reason that staff recommended the lowest bidder, based on the cubic yard price. Ice storms and wind storms could impact the total amount of brush to be disposed.

Alderman Stearns questioned the status of Bunn St. Mr. Hamilton acknowledged that trucks use Bunn St. There are several industrial businesses and construction companies that use Bunn St. Mr. Kirk noted that his facility's entrance is on Hamilton Rd. His business was prepared to begin work the following day, if necessary. His business had not received any state grant funds. It was a self sufficient company which could handle the work if awarded the contract.

Alderman Purcell questioned the market for animal bedding. Mr. Kirk responded that the market was good. The wood mulch produced from the brush would be shipped to an associated company, Kirkwood Products, of Bloomington. Kirkwood Products would create the end product, animal bedding and sell it.

Mr. Guy Fraker re-addressed the Council. He noted that TKirk Brush had promised to purchase more equipment if awarded this contract. His client's facility already had the necessary equipment. He re-stated his request that Council reject Tkirk Brush's bid, and instead base their decision upon the experience and number of years that Twin City Recycling has performed wood recycling for the City.

Alderman Gibson questioned charges to the City if an ice storm occurred. Mr. Fraker responded that an additional charge of \$45 per hour would be assessed to the City if additional brush was generated due to an ice storm.

**Motion by Alderman Huette, seconded by Alderman Schmidt to return to order.**

**Motion carried.**

Alderman Schmidt inquired if the \$246,000 budgeted for this work included overtime for clearing brush generated from ice or wind storms. Mr. Clem affirmed. Mr. Hamilton added that the budgeted amount was based on experience and prior years' usage.

**Motion by Alderman Huette, seconded by Alderman Purcell that the five (5) year contract for the tree branch disposal be awarded to TKirk Brush in the amount of \$8.06 per cubic yard for the first year with a three percent (3%) increase in subsequent years, 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, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Members of the City Council

From: Liquor Commission

Subject: Request of Bloom Fuel, Inc., d/b/a Bloom Fuel, Inc., located at 1802 S. Morris Ave., currently holding GBPS liquor license which allows the sale of packaged beer and wine for consumption off the premises seven (7) days a week with the following conditions: 1.) no sale of packaged beer in volume of forty ounces, (40 oz.), or less, and 2.) packaged alcohol be allowed in groups of six (6) or more; to remove said conditions

The Bloomington Liquor Commissioner Steve Stockton called the Liquor Hearing to hear the request of Bloom Fuel, Inc., d/b/a Bloom Fuel, Inc., located at 1802 S. Morris Ave., currently holding a GBPS liquor license which allows the sale of packaged beer and wine for consumption off the premises seven (7) days a week with the following conditions: 1.) no sale of packaged beer in volume of forty ounces, (40 oz.), or less, and 2.) packaged alcohol be allowed in groups of six (6) or more; to remove said conditions. Present at the hearing were Liquor Commissioners Steve Stockton, Rich Buchanan, and Marabeth Clapp; Hannah Eisner, Deputy Corporation Counsel; Lt. Tim Stanesa, Police Department; Tracey Covert, City Clerk; and Nageswara Rao Ravi, owner/operator and Liquor License holder.

Commissioner Stockton opened the liquor hearing. He requested that the License holder present his request. Nageswara Rao Ravi, owner/operator and License holder representative, addressed the Commission. He informed them that business had been good the previous year. However, customers have been requesting single serve items during the last three (3) months. He added that not only were liquor sales down, but so were sales of additional items. The license restrictions had resulted in lost sales. In addition, the increase cost for gasoline meant that customers were purchasing gasoline in smaller amounts. He believed that he was losing customers to a nearby convenient store which did not have any conditions upon their liquor license, (Fast Stop - 6 Points, 1001 Six Points Rd.).

Commissioner Stockton noted his lack of enthusiasm for cold single serve sales by highways. He cited past Commission discussions. The Commission has applied license conditions on a case by case basis. It was unknown if the original reasons for the conditions had changed. He noted the issue of fairness. There were no conditions placed upon the liquor license located at 1001 Six Points Rd. when it was created in January 2007. (Bloom Fuel's liquor license was created in February 2007.) Mr. Ravi restated that he was losing his existing customers.

Commissioner Clapp stated that there had to be a fair way to look at the whole picture. Key issues would include the location, the area, and the intention to sell cold single serve sizes. Mr. Ravi noted the proximity of Fast Stop - 6 Points.

Commissioner Buchanan noted that the issue defied logical definition. There was a belief that stated that the availability of cold single serve sizes increased the likelihood of drinking and driving. It was not that easy to evaluate. There were some advantages to eliminating the sale of these smaller sizes. However there appeared to be more reason not to take such action. Another issue which had been raised was pedestrian traffic. In the end, a text amendment regarding single serve sales was never passed.

Commissioner Buchanan questioned if Mr. Ravi's customers can pay at the pump. Mr. Ravi responded affirmatively, (twenty-four hours a day with a credit card). Commissioner Buchanan questioned the percentage of customers who do not come into the store. Mr. Ravi responded twenty percent, (20%). The majority of his sales were cash only. The store had one to two, (1 - 2), walk in customers a day.

Commissioner Buchanan stated his discomfort for singling out Bloom Fuels. There were no issues with pedestrian traffic. This store may have an issue with drive away behavior. He expressed his support to eliminate the conditions.

Commissioner Clapp noted that cold single serve items can be made too attractive.

Hannah Eisner, Deputy Corporation Counsel, informed the Commission that a change of conditions would be placed before the Council. She also noted the store's small size. Mr. Ravi informed the Council that there was 1,200 square feet. He added that there was additional unused space. He hoped to renovate an existing 3,500 square foot building into a convenient store. He noted that the nearest grocery store was over two (2) miles away.

Commissioner Buchanan suggested that the Commission could preclude the sale of cold single serve sizes. Mr. Ravi noted that this action would impact beer sales in the summer time.

Ms. Eisner noted that the City Code restricts alcohol products to fifteen percent (15%) of total public selling place for the display of alcohol. She questioned Mr. Ravi's plan for changing his liquor inventory. Mr. Ravi stated that there was a ten (10) door cooler. Six (6) of these doors are currently stocked with beverages, (beer, milk, pop, etc.). He planned to place single serve items in one (1) door.

Commissioner Stockton restated that the Commission had addressed the single serve issue on a case by case basis. The Commission looked at local conditions. Bloom Fuels had a unique feature - proximity to a highway. However, he added that Fast Stop - 6 Point was also nearby. There were no pedestrian traffic issues.

Commissioner Clapp requested that the License holder be required to post a notice/sign which stated that drinking while driving was against the law.

Commissioner Buchanan questioned if the cashier had a good view of the parking lot. Mr. Ravi noted that there was only one (1) parking space which was not visible. He added that there had not been a violation at Bloom Fuels.

Commissioner Stockton opened the hearing for public comment.

Eric Brown, no address provided, addressed the Commission. He stated that individuals purchase a soft drink cup and lid. The single serve beer is poured into same. He recommended that Mr. Ravi not be allowed to sell empty soft drink cups.

The Commission directed Mr. Ravi to display the following signage at the point of sale and in the store's interior: "that open alcohol was a violation of state law and local ordinance punishable by law by a fine from \$250 to \$2,000 and loss of driving privileges."

Ms. Eisner noted the store's small size. She cited the City Code's sign restrictions. Mr. Ravi recommended that the sign be placed on the cooler door. Commissioner Buchanan acknowledged that Mr. Ravi would have to comply with the City's sign code. He stressed that the signs must be prominent and be seen.

Commissioner Stockton noted the store's location near the intersection of Morris Ave. and Veterans Pkwy. Single serve sizes were purchased for convenience. He believed that there was a temptation. The signs may not deter anyone. He was unsure if the City had been fair to Mr. Ravi. The question was the potential for drinking while driving versus convenience.

Commissioner Buchanan stated that the licensed premise was the building's interior. He questioned if the license holder could be held responsible for the entire property. This might offer an increment of protection. Ms. Eisner noted that there would be a case for a violation. The liquor had been purchased there and the licensee had observed the consumption.

Based on the above, the Liquor Commission recommends to the City Council that the conditions placed upon Bloom Fuel, Inc., d/b/a Bloom Fuel, Inc. located at 1802 S. Morris Ave., currently holding a GBPS liquor license be removed.

Respectfully,

Stephen F. Stockton  
Chairman of Liquor Commission

Mayor Stockton introduced this item. The license holder had requested that the conditions upon the liquor license be lifted. Another establishment without the same restrictions was located within one hundred (100) yards. The applicant believed that the restrictions were unfair. The Liquor Commission had reviewed the request and could not justify continuing the restrictions.

Alderman Gibson questioned how long the Fast Stop, (the adjacent establishment,) had been offering single serve. Mayor Stockton responded that single serve items have been offered at that location for years. There were only one or two (1 or 2) locations throughout the City that the Commission though warranted single serve restrictions. It was usually due to litter and/or illegal consumption within the area adjacent to the establishment. Alderman Gibson stated that he was in favor of continuing the restrictions.

Alderman Schmidt reminded the Council that it never agreed to have a blanket ban on single serves. The Council agreed to allow the Liquor Commission to exercise its authority. Alderman Hanson stated that he did not believe that single serve sales caused drinking and driving.

Mayor Stockton reiterated that the Liquor Commission could find no good reason to continue the restrictions on this establishment. Alderman Schmidt made note of the concerns raised by Mr. Brown at the liquor hearing. Mayor Stockton responded that the Commission hears a lot about irresponsible drinking.

Alderman Purcell and Hanson raised concerns about single serve sales. Alderman Sage questioned if any complaints had been made regarding the adjacent establishment. Mr. Hamilton responded negatively. Mayor Stockton stated that he had visited both locations and had not noted any issues. Alderman Schmidt noted that only one person came forward at the liquor hearing in opposition to this request.

Liquor Commissioner Rich Buchanan, addressed the Council. He stated that the Commission had taken Council's recommendations regarding single serve. The Commission believed that it could evaluate specifically each license. The Commission had questioned this license holder extensively. The Commission reserved the right to reinstitute the restrictions if problems arose. The license holder volunteered to ensure that no customers would open any liquor containers in their parking lot. The Commission was comfortable with the recommendation made to Council.

Alderman Huette noted that as long as single serve items were a legal product, each application/liquor establishment should be addressed on a case by case basis. Alderman Stearns concurred with Alderman Huette, and with being fair to all businesses. She encouraged the Commission to review single serve sales. Commissioner Buchanan requested that the Council give the Commission specific direction regarding this single serve issue.

**Motion by Alderman Hanson, seconded by Alderman Gibson that the conditions placed upon Bloom Fuel, Inc., d/b/a Bloom Fuel, Inc. located at 1802 S. Morris Ave., currently holding a GBPS liquor license be removed.**

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

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

**Nays: Alderman Purcell.**

**Motion carried.**

**The following was presented:**

To: Members of the City Council

From: Liquor Commission

Subject: Application of Big Cheese, Inc., d/b/a Flingers Pizza Co., located at 608 N. Main St., 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

The Bloomington Liquor Commissioner Steve Stockton called the Liquor Hearing to hear the application of Big Cheese, Inc., d/b/a Flingers Pizza Co., located at 608 N. Main St., requesting an RBS liquor license which allows the sale of beer and wine by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Steve Stockton, Rich Buchanan, and Marabeth Clapp; Hannah Eisner, Deputy Corporation Counsel; Lt. Tim Stanesa, Police Department; Tracey Covert, City Clerk; and Patrick Fruin, owner/operator and Applicant representative.

Commissioner Stockton opened the liquor hearing. He requested that the Applicant present the business plan. Patrick Fruin, owner/operator and Applicant representative, addressed the Commission. He informed the Commission that Flingers opened in August 2005. It will have been open for three (3) years. He had owned and operated the business for the last twenty (20) months. He planned to initially offer beer only.

Mr. Fruin noted that only eight percent, (8%) of sales were dine in. He noted that this number was increasing. He cited additional customer traffic due to events at the US Cellular Coliseum and the Bloomington Center for the Performing Arts. The ability to offer beer would compliment his food offerings. He would not offer pricing competitive with the local bars, (beer specials). Currently he was open until 3:00 a.m. He had dealt with customers who were at their worst.

Commissioner Stockton questioned if Flingers would be a restaurant until 10:00 - 11:00 p.m. He was concerned that Flingers would add to the volume of bars within the Downtown. Mr. Fruin

stated his intention to offer beer until 1:00 a.m. He was not interested in late beer sales. Beer would be offered to compliment the food.

Commissioner Buchanan noted that it was Mr. Fruin intention to only sell beer when the pizza ovens were on. Commission Stockton expressed his belief that there could still be a bar atmosphere. He wanted to avoid another "T", tavern, in the Downtown. Commissioner Buchanan expressed his belief that Flingers would be an "R", restaurant license. He questioned Flingers occupancy. Mr. Fruin stated his belief that occupancy was 91 - 92. Seventy-five percent, (75%), of the available seating was located on the restaurant's lower level. Most of the restaurant's interior was viewable from the counter.

Commissioner Buchanan noted the atmosphere and pricing at Flingers. He questioned if there was a realistic possibility that patrons would order beer and no pizza at 10:00/11:00 p.m. He cautioned that the Commission might have to impose conditions. Mr. Fruin restated that there would not be any beer specials. He planned to offer pizza/beer combo specials.

Commissioner Clapp questioned if Mr. Fruin planned to offer entertainment. She cited live music. Mr. Fruin noted the possibility of acoustic entertainment. He cited the Lucca's Celtic jams as an example.

Hannah Eisner, Deputy Corporation Counsel, addressed the Commission. She questioned Flingers' business hours which were later than lawful hours for liquor sales. Mr. Fruin informed the Commission of his intention to purchase a self contained locking unit with three (3) doors. It would be covered and not accessible to the public. Last call would be fifteen to thirty (15 - 30) minutes prior to the cut off time for alcohol sales.

Commissioner Stockton recommended that liquor sales cease at 1:00 a.m. This would leave a one (1) hour cushion.

Ms. Eisner noted that only eight percent (8%) of sales were dine in. Mr. Fruin added that thirty percent, (30%), of sales were pick up/carry-out. The majority of dine in sales occur during the dinner hour. Ms. Eisner suggested that the Commission consider requiring that dine in sales which a certain percentage before granting this license. She noted the Applicant's intention for customers to order, stay, and eat.

Commissioner Clapp cautioned the Applicant that due to the location the City would looked at his business carefully.

Commissioner Stockton opened the hearing for public comment.

Jan Lancaster, 316 N. Main St., addressed the Commission. She owned and operated Lancaster's located at 513 N. Main St. She described Mr. Fruin as a great neighbor. He had watched the late night bar scene. Initially, she had some concern. However, it was not Mr. Fruin's intention to be a bar. She believed that beer sales would help to accent the business. She requested that liquor sales cease at midnight during the week. She believed that Mr. Fruin would regulate himself and his business.

Eric Brown, no address provided, addressed the Commission. He informed the Commission that he had received a notice of today's hearing. He informed them that the restaurant was not accessible to him and that Flingers had a \$2 delivery charge. Mr. Fruin acknowledged that there was a small step, (a gap between the doorway and sidewalk). Mr. Brown cited litter on Sunday mornings from the sale of pizza by the slice. He questioned if there would be more or less litter with the addition of beer sales. Mr. Fruin noted that slice sales began at 10:30 p.m. There were available for a limited time. He had hired a separate clean up crew for Friday through Sunday mornings. The crew is responsible for the store front and the surrounding area, (one block radius). This crew is employed for two (2) hours each day.

Commissioner Buchanan questioned if this was a standard business practice. Mr. Fruin responded affirmatively.

Shane Aldrich, 9616 Morel Dr., addressed the Commission. He informed the Commission that he was the owner/operator of Paulie's located at 612 N. Main St. He added that Flingers was his next door neighbor. He believed the addition of beer sales would be a good idea. Mr. Fruin does not want to own/operate a bar. The ability to sell beer would be an addition to his existing business.

Commissioner Stockton recommended that conditions be placed upon this license. He cited the following: 1.) that the Commission advised Mr. Fruin that it reserved the right to vary the sale hours for liquor and/or to impose "T" Tavern rules if Flingers appeared to be operating as a bar; and 2.) that liquor sales cease at 1:00 a.m. on Saturday and Sunday with no consumption after 2:00 a.m. on the same days of the week.

Mr. Fruin cited his intention to close by 1:00 a.m. on Fridays. Liquor sales would cease at 12:15/12:30 a.m.

Based on the above, the Liquor Commission recommends to the City Council that an RBS liquor license for Big Cheese, Inc., d/b/a Flingers Pizza Co., located at 608 N. Main St., be created, contingent upon compliance with all applicable health and safety codes with: the following conditions: 1.) that the Commission advised Mr. Fruin that it reserved the right to vary the sale hours for liquor and/or to impose "T" Tavern rules if Flingers appeared to be operating as a bar; and 2.) that liquor sales cease at 1:00 a.m. on Saturday and Sunday with no consumption after 2:00 a.m. on the same days of the week.

Respectfully,

Stephen F. Stockton  
Chairman of Liquor Commission

**Mayor Stockton introduced this item. The Liquor Commission had concerns that this restaurant would function as a tavern if granted a liquor license. The Commission strived to ensure that these establishments do not operate as taverns under the guise of a**



restaurant. The Commission restricted the weekend hours of operation for this applicant as part of granting the license.

Alderman Purcell noted his concern for the amount of liquor establishments in the Downtown. Alderman Schmidt stated that she was opposed to granting any “T”, (tavern) licenses in the northern section of the Downtown. This applicant had the support of the Downtown Bloomington Association, (DBA) and operated as a restaurant. She was in favor of approving this application. Alderman Hanson echoed Alderman Schmidt’s comments.

Alderman Stearns noted that granting this license would be the eleventh (11<sup>th</sup>) liquor license in a two (2) block area. There was no one present in opposition to the application. She raised concerns regarding guidelines for the Downtown. Alderman Schmidt agreed. The DBA had an Entertainment Committee. One of the committee’s projects was determining how to spread out these types of establishments.

Mayor Stockton noted that there could potentially be more restaurants opening in the Downtown. They too would want a liquor license. The Council needed to be careful when placing restrictions upon the license. It was his belief that any new tavern applications would be frowned upon.

Alderman Sage questioned reserving the right to adjust or restrict liquor licenses. He questioned if it had ever occurred. Mayor Stockton responded affirmatively. He cited another Downtown establishment which was adjusted because of undue noise.

Alderman Stearns stated that she had been in the Downtown at closing time. She could not support any new liquor licenses in the Downtown.

Motion by Alderman Schmidt, seconded by Alderman Huette that an RBS liquor license for Big Cheese, Inc, d/b/a Flingers Pizza Co. located at 608 N. Main St., be created, contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) that the Commission advised Mr. Fruin that it reserved the right to vary the sale hours for liquor and/or to impose “T” Tavern rules if Flingers appeared to be operating as a bar; and 2.) that liquor sales cease at 1:00 a.m. on Saturday and Sunday with no consumption after 2:00 a.m. on the same days of the week.

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

**Ayes:** Aldermen Huette, Schmidt, Finnegan, Gibson, Hanson, Sage and Purcell.

**Nays:** None.

**Abstained:** Aldermen Stearns and Fruin.

**Motion carried.**

**MAYOR'S DISCUSSION:** Mayor Stockton stated that some changes had been made to the City's website to address and put to rest some concerns regarding Risk Insurance Management Company, (RIMCO.) He was pleased with the progress that the "Back to the Basics" program had made. The press coverage and comments he had received from the public had been positive. It was his hope to continue making positive progress in the years to come.

**CITY MANAGER'S DISCUSSION:** Tom Hamilton, City Manager reminded the Council that the second (2<sup>nd</sup>) Community Summit on West Side Planning would be held on July 17, 2008.

**ALDERMEN'S DISCUSSION:** Alderman Stearns stated that she had been invited and visited the Challenger Learning Center. She recommended visiting same. There were only a few such learning centers nationally. It was her belief that the City was lucky to have it and was glad to support it. She had a list of questions to distribute to the press. She noted that sixty-two (62) City vehicles are driven home each night, twenty-seven (27) are driven outside of the City. She questioned what savings might be realized if these cars stayed at work. Mayor Stockton responded that rising fuel costs was a factor. It may result in changes. Mr. Hamilton stated that saving money was high on the priority list. Mayor Stockton requested that Mr. Hamilton keep the Council advised.

Alderman Purcell stated that he was glad that the Laborers contracts had been settled.

Alderman Schmidt stated that she had received emails from the Dimmitts Grove residents regarding motorcycles and loud mufflers. She believed that the State of Illinois regulated altered mufflers. She questioned if the City needed to review its policy. Mr. Hamilton stated that there were two (2) avenues that could be taken. A compliance ticket could be written under the state law. The vehicle owner would have a certain amount of time to correct the problem or pay a fine. The other option would be to write an ordinance violation. The latter option would give the City a little more money if the problem were not corrected. Mayor Stockton noted that with the warmer temperatures more people were opening their windows, etc., which would make the loud vehicles more noticeable. He inquired if the Police Department could step up their enforcement of the law. Mr. Hamilton informed the Council that the Police Department had already begun to increase enforcement. He stated that trend data had been added to the City's website.

Mayor Stockton noted that there was a motorcycle shop in the Dimmitts Grove area. Alderman Schmidt affirmed. Alderman Gibson stated that a certain amount of unfavorable noise could be expected from living in a city. It was part of city life. Mayor Stockton agreed. It was a difficult task to attempt to balance everyone's rights and standard of living.

Alderman Schmidt stated that there would be a summer time safety forum held at City Hall on June 5, 2008 from noon until 1:30 p.m. She noted that there would also be a second forum and encouraged those interested to contact Barb Adkins, Deputy City

**Manager.** These forums were designed to help adults and children understand how to keep safe and connect with community resources.

**Alderman Fruin** stated that he had received an email complimenting City staff for their assistance with the Jehovah's Witness Convention. He encouraged all City departments to share with their staff compliments that are received. He encouraged the creation of a "Job Well Done" board, perhaps posted on the City's website. It was refreshing to hear positive feedback about City staff and City services.

**Alderman Hanson** echoed Alderman Fruin's comments. He also had received positive comments regarding the Public Service Department's waste and bulk pick up operations. **Alderman Finnegan** stated that a "Job Well Done" board was a good idea. He was impressed with the RIMCO presentation. In addition, it was an excellent and informative overview. The program was put together by experts. It was a positive work session.

**Motion by Alderman Schmidt, seconded by Alderman Hanson, that the meeting be adjourned. Time: 9:30 p.m.**

**Motion carried.**

**Julie Phillips  
Deputy City Clerk**

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