

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

The Council convened in regular Session in the Council Chambers, City Hall Building, at 7:30 p.m., Monday, January 28, 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, Allen Gibson, David Sage, John Hanson, Jim Finnegan, Steven Purcell, Karen Schmidt, Jim Fruin and Mayor Stephen F. Stockton.

Alderman absent: Kevin Huette.

City Manager Tom Hamilton, City Clerk Tracey Covert, and Corporate Counsel Todd Greenburg were also present.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Council Proceedings of November 26, 2007

The Council Proceedings of November 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 Gibson, seconded by Alderman Schmidt that the reading of the minutes of the previous Council Proceedings of November 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, 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 Gibson, 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, 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 eighth partial payment to Peace Meal in the amount of \$624 on a contract amount of \$7,500 of which \$4,992 will have been paid to date for work certified as 67% complete for the John M. Scott Home Delivered Meals. Completion date – May 2008
2. The eighth partial payment to Peace Meal in the amount of \$2,082 on a contract amount of \$25,000 of which \$16,656 will have been paid to date for work certified as 67% complete for the Peace Meals. Completion date – April 2008.
3. The eleventh partial payment to McLean County in the amount of \$5,231 on a contract amount of \$100,000 of which \$36,767.40 will have been paid to date for work certified as 37% complete for the East Side Corridor. Completion date – February 2008.
4. The twentieth partial payment to Farnsworth Group in the amount of \$1,395 on a contract amount of \$203,300 of which \$188,247.76 will have been paid to date for work certified as 93% complete for the Constitution Trial – Grove to Hamilton. Completion date – November 2007.
5. The seventh and final payment to Cornerstone Construction, LLC in the amount of \$79,754 on a contract amount of \$398,770 of which \$398,770 will have been paid to date for work certified as 100% complete for the Zoo Animal Hospital. Completion date – May 2007.
6. The seventh partial payment to Terracon Consultants, Inc. (Dept. 1277) in the amount of \$3,909.39 on a per ton and hour contract of which \$27,103.65 will have been paid to date for work certified as ongoing for the 2007-2008 Asphalt & Portland Concrete Plant Inspection and Lab Testing. Completion date – July 2008.
7. The sixth partial payment to Rowe Construction Co. in the amount of \$2,813.30 on a contract amount of \$2,940,450.76 of which \$487,784.40 will have been paid to date for work certified as 16.6% complete for the Mitsubishi Motorway – Six Points to Sugar Creek. Completion date – September 2008.
8. The second partial payment to Stark Excavating, Inc. in the amount of \$29,430 on a contract amount of \$1,925,274.55 of which \$103,621.59 will have been paid to date for work certified as 5% complete for the Morris Avenue – Miller to Fox Hill Apartments. Completion date – January 2009.
9. The ninth partial payment to Farnsworth Group in the amount of \$7,953.50 on a contract amount of \$130,300 of which \$70,780.58 will have been paid to date for work certified as 54% complete for the Tanner Street – Morris Avenue to Lake Drive. Completion date – April 2008.
10. The third partial payment to WHPA Inc. in the amount of \$6,441 on a contract amount of \$518,846 of which \$29,500 will have been paid to date for work certified as 6% complete for the Strategic Source Water Study. Completion date – September 2009.

11. The twenty-first partial payment to Clark Dietz, Inc. in the amount of \$475 on a contract amount of \$22,000 of which \$20,998.02 will have been paid to date for work certified as 95% complete for the Water Department Emergency Response Plan. Completion date – December 2008.
12. The fifty-third partial payment to Farnsworth Group in the amount of \$903 on a contract amount of \$1,077,688.73 of which \$1,014,745.73 will have been paid to date for work certified as 94% complete for the Design Transmission Water Main to Lake Bloomington. Completion date – February 2008.
13. The third partial payment to Farnsworth Group in the amount of \$5,218.82 on a contract amount of \$246,100 of which \$26,039.99 will have been paid to date for work certified as 11% complete for the Design/Development – Kickapoo Renovation. Completion date – October 2008.
14. The twenty-sixth partial payment to Farnsworth Group in the amount of \$1,245 on a contract amount of \$384,300 of which \$361,106.57 will have been paid to date for work certified as 94% complete for the Kickapoo Force Main Design, Property Surveys and Brokaw Road Surveys. Completion date – February 2008.
15. The sixth partial payment to Clark Dietz in the amount of \$12,152.64 on a contract amount of \$47,000 of which \$35,318.93 will have been paid to date for work certified as 75% complete for the Construction Observation James/Charles. Completion date – November 2008.
16. The twenty-sixth partial payment to Lewis, Yockey & Brown in the amount of \$1,279.26 on a contract amount of \$93,000 of which \$88,256.64 will have been paid to date for work certified as 96% complete for the Lincoln Street Water Main – Veterans to Morrissey. Completion date – June 2008.
17. The fourth partial payment to Clark Dietz in the amount of \$2,655.32 on a contract amount of \$25,000 of which \$19,123.86 will have been paid to date for work certified as 72% complete for the Main Replacement on Oak and Roosevelt. Completion date – December 2008.
18. The eleventh partial payment to Clark Dietz in the amount of \$1,449.50 on a contract amount of \$84,600 of which \$54,129.22 will have been paid to date for work certified as 63% complete for the Parmon Road Water Main Replacement. Completion date – December 2008.
19. The sixteenth and final payment to Clark Dietz in the amount of \$127.05 on a contract amount of \$68,800 of which \$68,672.95 will have been paid to date for work certified as 100% complete for the Main Replacement on Hinshaw/Barker. Completion date – December 2007.

January 28, 2008

1199

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 Gibson, 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, 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 December, 2007

Audit of the Accounts for the Township Supervisor of General Assistance Fund and General Town Fund for the month of December, 2007 were presented for Audit by the Township Supervisor.

The Audit of these accounts took place on Monday, January 28, 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 Gibson, seconded by Alderman Schmidt that the audit of the bills and payrolls for the Township for the month of December, 2007 be made a matter of record.

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

Ayes: Aldermen Stearns, 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, December 2007.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

(REPORT ON FILE IN CLERK'S OFFICE)

Motion by Alderman Gibson, 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, Schmidt, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

January 28, 2008

1201

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Change Order for the MacArthur Avenue Traffic Signals at Main Street and Center Street (Business U.S. 51)

On November 27, 2007, Council awarded a contract to Laesch Electric Inc for the installation of traffic signals at the intersections of Main Street and MacArthur Avenue and Center Street and MacArthur Avenue. During construction of the project, two (2) items were encountered resulting in additional costs. The items are as follows:

1. The original contract called for installation of used steel mast arm assemblies to be supplied from City salvaged material. Soon after the contract was awarded, the Illinois Department of Transportation (IDOT) determined that using salvaged mast arms was not acceptable. Therefore, the contractor was instructed to supply and install the necessary four (4) new mast arms on a force account basis. The additional cost to supply and install the new mast arms was \$15,169.46.
2. The original contract included an estimated quantity of sidewalk removal and replacement. In order to properly install the required traffic signal equipment, it was necessary to remove and replace additional sidewalk at an additional cost of \$1,355.76.

Original Contract	\$172,846.86
This Change Order	<u>16,525.22</u>
Completed Contract	\$189,372.08

These additions were not reasonably foreseeable at the time the contract was awarded and were in the best interest of the City. As this additional work was necessary for the orderly and proper completion of this project, staff respectfully recommends that Council approve this Change Order to the contract with Laesch Electric, Inc. in the amount of \$16,525.22 with payment to be made with Motor Fuel Tax Funds (X20300-72530) MFT Section 03-00330-00-TL.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

RESOLUTION NO. 2008 - 03

**A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE
AMOUNT OF \$16,525.22 IN THE CONTRACT BETWEEN THE CITY
OF BLOOMINGTON AND LAESCH ELECTRIC, INC. FOR THE MACARTHUR
AVENUE TRAFFIC SIGNALS AT MAIN STREET AND CENTER STREET**

WHEREAS, the City of Bloomington has previously entered into a contract with Laesch Electric Inc., for the installation of Traffic Signals at the intersections of Main Street and MacArthur Avenue and Center Street and MacArthur Avenue; and

WHEREAS, for the reasons set forth in a staff report dated January 28, 2008 it was necessary to supply and install four (4) new mast arms and remove and replace an additional quantity of sidewalk; and

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the January 28, 2008 memo was in the best interest of the citizens of the City of Bloomington.

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

That a change order in the amount of \$16,525.22 in the contract between the City of Bloomington and Laesch Electric Inc., for the installation of Traffic Signals at the intersections of Main Street and MacArthur Avenue and Center Street and MacArthur Avenue be approved.

ADOPTED this 28th day of January, 2008.

APPROVED this 29th day of January, 2008.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Gibson, seconded by Alderman Schmidt that the Change Order in the amount of \$16,525.22 be approved and the Resolution adopted.

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

Ayes: Aldermen Stearns, 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: Police Department Ammunition

Staff respectfully requests to waive the formal bid process and purchase ammunition for the Police Department in the amount of \$15,333.30. This ammunition would be purchased pursuant to the State of Illinois Joint Purchasing Ammunition Contract #401478.

This purchase will consist of the following items:

Caliber	Model Number	Manufacturer	Cost Per Case	Total Cost
.223	AE223	Federal	\$262.68	\$13,134.00
12 ga	TGL12 7.5	Federal	\$146.72	\$2,199.30

This ammunition will be purchased from Gil Hebard Guns Inc., the successful bidder for these items under this contract.

Funds in the amount of \$15,333.30 are available for this purchase in line item G15112-71990

Respectfully,

Roger J. Aikin
 Chief of Police

Tom Hamilton
 City Manager

RESOLUTION NO. 2008 - 04

A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND AUTHORIZING THE PURCHASE OF AMMUNITION FOR THE POLICE DEPARTMENT FROM GIL HEBARD GUNS INC., AT A PURCHASE PRICE OF \$15,333.30

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 Ammunition at a Purchase Price of \$15,333.30.

ADOPTED this 28th day of January, 2008.

APPROVED this 29th day of January, 2008.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Gibson, seconded by Alderman Schmidt that the formal bidding process be waived, 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, 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: Purchase of Five (5) Mobile Data Terminals for Fire Apparatus

Staff respectfully requests Council approval to purchase five (5) Mobile Data Terminals, (MDT) for new and backup Fire Apparatus. These MDT's will be placed in vehicles recently purchased for the new fire stations and in vehicle used when front line equipment needs to be taken offline for maintenance or other reasons. The model being sought is a Panasonic Toughbook CF-30, which is the updated version of the MDT's currently installed in Police and Fire vehicles.

Funds for this purchase were budgeted for FY 2007-2008 within Information Services' Fixed Asset account. Proposals for this equipment were received from the following vendors:

PTC Select	Peoria, IL	\$21,800.00	
CDWG	Vernon Hills, IL	\$21,525.00	
CDS Office Tech	Springfield, IL	\$20,760.00	**recommended

CDS Office Technologies holds the State of Illinois contract for the sale of these Panasonic Toughbook devices and has provided the lowest quote for the equipment. Staff respectfully requests that Council authorize the Purchasing Agent to issue a purchase order for \$20,760 to CDS Office Technologies, with payment to be made with funds budgeted in the Information Services Equipment Fixed Asset account (F11610-72120).

Respectfully,

Scott Sprouls
Director of Information Services

Keith Ranney
Fire Chief

Tom Hamilton
City Manager

Motion by Alderman Gibson, seconded by Alderman Schmidt that the five (5) MDT's be purchased from CDS Office Technologies in the amount of \$20,760, 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, 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: NetMotion Wireless Software

Staff respectfully requests Council approval to purchase NetMotion Wireless software and server hardware to support it. This software will work in conjunction with the Verizon Wireless network cards to be used in the Police and Fire vehicles to provide network access for the mobile data terminals (MDT).

Police, Fire and Information Services staff have been working together with McLean County and Town of Normal counterparts to come up with a replacement network for the aging Radio Frequency (RF) system that currently provides access for the MDT's. The new system will provide greatly improved network speeds to allow more and different types of data to be used in the MDT's. The Verizon Wireless cards, in conjunction with NetMotion Software, are currently in use by the Illinois State Police and multiple agencies throughout the state.

The NetMotion software would be installed onto the MDT's and on a server in the City's data center. It would work with the Verizon Wireless aircards to provide a fast and stable network for Police and Fire vehicles covering the entire McLean County area. In general, the NetMotion system will help avoid delayed login procedures and dropped network connections which, for the City's first responders, could potentially be life threatening.

Staff has received the following quotes for the NetMotion software licenses:

NetMotion Wireless	Seattle, WA	\$22,343.75	
Aercor Wireless, Inc.	Eagan, MN	\$18,325.00	** recommended
Sciencel Wireless	Lombard, IL	\$20,556.25	

Additionally, server hardware must be purchased for the NetMotion software to run on. The system uses the server hardware to maintain connection to mobile devices (MDT's) when service fades in and out for whatever reason (i.e. switching cell towers, poor coverage areas). This server hardware would be purchased directly from Hewlett Packard's Western States Contracting Alliance (WSCA), under which this equipment has previously been competitively bid. Price for this server hardware is:

Hewlett Packard WSCA	Proliant DL320 server	\$2,571.00
----------------------	-----------------------	------------

Staff respectfully requests that Council approve the purchase of the NetMotion Wireless Software from Aercor Wireless, Inc. in the amount of \$18,325 and the server from HP Western States Contracting Alliance in the amount of \$2,571, and the Purchasing Agent be authorized to issue Purchase Orders for same. Payment will be made with funds from the Communications Center Fixed Asset account (F15118-72120).

Respectfully,

Scott Sprouls
Director of Information Services

Roger Aikin
Police Chief

Tom Hamilton
City Manager

Alderman Stearns questioned how the upgrade will help the Police Department with communication issues. Mayor Stockton explained the upgrade was for laptop computers in vehicles. This would be a wireless network which maintained better connection and opened additional avenues of communication.

Motion by Alderman Gibson, seconded by Alderman Schmidt that the purchase of NetMotion Wireless Software from Aercor Wireless, Inc. in the amount of \$18,325 and the purchase of the server from HP Western States Contracting Alliance in the amount of \$2,571 be approved, and the Purchasing Agent be authorized to issue Purchase Orders for same.

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

Ayes: Aldermen Stearns, 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: Professional Services Contract

Staff respectfully requests approval of a contract to engage persons and/or groups represented by Entourage Talent Associates, Ltd. to perform services in the Bloomington Center for the Performing Arts on dates agreed by staff. Base expenses for the contract will be \$15,000.

Staff further respectfully advises Council that contract provisions prohibit public announcements of any persons/groups and/or dates of services until said contracts have been executed by both parties.

The selection of this group was coordinated with the Cultural Commission and the Cultural District's Programming Advisory Committee. Staff and community advisors agree that the visiting professionals would attract broad, positive community involvement and contribute to the public service mission of the Cultural District and the Bloomington Center for the Performing Arts.

Staff respectfully recommends accepting the contract for the performances and further that the Mayor and City Clerk be authorized to execute the necessary documents. Funding for this contract will come from account X21100-70220 of the Cultural District budget, to be offset by future revenues.

Respectfully,

C. Bruce Marquis
Executive Director, Cultural District

Tom Hamilton
City Manager

(ON FILE IN CLERK'S OFFICE)

Alderman Stearns questioned the services provided by this contract. Bruce Marquis, Executive Director, Cultural District, explained Entourage Talent Associates, Ltd., was the booking agent for several acts. He could not reveal the act itself due to contract guidelines. The Bloomington Center for the Performing Arts (BCPA) sent an email to each Council member regarding this item.

Alderman Stearns congratulated Mr. Marquis for several sold out BCPA shows.

Motion by Alderman Gibson, seconded by Alderman Schmidt that the contract from Entourage Talent Associates, Ltd. be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

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

Ayes: Aldermen Stearns, Schmidt, 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: Intergovernmental Agreement for Booking Services

For the past several years, pursuant to an Intergovernmental Agreement, the City has transported individuals taken into custody to the McLean County Sheriff's Department for detention, mug shots, booking, and fingerprinting. This has proven to be an efficient and cost effective booking procedure which has reduced the City's liability because incarcerated subjects are rarely kept in City facilities.

The term of the agreement is January 1, 2008 to December 31, 2008, in the amount of \$20,796 (\$1,733 per month), a three percent (3%) increase for 2008. The agreement is renewable on a year to year basis and has been budgeted in line item G15110-70990 for contractual services.

Staff believes that the proposed Intergovernmental Agreement is fair to both parties, and respectfully recommends Council approval.

Respectfully,

Roger J. Aikin
Chief of Police

Tom Hamilton
City Manager

**INTERGOVERNMENTAL AGREEMENT BETWEEN COUNTY OF McLEAN AND
THE CITY OF BLOOMINGTON**

WHEREAS, the City of Bloomington has requested the County of McLean to provide booking services: and

WHEREAS, the County of McLean has booking facilities; and

WHEREAS, the Constitution of the State of Illinois, Article VII, Section 10 and 5 ILCS 220 et seq. permits and encourages intergovernmental cooperation and agreements;

NOW THEREFORE, the parties hereto agree as follows:

1. The County of McLean will perform booking services for the City of Bloomington which services shall include but not be limited to the following: completing all booking forms, finger-printing, taking mug shots, bonding, releasing and transferring persons in custody.

2. The City of Bloomington Police Department shall deliver any individuals taken into custody to the McLean County Detention Facility for booking. The City may bring individuals to the facility twenty-four hours a day, seven (7) days a week, including holidays. The City will complete the necessary paperwork for each person delivered for booking. The County will not accept any individuals needing or asking for medical care. The City will obtain medical care for any individual apparently in need of such care prior to transferring that person to the facility for booking. The City of Bloomington shall have no responsibility for any individuals once they have been transferred to the County for booking, beyond that which may be required by statute.

3. The County shall have full responsibility for all individuals delivered for booking by the City of Bloomington. This responsibility shall include the cost of any medical care administered during the booking process. The County will indemnify and hold the City harmless from all causes of action, whether judicial or administrative, and the costs of defending any such actions arising out of any intentional or negligent act performed by the County, its employees and/or agents during the course of booking any individual for the City of Bloomington pursuant to this agreement. Such actions shall include, but are not limited to, civil rights actions, property damage actions, personal injury actions, or any actions seeking recovery of money or other remedies.

4. The City of Bloomington will indemnify and hold harmless the County of McLean from all causes of action, whether judicial or administrative, and the costs of defending any such actions arising out of any intentional or negligent acts performed by the City, its employees or agents prior to transferring an individual to the County for booking. Such action shall include but are not limited to civil rights actions, property damage actions, personal injury actions, or any actions seeking recovery of money or other remedies.

5. The City will pay the County at an annual rate of Twenty Thousand Seven Hundred Ninety six Dollars (\$20,796.00) per year for booking services. The City will pay this fee regardless of whether it uses the County's booking services during any particular month and regardless of the number of individuals it delivers to the County for booking.

6. Total amount due herein shall be paid in twelve (12) equal monthly payments of \$1,733.00 at the first of each month.

7. The County may terminate this agreement at any time when payments required hereunder have not been paid. The County is relying on this agreement to hire personnel to satisfy its responsibilities under this agreement. Accordingly, the City of Bloomington may not terminate this agreement without giving the County six (6) months notice of its intent to terminate.

8. This agreement shall be in effect from January 1, 2008 through December 31, 2008. Thereafter this agreement may be renewable on a year to year basis subject to adjustments in the amount charged for the services provided.

APPROVED:

Steve Stockton, Mayor
City of Bloomington

Date: 01/29/08

ATTEST:

Tracey Covert, City Clerk
City of Bloomington

Date: 02/10/08

Roger Aiken, Chief of Police
City of Bloomington

Date: 02/06/08

APPROVED:

Matt Sorensen, Chairman
McLean County Board

Date: 11/20/2007

ATTEST:

Peggy Ann Milton, Clerk of
McLean County Board

Date: 04/26/07

Mike Emery, Sheriff of
McLean County

Date: 11/29/07

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

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

Ayes: Aldermen Stearns, Schmidt, 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 CJ's Catering, Inc., d/b/a CJ's Restaurant, located at 2901 E. Empire, for an RAS liquor license, which will allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week

The Bloomington Liquor Commissioner Steve Stockton called the Liquor Hearing to hear the application of CJ's Catering, Inc., d/b/a CJ's Restaurant, located at 2901 E. Empire, requesting an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Steve Stockton, Rich Buchanan, Marabeth Clapp, Steve Petersen, and Mark Gibson; Hannah Eisner, Deputy Corporation Counsel; Lt. Tim Stanesa, Police Department; Tracey Covert, City Clerk; and CJ Stolfa, owner/operator and Applicant representative.

Commissioner Stockton opened the liquor hearing. He requested that the Applicant present the business plan. CJ Stolfa, owner/operator and Applicant representative, addressed the Commission. He had planned to move his existing business from 2613 S. Veterans Pkwy. to 2901 E. Empire (former Airport). This move had been in the works for two (2) years. He hoped to open at the new location during the second week of February 2008.

Commissioner Stockton questioned if the premise would be the same as the former Arnie's Restaurant. Mr. Stolfa noted that the area had been remodeled. There was a new kitchen. The restaurant and lounge would seat 200. The restaurant would be located east of the Challenger Learning Center. He would continue to offer carry out orders. A new menu item would be pizza. The operation would be the same as the past ten to eleven (10 - 11) years.

There would also be an outdoor patio to the south which would seat 100. The outdoor dining area would be used in good weather. It would be furnished with tables and chairs. The patio was finished with stamped concrete. The area was enclosed with a wrought iron fence. There would be an emergency (exit) gate. The patio would be landscaped. If live music were offered, it would be a small band. Commissioner Petersen recommended that Mr. Stolfa's Application be amended to reflect same.

The Commission reviewed the floor plan.

Commissioner Stockton noted the restaurant's proximity to the airport. Noise might not be an issue at this location. However, he encouraged the Commission to place the following condition upon the license: the Commission reserves the right to regulate the use of the patio dining area to include the time of use, the time for liquor sales, sound/visual baffling/barrier, occupancy, and music - live and/or amplified. He also requested that the Commission reserve the right to apply Tavern rules if applicable.

Commissioner Buchanan questioned the kitchen hours. Mr. Stolfa stated that the restaurant usually closed by 9:00 p.m. The lounge area remained open until 11:00 p.m. At the new location, pizza would be available until 11:00 p.m. He planned to be closed by midnight. Commissioner Buchanan questioned if there would be a scenario when CJ's would function as a tavern and not as a restaurant. Mr. Stolfa responded negatively. Food will always be available. No service is offered if food is not available. CJ's was a three (3) meal operation. CJ's opened at 7:00 a.m.

Commissioner Stockton acknowledged that he did not foresee a problem but business operations may change.

Commissioners Gibson and Clapp questioned if Mr. Stolfa had any objection to conditions being placed upon the license.

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

Based on the above, the Liquor Commission recommends to the City Council that an RAS liquor license for CJ's Catering, Inc., d/b/a CJ's Restaurant, located at 2901 E. Empire, be created, contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) the Commission reserves the right to regulate the use of the patio dining area to include the time of use, the time for liquor sales, sound/visual baffling/barrier, occupancy, and music - live and/or amplified; and 2.) the Commission reserves the right to impose tavern ("T") liquor license rules if warranted.

Respectfully,

Stephen F. Stockton
Chairman of Liquor Commission

Motion by Alderman Gibson, seconded by Alderman Schmidt that an RAS liquor license for CJ's Catering, Inc., d/b/a CJ's Restaurant located at 2901 E. Empire, be created, contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) the Commission reserves the right to regulate the use of the patio dining area to include the time of use, the time for liquor sales, sound/visual baffling/barrier, occupancy, and music - live and/or amplified; and 2.) the Commission reserves the right to impose tavern ("T") liquor license rules if warranted.

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

Ayes: Aldermen Stearns, 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 Parke Hotel & Conference Center, LLC, d/b/a Parke Hotel & Conference Center, located at 1414 N. Towanda Barnes Rd., for an RAS liquor license, which will allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to consider the application of Parke Hotel & Conference Center, LLC, d/b/a Parke Hotel & Conference Center, located at 1414 N. Towanda Barnes Rd., for an RAS liquor license, which will allow which will allow the sale of all types of alcohol by the glass for consumption on the premise seven (7) days a week. Present at the hearing were Liquor Commissioners Stephen Stockton, Rich Buchanan, Marabeth Clapp, Steve Petersen, and Mark Gibson; Hannah Eisner, Deputy Corporation Counsel; Lt. Time Stanesa, Police Department; Tracey Covert, City Clerk; and Larry Bielfeldt, owner, and Joan Sporrer, General Manager, and Applicant representatives.

Commissioner Stockton opened the liquor hearing. He requested that the Applicant present the business plan. He noted that this hotel would be the furthest east in the City. Larry Bielfeldt, owner and Applicant representative, addressed the Commission. He introduced Joan Sporrer, Parke Hotel's General Manager. Mr. Bielfeldt noted that the Parke Hotel & Conference Center, (PHCC), would be different from the norm. It would be a small hotel offering approximately seventy-four (74) rooms. There would be an atrium lobby. The conference area would offer an estimated 2,500 square feet area to host meetings, special events, dances, weddings, etc. The PHCC would have the ability to host multiple events in one day. He expressed his belief that this location would be sought after. The PHCC would be high end with flexible scheduling to meet the individual customer's needs. The outdoor area would handle groups up to 250 people. It would offer a waterfall and fish pond which would be an ideal setting for outdoor weddings.

Commissioner Stockton noted the type of events to be featured at the PHCC: weddings, dances, etc. He questioned if the PHCC would host college aged parties. Joan Sporrer, General Manager and Applicant representative, addressed the Commission. The major interest would be wedding receptions. The PHCC planned to host dances. These would be high end dinner/dance affairs aimed at an older crowd. Instructors would be available at these events. Mr. Bielfeldt

added that these would be ballroom dances and perhaps country western. On Sunday, the PHCC would host a buffet/brunch. He noted the adjacent churches.

Commissioner Stockton noted the need in the City for additional conference space. He expressed his opinion that there was a market for same. The question was the issue of management. He cited a wedding reception as an example. He questioned if the premise would include the hotel rooms. Mr. Bielfeldt restated his intention to cater to an older audience. Commissioner Stockton again asked if the premise could include the hotel rooms. Ms. Sporrer stated that this was a consideration. She cited selling features such as "bride and groom" celebratory champagne.

Commissioner Buchanan noted his anticipation that the hotel rooms would be included in the premise. He noted the downside. He questioned if room service would be available. Ms. Sporrer responded negatively. Food and beverage service would be available for private functions at the conference center. Appetizers would be available in the atrium lounge. Food and beverage service would be available in the hotel rooms for special occasions but would have to be ordered in advance.

Mr. Bielfeldt restated that the lounge would offer over 2,000 square feet. Alcohol could be purchased by the glass in this area. Ms. Sporrer added that a limited food menu would also be available. Commissioner Buchanan noted that the defined premise would need to include the storage areas for alcohol.

Mr. Bielfeldt addressed the garden area which would offer seating, (table and chairs), lighting, and a service bar. Commissioner Buchanan questioned how this area would be monitored. Mr. Bielfeldt stated his intention to include the entire facility in the premise including the garden area. Commissioner Stockton questioned how the garden area would be controlled. He questioned if this area could be observed from the building's interior. He also questioned if this area would be enclosed with a fence. Mr. Bielfeldt noted that access to the garden area would be through the PHCC building. Commissioner Buchanan expressed his opinion that a physical barrier was not needed. He suggested a visual delineation of the premise. Hannah Eisner, Deputy Corporation Counsel, noted that if one exited from the premise, the individual would still be on private property.

Commissioner Buchanan questioned if smoking would be allowed in the garden area. Mr. Bielfeldt responded negatively. Ms. Eisner cited the new state law which did not allow smoking within fifteen feet (15') of an access point, (window, door, vent, etc.).

Commissioner Buchanan noted that it was the Commission's responsibility to establish the premise. Mr. Bielfeldt requested that the walkways be included in the premise. He stated his intention to post signs. Ms. Eisner restated that the PHCC involved private property. The license holder would be responsible for the control of liquor service.

Commissioner Stockton expressed his concern regarding consistency. Commissioner Clapp noted that the PHCC would offer a different atmosphere. She described this property as internal. Ms. Eisner noted the Applicant's intention to landscape the garden area. This landscaping could

create a barrier. Ms. Sporrer noted that alcoholic beverages would not be allowed in the PHCC's parking lot.

Commissioner Buchanan requested that the Applicant file an updated floor plan with the City Clerk's office. This plan should clearly show the premise. Mr. Bielfeldt offered to add language to his contracts that liquor service may not extend beyond the sidewalks. Commissioner Buchanan added that signs should be posted which stated no alcohol beyond this point. He questioned if the Applicant was opposed to this suggestion. Mr. Bielfeldt responded negatively.

Commissioner Stockton expressed his discomfort with this Application. He added his belief that it would be difficult to control liquor service. He informed the Applicant of the Commission's ability to readdress this Application if necessary and redefine the premise. Ms. Sporrer cited the PHCC's staff training, the PHCC staff's intention to make the premise known, and the request to include the walkways in the premise. Commissioner Stockton expressed his willingness to grant the Applicant the opportunity. Mr. Bielfeldt noted that the poured stamped concrete patio included a curb. The plan also called for an ornate fifteen inch (15") fence. Commissioner Buchanan expressed his opinion that this fence would be better than a sign to delineate the premise. Mr. Bielfeldt expressed his opinion that both were needed, (sign and fence). The PHCC would offer a good, clean operation for the upper middle aged patron.

Lt. Tim Stanesa, Police Department, addressed the Commission. He did not foresee any problems if the building is managed properly.

Commissioner Gibson questioned amplified music. Mr. Bielfeldt noted that there was no plan to offer outdoor music. The building's interior was soundproofed. He noted the location of the sleeping rooms.

Commissioner Stockton expressed his opinion that the outdoor area was the same as a beer garden. He noted that the premise would include the building's interior plus the garden area.

Commissioner Clapp questioned if catering would be offered. Ms. Sporrer noted that there would be an on site kitchen. The PHCC would employ its own kitchen staff. If there was a need, catering might be offered. The goal was for the PHCC to remain full. There are a number of bookings for 2008 and inquiries about availability in 2009.

Commissioner Petersen questioned if the PHCC would host a Superbowl Party and if a person would have to be twenty-one (21) to attend. Commissioner Buchanan reminded the Commission that the request was for an "R" Restaurant license. Commissioner Stockton questioned revenue sources other than liquor. Ms. Eisner noted that individuals who are not hotel guests may visit the bar area. Ms. Sporrer noted that liquor sales would represent a small piece of the pie. She cited room revenue and the conference center's bookings. She anticipated that two thirds (2/3) of total revenue would come from food sales and room rental.

Commissioner Buchanan noted that the Commission's standard conditions. He specifically cited that if a portion of the premise operated as a tavern, then "T" Tavern rules are applied. Ms.

Sporrer noted that the atrium would offer limited daily hours, (4:00 – 10:00 p.m.). Ms. Eisner questioned if the conference center might become a bar.

Commissioner Stockton opened the hearing for public input. Bobbie Lewis Sibley, Chestnut Health Systems, addressed the Commission. She cited the STEPS Program which provided alcohol service training. PHCC's staff would be informed about responsible, profitable service. The cost to attend was \$10 per person. The next STEPS Program would be offered on February 11, 2008. She also cited the need for the PHCC's staff to be familiar with state laws and local ordinances. Ms. Sporrer expressed an interest in same. Commissioner Stockton stated that participation was voluntary and STEPS training represented a small investment.

Based on the above, the Liquor Commission recommends to the City Council that an RAS liquor license for Parke Hotel & Conference Center, LLC, d/b/a Parke Hotel & Conference Center, located at 1414 N. Towanda Barnes Rd., be created, contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) the Commission reserves the right to regulate the use of the garden area to include the time of use, the time for liquor sales, sound/visual baffling/barrier, occupancy, and music – live and/or amplified; 2.) the Commission reserves the right to impose tavern (“T”) liquor license rules if warranted; and 3.) the Commission reserves the right to adjust the premise and address the garden area barrier if necessary.

Respectfully,

Stephen F. Stockton
Chairman of Liquor Commission

Motion by Alderman Gibson, seconded by Alderman Schmidt that an RAS liquor license for Parke Hotel & Conference Center, LLC, d/b/a Parke Hotel & Conference Center located at 1414 N. Towanda Barnes Rd., be created, contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) the Commission reserves the right to regulate the use of the garden area to include the time of use, the time for liquor sales, sound/visual baffling/barrier, occupancy, and music – live and/or amplified; 2.) the Commission reserves the right to impose tavern (“T”) liquor license rules if warranted; and 3.) the Commission reserves the right to adjust the premise and address the garden area barrier if necessary.

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

Ayes: Aldermen Stearns, 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 from South Park Mobile Sales, Inc., Requesting Approval of a Final Plat for Bunn Street Commercial Subdivision

A petition has been received from South Park Mobile Sales, Inc., requesting Council approval of a Final Plat for Bunn Street Commercial Subdivision. This subdivision is located south of Hamilton Road, west of Bunn Street, east and north of Southgate Estates Mobile Home Park. The Final Plat is in conformance with the Preliminary Plan approved on March 22, 1999 and reinstated July 23, 2007. There are fees due prior recording the plat for this subdivision.

Staff respectfully recommends that Council approve the Petition and adopt an Ordinance approving the Final Plat for Bunn Street Commercial Subdivision, subject to the Petitioner paying the necessary fees before recording the plat.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

ORDINANCE NO. 2008 - 06

**AN ORDINANCE FOR APPROVAL OF THE FINAL PLAT OF THE BUNN STREET
COMMERCIAL 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 Bunn Street Commercial Subdivision legally described on 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 Chapter 24 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 provided and the Final Plat attached to said Petition was prepared in compliance with the requirements of the Bloomington City Code.

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

1. That the Final Plat of the Bunn Street Commercial Subdivision and any and all requested exemptions and/or variations be, and the same is hereby approved, and all dedications made therein are accepted.
2. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 28th day of January, 2007.

APPROVED this 29th day of January, 2007.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

A part of the South 20 Acres of Lots 1 and 2 in School Commissioner's Subdivision of the SE ¼ of Section 16, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Commencing at a point on the north line of the South 20 Acres of said Lots 1 and 2 on the east line of said Lot 1 lying 33.20 feet south of the northeast corner of the SE ¼ of said Section 16; thence S.02°-39'-17"E. 9.95 feet on said east line of Lot 1 to the Point of Beginning; thence continuing S.02°-39'-17"E. 323.66 feet on said east line of Lot 1; thence N.88°-22'-17"W. 437.43 feet; thence S.02°-39'-17"E. 150.48 feet parallel with the east line of the SE ¼ of Section 16; thence N. 88°-22'-17"W. 321.25 feet to the east line of the West 9 Acres of the South 20 Acres of Lots 1 and 2 in said School Commissioner's Subdivision; thence N.02°-22'-08"W. 489.91 feet on said east line of the West 9 Acres of the South 20 Acres of said Lots 1 and 2 to the south right of way line of Hamilton Road; thence southeasterly 298.56 feet on said right of way line on a non-tangential curve concave to the southwest having a central angle of 01°-53'-37", a radius of 9033.40 feet and a chord of 298.55 feet bearing S.86°-58'-18"E. from the last described course to a point of reverse curve; thence southeasterly 301.39 feet on said right of way line on a curve concave to the northeast having a central angle of 01°-53'-37", a radius of 9119.40 feet and a chord of 301.37 feet bearing S.86°-58'-18"E. from the chord of the last described arc; thence S.87°-55'-07"E. 157.69 feet on said right of way line to the Point of Beginning containing 6.84 acres, more or less, with assumed bearings given for description purposes only.

Motion by Alderman Gibson, 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, 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: Purchase of Land by Bloomington/Normal Transit System for New Office and Garage Facility

A memo has been received from Pete Weber, General Manager of the Bloomington/Normal Public Transit System, (BNPTS,) presenting the terms of the potential purchase of ten (10) acres of land with an option for an additional seven (7) acres. The site is located in Normal on Wylie Drive just west of the old outlet mall. This land will be the site of the new office and garage facility for the BNPTS. It is large enough to accommodate the anticipated growth of the BNPTS as approved in the service expansion plan completed a few years ago. Without a new and larger facility the BNPTS is not able to expand its fleet and service.

The Intergovernmental Agreement that created the BNPTS requires both the City and Town to concur in such transactions by the BNPTS. The Town has already concurred with the purchase. Staff respectfully recommends that Council concur with the purchase of the subject property under the terms contained in Mr. Weber's memo.

Respectfully,

Tom Hamilton
City Manager

Alderman Fruin expressed his satisfaction regarding the intergovernmental agreement. He believed the optional seven (7) acres were a good alternative for the City. He questioned whether anyone had considered sharing the location with other governmental agencies. He specifically cited a fueling station as discussed in previous meetings. Tom Hamilton, City Manager, could not answer that question and would meet with the BNPTS's General Manager. He did not believe this location could be shared. It was primarily purchased with federal and state transportation dollars.

Alderman Purcell expressed his disappointment regarding the Old Rail Yard. It was within his ward, and not considered as a possibility. Mr. Hamilton stated the City tried for several months to promote that location. The owner had placed fill on the property making it unacceptable for City's use.

Motion by Alderman Gibson, seconded by Alderman Schmidt that the Council concur.

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

Ayes: Aldermen Stearns, 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: Ordinance Increasing Package Liquor Tax from two percent (2%) to four percent (4%)

At the January 14, 2008 work session, Council discussed increasing the package liquor tax from two percent (2%) to four percent (4%). The proposed Ordinance will provide for said increase.

Additionally, the Finance Department has requested that the one time penalty for failure to pay, collect or remit the tax be increased from seven and a half percent to ten percent (7½ to 10%). The experience of staff is that the cost of collecting past due package liquor taxes is considerable. The increased penalty is more realistic when calculating the costs of collection. The proposed Ordinance has an effective date of April 1, 2008.

Staff respectfully requests that the Ordinance be passed.

Respectfully,

Todd Greenburg
Corporation Counsel

Tom Hamilton
City Manager

ORDINANCE NO. 2008 - 07

AN ORDINANCE AMENDING SECTIONS 352 AND 357 OF CHAPTER 39 OF THE CITY CODE, INCREASING THE PACKAGE LIQUOR TAX FROM 2 % TO 4 % AND INCREASING FROM 7 ½ % TO 10 % THE PENALTY FOR FAILURE TO PAY SUCH TAX

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

Section One: That Section 352 of Chapter 39 of the Bloomington City Code, 1960, as amended, is further amended as follows (additions are indicated by underlines; deletions are indicated by strikeouts):

There is hereby levied and imposed upon the privilege of purchasing alcoholic liquor at any liquor establishment in the City, a tax of ~~two~~ four percent (~~2%~~) (4%) of the purchase price, exclusive of any other tax charged for such alcoholic liquor.

Section Two: That Section 357 of Chapter 39 of the Bloomington City Code, 1960, as amended, is further amended as follows (additions are indicated by underlines; deletions are indicated by strikeouts):

If for any reason any tax is not collected or remitted when due, a penalty at the rate of two (2) percent per month on the amount of tax which remains unremitted shall be added and collected. Additionally, a one (1) time late filing fee of ~~seven and one-half~~ ten percent (~~7-1/2%~~) (10%) may be imposed and collected for any filings remitted after the 25th of the month. Whenever any person shall fail to pay, collect, or remit any tax as herein provided, the Corporation Counsel upon the request of the City Manager shall bring or cause to be brought an action to enforce compliance in any court of competent jurisdiction.

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

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

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

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

PASSED this 28th day of January, 2008.

APPROVED this 29th day of January, 2008.

APPROVED:

Stephen F. Stockton,
Mayor

ATTEST:

Tracey Covert,
City Clerk

Mayor Stockton invited Tom Hamilton, City Manager, to address the Council and provide history for this Ordinance. Mr. Hamilton stated the original packaged liquor ordinance was passed in 2003. The Council had not adjusted the ordinance since its inception. Mayor Stockton stated the percentage increase would equal approximately \$300,000 in tax revenue for the City.

Alderman Finnegan questioned the one time penalty for failure to pay and if liquor licenses were revoked when establishments did not pay their taxes. Mr. Hamilton stated the taxes are always paid. Some were paid late.

Alderman Sage questioned whether a schedule by which to review tax ordinances and the process was in place. Mr. Hamilton stated the larger fees (refuse fees, liquor fees, etc.) were adjusted per the request of the Council. The smaller fees (golf fees, park fees, etc.) were based upon the market and comparable cities. They were reviewed on a regular basis.

Alderman Fruin questioned whether this was a primary tax. Mr. Hamilton answered affirmatively. It was a sales tax. Alderman Fruin listed several taxes within the City and acknowledged that none had been increased in the last several years. He described the increase to the packaged liquor sales as a catch up for the City. Mr. Hamilton concurred the packaged liquor sales had not been changed since its inception, as well as the other taxes referred to by Alderman Fruin. Costs have risen and regulations had become more stringent. Alderman Fruin reminded the Council that there was a balance between taxes and quality of life. He cited City parks, Bloomington Center for the Performing Arts and US Cellular Coliseum as examples.

Alderman Gibson called for the question. No one seconded. He explained why he called for the question: Council was discussing other taxes, not the packaged liquor tax.

Alderman Stearns questioned how sales tax and package tax relate. Mr. Hamilton stated the City's sales tax was 7½%. This would be an additional four percent (4%). Alderman Stearns questioned when the food and beverage tax was adopted. Mr. Hamilton responded approximately the same time (2003). Alderman Stearns noted that in 2003 none of these taxes were in place. The Council continued to add taxes and increase those already

in place. There was a time when property taxes covered the cost of refuse collection. The proliferation of taxes was endless. She acknowledged Alderman Fruin's statement about quality of life, but it needed to be tempered with affordable living.

Mayor Stockton explained the packaged liquor tax was a percentage tax. It self adjusted because it was tied to the cost of an item. When the cost of an item increased, so did revenue based on the percentage. He believed the incidence of liquor within our community introduced additional costs to the City. He added a slightly higher tax was justified due to increased costs for the Police Department alone.

Alderman Sage questioned if an intentional mechanism was required to drive the review of these specific taxes. Mr. Hamilton stated the Council had directed staff to live within the means until unable to do so. Alderman Sage stated there should be a gradual approach to the changes in taxes, not an adjustment when the City cannot afford to survive.

Alderman Schmidt questioned the frequency of review. She concurred with Alderman Sage's comments and stated the importance of knowing the cost of doing business. The City should be aware of the subsidy level for each area of business. She would support a regular review mechanism for the budget revenue/subsidy, not to be dependent upon the Council.

Mayor Stockton expressed his interest in a Budget Work Session to review subsidy levels and set guidelines. The City should know the percentage of budget revenue expected from each area.

Alderman Stearns questioned if establishments such as taverns would pay both the food and beverage tax and the packaged liquor tax. Mayor Stockton explained food and beverage tax only applied to products consumed on that premises. Each would be applied individually.

Alderman Hanson reminded the Council that past Councils had been consistent in the belief not to raise the property tax levy. Schools depend heavily upon the assistance received from property taxes. Cities rely on other taxes/fees for revenue increases.

Alderman Stearns cited increased assessments in the declining real estate market. She reiterated reducing expenses was critical for the City.

Alderman Purcell echoed Alderman Stearns' comments to stay away from property taxes but to reduce the budget. He stated the bill was due and the Council needed to decide how to pay it. Mayor Stockton noted that the Council must be careful not to place additional costs on homeowners. He reminded the Council that the package liquor tax was paid by non-residents as well as residents.

Mayor Stockton opened to a Public Hearing. No one came forward to address the Council.

The Mayor Stockton closed the Public Hearing.

Motion by Alderman Schmidt, seconded by Alderman Finnegan that the Ordinance be passed.

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

Ayes: Aldermen Stearns, 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: Ordinance Increasing Refuse Fee from Five Dollars to Seven Dollars

At January 14, 2008 work session; Council discussed increasing the monthly refuse fee from five dollars (\$5.00) to seven dollars (\$7.00). The proposed ordinance reflects the fee increase. It has an effective date of April 1, 2008. Staff respectfully recommends that the Ordinance be passed.

Respectfully,

Todd Greenburg
Corporation Counsel

Tom Hamilton
City Manager

ORDINANCE NUMBER 2008 - 08

**AN ORDINANCE AMENDING SECTION 301.6 OF CHAPTER 21 OF THE
BLOOMINGTON CITY CODE BY INCREASING THE MONTHLY REFUSE FEE
FROM FIVE DOLLARS TO SEVEN DOLLARS**

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

Section One: That Section 301.6 of Chapter 21 of the Bloomington City Code, 1960, as amended, shall be further amended as follows: (additions are indicated by underlines; deletions are indicated by strikeouts):

There shall be a charge for refuse collection of refuse to the owner and/or occupant of every dwelling unit for which refuse service is actually provided by the City. Such fee shall be in the amount of ~~five dollars (\$5.00)~~ seven dollars (\$7.00) per month per single family dwelling and ~~five dollars (\$5.00)~~ seven dollars (\$7.00) per month for each unit in a two family or multi-family dwelling. The refuse fee shall be payable on a monthly basis. Failure to pay the fee upon billing by the City may result, at the City's option, in the placement of a lien against the real estate or may result in the filing of a complaint in Circuit Court seeking a personal judgment against the owner or persons interested in the property subject to such refuse fee, termination of refuse services, termination of water service or other remedies. The election of a particular remedy shall not constitute a waiver of any other remedy available to the City for collection of the refuse fee.

The owner of the dwelling unit, the occupant thereof and the user of the services shall be jointly and severally liable to pay such refuse fee and the services are furnished to the dwelling unit by the City only on the condition that the owner of the dwelling unit, occupant thereof and user of the refuse service are jointly and severally liable. The refuse fee for such refuse collection shall be paid in advance, for which the City of Bloomington shall provide refuse collection service to the dwelling unit at least once each week.

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

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

Section Four: This ordinance shall be effective April 1, 2008.

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

PASSED this 28th day of January, 2008.

APPROVED this 29th day of January, 2008.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Mayor Stockton introduced the fee increase, from five dollars (\$5) to seven dollars (\$7) per month for refuse collection. He cited the cost increase to the City over the past five (5) years. This increase should generate approximately \$600,000. Staff had been directed to perform a general review of refuse collection for cost adjustments. Tom Hamilton, City Manager, concurred and reminded the Council that this was a flat dollar per month increase, not a percentage.

Alderman Purcell requested information regarding factors which impact the cost increases. Mr. Hamilton listed equipment, staff, fuel, land fill, collection, etc. Each of these items add up and contribute to the cost of refuse collection.

Alderman Purcell questioned if the City could charge an additional amount for bulk pick up. Mr. Hamilton noted that it would be a Council decision, to pass an ordinance to charge extra for bulk pick up. The City offers a high quality, all inclusive, refuse collection at a reasonable rate. Most communities do not allow the types of refuse the City picks up. Each community was different.

Alderman Schmidt reminded the Council of previous conversations and discussions surrounding refuse collection.

Alderman Sage questioned if a date had been set for a work session regarding refuse collection. Mr. Hamilton anticipated one would be held during the summer to prepare for the next fiscal year's budget. A major change would take time to phase in and educate residents. He stated refuse collection had been discussed on many other occasions. Interdepartmental job sharing within the Refuse Division and other City departments makes the discussion more complicated.

Alderman Stearns noted the Town of Normal offered one day a week refuse pick up. It had one (1) man crews who went throughout the Town. Mr. Hamilton stated the City was looking at mechanized systems for their refuse pick up. If the City wanted to change refuse pick up to resemble the Town's, it would be a major service change.

Mayor Stockton suggested that Alderman Stearns put her ideas and concerns into an email to Mr. Hamilton. Alderman Stearns agreed and added a pilot project for a one

day a week bulk refuse collection would be beneficial. It would improve the City's appearance. Mayor Stockton agreed and added that the Council would not go into detail at this meeting.

Mayor Stockton noted a review of refuse collection practices could not start from scratch. The City already had staff and equipment. He reminded the Council there were reasons for an all inclusive refuse plan. He cited elimination of individuals dumping on empty lots and/or farmers' fields. With the City's plan, residents only needed to take refuse to the curb.

Alderman Purcell did not like fee increases. However, the budget needed to be addressed and this was a step in that direction.

Alderman Stearns expressed her concern that the Council had not done its homework to make sure the City had the most efficient services available. She believed the City needed to charge for bulk refuse pick up.

Alderman Schmidt disagreed with Alderman Stearns' statement regarding the Council's decision on refuse. She believed the Council's previous discussions regarding refuse collection were well researched and thoughtful. Alderman Stearns reiterated her belief regarding the system and suggested a sticker system which would charge for services used.

Mayor Stockton recommended that Alderman Stearns reduce her comments to writing and pass them along to Mr. Hamilton.

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

Motion carried.

Scott Steinling, 111 Parkview Dr., addressed the Council. He cited the current refuse collection process which had one (1) driver and two (2) staff who load refuse. He questioned if the City considered a mechanical option. Mayor Stockton stated a mechanical system was being considered with standard containers and usually a one (1) man crew.

Alderman Schmidt questioned the time line to obtain mechanical refuse trucks. Mr. Hamilton stated it would take at least eighteen (18) months for the distributor to fill the order. Mayor Stockton added the City may consider a pilot program. Mr. Hamilton believed obtaining a truck for a pilot program would not take as long because it would be leased. He reminded the Council there were a number of ways to accomplish this and a number of logistics involved in the transition.

Alderman Sage hoped, in the future, the City would see changes with intentional emphasis on automation and process change. Mayor Stockton stated that any change

would include a pay back analysis to ensure the City would not be further depleting its resources.

Alderman Purcell questioned who would determine the size of the residential container and who would pay for the containers. He reiterated that residential refuse pick up was different than commercial refuse pick up.

Motion by Alderman Hanson, seconded by Alderman Schmidt to return to order.

Motion carried.

Motion by Alderman Schmidt, seconded by Alderman Gibson, that the Ordinance be passed.

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

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

Nays: Alderman Stearns.

Motion carried.

MAYOR'S DISCUSSION: Mayor Stockton cited the Council's last Budget Work Session. There were hours of conversation and in the end, they came together with a plan for the budget. These included the two (2) ordinances which were voted on at this meeting. The Council had agreed to look at other items as well. Continued research on items, new initiatives, revenue enhancements, and budget cuts were each part of the solution the Council may have to consider.

He reiterated no one on the Council liked to increase fees or taxes, however, with inflationary costs, it was sometimes necessary. He believed the staff does well at being as efficient as possible without cutting services.

The Council had agreed to look at a ticket tax for the Bloomington Center for the Performing Arts (BCPA) and the US Cellular Coliseum (USCC). He did not want to reduce attendance. The ticket tax would help to cover the costs of the individuals who use these locations.

Another option, he described, was a \$0.25 sales tax increase per \$100. This increase would help to raise the reserve fund which is used to purchase things such as garbage trucks.

He introduced a discussion regarding a water rate increase. Currently, water operations for the City were not operating at a loss. The idea behind this increase was to start a capital improvement fund to increase the quantity and enhance the quality of the water the City provides.

He also addressed a sewer rate increase. The City has not imposed an increase to sewer rate over the last ten (10) years. This operation was now \$3,000,000 over budget. This was an item that past Councils had simply overlooked.

Mayor Stockton stated that within the quest to manage the BCPA and the USCC, there have been five (5) sold out shows in twelve (12) days. These types of events bring in revenue. He congratulated the management of those facilities and stated these types of events will help the City's budget.

CITY MANAGER'S DISCUSSION: None.

ALDERMEN'S DISCUSSION: Alderman Gibson requested a discussion regarding increased sales tax be placed on the Council's February 11, 2008 meeting agenda. He cited the streets' condition within the City. The community would not allow the roads to stay in this condition. The Council needed to review the same and get the job done. Mayor Stockton questioned if he was suggesting the dollars from the sales tax increase go into the General Fund and also into specific things such as road repair. Alderman Gibson answered affirmatively.

Alderman Gibson attended the Harlem Globetrotters show at the USCC. It was fabulous. Everyone had a great time. He believed that if people could see what goes on at the USCC, they would be sold out just about every time.

Alderman Stearns reiterated issues with the City's infrastructure. The sandstone curbs and brick roadways were deteriorating. The Council should do a better job at looking at the budget and such things as City vehicles going home each night. She believed the Council needed to work harder to build infrastructure.

Alderman Purcell responded with conditions in regards to Alderman Stearns' statements. There was a sunset clause for sales tax of ten (10) years. The increased sales tax was earmarked for the debt service at the USCC. The City needed to look at an additional \$1,500,000 in cuts to reach the budget goal. The City needed to get a handle on debt service to maintain the integrity of its bond rating. Mayor Stockton agreed. The City needed to replenish the surplus.

Alderman Schmidt stated the Council was put on urgent notice during the last Budget Work Session. The City no longer had a reserve. The Council could no longer debate increased sales tax. It was reasonable for Council to be prepared to vote at the next meeting.

Alderman Fruin echoed Alderman Schmidt's comments. He was ready to support the increase. There had been a number of meetings over the last six (6) months in which priorities have evolved. Building a reserve was one of the largest priorities the Council has.

Mayor Stockton agreed and stated the City needed a larger reserve due to the delay in the State of Illinois' payments.

Alderman Fruin expressed his satisfaction at the tremendous quality of life within the City. He reiterated the need for the reserve and stated initially, the increase would be painful. He reminded the Council of the cost of providing services that have been implemented within the last five (5) years. He believed the sales tax was an issue the Council could act on sooner than later. He requested that the sales tax be made an item on the Council's February 11, 2008 meeting agenda.

Alderman Sage struggled with the philosophical issues of an economic downturn, yet the Council wants to raise taxes. He understood the concern regarding the bond rating and its real world implications. He suggested the Council review the significant quality of life additions to the community and examine why those venues had not achieved the financial stability the community was expecting.

Mayor Stockton understood Alderman Sage's comments. He hoped the recent success at BCPA and USCC continues well into the future. The City could reduce its debt by covering it with revenues from these venues. Staff understood this and continued to look for options.

Alderman Hanson was a proponent for the increased sales tax for months. Sales tax was a major revenue stream for any community. He echoed the concerns regarding the reserves and USCC. He was in favor of having the sales tax increase on the February 11, 2008 meeting agenda.

Alderman Finnegan supported increased sales tax. He reminded the Council that a growing community was expensive to operate. The reserve fund and City debt needed to be addressed. He, too, was in favor of placing increased sales tax on the February 11, 2008 meeting agenda.

Alderman Hanson added that thirty-five to forty percent, (35 - 40%), of sales tax revenue comes from outside of the community. Mayor Stockton concurred. It was not directly linked to homeownership. Alderman Purcell stated the reason the City did not have a reserve fund was due to the USCC. Now the City had to pay the bond debt and build up reserves.

Alderman Fruin acknowledged the consensus of support and suggested that Mr. Hamilton draft an ordinance with specific recommendations prior to the next Council meeting. Mr. Hamilton agreed to draft an ordinance with conditions. He could make recommendations, but the Council would make the final decision as to where the dollars were distributed. Alderman Hanson stated the recommendation needed to be very pointed due to the bonding agencies. He added the first concern was meeting the bond agencies' requirements.

Mayor Stockton was in favor of the sunset clause within the recommendation. Whatever the decision, the Council would need to be clear and have solid reasons for its decision. The number one priority was to strengthen reserves and then to build up other

funds. He reiterated the pressure to have the USCC reach an operating profit, and the importance of the USCC making payments towards the debt service.

Alderman Stearns stated the Council was not looking at options. Bond debt was not part of the financials. Mayor Stockton stated his expectation that the USCC's management company pay part of the debt service. Alderman Schmidt concurred and added the more successful the USCC, the more it would enhance its ability to pay towards its debt.

Alderman Purcell requested additional budget reductions. Mr. Hamilton stated staff was performing budget reviews and would present the proposed budget in March. Alderman Stearns would like to see \$1,000,000 in budget reductions. Alderman Hanson reminded the Council that \$1,000,000 in reductions had been the directive to staff.

Mayor Stockton cited dates for the sales tax increase to take effect. Mr. Hamilton noted the sales tax increase and budget reductions were two (2) separate items. When the sales tax started to generate revenue the budget reductions would already be completed.

Alderman Gibson agreed the budget reductions needed to be addressed. Mayor Stockton believed several Council members would like to address these issues. He suggested the discussion wait until the Council's February 28, 2008 meeting. Alderman Finnegan reminded the Council not to become bogged down in minute details.

Mayor Stockton laid the sales tax increase discussion over until the Council's February, 11, 2008. He cautioned against moving too quickly. There would be a draft ordinance at the next Council meeting which would include a sunset clause with an explanation where the money would be dispersed.

Alderman Stearns reiterated that it was irresponsible not to address the City's bond rating and reserve fund.

Motion by Alderman Schmidt, seconded by Alderman Hanson, that the meeting be adjourned. Time: 9:17 p.m.

Motion carried.

**Tracey Covert
City Clerk**

This page intentionally left blank.