

**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 7:32 p.m., Monday, October 22, 2007.

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 David Sage, John Hanson, Jim Finnegan, Steven Purcell, Karen Schmidt, Jim Fruin and Mayor Stephen F. Stockton.

Alderman Absent: Kevin Huette and Allen Gibson.

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: Proclamation

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

1. Declaring November 14, 2007 as World Diabetes Day.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

Mayor Stockton read and presented the World Diabetes Day Proclamation to Marvis Custer. Ms. Custer was employed as an RN, (Registered Nurse), at OSF St. Joseph. She thanked the Mayor and Council for the recognition. As a nurse, she had specialized in diabetes care. She cited the need for public awareness. Type 2 diabetes was growing rapidly. There were over 10,000 individuals in McLean County living with diabetes. Her

goal was to motivate individuals to participate in preventive care. Mayor Stockton requested that information be provided for the City's employees.

Motion by Alderman Finnegan, 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, Schmidt, Finnegan, 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 September 24, 2007 and Work Session Minutes of September 10, 2007

The Council Proceedings September 24, 2007 and Work Session Minutes of September 10, 2007 of have been reviewed and certified as correct and complete by the City Clerk.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the reading of the minutes of the previous Council Proceedings of September 24, 2007 and Work Session Minutes of September 10, 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, 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 Finnegan, 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, 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 fifth partial payment to Peace Meal in the amount of \$624 on a contract amount of \$7,500 of which \$3,120 will have been paid to date for work certified as 42% complete for the John M. Scott Home Delivered Meals. Completion date – May 2008.
2. The fifth partial payment to Peace Meal in the amount of \$2,082 on a contract amount of \$25,000 of which \$10,410 will have been paid to date for work certified as 42% complete for the Peace Meals. Completion date – April 2008.

3. The tenth partial payment to Economic Development Council of Bloomington/Normal in the amount of \$6,666.66 on a contract amount of \$80,000 per year of which \$66,666.60 will have been paid to date for work certified as 83% complete for the McLean County Economic Development. Completion date – December 2008.
4. The fifth partial payment to Stark Excavating, Inc. in the amount of \$259,833 on a contract amount of \$1,183,030.68 of which \$753,558 will have been paid to date for work certified as 64% complete for the Towanda Avenue – Rowe to Orleans. Completion date – December 2007.
5. The eighth partial payment to Laesch Electric, Inc. in the amount of \$7,150 on a contract amount of \$172,846.86 of which \$172,740 will have been paid to date for work certified as 99% complete for the MacArthur at Main & Center Traffic Signals. Completion date – November 2007.
6. The fourteenth partial payment to Lewis, Yockey & Brown, Inc. in the amount of \$3,690 on a contract amount of \$120,000 of which \$98,133.34 will have been paid to date for work certified as 82% complete for the Dr. M.L. King Jr. Dr. – Washington to Oakland. Completion date – October 2007.
7. The twenty-ninth and final payment to Lewis, Yockey & Brown, Inc. in the amount of \$76,112.41 on a contract amount of \$151,111.28 of which \$151,111.28 will have been paid to date for work certified as 100% complete for the Dr. M.L. King Jr. Dr. and White Oak Road Intersection Improvements. Completion date – September 2007.
8. The seventh partial payment to McLean County in the amount of \$5,770.27 on a contract amount of \$100,000 of which \$23,091.68 will have been paid to date for work certified as 23% complete for the City's Share of the East Side Corridor Study. Completion date – February 2008.
9. The second partial payment to Rowe Construction Co. in the amount of \$120,960.24 on a contract amount of \$2,940,450.76 of which \$137,438.60 will have been paid to date for work certified as 4.7% complete for the Mitsubishi Motorway – Six Points to Sugar Creek. Completion date – September 2008.
10. The twenty-first partial payment to PJ Hoerr, Inc. in the amount of \$59,022.65 on a contract amount of \$11,579,865.49 of which \$11,578,892.65 will have been paid to date for work certified as 99.99% complete for the Renovation of the Bloomington Center for the Performing Arts. Completion date – June 2006.
11. The fifth partial payment to the Pantagraph in the amount of \$5,928.96 on a contract amount of \$35,350.92 of which \$11,963.48 will have been paid to date for work certified as 33.84% complete for the 2007-2008 Seasonal Advertising Services. Completion date – April 2008.

12. The first partial payment to Farnsworth Group, Inc. in the amount of \$1,800 on a contract amount of \$246,100 of which \$1,800 will have been paid to date for work certified as 1% complete for the Design/Development – Kickapoo Renovation. Completion date – October 2008.
13. The fifth partial payment to Stark Excavating, Inc. in the amount of \$227,985 on a contract amount of \$1,990,500 of which \$1,173,609 will have been paid to date for work certified as 59% complete for the Recovery Pumps and Piping (Groundwater, Etc.) Main Branch Kickapoo Creek Pump Station. Completion date – November 2007.
14. The first partial payment to Stark Excavating, Inc. in the amount of \$14,845.18 on a contract amount of \$50,000 of which \$14,845.18 will have been paid to date for work certified as 30% complete for the Sump Pump Drainage System 2006-2007. Completion date – November 2007.
15. The twenty-fifth partial payment to Farnsworth Group in the amount of \$2,625.10 on a contract amount of \$384,300 of which \$359,861.57 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 – October 2007.
16. The eighth partial payment to Gildner Plumbing in the amount of \$251,289 on a contract amount of \$1,114,445 of which \$950,000 will have been paid to date for work certified as 85% complete for the Sewer and Storm Drain Kickapoo Force Main. Completion date – November 2007.
17. The second partial payment to Institutorm Technologies USA, Inc. in the amount of \$104,802 on a contract amount of \$291,950 of which \$269,372 will have been paid to date for work certified as 92% complete for the Roosevelt: Wood to South Slough 36” Sewer Lining. Completion date – October 2007.
18. The seventh and final payment to Stark Excavating, Inc. in the amount of \$16,251.69 on a contract amount of \$838,844.50 of which \$808,131.69 will have been paid to date for work certified as 100% complete for the Lafayette-Maple Sanitary Relief Sewer. Completion date – May 2007.
19. The second partial payment to Leak Detection Services in the amount of \$7,305 on a contract amount of \$35,640 of which \$10,155 will have been paid to date for work certified as 28% complete for the Leak Detection. Completion date – December 2007.

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 Finnegan, 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, 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 September, 2007

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

The Audit of these accounts took place on Monday, October 22, 2007 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 Finnegan, seconded by Alderman Schmidt that the audit of the bills and payrolls for the Township for the month of September 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, 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: Reports

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

1. Police Pension Fund for the Year Ended April 30, 2007.
2. Firemen's Pension Fund – April 30, 2007.
3. Comprehensive Annual Financial Report for Fiscal Year May 1, 2006 to April 30, 2007.
4. Monthly Receipt & Expenditure Report, September 2007.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

(REPORTS ON FILE IN CLERK'S OFFICE)

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the reports 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, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Payment for Emergency Repair to Fire Apparatus

Staff respectfully requests that Council authorize payment in the amount of \$12,592.85 to Truck Centers, Inc. located in Morton, IL, for repair of the transmission in a Fire Department Aerial Apparatus. The apparatus is a 1998 Pierce ladder truck with 25,149 miles. The transmission

failure was the result of an internal part breaking. The transmission was removed from the apparatus, rebuilt and reinstalled. Funds for this payment will come from Account G151210-70520.

Respectfully,

Keith Ranney
Fire Chief

Dan Augstin
Director of Fleet Management

Tom Hamilton
City Manager

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Request to Pay Brown Traffic Products for Replacement Traffic Signal Controller Cabinet

The Traffic Signal Controller Cabinet at the intersection of Center Street and Locust Street was severely damaged in a traffic accident. The Controller Cabinet needed to be replaced. Brown Traffic Products is the authorized supplier for Eagle Signal products for our area. They have agreed to supply a replacement Controller Cabinet for \$6,075. Staff has reviewed the cost and finds it to be in order. The City's insurance company will be seeking reimbursement.

Staff, therefore recommends that Council approve payment in the amount of \$6,075.00 to Brown Traffic Products of Davenport, Iowa, for a replacement Controller Cabinet, with payment to be made from Traffic Maintenance Funds G16230-70590.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

Alderman Stearns questioned this item. She specifically cited the involvement of insurance. Tom Hamilton, City Manager, informed the Council that the vehicle driver's insurance company had been contacted for reimbursement.

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Request to Pay Expenses for 2007 Department Head Retreat

The City's senior management traditionally have an off-site multi-day retreat in the fall of each year to discuss City issues and cross-departmental strategies as well as to be provided with high level supervisory training. For 2007 a program was selected that a few individual senior leaders had experienced at the University of Virginia "LEAD" program, led by the Commonwealth Centers for High Performance Organizations (CCHPO).

This program was significantly more expensive than the usual facilitated retreats but was the equivalent of a three (3) full day class for nineteen (19) members of the City's senior leadership. Participants in the retreat included the City Manager, the two (2) Deputy City Managers, and all department heads with the exception of the department head for Scott Health, the Organization Development Manager, and the Library Director.

The total bill for the facilitation was \$8,800. The materials and the facilitator's travel amounted to an additional \$2,111.41. Arrangements were made by informal written communications (email) and no contract was entered into. Staff now realizes that the City is obliged to pay a \$10,911.41 invoice without benefit of prior Council approval. This was an oversight due to the unusual nature of the retreat.

Staff respectfully requests approval to pay \$10,911.41 to CCHPO for educational services. This amount will be split between the Human Resources and Administrative budgets as follows: \$5,720 from the Human Resources budget #G11410-70790, and \$5,191.41 from the Administrative budget #G11110-79990.

Respectfully,

Megan Devlin-Petty
Organization Development Manager

Tom Hamilton
City Manager

Alderman Stearns questioned the total cost of this retreat. Tom Hamilton, City Manager, stated that the retreat was approved during the budget process. A retreat had been held for over the past ten (10) years. He did not have a grand total for same. He added that since 1999, City management staff had been sent to the University of Virginia's LEADS program. This year, the City had the opportunity to bring the program here at a fraction of the cost. He noted that this year's retreat was more expensive due to the level of instruction. The tuition cost per person was \$2,600. City staff was utilized in a team approach to decision making. He expressed his belief that this approach was cost effective. The work performed by the City is people oriented.

Alderman Purcell questioned why this item appeared before the Council, if it had been approved during the budget process. Mr. Hamilton noted that City staff cannot approve expenditures over \$5,000.

Alderman Stearns recommended that City facilities be used for the retreat. Mr. Hamilton noted that Davis Lodge had been used in the past. It may be used during the coming year.

Motion by Alderman Finnegan, 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, Schmidt, Finnegan, 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: Authorization of the Installation of Street Lights in Cedar Ridge Subdivision Original and First Additions, and Payment of \$47,835.00 to Ameron IP

On March 26, 2007, council approved the amended Annexation Agreement and amended Preliminary Plan for Cedar Ridge Subdivision. Cedar Ridge Subdivision is located east of Main

Street (Busn. Rt. US 51), south of Woodrig Road, and north of Interstate 74 in the service territory of Ameron IP. Under the franchise agreement between Ameron IP and the City, Ameron installs and owns the lighting. Under the rate structure approved by the ICC and effective January 1, 2007, Ameron IP is allowed to charge the City the capital cost to install street lighting, in addition to a monthly fee for the power and maintenance of the lighting. In accordance with the City's Manual of Practice for the Design of Pubic Improvements, it is anticipated that about half of this expense will be recovered from the developer.

Ameron IP has submitted an estimate in the amount of \$47,835 for the installation of seven (7) 250 watt HPS lights and thirteen (13) 100 watt HPS lights in the original and first addition to Cedar Ridge Subdivision. Staff has reviewed the estimate and believes it to be in order. Staff respectfully requests that Council authorize the installation of street lights and authorize payment to Ameron IP in the amount of \$47,835 with payment to be made from Street Lighting Funds (X16220-70990).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Request for Payment of \$136,119.92 to the Grove on Kickapoo Creek, LLC for the City's Share of the Construction Cost of the 20" Water Main to the Grove on Kickapoo Creek Subdivision

On September 26, 2005, Council approved an Annexation Agreement with Eastlake Partners, LLC for the Grove on Kickapoo Creek Subdivision. Eastlake Partners, LLC has changed their name to The Grove on Kickapoo Creek, LLC. The Grove on Kickapoo Creek Subdivision is located on the north side of Ireland Grove Road, approximately one and half miles (1 ½) east of

Towanda Barnes Road. The Annexation Agreement obligated the City to reimburse the developers for the City's portion of the water main that was necessary to bring potable water to the site. The developer's contractor has constructed approximately 4,200 feet of 20" inch water main in the Ireland Grove Road right of way or upon easements to this point.

The Grove on Kickapoo Creek, LLC has submitted a request for reimbursement in the amount of \$136,119.92. Staff has reviewed this request and finds it to be in order. There are funds budgeted for this expense in the Water Department's capital budget. Staff respectfully recommends that Council approve the payment of \$136,119.92 to The Grove on Kickapoo Creek, LLC with payment to be made from Water Depreciation Funds (X50200-72540).

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

Alderman Stearns questioned this item. Tom Hamilton, City Manager, informed the Council that the City would collect tap on fees for this water main from future development.

Alderman Hanson noted that the decision made today to install a twenty inch, (20"), water main would address the future planning needs of the City. It addressed long range goals. He described it as a classic example of a good business decision.

Motion by Alderman Finnegan, 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, Schmidt, Finnegan, 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: Building Demolition – 904 E. Lincoln Street - Analysis of Bids MFT Section No. 07-00339-00-BD

Bidding proposals for the demolition of a vacant City-owned building at 904 E. Lincoln Street were received until 10:00 a.m. Friday, October 12, 2007, in the office of the City Clerk at which time and place the bids were opened and read aloud. The bids were read as follows:

	<u>Total Bid</u>
Kirk C&D Recycling, Inc. (Low Bid)	\$27,375.00
M.A.S. Services	\$35,950.00
Stark Excavating, Inc.	\$48,271.75
Otto Baum Company, Inc.	\$60,900.00
Engineer's Estimate	\$32,615.00

Budget: This project is not a budgeted item.

The subject building was purchased by the City in the early 1990's and proposed for demolition for the purpose of extending Lincoln Street from Bunn to Morrissey. Due to right of way issues, the Lincoln Street: Bunn to Morrissey project was delayed and the building has fallen into disrepair due to non-use. The property has been a source of recent complaints from area residents and the Police Department. The construction of this new section of Lincoln Street is planned for next summer. Staff believes it is in the City's best interest to remove the building as soon as possible.

The project consists of the removal of the existing building and appurtenances from the right of way and adjacent property. A right-of-entry agreement has been obtained from the owners of 1001 Croxton Ave. to provide access to the site. The contract will also include removal of garbage and debris from the area surrounding the building. The project is scheduled to be completed by December 1, 2007. This project will be funded with Motor Fuel Tax (MFT) funds per the MFT Resolution adopted by Council on September 10, 2007.

Staff respectfully recommends that Council accept the low bid from Kirk C&D Recycling, Inc. in the amount of \$27,375 and that the Mayor and City Clerk be authorized to execute the necessary documents. Payment will be made with Motor Fuel Tax Funds X20300-72530.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the bid be awarded to Kirk C&D Recycling, Inc. in the amount of \$27,375 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, 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 Bid for the Restoration of Concrete Wall at the Corner of Veterans Parkway and Eastland Drive

On Thursday, Oct. 11, 2007, staff received bids for the restoration of the concrete wall at the corner of Veterans Parkway and Eastland Drive. The wall was painted with anti-graffiti paint as part of the 2001, Phase III, Veterans Parkway project. The paint has been peeling off for several years and the wall is in need of some restoration work. The bid for this work includes sand blasting all of the paint off, repairing a vertical crack and applying a clear concrete sealer.

Alternate 1, caulking the control joints between the precast concrete panels, was included in the bid as the contractors believed that the existing caulking would not hold up during the sand blasting process.

Analysis of the Bids are as follows:

** Western Waterproofing Co. Springfield, IL	Base Bid	\$12,449.00
	Alternate 1	<u>706.00</u>
	Total	\$13,205.00
 Otto Baum Construction	Base Bid	\$14,975.00
	Alternate 1	<u>990.40</u>
	Total	\$15,965.40

** Low Bid and recommended contractor,

As all things are in order, staff respectfully recommends that Council approve the bid submitted by Western Waterproofing Co. in the amount of \$13,205 and that the Mayor and City Clerk be authorized to execute the necessary documents.

Funds for this project are available in the Building Alterations Account - 15480-72520.

Respectfully,

Robert Floyd
Facility Manger

Mark R. Huber
Director of PACE

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the bid be awarded to Western Waterproofing Co. in the amount of \$13,205 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, 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: Miller Park Concessions

Until 2002, the City contracted with a concessionaire to provide food concessions within Miller Park. This food concessions contract granted the exclusive right and privilege to operate food concessions in the concession building at Miller Park.

With the opening of the new playground and spray ground in Miller Park set for later this year or early 2008, staff believes the demand for food concessions will be much greater than in recent years. Staff is recommending that this concession operation be reopened and would like to seek a concessionaire to contract with for this service.

Given the nature of this service, staff has always requested Council permission to advertise for proposals rather than formal bids. This allows staff the opportunity to interview the operators and evaluate their proposals based on their ability to provide the best quality service, rather than just a dollar value before making a recommendation to Council.

Staff respectfully requests permission to prepare a proposal and advertise for food concessionaire.

Respectfully,

John Kennedy
Assistant Director Parks & Recreation

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Schmidt that staff be allowed to request proposals for a food concessionaire.

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

Ayes: Aldermen Stearns, Schmidt, Finnegan, 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: Change Order for the Restoration of the Top Deck at the Parking Garage in Front of the Police Facility

On July 26, 2007, Council awarded a contract to the Truesdell Corp. in the amount of \$118,888, for the restoration of the top deck at the parking garage in front of the Police Facility.

When the demolition began on the east side of the parking deck it became evident that additional concrete, above the bid amount, needed to be replaced. Staff authorized an additional 400 sq. ft. to be replaced at the original bid price of \$44.00 per sq. ft., at a total of \$17,600.

Original Contract Price	\$118,888.00
Change Order #1	<u>17,600.00</u>
New Contract Price	\$136,488.00

Staff reviewed this Change Order and determined it to be fair and appropriate. Therefore, staff respectfully recommends that Council approve the change to the contract with the Truesdell Corp. in the amount of \$17,600, and that the Resolution be adopted. Funds are available for this Change Order from the Building Alterations Account 15480-72520.

Respectfully,

Robert Floyd
Facility Manger

Mark R. Huber
Director of PACE

Tom Hamilton
City Manager

RESOLUTION NO. 2007 - 98

**A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE
AMOUNT OF \$17,600 IN THE CONTRACT BETWEEN THE CITY
OF BLOOMINGTON AND TRUESDELL CORP. FOR THE RESTORATION OF THE
TOP DECK AT THE PARKING GARAGE IN FRONT OF THE POLICE FACILITY**

WHEREAS, the City of Bloomington has previously entered into a contract with Truesdell Corp. for the restoration of the top deck at the parking garage in front of the Police Facility; and

WHEREAS, for the reasons set forth in a staff report dated October 22, 2007 it was necessary to replace additional concrete; and

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the October 22, 2007 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 \$17,600 in the contract between the City of Bloomington and Truesdell Corp. for the restoration of the top deck at the parking garage in front of the Police Facility be approved.

ADOPTED this 22nd day of October, 2007.

APPROVED this 23rd day of October, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Stearns expressed her concern about this facility. She questioned the work being done and the structure's life expectancy. Tom Hamilton, City Manager, stated

that the structure was fine. There was an issue with water seepage. The deck will be repaired and sealed. He expressed his hope that the problem would be eliminated. The work was almost completed. Some water damage was anticipated as the deck was twelve (12) years old.

Mayor Stockton noted that the deck was repaired. Mr. Hamilton stated that the facility was inspected periodically. The necessary maintenance performed was dependent upon the report received. The goal was to avoid major repairs. The major concerns for this facility were water and salt.

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the Change Order 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, 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: Permit to Perform Work in IDOT Right of Way Adjacent to 1002 N. Main Street

The demolition of the former gasoline filling station at 1002 N. Main Street included the removal of existing driveways, sidewalk, and curbing, the replacement of sidewalk, and curbing closing the former entrances.

This station is on the northwest corner of Empire Street (Illinois Route 9) and Main Street (Business Route US 51), both of which are highways under the jurisdiction of the Illinois Department of Transportation (IDOT). Work within the right of way of a state highway requires a permit from IDOT.

Staff respectfully recommends that Council approve the permit with IDOT and that the Mayor and City Clerk be authorized to execute the necessary documents.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

(CONTRACT ON FILE IN CLERK'S OFFICE)

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the Permit 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, 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 of Agreement with NICOR Gas to Relocate an Existing Gas Main to Facilitate the Improvement of Morris Avenue

At the August 27, 2007 meeting Council approved a contract for the Morris Avenue improvements. In order to construct the new box culvert at Goose Creek, NICOR must relocate a section of existing gas main. The gas main was installed in a private easement prior to the public road and associated right of way being dedicated. Therefore, the City is obligated to pay for the relocation.

NICOR has submitted an agreement and estimate for the relocation in the amount of \$91,279.93 which must be paid in advance of NICOR performing the work. Once the relocation is complete and the actual costs are known, a reconciliation of the estimate to the actual cost will be performed. If the difference exceeds \$200, a refund or revised invoice will be provided. Staff has examined the agreement submitted by NICOR and finds it acceptable.

Staff respectfully requests that Council approve the agreement with NICOR Gas for the relocation of their gas main, and the Mayor and City Clerk be authorized to execute the necessary documents. Funds for this payment will be made from Storm Water Management Funds (X55200-72550).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

Motion by Alderman Finnegan, 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, 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 Agreement with Clark Dietz, Inc. for the Locust-Colton Phase I Sewer Separation and Water Main Replacement Project Design

Staff has negotiated an agreement with Clark Dietz, Inc. to provide civil engineering services for the design of the underground utility work on the Locust-Colton Phase I Sewer Separation and Water Main Replacement Project in the amount of \$305,000. The project is the first phase of the multi-phase Locust-Colton CSO Elimination Study. This design was also performed by Clark Dietz, Inc. This design project combines work that was to be done by both the Engineering and Water Departments.

The design of this project is included in the current budget as \$100,000 in Washington and Moore Sanitary Sewer Design, \$125,000 in Bloomington High School (BHS) Sanitary Trunk Sewer Design, \$40,000 in Washington and Moore Storm Sewer Design, and \$45,000 in Country Club and Washington Storm Sewer Design. There are sufficient dollars available in these funds to cover the design expense. The breakout of design costs between the Engineering Department and the Water Department will be as follows:

WDF (50200-70050)	\$175,000	Water Department
SDF (52200-70050)	\$100,000	Engineering Department
SWDF (55200-70050)	<u>\$ 30,000</u>	Engineering Department
Total Design Cost	\$305,000	

Staff respectfully recommends that Council approve an agreement with Clark Dietz, Inc. to provide civil engineering services for design of Locust-Colton Phase I Sewer Separation and Water Main Replacement Project in an amount not to exceed \$305,000, and further that the Mayor and City Clerk be authorized to execute the necessary documents. Payment will be made with \$175,000 in Water Depreciation Funds (50200-70050) and \$100,000 in Sewer Depreciation Funds (52200-70050) and \$30,000 in Storm Water Depreciation Funds (55200-70050).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Craig Cummings
Director of Water

Tom Hamilton
City Manager

PROFESSIONAL SERVICES AGREEMENT

Project Name (“Project”)

Locust-Colton Phase 1 Sewer Separation and Water Main Replacement Project

This Agreement is by and between

City of Bloomington (“Client”)
115 E. Washington Street
Bloomington, IL 61702-3157

and

Clark Dietz, Inc. (“Clark Dietz”)
1817 South Neil Street, Suite 100
Champaign, Illinois 61820

Who agree as follows:

Client hereby engages Clark Dietz to perform the services set forth in Part I - Services and Clark Dietz agrees to perform the Services for the compensation set forth in Part III - Compensation. Clark Dietz shall be authorized to commence the Services upon execution of this Agreement and written authorization to proceed from Client. Client and Clark Dietz agree that this signature page, together with Parts I-IV and attachments referred to therein, constitute the entire Agreement between them relating to the Project.

Approved for Client

Approved for Clark Dietz

By: Stephen F. Stockton
Title: Mayor
Dated October 23, 2007

By: Charles J. Johnson
Title: Senior Vice President
Dated: October 28, 2007

PART I SERVICES

A. Project Description

The Locust-Colton Phase 1 Sewer Separation and Water Main Project includes the design of storm and sanitary sewers within the first phase of the identified sewer separation are in the Locust/Colton CSO Elimination Study (Clark Dietz, 2007). This project will also include the design of water main within the same general area.

This project includes the design of the following approximate quantities of sewer and water main:

- 4,800 lineal feet of separate sanitary sewer
- 1,400 lineal feet of separate storm sewer
- 5,800 lineal feet of water main

This design project includes a site survey of the proposed sewer and water main alignments, mostly along existing roadways. This project also includes the design of storm sewers, separate sanitary sewers, manholes, curb inlets, catch basins, sewer connections, lateral reconnections, water mains, valves, hydrants, service connections, general surface restoration, and associated work and abandonment of the existing water main being replaced. Construction observation services are also included for the water main component only. *This project does not include roadway design or pavement restoration. It is assumed that the City of Bloomington will replace or repair roadways along the utility corridor following construction of the utilities designed as part of this project.*

Water main and sewers will be designed for the area south of Locust Street, which includes portions of the Bloomington High School athletic fields south of Locust Street, along Towanda Avenue, Elmwood Street, Cecil Street, Country Club Place, Perrin Avenue, Jefferson Street, and Washington Street. Portions of this project may include the southwest corner of Bloomington Country Club.

B. Scope

The following specific services will be provided:

1. PRELIMINARY DESIGN PHASE
 - a. Clark Dietz will conduct a project kickoff meeting with representatives from the Client's staff, including representatives from the Bloomington Water Department.
 - b. Clark Dietz will perform field surveys along the proposed improvement routes. Surveys will include topography and surface features, locating above and below grade utilities, and tie into existing benchmarks.
 - c. Clark Dietz will review sewer televising data for the existing combined sewers within the project area. Lateral locations will be identified and the overall condition of the sewer will be summarized. It is assumed that the City of Bloomington will provide the labor and equipment to televise the combined sewer.

- d. Clark Dietz will work with City staff to identify clear water connections to the combined sewer laterals in the project area. Clear water connections may consist of downspout connections or foundation drain connections.
- e. Clark Dietz will obtain parcel and right-of-way information from existing City records to identify lot locations. It is understood that the City will provide McLean County GIS parcel data to assist in this effort.
- f. Clark Dietz will contact private utility companies to obtain available location and elevation information of existing utilities.
- g. Clark Dietz will reduce the field survey information and produce existing condition drawings in AutoCAD format.
- h. Clark Dietz will perform a field review of the proposed alignment to identify any constraints not readily identified during field survey.
- i. Clark Dietz will prepare and submit preliminary drawings for Client review which include proposed layout and profile and preliminary specifications.
- j. Clark Dietz will attend one meeting each with the Bloomington Country Club, Bloomington High School (or applicable School District), and area residents to discuss the proposed project and receive feedback on the proposed preliminary utility alignments.
- k. Clark Dietz will attend a coordination meeting with the Bloomington Water Department to verify water main sizing and alignment.
- l. Clark Dietz will submit 30% design (preliminary) drawings for Client review. Upon Client review, Clark Dietz will meet with the Client to discuss the Project drawings and identify key changes prior to the preparation of the 70% submittal.

2. FINAL DESIGN PHASE

- a. Clark Dietz will perform a field review to verify remaining design-related issues that should be addressed in the Final Design.
- b. Clark Dietz will perform an internal QA/QC review of the design.
- c. Clark Dietz will develop cost estimates for the proposed sewer and water main construction for Client review. *The cost estimates will not include roadway replacement costs.*

- d. Clark Dietz will develop draft construction specifications for Client review. The Client will provide City-required boilerplate language for Clark Dietz to insert in the project manual. The draft construction specifications will include:

- Notice to Bidders
- Bid Proposal
- Certifications
- Bid Bond
- Performance and Payment Bond
- Instruction to Bidders
- Common Construction Wages
- General Conditions
- Supplementary Conditions
- Technical Specifications

- e. Clark Dietz will submit 70% design (pre-final) drawings and technical specifications for Client review. The design drawings will include:

- Title Sheet
- General Notes, Index, Legend
- Plan and Profile Sheets
- Erosion Control Plan
- Details Sheets

- f. Clark Dietz will meet with the Client to discuss the draft construction specifications and the 70% design submittal and identify necessary changes for the final submittal.
- g. Clark Dietz will develop easement documents (if necessary) for the proposed utilities. *It is assumed that the City of Bloomington will negotiate with property owners to execute the easement documents.*
- h. Clark Dietz will prepare IEPA permit applications for sewer and water main construction. The permit applications will be submitted to the Client for review and signature. Clark Dietz will forward the completed applications to the IEPA. Clark Dietz will respond to questions from IEPA regarding the permit applications.
- i. Clark Dietz will perform a constructability review prior to developing the Final Design.
- j. Clark Dietz will prepare and submit final construction documents in hard copy (1 set) and electronic (PDF) copy (1 CD) to the Client.

- k. Throughout the project, Clark Dietz will prepare monthly status reports to be submitted to the Client with monthly invoices.

3. CONSTRUCTION PHASE

- a. Clark Dietz will attend the pm-bid meeting to answer questions relating to the water main design and technical specifications.
- b. Clark Dietz will review shop drawings relating to the water main and water main appurtenances.
- c. Clark Dietz will attend up to three progress pay meetings and review pay requests with respect to the water main bid items. Clark Dietz will provide written recommendations to the Bloomington Water Department for up to three pay requests. It is assumed that the Client will process the full pay requests and manage related correspondence with the contractor.
- d. Clark Dietz will answer contractor questions with respect to water main work only, and will assist with issuing change orders for construction components directly related to water main work, as necessary.
- e. Clark Dietz will provide personnel for construction observation services during the construction of the water main and water main appurtenances. Construction observation will be performed as directed by the Bloomington Water Department. *For this Agreement, it is assumed that up to 392 hours of construction observation will be provided by Clark Dietz. No construction observation will be performed for the construction of the storm sewer or separate sanitary sewer.*
- f. Clark Dietz will prepare record drawings for the water main components based on the record drawings maintained by the contractor during construction.

C. Schedule

Clark Dietz shall commence work on the Preliminary Design Phase within 10 calendar days of written Notice to Proceed and complete the Final Design Phase within 210 days. Assuming a Notice to Proceed by October 15, 2007, the Final Design Phase will be completed by May 15, 2008. Assuming that construction commences by July 15, 2008, the Construction Phase should be completed around November 2008.

D. Assumptions/Conditions

This agreement is subject to the following assumptions/conditions:

1. This Agreement and any legal actions concerning its validity, interpretation and performance shall be governed by the laws of the State of Illinois.
2. This agreement does not include negotiation/acquisition services for rights-of-way or easements.
3. This agreement does not include the preparation of assessment roles or schedules.
4. This agreement does not include geotechnical investigations.
5. Local permits for this project (street cuts, utility relocations, etc.) will be obtained by the Client with information provided by Clark Dietz. All permit fees will be paid by the Client.
6. State permits for this project will be obtained by the Client with information provided by Clark Dietz. All permit fees will be paid by the Client.
7. No Federal permits are anticipated for this project.
8. This agreement does not include contaminated site Phase I or Phase II environmental assessment investigations or remediation activities.
9. This agreement does not include cultural, historic, archeological, or wetland assessment investigations or remediation activities.
10. This agreement does not include bidding assistance, with the exception of Clark Dietz' attendance at the pre-bid meeting to answer contractors' questions.

E. Electronic Data Format

The Drawings for this project will be provided to the Client in printed format on paper and electronically in Adobe© Portable Document Format (PDF).

Client will provide the following information to Clark Dietz in electronic format for use by Clark Dietz on this project:

- 1) CADD files of Record drawings of the existing facilities. Client warrants that the files will be readable by commonly available IBM PC based computer hardware using the current operating system and the current version of AutoCAD. If the files do not comply with this provision, Client agrees to issue a modification to cover Clark Dietz' additional costs associated with making such electronic files fit for the purpose intended.
- 2) GIS Files which contain sanitary/storm sewers, water main, street centerlines, cadastral (property lines), zoning, soils, Rights of Way, easements, and the latest available aerial photography. If these files are available, the electronic files will be produced by City of Bloomington. Client warrants that the files will be compatible with the current ESRI-based GIS software (ArcGIS, ArcMAP, ArcVIEW).

PART II CLIENT'S RESPONSIBILITIES

Client shall, at its expense, do the following in a timely manner so as not to delay the services:

A. Information/Reports

Provide Clark Dietz with reports, studies, site characterizations, regulatory decisions and similar information relating to the Services that Clark Dietz may rely upon without independent verification unless specifically identified as requiring such verification.

B. Representative

Designate a representative for the project who shall have the authority to transmit instructions, receive information, interpret and define Client's requirements and make decisions with respect to the Services. The Client representative for this Agreement will be Jim Karch.

C. Decisions

Provide all criteria and full information as to Client's requirements for the Services and make timely decisions on matters relating to the Services.

D. Other

Provide Clark Dietz with any available construction plans for utilities, streets, subdivisions and drainage facilities that may be pertinent to the project. This includes available GIS data.

**PART III
COMPENSATION**

A. Compensation

Compensation for the Services shall be as follows:

Compensation to Clark Dietz for services rendered by employees working on the Project in accordance with PART I, SERVICES of this Agreement will be at the hourly billing rates shown in the attachment, "Schedule of General Billing Rates". The total compensation authorized by this Agreement will not exceed \$305,000.

1. Payment for outside consulting and/or professional services performed by a subconsultant will be at actual invoice cost to Clark Dietz plus ten percent for administrative costs.
2. Payment for expenses incurred directly on behalf of the Project at actual cost to Clark Dietz plus ten percent for administrative costs.

B. Billing and Payment

1. Timing/Format

- a. Invoices shall be submitted monthly for Services completed at the time of billing and are due upon receipt. Invoices shall be considered past due if not paid within 30 calendar days of the due date. Such invoices shall be prepared in a form supported by documentation as Client may reasonably require.
- b. If payment in MI is not received by Clark Dietz within 30 calendar days of the due date, invoices shall bear interest at one-and-one-half (1.5) percent of the past due amount per month, which shall be calculated from the invoice due date.
- c. If the Client fails to make payments within 30 calendar days of due date or otherwise is in breach of this Agreement, Clark Dietz may suspend performance of services upon seven (7) calendar days' notice to the Client. Clark Dietz shall have no liability whatsoever to the Client for any costs or damages as a result of suspension caused by any breach of this Agreement by the Client. Upon payment in full by the Client, Clark Dietz shall resume services under this Agreement, and the time schedule and compensation shall be equitably adjusted to compensate for the period of suspension plus any other reasonable time and expense necessary for Clark Dietz to resume performance.

2. Billing Records

Clark Dietz shall maintain accounting records of its costs in accordance with generally accepted accounting practices. Access to such records will be provided during normal business hours with reasonable notice during the term of this Agreement and for 3 years after completion.

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the agreement be approved in an amount not to exceed \$305,000 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, 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: Resolution for Dedication of Right of Way for Woodbine Road, Leslie Drive, and Pamela Drive in Hawthorne Commercial Subdivision

A request has been received from Frances C. Kelley, a/k/a Frances Kelley and Commerce Bank, Trustee McLean County Land Trust LDB-52, for approval of a Right of Way Plat, Warranty Deed and Resolution for the dedication of Woodbine Road, Leslie Drive, and Pamela Drive.

On November 26, 2001, Council approved a Preliminary Plan for Hawthorne Commercial Park. Hawthorne Commercial Park is located south of General Electric Road and west of Towanda Barnes Road. This dedication conforms to the Preliminary Plan.

Staff respectfully recommends that Council approve the Resolution accepting the right of way dedication for Woodbine Road, Leslie Drive, and Pamela Drive in Hawthorne Commercial Subdivision.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

RESOLUTION NO. 2007 – 99

A RESOLUTION ACCEPTING THE DEDICATION OF PUBLIC RIGHT OF WAY FOR WOODBINE ROAD, LESLIE DRIVE, AND PAMELA DRIVE IN HAWTHORNE COMMERCIAL SUBDIVISION

WHEREAS, the City of Bloomington has previously approved a preliminary plan for Hawthorne Commercial Subdivision on November 26, 2001 as Ordinance 2001-130 which depicts Woodbine Road, Leslie Drive, and Pamela Drive as public streets; and

WHEREAS, the proposed right of way shown on the Right of Way Plat labeled exhibit A, attached hereto and made a part of this resolution is in conformance with said approved preliminary plan; and

WHEREAS, the grantors Frances C. Kelley, a/k/a Frances Kelley and Commerce Bank, Trustee McLean County Land Trust LDB-52 have submitted an executed Warranty Deed for the right-of-way; and

WHEREAS, the City Council of said City has the power to adopt the Resolution and grant said dedication; and

WHEREAS, it is reasonable and proper to dedicate said right of way for Woodbine Road, Leslie Drive, and Pamela Drive in Hawthorne Commercial Subdivision.

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

1. That said public right of way for Woodbine Road, Leslie Drive, and Pamela Drive in Hawthorne Commercial Subdivision is hereby dedicated.
2. That the Warranty Deed and Right of Way Plat are accepted and the City Clerk is directed to record same.

ADOPTED this 22nd day of October, 2007.

APPROVED this 23rd day of October, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Parcel 1: A part of the Northeast Quarter of Section 31, Township 24 North, Range 3 East of the Third Principal Meridian, Bloomington, McLean County, Illinois, more particularly described as follows: Beginning at the Northwest Corner of Lot 17 in the Sixth Addition to Hawthorne Commercial Subdivision in the City of Bloomington, Illinois, according to the Plat recorded as Document No. 2007-21532 in the McLean County Recorder's Office. From said Point of Beginning, thence north 70.00 feet along the West Line of Pamela Drive in said Sixth Addition to the Northwest Corner of said Pamela Drive; thence west 819.97 feet along the Westerly Extension of the North Right-of-Way Line of said Pamela Drive which forms an angle to the right of 89°-54'-54" with the last described course to a Point of Curvature; thence southwesterly 128.01 feet along the arc of said curve which is concave to the south with a radius of 535.00 feet and the 127.71 foot chord of said arc forms an angle to the right of 173°-08'-43" with the last described course to the Southeast Corner of Lot 91 in the Second Addition to Sapphire Lake Subdivision in the City of Bloomington, Illinois, according to the Plat recorded as Document No. 2005-17335 in said Recorder's Office; thence southeast 70.00 feet along the Easterly Line of Pamela Drive in said Second Addition which forms an angle to the right of 83°-08'-43" with the last described chord to the Easternmost Corner of said Pamela Drive; thence northeasterly 111.26 feet along the arc of a curve concave to the south with a radius of 465.00 feet and the 111.00 foot chord of said arc forms an angle to the right of 96°-51'-17" with the last described course to a

Point of Tangency; thence east 819.86 feet along a line which forms an angle to the right of 186°-51'-17" with the last described chord to the Point of Beginning, containing 1.51 acres, more or less.

Parcel 2: A part of the Northeast Quarter of Section 31, Township 24 North, Range 3 East of the Third Principal Meridian, Bloomington, McLean County, Illinois, more particularly described as follows: Beginning at the Southwest Corner of Lot 12 in the Fourth Addition to Hawthorne Commercial Subdivision in the City of Bloomington, Illinois, according to the Plat recorded as Document No. 2005-31041 in the McLean County Recorder's Office. From said Point of Beginning, thence west 70.00 feet along the South Line of Leslie Drive in said Fourth Addition to the Southwest Corner of said Leslie Drive; thence south 1488.75 feet along the Southerly Extension of the West Right-of-way Line of said Leslie Drive which forms an angle to the right of 90°-00'-00" with the last described course to a point on the Westerly Extension of the North Right-of-Way Line of Pamela Drive in the Sixth Addition to Hawthorne Commercial Subdivision in the City of Bloomington, Illinois, according to the Plat recorded as Document No. 2007-21532 in said Recorder's Office, lying 181.76 feet west of the Northwest Corner of said Pamela Drive; thence east 70.00 feet along said Westerly Extension which forms an angle to the right of 90°-00'-00" with the last described course; thence north 1488.75 feet along the Southerly Extension of the East Right-of-Way Line of said Leslie Drive which forms an angle to the right of 90°-00'-00" with the last described course to the Point of Beginning, containing 2.39 acres, more or less.

Parcel 3: A part of the Northeast Quarter of Section 31, Township 24 North, Range 3 East of the Third Principal Meridian, Bloomington, McLean County, Illinois, more particularly described as follows: Beginning at the Southeast Corner of Lot 9 in the Second Addition to Hawthorne Commercial Subdivision in the City of Bloomington, Illinois, according to the Plat recorded as Document No. 2005-6797 in the McLean County Recorder's Office. From said Point of Beginning; thence east 70.00 feet along the South Line of Woodbine Road in said Second Addition to the Southeast Corner of said Woodbine Road; thence south 1678.64 feet along the Southerly Extension of the East Right-of-Way Line of said Woodbine Road which forms an angle to the left of 90°- 00'-00" with the last described course to a point on the Westerly Extension of the North Right-of-Way Line of Pamela Drive in the Sixth Addition to Hawthorne Commercial Subdivision in the City of Bloomington, Illinois, according to the Plat recorded as Document No. 2007-21532 in said Recorder's Office, lying 726.76 feet west of the Northwest Corner of said Pamela Drive; thence west 70.00 feet along said Westerly Extension which forms an angle to the left of 90°-00'-00" with the last described course; thence north 1678.64 feet along the Southerly Extension of the West Right-of-Way Line of said Woodbine Road which form an angle to the left of 90°-00'-00" with the last described course to the Point of Beginning, containing 2.70 acres, more or less.

TAX I.D. #: Part of 15-31-200-019.

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the Resolution be adopted, and the Warranty Deed be recorded.

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

Ayes: Aldermen Stearns, Schmidt, Finnegan, 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: Illinois Department of Transportation (IDOT) Resolution for the Blackstone Group for a Proposed Business at 909 South Main Street

The Blackstone Group has proposed the construction of a new store at the corner of Main and Wood Street. Part of this development will include on-site storm water detention, which will discharge into the combined sewer on Main Street or northbound Business US Route 51. IDOT District 5 has requested that the City adopt a Resolution relieving them of any liability that could be caused by discharging the detained water into the combination sewer system. Staff respectfully recommends that the Resolution be adopted.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

RESOLUTION NO. 2007 - 100

**PROVIDING FOR THE INDEMNIFICATION OF THE STATE OF ILLINOIS FOR
THE DIVERSION OF STORMWATER RUNOFF WITHIN THE CITY OF
BLOOMINGTON**

WHEREAS, THE BLACKSTONE GROUP, hereinafter known as the DEVELOPER, has requested a PERMIT from the STATE OF ILLINOIS for the proposed 909 SOUTH MAIN STREET development adjacent to Business US Route 51, a State highway; and

WHEREAS in compliance with the aforementioned PERMIT, the applicant has provided the STATE with a drainage and detention plan for the run-off from the development; and

WHEREAS the drainage plan shows that the DEVELOPER intends to divert the flow of water towards the State Highway, detaining the runoff on said development such that the peak flow is no greater than reaches the STATE drainage system for Business US Route 51 under current conditions; and

WHEREAS, the CITY OF BLOOMINGTON accepts the said drainage and detention plan provided by the DEVELOPER; and

WHEREAS, the CITY OF BLOOMINGTON agrees to indemnify the STATE from actions that may arise due to the diversion of stormwater in consideration to the benefits to CITY residents derived by the development.

NOW, THEREFORE, BE IT RESOLVED, that upon the diversion of flow for this development the CITY OF BLOOMINGTON shall indemnify and save harmless the STATE, it's officers, agents, employees and servants against any loss, damage or expense that it or they may sustain as a result of any suits, actions or claims of any character brought on account of property damage, injury to or death of any person or persons, which may arise in connection with the diversion and detention of flow proposed by said DEVELOPER at the 909 SOUTH MAIN STREET development. The CITY shall not be obligated to indemnify and save harmless the STATE from liability, injury or death proximately, caused by the negligence of an employee, agent or servant of the STATE.

ADOPTED this 22nd day of October, 2007.

APPROVED this 23rd day of October, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the Resolution be adopted.

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

Ayes: Aldermen Stearns, Schmidt, Finnegan, 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 IWI Ventures, LLC, d/b/a Noodles & Company, located at 305 N. Veterans Pkwy., for an RBS liquor license, which will allow the sale of beer and wine only by the glass for consumption on the premises seven (7) days a week

The Bloomington Liquor Commissioner Rich Buchanan called the Liquor Hearing to hear the application of IWI Ventures, LLC, d/b/a Noodles & Company, located at 305 N. Veterans Pkwy., Ste. 105, requesting an RBS liquor license which allows the sale of beer and wine only by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Rich Buchanan, Marabeth Clapp, and Steve Petersen; Hannah Eisner, Deputy Corporation Counsel; Lt. Tim Stanesa, Police Department; Tracey Covert, City Clerk; and Britton Wiedemann, owner/operator and Applicant representative.

Commissioner Buchanan opened the liquor hearing. He requested that the Applicant present the business plan. Britton "Brit" Wiedemann, owner/operator and Applicant representative, addressed the Commission. He described himself as the operating partner. IWI Ventures, LLC operated Noodles & Company in three (3) different states. The company had operated a Noodles & Company in Normal for the past two (2) years. There had not been a single violation. They had received a letter of commendation after a law enforcement audit. Beer and wine is offered at other Noodles' locations. The liquor is offered to compliment the food.

Commissioner Buchanan noted that he had visited the Normal store. He questioned if it had a liquor license. Mr. Wiedemann responded affirmatively. It had held a liquor license since the store opened.

Commissioner Buchanan questioned the planned opening date. Mr. Wiedemann noted that his company would take possession on October 31, 2007. Once the building was finishes, the space occupied by Noodles would be turned into a restaurant.

Commissioner Clapp questioned the business hours. Mr. Wiedemann provided the following information: Sunday through Wednesday - 11:00 a.m. to 9:00 p.m.; Thursday through Saturday - 11:00 a.m. to 10:00 p.m.

Commissioner Buchanan noted that the Normal store has featured a guitarist. Mr. Wiedemann noted that the guitarist was hired by Pot Belly Pig (adjoining restaurant). Noodles had been allowed to run a speaker to capture the music. The Bloomington store would feature an outdoor patio. There were no speakers in the plan at this time.

Commissioner Petersen questioned the percentage of liquor sales at the Normal store. Mr. Wiedemann responded less than one percent (1%). Commissioner Petersen questioned if Noodles' staff would be prepared to handle liquor sales. Mr. Wiedemann stated that Noodles' staff must be TIPS certified. In addition, his firm has a policy which states that only a manager may serve/sell liquor.

Commissioner Buchanan requested public comment. No one came forward to address the Commission.

Based on the above, the Liquor Commission recommends to the City Council that an RBS liquor license for IWI Ventures, LLC, d/b/a Noodles & Company, located at 305 N. Veterans Pkwy., Ste. 105, be created, contingent upon compliance with all applicable health and safety codes.

Respectfully,

Stephen F. Stockton
Chairman of Liquor Commission

Motion by Alderman Finnegan, seconded by Alderman Schmidt that an RBS liquor license for IWI Ventures, LLC, d/b/a Noodles & Company located at 305 N. Veterans Pkwy., 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, Schmidt, Finnegan, 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 ERJ Dining IV, LLC, d/b/a Chili's Grill & Bar, located at 2107 N. Veterans Pkwy., 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 Rich Buchanan called the Liquor Hearing to hear the application of ERJ Dining IV, LLC d/b/a Chili's Grill & Bar, located at 2107 N. Veterans Pkwy., 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 Rich Buchanan, Marabeth Clapp, and Steve Petersen; Hannah Eisner, Deputy Corporation Counsel; Lt. Tim Stanesa, Police Department; Tracey Covert, City Clerk; and Harlan Powell, attorney and Applicant representative.

Commissioner Buchanan opened the liquor hearing. He requested that the Applicant present the business plan. Harlan Powell, attorney for ERJ Dining IV, LLC and Applicant representative, addressed the Commission. This application was on account of a change of ownership. This

store opened in 1991. To his knowledge, there had not been a single violation at this address. The current applicant, ERJ Dining, was in the process of acquiring various Chili's locations. All of its previous ventures, (I, II, and III), have involved the purchase of Chili's restaurants. He reviewed the ownership structure. This store was among forty-one (41) stores which had been purchased in Illinois. He described that the staff running the Bloomington store as solid. At this time, there was no plan to change store management. Commissioner Buchanan noted that the staff needed to be reminded that the restaurant was located in the City and not in Normal.

Chili's operated with a zero tolerance policy. The business hours would remain the same: Sunday through Thursday - 11:00 a.m. to 11:00 p.m., and Friday and Saturday - 11:00 a.m. to midnight. He restated that there had not been a violation at this location. ERJ had also not been subject to a liquor license suspension and/or revocation. One of the ERJ's partners had twenty-five (25) years of experience with Brinker Restaurant Corporation, the current license holder.

Commissioner Buchanan questioned the percentage of gross sales which were from alcohol. Mr. Powell noted that he did not have specific data on the Bloomington store. He did have overall performance information on the forty-one (41) stores to be purchased. The food to liquor split was 80/20.

Commissioner Buchanan requested public comment. 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 ERJ Dining IV, LLC, d/b/a Chili's Grill & Bar, located at 2107 N. Veterans Pkwy., be created, contingent upon compliance with all applicable health and safety codes.

Respectfully,

Stephen F. Stockton
Chairman of Liquor Commission

Motion by Alderman Finnegan, seconded by Alderman Schmidt that an RAS liquor license for ERJ Dining IV, LLC, d/b/a Chili's Grill & Bar located at 2107 N. Veterans Pkwy., 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, Schmidt, Finnegan, 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 Chipotle Mexican Grill, Inc., d/b/a Chipotle Mexican Grill, located at 305 N. Veterans Pkwy., Ste. 101, 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 Rich Buchanan called the Liquor Hearing to hear the application of Chipotle Mexican Grill, Inc., d/b/a Chipotle Mexican Grill, located at 305 N. Veterans Pkwy., Ste. 101, 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 Rich Buchanan, Marabeth Clapp, and Steve Petersen; Hannah Eisner, Deputy Corporation Counsel; Lt. Tim Stanesa, Police Department; Tracey Covert, City Clerk; and Mark Mader, Area Manager, John Killian, Site Manager/Area Manager, and Bob Kadlec, Store Manager, operators and Applicant representatives, and Irene Bahr, Applicant's attorney.

Commissioner Buchanan opened the liquor hearing. He requested that the Applicant present the business plan. Irene Bahr, Applicant's attorney, addressed the Commission. She introduced Mark Mader, Area Manager, John Killian, Site Manager/Area Manager, and Bob Kadlec, Store Manager. Mr. Mader will be leaving the area and Mr. Killian will be promoted to Area Manager. She thanked the Commission for the opportunity to address them. She also recognized the City Clerk's Office for their assistance with the application process. There were seventy-six (76) Chipotle Mexican Grills nationwide. The company, Chipotle Mexican Grill, Inc. was publicly traded. Chipotle stores offer beer and margaritas to accompany the food offerings. Liquor sales equal two percent (2%) of total sales. However, it was store protocol to hold a liquor license. Chipotle has server training programs which include BASSETT. All servers must be twenty-one (21) years of age. This store will offer an outdoor patio. Ms. Bahr stated that this area would be fenced and policed by Chipotle's staff. Outdoor patios were another common protocol.

Commissioner Buchanan questioned the main entrance's location. Mr. Mader noted on the building's east side which would be facing Cub Foods. Commissioner Buchanan questioned the location of the outdoor patio. Mr. Mader noted on the building's north side. Ms. Bahr noted that Chipotle, (Suite 101), and Noodles, (Suite 105), would be located in the same building.

Commissioner Petersen questioned patio access. Mr. Mader noted that patrons would gain access through the restaurant. He added that there would be a fire exit from the patio. He noted that there were Chipotles located in various cities in Illinois and Indiana. Chipotle will meet and be in compliance with the City Code. Ms. Bahr added that there would be no access from the outdoor patio. She restated that there would be no easy access from the outside. Chipotle would meet the City's requirements.

Commissioner Buchanan noted that there should be no free and easy entrance form the patio. Mr. Mader responded affirmatively.

Commissioner Clapp reviewed the floor plan. She noted that there was no bar. Ms. Bahr stated that Chipotle offered counter service. Chipotle offered a quick service make line. The cashier would serve/sell the alcohol.

Commissioner Petersen questioned if Chipotle would offer margarita nights. Mr. Mader responded negatively.

Commissioner Buchanan questioned staffing and the planned opening date. Mr. Mader informed the Commission that Chipotle planned to be open by November 30, 2007. Mr. Killian resided in Peoria. Mr. Kadlec resided in LeRoy. An assistant manager was in training in the Chicago suburbs.

Commissioner Buchanan requested public comment. 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 Chipotle Mexican Grill, Inc., d/b/a Chipotle Mexican Grill, located at 305 N. Veterans Pkwy., be created, contingent upon compliance with all applicable health and safety codes.

Respectfully,

Stephen F. Stockton
Chairman of Liquor Commission

Motion by Alderman Finnegan, seconded by Alderman Schmidt that an RAS liquor license for Chipotle Mexican Grill, Inc., d/b/a Chipotle Mexican Grill located at 305 N. Veterans Pkwy., 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, Schmidt, Finnegan, 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 Illinois Symphony Orchestra, requesting an LB liquor license which would allow the sale of bottled wine in silent auction baskets at the Double Tree Hotel and Conference Center, located at 10 Brickyard Dr., for consumption off the premises

The Bloomington Liquor Commissioner Rich Buchanan called the Liquor Hearing to hear the application of Illinois Symphony Orchestra requesting an LB liquor license which would allow the sale of bottled wine in auction baskets at the Double Tree Hotel and Conference Center, located at 10 Brickyard Dr., for consumption off the premises. Present at the hearing were Liquor Commissioners Rich Buchanan; Hannah Eisner, Deputy Corporation Counsel; Tracey Covert, City Clerk; and Roger Hunt, Member of the Board of Governors and Applicant representative.

Commissioner Buchanan opened the liquor hearing. He noted that Steve Stockton, Liquor Commissioner, was out of town. Commissioner Stockton had requested that Commissioner Buchanan serve as the hearing officer. A Council memorandum would be prepared for the Council October 22, 2007 meeting. He requested that the Applicant present the request.

The Illinois Symphony Orchestra was hosting a fundraiser at the Doubletree Hotel & Conference Center, Veterans Pkwy. & Brickyard Dr., on Saturday, October 27, 2007 from 5:30 - 11:00 p.m. The fundraiser will include a silent and live auction. There will be silent auction baskets which may contain a bottle of wine.

Roger Hunt, Member of the Board of Governors and Applicant representative, addressed the Commissioner. The fundraiser was entitled "Symphony Celebrities Fundraiser" and was in its third year. He estimated attendance at 200 - 210 people. The request for an "LB" liquor license would authorize the placement of wine bottles in the silent auction baskets. The live auction would offer larger items such as vacations, celebrity chef dinners, sporting events, etc.

Hannah Eisner noted that liquor liability would not be required. The silent auction baskets would involve off premise consumption. Therefore, this requirement was waived. The number of bottles involved would be limited. Problems with this request were unlikely. Mr. Hunt agreed that there might be six (6) bottles of wine at most. However, the inclusion of wine would make the basket more attractive. Ms. Eisner noted that the Doubletree held a liquor license. The event would include a cash bar.

Based on the above, the Liquor Commission recommends to the City Council that an LB liquor license which would allow the inclusion of bottled wine in silent auction baskets at "Symphony Celebrities Fundraiser" to be held at the Double Tree Hotel and Conference Center, located at 10 Brickyard Dr., on Saturday, October 27, 2007 from 5:30 - 11:00 p.m. for consumption off the premises be approved.

Respectfully,

Stephen F. Stockton
Chairman of Liquor Commission

Motion by Alderman Finnegan, seconded by Alderman Schmidt that an LB liquor license which would allow the inclusion of bottled wine in silent auction baskets at “Symphony Celebrities Fundraiser” to be held at the Double Tree Hotel and Conference Center, located at 10 Brickyard Dr., on Saturday, October 27, 2007 from 5:30 - 11:00 p.m. for consumption off the premises be approved.

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

Ayes: Aldermen Stearns, Schmidt, Finnegan, 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 BAYMT, Inc., d/b/a Western Tap, located at 1301 N. Western Ave., for a TAS 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 Rich Buchanan called the Liquor Hearing to hear the application of BAYMT, Inc., d/b/a Western Tap, located at 1301 N. Western Ave., requesting a TAS 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 Rich Buchanan, Marabeth Clapp, and Steve Petersen; Hannah Eisner, Deputy Corporation Counsel; Lt. Tim Stanesa, Police Department; Tracey Covert, City Clerk; and Jason Taylor, owner/operator and Applicant representative.

Commissioner Buchanan opened the liquor hearing. He requested that the Applicant present the business plan. Jason Taylor, owner/operator and Applicant representative, addressed the Commission. This application was on account of a change of ownership. He had been contacted by the current owner. Mr. Taylor informed the Commission that he currently owned and operated Mulligans located at 531 N. Main St.

Mr. Taylor stated that there were no planned changes to the Western Tap. He did not want a “P” Package license. He planned to put more focus on the food or the “R” Restaurant aspect of this tavern.

Commissioner Buchanan questioned if the Applicant wanted to modify any of the existing liquor license conditions. Commissioner Petersen cautioned Mr. Taylor that this tavern was located in a residential neighborhood. The Commission has taken a different approach to this establishment due to this fact. Mr. Taylor informed the Commission that he had grown up in the area. He knew the Western Tap’s clientele. He noted that the tavern was located a little out of the way. He planned to do some advertising to attract more clientele.

Commissioner Clapp questioned who would provide day to day management. Mr. Taylor had hired a manager, Jennifer Anderson. Mulligan’s does not open until 3:00 p.m. Mr. Taylor planned to spend time at each facility.

Commissioner Clapp questioned capacity and noise. Mr. Taylor noted that business had been down. He hoped to bring Western Tap back to par. Hannah Eisner, Deputy Corporation Counsel addressed the Commission. She noted that the Western Tap’s occupancy was set at eighty-five (85).

Commissioner Buchanan noted the considerable renovation done on the building. He described it as a physical enhancement. Mr. Taylor noted that the renovation served a purpose. He described this business venture as a nice situation.

Commissioner Petersen questioned the occupancy of the beer garden. Ms. Eisner restated that the Western Tap’s occupancy was set at eighty-five (85). This figured was applied to the entire premise. She cited the various concerns which had been raised by the neighborhood. She cited parking as a key issue. The occupancy was limited to address the neighborhood’s concerns.

Commissioner Buchanan requested public comment. No one came forward to address the Commission.

Based on the above, the Liquor Commission recommends to the City Council that a TAS liquor license for BAYMT, Inc., d/b/a Western Tap, located at 1301 N. Western Ave., be created, contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) the business’ closing hours would be set at 11:00 p.m. on Sunday through Thursday and midnight on Friday and Saturday; 2.) the beer garden would be closed by 10:00 p.m.; 3.) no amplified music would be allowed at the beer garden, with the exception of special events which would be limited to two to three (2 - 3) times per year with a closing time of 7:00 p.m.; the license holder must request the City’s permission in writing; 4.) occupancy would be restricted to 85 subject to review if additional parking is provided; and 5.) the establishment doors and windows must be closed to contain indoor amplified music.

Respectfully,

Stephen F. Stockton
Chairman of Liquor Commission

Alderman Purcell questioned if the conditions placed upon this license were the same as the previous one. Tracey Covert, City Clerk, responded affirmatively.

Alderman Finnegan questioned the conditions which seemed strict. Mayor Stockton informed the Council that he did not attend the Liquor Hearing. There had been considerable neighborhood concerns. These conditions had been accepted by the previous license holder and had also been accepted by the applicant.

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

Motion carried.

Jay Taylor, 704 W. Locust, addressed the Council as the applicant. He informed them that he also owned and operated Mulligans located at 531 N. Main St. The Western Tap had been negatively impacted by the smoke free ordinance. He added that he himself was not a smoker. He was made aware of the business opportunity. The Western Tap had a nice outdoor beer garden. He expressed his opinion that with time people would adjust.

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

Motion carried.

Motion by Alderman Finnegan, seconded by Alderman Purcell that a TAS liquor license for BAYMT, Inc., d/b/a Western Tap located at 1301 N. Western Ave., be created, contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) the business' closing hours would be set at 11:00 p.m. on Sunday through Thursday and midnight on Friday and Saturday; 2.) the beer garden would be closed by 10:00 p.m.; 3.) no amplified music would be allowed at the beer garden, with the exception of special events which would be limited to two to three (2 - 3) times per year with a closing time of 7:00 p.m.; the license holder must request the City's permission in writing; 4.) occupancy would be restricted to 85 subject to review if additional parking is provided; and 5.) the establishment doors and windows must be closed to contain indoor amplified music.

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

Ayes: Aldermen Stearns, Schmidt, Finnegan, 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: Proposed 2007 Tax Levy and Process

The attached estimated levy reflects the direction given staff in the recent work session.

In order to adopt a levy, an estimate must be formally set. The Truth in Taxation Law (35 ILCS 200/18-85) has two (2) requirements to meet in the process of adopting a levy and are as follows:

1. "Not less than 20 days prior to the adoption of its aggregate levy.....the corporate authority of each taxing district shall determine the amounts of money....estimated to be necessary to be raised by taxation for that year upon the taxable property in its district."
2. "If the estimate of the corporate authority made....is more than 105% of the amount extended or estimated to be extended....the corporate authority shall give public notice of and hold a public hearing on its intent to adopt an aggregate levy in an amount which is more than 105% of the amount extended or estimated to be extended....The notice shall appear not more than fourteen (14) days nor less than seven (7) days prior to the date of the public hearing."

In addition the Tax Levy Ordinance must be passed and a certified copy thereof filed with the County Clerk on or before the last Tuesday in December. The last Tuesday in December falls on December 25, 2007. In order to meet the various timing requirements to legally adopt a levy in December, an "estimated" levy needs to be set in October or early November. The levy adopted should be supported by the budget adopted the previous spring. It is best to complete this with plenty of time to spare, therefore the process should begin immediately.

The 2007 total recommended property tax levy is \$20,824,033 which is a 5.29% increase over the 2006 levy extension of \$19,778,231. The primary reason for the increase is an extra \$721,245 for the Fire Pension Fund and an additional \$502,580 for the Police Pension Fund to pay for growing costs in those areas. The General Corporate levy was dropped 25% to accommodate this as directed by Council.

The proposed levy is based on a projected Equalized Assessed Valuation of \$1,621,818,532 which is 4.00% above the 2005 EAV of \$1,559,440,896. Staff received the estimate of about 4.00% growth in EAV from discussions with the Township Assessor, Mike Ireland.

The current tax rate is \$1.26829 per \$100 of EAV for the 2006 levy (\$0.99730 for the City and \$0.27099 for the Library). The projections for the 2007 levy generate an estimated tax rate of \$1.27403 per \$100 of EAV (\$1.00368 for the City and \$0.27035 for the Library). The increase

in the levy amount subject to Truth In Taxation is 4.99%, which is below the 5% threshold that requires a newspaper publication and a public hearing before adopting the final levy.

Therefore, the proposed levy below will **not** require that the City have newspaper publication and a public hearing before adopting the final levy.

The following is a comparison of last year's levy as extended by the County Clerk to this year's estimated levy.

	Estimate 2007	Extension 2006	% Increase
General Corporate	\$ 2,237,358	\$ 2,983,210	-25.00
Police Protection	1,341,696	1,277,806	5.00
Fire Protection	1,341,533	1,277,650	5.00
Public Parks	1,005,699	957,809	5.00
IMRF Fund	1,661,228	1,597,335	4.00
Social Security Fund	1,415,848	1,361,392	4.00
Fire Pension Fund	2,493,706	1,722,461	40.69
Police Pension Fund	2,392,466	1,889,889	26.59
Judgment Fund	100,000	150,018	-33.34
Public Library Fund	4,384,595	4,225,928	3.75
Public Benefit Fund	155,000	155,008	-0.01
Audit Fund	83,671	79,687	5.00
Truth in Taxation Subtotal	18,612,800	17,728,190	4.99
1991 S.E. Improvement Bonds	900,000	695,000	29.50
1996 Police Facility Bonds	704,225	905,965	-22.27
2001 Refinancing Issue	79,320	82,923	-4.41
2003 Capital Imp. Issue	366,188	366,188	0.00
2007 Bond Issue	161,500	0	100.00
Debt Service Subtotal	2,211,233	2,050,041	7.86
Total Tax Levy	20,824,033	19,778,231	5.29

The largest increases on a percentage basis are for the Fire and Police Pension Funds as required to pay for the expanding employee base. All other increases recommended are those considered routine to keep a balanced budget in pace with the growth of the City.

Staff's recommended time line to finalize this levy is as follows:

1. Set the estimated levy tonight to start the twenty (20) day time clock running.
2. Formally adopt the levy at the November 13th Council meeting.

Staff respectfully recommends that Council authorize the preparation of the necessary documents to proceed with this process.

Respectfully,

Brian J. Barnes
Director of Finance

Tom Hamilton
City Manager

Alderman Schmidt noted that during the Budget Work Sessions the Council collectively made some decisions. She expressed her opinion that the Council would be closing the door on another opportunity. She cited the \$2 – 3 million budget gap and the \$600,000 increase to Police and Fire Pension funding. Tom Hamilton, City Manager, noted that to meet the pension obligation these dollars would be removed from the City's General Fund. Alderman Schmidt questioned bond debt. Mr. Hamilton noted that sales tax dollars had dropped also. Alderman Schmidt stated that the Council's choices had been narrowed. City staff was looking for efficiencies and also looking at user fees. Questions had been raised regarding subsidies for City services. A .0025 increase to the home rule sales tax had also been proposed. Mr. Hamilton noted that options were still open. There were varying time lines. The Tax Levy must be passed annually.

Alderman Hanson noted that the Council had charged City staff to present cost saving measures. City staff feared that there might be a loss of jobs. He recommended that the Council stay the course.

Mayor Stockton noted that the Council looked at four (4) things: 1.) efficiencies, 2.) service cuts/additions; 3.) potential revenue enhancements; and 4.) handle the Tax Levy carefully. The focus had been on the basic cost of owning a home. The Council looked at subsidy levels and the percentage of same. He cited refuse collection as an example – service versus cost.

Alderman Schmidt noted that the .0025 home rule sales tax increase could be readdressed by April 1, 2008. Mayor Stockton cited efficiencies again. The City needed to look at which services were needed. The City needed to look to technology. He noted that higher rates of pay may be justified. The City would need to use automation to do more with less. He referred the Council back to the Budget Work Sessions.

Alderman Hanson expressed his concern for capital projects. He added that part of the City's efficiencies must come from each Alderman looking at his/her ward. Alderman Hanson encouraged the Council to look at its wish list. Mayor Stockton stated the Council may not be able to do so due to the time line. Mr. Hamilton noted that the Council's next Work Session was scheduled for Tuesday, November 13, 2007 at 5:00 p.m. Mayor Stockton expressed his opinion that another Work Session may be needed. He anticipated that the discussion initiatives would last an hour.

Alderman Purcell stated that the US Cellular Coliseum was not the only issue. Mr. Hamilton cited pensions and the drop in sales tax receipts, (down four percent – 4%). He also cited the number of fixed costs for the City such as gasoline, salt, etc . The numbers will become firmer when additional data is available.

Alderman Fruin stated that the Council’s action was consistent. The Council had held the line on property taxes. The Council had done its part to address affordable housing while being sensitive to the other taxing bodies.

Alderman Stearns questioned the impact of the proposed Tax Levy upon property taxes. Mr. Hamilton anticipated that the impact upon residential properties would be minimal. City staff worked with Mike Ireland, Township Assessor, to obtain accurate numbers. Mayor Stockton expressed his opinion that the EAV, (Equalized Assessed Value) was the key factor which impacted the property tax bill.

Alderman Hanson expressed his support for a sales tax increase. It would establish a revenue stream and alleviate pressure on property taxes. The City has had a steady increase to EAV. Mayor Stockton acknowledged that the City’s budget was tighter. It had been impacted by the national economy.

Motion by Alderman Schmidt, seconded by Alderman Purcell that the proposed levy be adopted as the estimate of \$20,824,033 for the 2007 City levy.

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

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

Nays: None.

Motion carried.

MAYOR’S DISCUSSION: Mayor Stockton addressed the Council retreat which had been held on Saturday, October 20, 2007. He saw the retreat as an investment of time. The Council addressed a variety of topics: quality of life, future direction of the City, how the Council might accomplish same, reaching agreement amongst the Council, etc. He believed that the retreat would form the basis for future Council discussions. He specifically cited the following: 1.) initiatives; 2.) strategies; and 3.) staff goals. He was pleased with what had been accomplished. He added his belief that there was much more to do.

CITY MANAGER’S DISCUSSION: Tom Hamilton, City Manager, informed the Council that the City’s Annual United Way Chili Cook-off would be held on Wednesday, October 31, 2007.

The final Main St. public meeting will be held on Monday, October 29, 2007. The place and time for same would be provided soon.

He noted that over the weekend two (2) events were held one at the US Cellular Coliseum, (USCC), and the other at the Bloomington Center for the Performing Arts, (BCPA). Everything went well and there were no parking problems. The City can provide a wide variety of entertainment as both events were well attended. Mayor Stockton noted that off hours parking was not a problem.

ALDERMEN'S DISCUSSION: Alderman Finnegan informed the Council that work on Towanda Ave. had been brought to a halt. A NICOR gas main needed to be moved.

He had attended the Glenn Miller concert at the BCPA. Mayor Stockton noted that a number of out of town artists have made positive comments about the facility.

He also invited the Council to the Irish Heritage Festival to be held on Sunday, October 28, 2007 at 5:00 p.m. at the Knight of Columbus building.

Alderman Hanson thanked Tom Hamilton, City Manager, and City staff who participated in the Council's retreat. He also thanked Dean Kohn, Director – Parks & Recreation, who addressed a group in his ward on his day off. Mr. Kohn was knowledgeable and responsive.

Alderman Sage expressed his appreciation to the Mayor for his leadership. A nice framework had been prepared with a conceptual outline. He added that he had heard good news regarding the BCPA. He cited tickets sales and staff. Mayor Stockton added that the Cultural Commission was sensitive to the community.

Alderman Fruin expressed his opinion that the retreat was time well spent. He expressed his interest in future meetings. The Council needed to work together. He was pleased with the turn out. He was also interested in future staff participation. Mayor Stockton cited Paul Craig, facilitator. Mr. Craig should be given credit for his efforts. He had been provided with background information.

Alderman Schmidt described the retreat as a good day with good interaction between Council and City staff. She also thanked Mayor Stockton for hosting same.

Alderman Purcell thanked City staff for attending the Council retreat. He had attended the Bob Dylan/Elvis Costello concert at the USCC. He was also looking forward to the hockey season. The Prairie Thunder would have over thirty (30) home games.

Alderman Stearns thanked Alderman Hanson for meeting with City staff regarding budget cuts. She expressed her belief that the City was stronger financially. There would be increases to basic services. She had been contacted by constituents and City employees. The Council had enhanced the City's financial viability.

She also expressed her congratulations to the BCPA staff. She described the facility as wonderful. Ticket sales had exceeded 20,000.

Motion by Alderman Schmidt, seconded by Alderman Finnegan, that the meeting be adjourned. Time: 8:33 p.m.

Motion carried.

**Tracey Covert
City Clerk**