

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

The Council convened in regular Session in the Council Chambers, City Hall Building, at 7:30 p.m., Monday, September 24, 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, Kevin Huetten, Allen Gibson, David Sage, John Hanson, Jim Finnegan, Steven Purcell, Karen Schmidt, Jim Fruin and Mayor Stephen F. Stockton.

City Manager Tom Hamilton, Deputy City Clerk Julie Phillips, and Deputy Corporate Counsel Hannah Eisner were also present.

Absent: City Clerk Tracey Covert, and Corporate Counsel Todd Greenburg.

Mayor Stockton noted that several members of the audience present were from local skateboarding groups. He appreciated their presence. The Council could not address their concerns, as there was no item on the City Council Agenda regarding the proposed Skateboard Park. He requested that all those present to support the proposed park to stand. He thanked them for their attendance and noted that the Request for Proposals for the skateboard park would appear on the October 8, 2007 meeting.

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 September 24, 2007 as Children and Elders Forest Day.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

Mayor Stockton noted that the official Proclamation was not available to read at this evening's meeting. He requested that the recipients contact the City Clerk's office the following business day to make arrangements to receive it.

Motion by Alderman Huette, seconded by Alderman Schmidt that the proclamation be made a matter of record.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Work Session Minutes of September 5, 2007, Executive Session Minutes of November 13, 2006, and Council Proceedings of October 10, 2005

The Work Session Minutes of September 5, 2007, Executive Session Minutes of November 13, 2006, and Council Proceedings of October 10, 2005 have been reviewed and certified as correct and complete by the City Clerk.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

Motion by Alderman Huette, seconded by Alderman Schmidt that the reading of the minutes of the previous Work Session of September 5, 2007, Executive Session Minutes of November, 13, 2006, and Council Proceedings of October 10, 2005 be dispensed with and the minutes approved as printed.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Bills and Payroll

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

Respectfully,

Brian J. Barnes
Director of Finance

Tom Hamilton
City Manager

(ON FILE IN CLERK'S OFFICE)

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Payments from Various Municipal Departments

1. The fourth partial payment to Peace Meal in the amount of \$2,082 on a contract amount of \$25,000 of which \$8,328 will have been paid to date for work certified as 33% complete for the Peace Meals. Completion date – April 2008.

2. The fourth partial payment to Peace Meal in the amount of \$624 on a contract amount of \$7,500 of which \$2,496 will have been paid to date for work certified as 33% complete for the John M. Scott Home Delivered Meals. Completion date – May 2008.
3. The third partial payment to US Cellular Coliseum in the amount of \$380,805.49 on a contract amount of \$3,142,402.80 of which \$1,915,998.64 will have been paid to date for work certified as 61% complete for the US Cellular Coliseum. Completion date – May 2008.
4. The ninth 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 \$59,999.94 will have been paid to date for work certified as 75% complete for the McLean County Economic Development. Completion date – December 2008.
5. The twentieth partial payment to Felmley Dickerson in the amount of \$30,221.95 on a contract amount of \$925,000 of which \$763,705.07 will have been paid to date for work certified as 83% complete for the Courthouse Square Streetscape. Completion date – December 2007.
6. The fourth partial payment to The Pantagraph in the amount of \$2,104.04 on a contract amount of \$35,350.92 of which \$6,034.52 will have been paid to date for work certified as 17.07% complete for the Completion date – April 2008.
7. The fifth partial payment to Illinois House Building, LLC in the amount of \$31,520.74 on a contract amount of \$140,000 of which \$116,338.87 will have been paid to date for work certified as 83% complete for the Illinois House. Completion date – December 2010.
8. The second partial payment to McLean County Soil & Water conservation in the amount of \$16,942.25 on a contract amount of \$67,769 of which \$33,884.50 will have been paid to date for work certified as 50% complete for the Professional Services. Completion date – Annual.
9. The ninth partial payment to McLean County Regional Planning in the amount of \$2,239.75 on a contract amount of \$68,500 of which \$53,188.39 will have been paid to date for work certified as 78% complete for the Main Street Corridor. Completion date – April 2008.
10. The eleventh partial payment to Ratio Architects in the amount of \$3,401.37 on a contract amount of \$135,240 of which \$108,055.75 will have been paid to date for work certified as 80% complete for the Miller Park Playground Renovation. Completion date – May 2007.
11. The third partial payment to Felmley Dickerson in the amount of \$332,421.30 on a contract amount of \$1,098,000 of which \$633,258.90 will have been paid to date for work certified as 58% complete for the Miller Park Playground Renovation. Completion date – May 2007.

12. The third partial payment to Cornerstone Construction LLC in the amount of \$38,967 on a contract amount of \$398,770 of which \$58,801 will have been paid to date for work certified as 15% complete for the Zoo Animal Hospital. Completion date – May 2007.
13. The seventh partial payment to Laesch Electric, Inc. in the amount of \$19,210 on a contract amount of \$172,846.86 of which \$165,590 will have been paid to date for work certified as 96% complete for the MacArthur at Main & Center Traffic Signals. Completion date – October 2007.
14. The seventh partial payment to Rowe Construction Co. in the amount of \$49,899.14 on a contract amount of \$817,603.74 of which \$391,766.98 will have been paid to date for work certified as 48% complete for the 2007 Curb and Gutter Improvements. Completion date – December 2007.
15. The fifth partial payment to Rowe Construction in the amount of \$21,615.35 on a contract amount of \$1,795,000 of which \$1,390,706.28 will have been paid to date for work certified as 77.5% complete for the 2007-2008 General Resurfacing. Completion date – October 2007.
16. The third partial payment to Stark Excavating, Inc. in the amount of \$36,386 on a contract amount of \$1,183,030.68 of which \$325,751 will have been paid to date for work certified as 28% complete for the Towanda Avenue – Rowe to Orleans. Completion date – December 2007.
17. The thirteenth partial payment to Stark Excavating, Inc. in the amount of \$144,489.24 on a contract amount of \$2,959,945.10 of which \$2,790,994.28 will have been paid to date for work certified as 94% complete for the Fox Creek Road & Scottsdale Avenue Improvements. Completion date – September 2007.
18. The fifth partial payment to Farnsworth Group in the amount of \$7,159 on a contract amount of \$130,300 of which \$49,115.22 will have been paid to date for work certified as 38% complete for the Tanner Street – Morris Avenue to Lake Drive. Completion date – April 2008.
19. The second partial payment to Clark Dietz in the amount of \$1,107.78 on a contract amount of \$47,000 of which \$4,011.67 will have been paid to date for work certified as 9% complete for the Construction Observation for James and Charles Place. Completion date – October 2008.
20. The first partial payment to Leak Detection Services in the amount of \$2,850 on a contract amount of \$35,640 of which \$2,850 will have been paid to date for work certified as 8% complete for the Leak Detection. Completion date – December 2007.

21. The third and final payment to JG Stewart Contractors in the amount of \$3,108.30 on a contract amount of \$33,704.30 of which \$33,704.30 will have been paid to date for work certified as 100% complete for the MLK Detention Basin Inlet Repair. Completion date – August 2007.
22. The third partial payment to Consoer Townsend & Associates in the amount of \$153.60 on a contract amount of \$250,000 of which \$4,688.77 will have been paid to date for work certified as 2% complete for the Division Street Reservoir Repairs. Completion date – December 2007.
23. The sixth partial payment to Farnsworth Group in the amount of \$554.58 on a contract amount of \$50,000 of which \$9,864.09 will have been paid to date for work certified as 20% complete for the Ultraviolet Light & Hydrogen Peroxide Feasibility Study. Completion date – October 2007.
24. The seventh partial payment to Farnsworth Group in the amount of \$2,844.75 on a contract amount of \$50,000 of which \$12,708.84 will have been paid to date for work certified as 25% complete for the Ultraviolet Light & Hydrogen Peroxide Feasibility Study. Completion date – October 2007.
25. The first partial payment to Felmley Dickerson in the amount of \$26,306.10 on a contract amount of \$184,200 of which \$26,306.10 will have been paid to date for work certified as 14% complete for the Stair Replacement at Lake Bloomington. Completion date – December 2008.
26. The first partial payment to Clark Dietz in the amount of \$5,348.75 on a contract amount of \$22,000 of which \$5,348.75 will have been paid to date for work certified as 24% complete for the Water Main Improvement Graham Street through O’Neil Park. Completion date – December 2007.
27. The thirteenth partial payment to Clark Dietz in the amount of \$2,001.25 on a contract amount of \$68,800 of which \$61,507.81 will have been paid to date for work certified as 90% complete for the Water Main Replacement on Hinshaw/Barker. Completion date – December 2007.
28. The eighth partial payment to Clark Dietz in the amount of \$4,666.18 on a contract amount of \$84,600 of which \$50,990.96 will have been paid to date for work certified as 59% complete for the Parmon Road Water Main Replacement. Completion date – December 2007.
29. The fifty-second partial payment to Farnsworth Group in the amount of \$13,346.75 on a contract amount of \$1,077,688.73 of which \$1,013,842.73 will have been paid to date for work certified as 94% complete for the Design Transmission Water Main to Lake Bloomington. Completion date – November 2007.

30. The seventh partial payment to Stark Excavating, Inc. in the amount of \$80,670 on a contract amount of \$2,974,384 of which \$2,769,758 will have been paid to date for work certified as 93% complete for the Brokaw Road Sanitary Trunk Sewer. Completion date – November 2007.
31. The third and final payment to Instituform Technologies USA Inc. in the amount of \$5,000 on a contract amount of \$52,850 of which \$52,655 will have been paid to date for work certified as 100% complete for the Bellemont Sewer Lining. Completion date – July 2007.
32. The third partial payment to Stark Excavating, Inc. in the amount of \$287,890 on a contract amount of \$1,990,500 of which \$804,640 will have been paid to date for work certified as 40% complete for the Recovery Pumps and Piping – Main Branch Kickapoo Pump Station. Completion date – November, 2007.
33. The sixth partial payment to Gildner Plumbing, Inc. in the amount of \$132,245 on a contract amount of \$1,114,445 of which \$684,817 will have been paid to date for work certified as 61% complete for the Sewer and Storm Drain Kickapoo Force Main. Completion date – October 2007.
34. The twenty-fourth partial payment to Farnsworth Group in the amount of \$4,514 on a contract amount of \$384,300 of which \$357,236.47 will have been paid to date for work certified as 93% complete for the Kickapoo Force Main Design – Property Surveys and Brokaw Road Surveys. Completion date – September, 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

Alderman Purcell questioned payment #5, the twentieth partial payment to Felmley Dickerson in the amount of \$30,221.95 on a contract amount of \$925,000 of which \$763,705.07 will have been paid to date for work certified as 83% complete for the Courthouse Square Streetscape. Completion date – December 2007. He questioned if the project included Main Street, or if it was limited to the area around the McLean County Museum of History. Mr. Hamilton responded that the project included the 200, 300, 400, 500 and 600 blocks of north Main. Alderman Purcell questioned if the grant funds were given to the City by the State of Illinois. Mr. Hamilton affirmed.

Alderman Purcell questioned payment #22. The third partial payment to Consoer Townsend & Associates in the amount of \$153.60 on a contract amount of \$250,000 of which \$4,688.77 will have been paid to date for work certified as 2% complete for the Division Street Reservoir Repairs. Completion date – December 2007. He questioned the reservoir repairs.

Craig Cummings, Director of Water, noted that this reservoir is one hundred (100) years old, and made of concrete. A roof was placed on top of it fifty (50) years ago. Turf had grown over the roof. The project consists of determining the condition of the roof and pillars. It was important to check the stability of the concrete in order to ensure that nothing could leech into it. The reservoir holds drinking water. He stated that the only way to check the concrete was to drain the reservoir.

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Audit of the Accounts for the Township Supervisor of General Assistance Fund and General Town Fund for the Month of August, 2007

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

The Audit of these accounts took place on Monday, September 24, 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 Huette, seconded by Alderman Schmidt that the audit of the bills and payrolls for the Township for the month of August, 2007 be made a matter of record.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Report

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

1. Monthly Receipt & Expenditure Report, August, 2007.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

(REPORTS ON FILE IN CLERK'S OFFICE)

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Members of the City Council
From: Stephen Stockton, Mayor
Subject: Appointment(s) and Reappointment(s) to Various Boards and Commissions

I ask that you concur with the following appointment:

Planning Commission:

Robert A. Wills, 1512 E. Olive. His term will expire 4/30/2011.

Respectfully,

Stephen F. Stockton
Mayor

Mayor Stockton introduced the following individual: Robert A. Wills for appointment to the Planning Commission. He was given the opportunity to address the Council and introduced himself and his interest in serving on the Planning Commission.

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Request to Pay Hermes Sales and Service for Repairs to the City Hall Chiller

In June of this year staff was informed by the York International Service Department that the electric motor/compressor in one (1) of the two (2) chillers that provided cooling to City Hall had shorted out and needed to be replaced.

Requests for bids for the Replacement Water Main on Livingston Street from Beyer to Tokio Street, Tokio Street from Livingston Street to Hinshaw Avenue, Barker Street from Tokio Street to Beyer Street and the Alley between Barker Street and Hinshaw Avenue, south of Tokio Street were received and read aloud in the Office of the City Clerk on September 10, 2007, at 2:00 p.m.. The following is the summary of the bids received:

Stark Excavating, Inc.

	<u>\$317,362.00</u>
Total	\$317,362.00

George Gildner, Inc.

	<u>\$265,362.00</u>
Total	\$265,362.00

Hoerr Construction, Inc.

	<u>\$363,908.00</u>
Total	\$363,908.00

Staff has analyzed the bids and finds all to be in order. The engineer's estimate for this project was \$378,825. Staff respectfully requests that the Council accept the least cost, qualified bid and award the contract to George Gildner, Inc. in the amount of \$265,362. Funds for this project were included in the 2007/2008 budget under Water Department Depreciation Funds (Account # X50200-72540.)

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

Alderman Fruin noted that the lowest bid for this project was approximately \$110,000 under the engineer's estimate. It should be recognized when bids are lower than estimated.

Alderman Purcell questioned the performance of the existing water mains. Craig Cummings, Director of Water addressed the Council. He noted that this area experiences water main breaks year after year. He believes that the breaks are due to corrosive soils and poor quality pipe.

Motion by Alderman Huette, seconded by Alderman Schmidt that the bid be awarded to George Gildner, Inc. in the amount of \$265,362, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Analysis of Proposals for Irrigation System for Festival Park in the Cultural District

Requests for Proposals for an Irrigation System within Festival Park in the Cultural District were received until 2:00 p.m., Wednesday, September 12, 2007 at the office of the City Clerk. The following firms submitted proposals:

F & W Irrigation - Bloomington	\$11,133.28	Alt A \$2,000.00
GLI Irrigation & Plumbing - Normal	\$29,250.00	Alt A \$ 700.00
Commercial Irrigation & Turf - East Peoria	\$39,856.90	Alt A \$3,500.00

Four (4) companies were sent notification of this project. Three (3) firms responded.

The proposals were reviewed for compliance of the requested materials as well as ability to provide the type of system and services requested. Alternate A is pricing for an extended three (3) year warranty on parts. Alternate pricing for the southeast and southwest areas immediately in front of the Bloomington Center for the Performing Arts (BCPA) was also requested. It was decided not to install piping in these areas.

The proposals from F & W Irrigation and Commercial Irrigation & Turf were incomplete. Staff contacted both these firms for further information and clarification regarding their proposals. Neither firm could supply the requested system, material, or services.

GLI Irrigation & Plumbing submitted all the requested documents as well as proposed the best operating system for the project. Staff respectfully requests that Council accept the proposal of the base price and alternate A from GLI Irrigation & Plumbing in the amount of \$29,950 and the Purchasing Agent be authorized to issue a purchase order for same. Payment for this project will come from account X21110-72620.

Respectfully,

C. Bruce Marquis
Executive Director

Tom Hamilton
City Manager

Motion by Alderman Huette, seconded by Alderman Schmidt that the proposal be awarded to GLI Irrigation & Plumbing in the amount of \$29,950 and the Purchasing Agent be authorized to issue a Purchase Order for same.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Change Order for Professional Services Agreement with Lewis, Yockey & Brown, Inc. for the Design of the Dr. Martin Luther King Jr. Drive and White Oak Road Intersection

Staff negotiated an agreement with Lewis, Yockey & Brown, Inc. (LYB) to provide professional services on a time and materials basis for the design of the Dr. Martin Luther King Jr. Drive and White Oak Road intersection for an amount not to exceed \$75,000 which was approved by Council on July 21, 1999.

Since that time, there have been significant changes in the project scope such as: 1.) a warning time study and interconnect plan for signalization of the adjacent railroad crossing; 2.) meeting new erosion control standards, and 3.) changes in design standards. The project has been further complicated by trying to meet the requirements of five (5) different agencies, i.e., the Federal Highway Administration, the Illinois Department of Transportation, the McLean County Highway Department, the Norfolk and Southern Rail Road, and the Illinois Commerce Commission. LYB has worked faithfully on the project even though the original maximum of \$75,000 was reached in 2003. The design is now complete and the project is under construction.

Staff has received a request from Lewis, Yockey & Brown, Inc. for a change order to the contract in the amount of \$76,112.41 for design services spanning the last four (4) years. Staff has reviewed the request and believes that the charges are fair and reasonable.

Paid to date:	\$74,998.87
<u>Change Order</u>	<u>\$76,112.41</u>
New Total:	\$151,111.28

Staff respectfully recommends that Council approve a change order to the professional services agreement with Lewis, Yockey & Brown, Inc. in the amount of \$76,112.41 for a new maximum not to exceed \$151,111.28 with payment to be made from Capital Improvement Funds (X40100-70050).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

RESOLUTION NO. 2007 - 94

**A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE
AMOUNT OF \$76,112.41 IN THE CONTRACT BETWEEN THE CITY
OF BLOOMINGTON AND LEWIS, YOCKEY & BROWN, INC. FOR THE DESIGN OF
THE DR. MARTIN LUTHER KING JR. DRIVE AND WHITE OAK ROAD
INTERSECTION**

WHEREAS, the City of Bloomington has previously entered into a contract with Lewis, Yockey & Brown, Inc. for the Design of the Dr. Martin Luther King Jr. Drive and White Oak Road Intersection; and

WHEREAS, for the reasons set forth in a staff report dated September 24, 2007 there have been significant changes in the project scope such as: 1.) a warning time study and interconnect plan for signalization of the adjacent railroad crossing; 2.) meeting new erosion control standards, and 3.) changes in design standards. The project has been further complicated by trying to meet the requirements of five (5) different agencies, i.e., the Federal Highway Administration, the Illinois Department of Transportation, the McLean County Highway Department, the Norfolk and Southern Rail Road, and the Illinois Commerce Commission;

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the September 24, 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 \$76,112.41 in the contract between the City of Bloomington and Lewis, Yockey & Brown, Inc. for the Design of the Dr. Martin Luther King Jr. Drive and White Oak Road Intersection be approved.

ADOPTED this 24th day of September, 2007.

APPROVED this 25th day of September, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Finnegan questioned the Change Order which exceeded the original contract amount.

Doug Grovesteen, Director of Engineering, addressed the Council. He stated that the engineering firm had been hired eight (8) years prior, initially to design a simple intersection with a simple traffic signal. The project had been bid, and construction had begun. The design services have exceeded staff estimations when the engineers were hired. The project was estimated to cost \$330,000. The State of Illinois had awarded the construction of the project to Rowe Construction Company in the amount of \$996,885. The actual construction cost had tripled since the time of the initial estimate.

The railroad tracks adjacent to the intersection had caused problems. The project has since become the most complicated traffic signal within the City. The railroad had to be signalized. The railroad signalization further complicated the project. Additionally, there were several different governmental agencies involved in the project. There were times when the different agencies did not agree on how the project should proceed, which contributed to increasing engineering fees.

Additionally, during the process of planning the project, the State of Illinois changed design standards, and created a new design manual of practice. This changed the geometrics of the intersection. The engineers then had to redesign the plans and perform another intersection design study in order to meet the requirements of the State of Illinois.

Tom Hamilton, City Manager addressed the Council. He stated that what prompted the changes to the State's Design Manual of Practice was an accident that occurred in a suburban area of Chicago. Several children were killed in a school bus at an intersection which included a rail road track very similar to the intersection in question. When that happened, the entire design criteria for such locations changed.

He noted that this project is primarily funded by federal funds. The federal safety funds are paying for about 80% of the project.

Alderman Purcell noted that in 2003 the project had exceeded the initial agreement of \$75,000. He questioned if anything could have been done back then to stop the project from becoming more expensive. Mr. Grovesteen responded that at that time staff did not believe that the project would continue to increase in price during the negotiating process.

Mr. Purcell has observed that this street is heavily traveled, especially in the morning and evening. It was his belief that the signal at this intersection was appropriate.

Mayor Stockton questioned if there were a way to keep track of change orders. He noted that collectively, change orders could have a significant impact on the City's budget. Mr. Hamilton responded that staff had begun providing the Council with a monthly report that included the status of every design contract and construction project.

Alderman Fruin addressed the Council. He questioned if other municipalities placed a five or ten percent (5 or 10%) cap on overcharges. Mr. Hamilton replied that he was unaware of any. He explained that there would always be the possibility of unforeseen expenditures. He cited contaminated soil as an example. During the construction of a project, contaminated soils could be uncovered, requiring additional work to remove it. He stated that if a municipality were to put such a cap on a contract, contractors would be reluctant to submit bids, and/or their bids would be padded to cover unforeseen expenditures. Mayor Stockton questioned if a design firm makes a mistake, would it have to pay the difference. Mr. Hamilton responded that City staff would always try to negotiate with them.

Motion by Alderman Huette, seconded by Alderman Schmidt that the Change Order in the amount of \$76,112.41 be approved and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Change Orders for Development of Miller Park Playground

Felmley Dickerson Co. has submitted change orders for five (5) modifications to their contract for the construction of Miller Park Playground which total a credit of \$672.86.

1.) Working with the contractor and electrical service provider staff was able to re-route the original electrical service to save the use of an additional transformer resulting in a credit of (\$1,615.)

2.) During the development process of this project staff made many changes to the building to try and trim costs. In the process, the specifications were changed but the blueprints were not. This process caused a discrepancy to the contractor in the type and quantity of a product. Staff has requested the contractor to remove this from their contract allowing for a credit of (\$1,450.)

3.) In the review process a modification was made to the pipe sizing and pipe material that could be used for the storm and waste water portion of this project. This resulted in a credit of (\$8,015.06.)

4.) Prior to design and development, no soil boring was requested or taken on the site to test the conditions. During construction of the building the contractor was forced to excavate to an additional depth, causing the use of additional foundation and fill material. Additional material and labor for this modification is an additional cost of \$2,563.70.

5.) In June of this year, Ameren IP changed their service agreements policy. They no longer provide secondary service to customers. It has always been the responsibility of the power company to provide service from the transformer to the meter. As of June 1, 2007 they no longer provide this service and it has become the duty of the owner. This resulted in an additional cost of \$7,842.50.

Staff has reviewed all of these modifications to the contract and found them to be reasonable and customary. We therefore respectfully request that the Council approve change orders 1-5 in the amount of a \$672.86 credit.

Respectfully,

Dean Kohn
Director Parks & Recreation

Tom Hamilton
City Manager

Motion by Alderman Huette, seconded by Alderman Schmidt that the Change Orders be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Extension to an Agreement with Evergreen FS for the Removal of Lime Sludge from the Storage Lagoons at the Water Treatment Facility

The City currently has an agreement with Evergreen Farm Service (FS), to remove lime sludge from the water treatment plant storage lagoons at the water treatment plant. Lime sludge is a reusable byproduct of the water softening process. The lime sludge is removed from the sludge lagoon by Evergreen FS and marketed to farmers for pH control of their farmland. This process must take place each year as the water softening process creates about 25,000 lbs. of sludge each day. The agreement called for the payment of a base amount of \$163,000 in 1997 with future years to be calculated using this amount and an adjustment based upon the Midwest Urban Consumer Price Index (CPI). There is also a credit adjustment based upon the amount of revenue earned by Evergreen FS in selling the product.

The contract was originally a five (5) year contract that was extended another five (5) years. That extension has expired. Staff recently received Council authority to request proposals for this work. Due to time restrictions, staff can not prepare all of the documents necessary for this RFP in time for this year's removal. This work is a very local (because of the transportation costs and relationships with farmers) and specialized business. Evergreen FS has performed very well over the last ten (10) years. Evergreen FS has proposed a base fee of \$191,000 for the lime sludge removal this year, a slight increase from last year's fee of \$190,556.

Staff respectfully requests Council approval of a one (1) year contract extension with Evergreen FS for the lime sludge removal. Proposals for a five (5) year (or longer) contract starting in 2008 will be accepted following the 2007 removal which is generally completed by December 1 of each year.

Payment will be made with Water Department Operations and Maintenance Funds, Lime Sludge Hauling (X50130-70840). \$215,000 was budgeted in FY 2007/08 for this service.

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

Alderman Finnegan questioned the amount of lime sludge removed on a daily basis. Craig Cummings, Director of Water, addressed the Council. He confirmed that 25,000 pounds of sludge is removed each day.

Alderman Stearns questioned the timing of the contract extension. Mr. Cummings explained that staff did not have enough time to prepare a Request for Proposals (RFP) prior to the contract expiring. He expressed his belief that Evergreen FS would have been the sole bidder. This work involved specialized equipment, and working relationships with the area farmers.

Motion by Alderman Huette, seconded by Alderman Schmidt that the contract with Evergreen FS be extended for one (1) year to remove lime sludge from the sludge lagoons at the Water Treatment Plant in the amount of \$191,000 be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Intergovernmental Agreement with the County of McLean for Left Turn Lanes and Traffic Signals at Dr. Martin Luther King Jr. Drive and White Oak Road (County Highway 70) Intersection

The revised Project Development Report for this improvement was approved by the Illinois Department of Transportation (IDOT) in December 2006. The report recommended the addition of left turn lanes on White Oak Road (CH 70) and traffic signals at the intersection of Dr. Martin Luther King Jr. Drive and White Oak Road (CH 70). The north and south approaches to the intersection, on White Oak Road, are maintained by the County. The east and west approaches, on Dr. Martin Luther King Jr. Drive, are maintained by the City.

The City and the State entered into an Agreement for Federal Participation for this project in December of 2006, stipulating that the division of cost would be:

90% HES funds not to exceed \$227,000 (to be utilized first) – Federal Safety Funds.

80% STU funds (to be utilized second) – Federal Transportation Funds, and

The remainder to be provided by the Local Agency.

County and City staff have negotiated an agreement to share the cost of constructing the necessary intersection improvements. The agreement stipulates that the City will be the lead agency on the project and pay all engineering and right-of-way costs. The local share of the construction costs would be shared equally by the County and City. Preliminary cost estimates for the project are:

	HES	STU	City County
\$227,000.00 (90%)		\$12,611.11 (5%)	\$12,611.11 (5%)
	\$595,730.32 (80%)	\$74,466.29 (10%)	\$74,466.29 (10%)
<hr/> \$227,000.00	<hr/> \$595,730.32	<hr/> \$87,077.40	<hr/> \$87,077.40

The Agreement also includes an update of the Master Agreement Table to amend "Exhibit A" of the Intergovernmental Agreement for Maintenance of Traffic Control Devices approved September of 2002 and revised September 2006. The revised table adds the Intersection of Martin Luther King Jr. Drive and White Oak Road (CH 70) to the list. Staff respectfully requests that Council approve the intergovernmental agreement and that the Mayor and City Clerk be authorized to sign the agreement.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

**INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF BLOOMINGTON AND THE COUNTY OF MCLEAN
FOR IMPROVMENTS AT
WHITE OAK ROAD (C. H. 70) AND DR. MARTIN LUTHER KING JR. DRIVE**

WHEREAS, Article VII, Section 10 of the Illinois Constitution and the Illinois Intergovernmental Cooperation Act, 5 ILCS 220\1 *et.seq.*, permit and encourage local governments to enter in Intergovernmental Agreements to obtain or share services or to exercise, combine, or transfer powers and functions, and;

WHEREAS, the City of Bloomington, hereinafter called the "City", is a municipal corporation and the County of McLean, hereinafter called "County", is a body corporate and politic, and;

WHEREAS, it is in the best interest of the public health, safety, and welfare that left turn lanes and traffic signals be added at the intersection of White Oak Road (County Highway 70) and Dr. Martin Luther King Jr. Drive as per the Revised Project Development Report approved December 2006, and;

WHEREAS, City and the State of Illinois did enter into an Agreement for Federal Participation for this project in December of 2006, stipulating that the division of cost would be:

90% HES funds not to exceed \$227,000 (to be utilized first)
80% STU funds to be utilized second, and
The remainder to be provided by the Local Agency, and;

WHEREAS, the Illinois Department of Transportation has accepted bid and has awarded the project to Rowe Construction Co., a Division of R. A. Cullinan & sons, Inc. in the amount of \$996,885.12, and;

WHEREAS, the City and County agree that the local share of the cost of construction of the improvements and maintenance of the Traffic Control Signal at the intersection of White Oak Road (County Highway 70) and Dr. Martin Luther King Jr. Drive should be shared equally, and, now:

THEREFORE, be it mutually agreed as follows:

1. The City will bear the cost of the engineering and right-of-way.
2. The County shall reimburse the City for Fifty percent (50%) of the local share of the construction costs as the work progresses. The costs, based on the contract price and the Agreement for Federal Participation are estimated as follows:

	HES	STU	City	County
\$227,000.00 (90%)		\$12,611.11 (5%)	\$12,611.11 (5%)	
	\$595,730.32 (80%)	\$74,466.29 (10%)	\$74,466.29 (10%)	
<hr/>				
\$227,000.00	\$595,730.32	\$87,077.40	\$87,077.40	

3. It is also mutually agreed to amend "Exhibit A" of the Intergovernmental Agreement for Maintenance of Traffic Control Devices of September 2002, as hereby attached.

APPROVED:

ATTEST:

Stephen F. Stockton, Mayor September 25, 2007
City of Bloomington

Tracey Covert
City Clerk

Chairman Matthew Sorensen
McLean County Board

Peggy Ann Milton
McLean County Clerk

LIST OF SIGNALIZED INTERSECTIONS WITHIN THE CORPORATION

THE LEVEL OF MAINTENANCE REFERS TO THE
TRAFFIC SIGNAL MAINTENANCE PROVISIONS IN EXHIBIT B.

EXHIBIT A
MASTER AGREEMENT TABLE
BLOOMINGTON

MAINTENANCE ENERGY

Loc No.	Intersection	County %	City %	County %	City %	Level
141	Towanda Barnes Road Ireland Grove Road	50	50	50	50	1
142	Towanda Barnes Road General Electric Road	50	50	50	50	1
143	Towanda Barnes Road Fort Jesse Road	50	50	50	50	1
144	Towanda Barnes Road Oakland Avenue	50	50	50	50	1
145	White Oak Road Dr. M. L. King Jr. Dr.	50	50	50	50	1

Approved: September, 2002

Revised: September, 2006
September, 2007

EXHIBIT B
TRAFFIC SIGNAL MAINTENANCE PROVISIONS A. GENERAL PROVISIONS

1. CABINET PACK

Wiring diagrams, phase diagrams, and manuals that are required to be in each traffic signal controller cabinet at the time of construction completion shall remain in the cabinet. Written documentation of all traffic signal timing changes shall be provided in the cabinet. All entries shall be written in a clear and concise manner. The agent of the maintaining agency making any entries shall provide his signature and date of entry. These shall be kept in the cabinet to assist the City on emergency call outs.

2. HARDWARE SPECIFICATIONS

All equipment and material used shall comply with the requirements of the Illinois Department of Transportation Standard Specifications for Road and Bridge Construction. Failure to meet IDOT's specifications shall be justification for permanent removal of the non-compliant equipment by the County, with the cost of removal to be the responsibility of the City.

Any costs incurred as a result of exceeding IDOT's specifications for installing new equipment or painting new or used equipment; for example, installing decorative style poles, posts, or mast arm assemblies, will be the sole responsibility of the City.

3. HIGHWAY LIGHTING

For maintenance involving combination traffic signal and lighting unit mast arm assemblies and poles, the foundation, traffic signal mast arm assembly, pole and all signal cable shall be considered part of the traffic signal system. The lighting arm, luminaire and all lighting cable shall be part of the highway lighting system. The highway lighting system components of each combination mast arm assembly and pole shall be tested for proper operation and physical condition during the intersection cabinet inspection, or at least every six months.

4. EMERGENCY VEHICLE PREEMPTION SYSTEM

Test Emergency Vehicle Preemption System (EVPS) equipment for proper operation and physical condition during the intersection cabinet inspection, or at least every six months. All program settings and each sequence of operation must be verified to be correct during each inspection. All cost of inspection and maintaining the EVPS equipment, including the light detectors, light detector amplifiers, radio transmitters and receivers, antennas, confirmation lights, and cables and related components, is the responsibility of City. In addition to regular inspection and maintenance, all cost of repairing or replacing damaged or missing EVPS equipment is the responsibility of City.

5. DAMAGE REPAIRS

Repair or replace any and all equipment damaged by any cause whatsoever.

6. ACCIDENT DAMAGE

Be responsible to make recovery for damage to any part of the installation or system from the party causing the damage.

Whenever third party claims cannot be recovered, the County shall share in the loss.

7. TEMPORARY TRAFFIC CONTROL

Provide temporary traffic control during a period of equipment failure or for when the controller must be disconnected.

This may be accomplished through the installation of a spare controller, placing the intersection on flash, manually operating the controller, manually directing traffic through the use of proper authorities, or installing temporary stop signs which will be removed once the signal is in working condition.

8. EMERGENCY PERSONNEL

Provide skilled maintenance personnel who will be available to respond without delay to emergency calls. This may be provided by agency forces, contract, or maintenance agreement. Controller failure, lights out, knockdowns, or two (2) red lights out at intersection are considered emergencies.

Provide the County the names, addresses and telephone numbers of at least two persons, who will be available for emergency repair of the traffic signals and keep the County informed of any changes of same.

9. L.E.D. SIGNAL HEADS

Maintain all light emitting diodes (L.E.D.) signal heads according to instructions provided by each head's manufacturer and vendor so as to prolong their life and assure compliance under any warranties.

B. AS REPORTED OR OBSERVED

1. LAMP REPLACEMENT

Replace burned out lamps for all red signal indications within twenty-four (24) hours of notification of burnout or on the next business day following the notification. However, if two or more red indications for an approach are burned out, these lamps must be replaced as soon as possible, and under no circumstances longer than twenty-four (24) hours after notification. Replace all other burned out lamps within forty-eight (48) hours or next business day of notification of burnout. Lamp changes shall always include a lens cleaning.

2. SIGNAL ALIGNMENT

Keep signal heads properly adjusted, including plumb, and tightly mounted. All controller cabinets, signal posts and controller pedestals should be tight on their foundations and in alignment.

3. CONTROLLER PROBLEMS

Check the controllers, relays, and detectors after receiving complaints or calls to ascertain that they are functioning properly and make all necessary repairs and replacement.

4. L.E.D. SIGNAL HEAD REPLACEMENT

Provide replacement light emitting diodes (L.E.D.) signal heads that conform to the latest applicable Institute of Transportation Engineers (I. T .E.) specifications for L.E.D. signal heads, including but not limited to, color and intensity requirements.

5. PAINTING

Repaint all signal components exposed to weather as needed.

C. WEEKLY

1. MASTER CONTROLLER SYSTEMS

At locations that are a part of a closed loop signal system repair any and all malfunctions in a timely manner so that the signals remain under the control of the master at all times. Assist in the implementation of the signal system timing plans.

Maintain the central signal system software on a PC so that the signal system is monitored weekly. Check weekly by phone or location visit for any malfunction. Verify software accuracy to central office software.

D. BI-ANNUAL

1. CABINET INSPECTION

Check the controllers, relays, and detectors to ascertain that they are functioning properly and make all necessary repairs and replacement. Keep interior of controller cabinet in a clean and neat condition at all times.

2. OBSERVE SIGNALS

Observe the signals at the time of the bi-annual cabinet inspection. This involves stopping and watching for correct detection and timing operation.

3. DETECTION TESTING

Test and inspect vehicle detection inductance loops, loop detectors, and pedestrian detection during cabinet visit bi-annually.

4. VIDEO DETECTION TESTING

Inspect, maintain, and clean all video detection and surveillance systems every six months or as needed, to achieve clean lenses, proper alignment and proper focus.

This shall include system camera, lenses, camera housings and hood/shield, pan, tilt, and zoom mechanisms and motors, mounting brackets and hardware, poles, microprocessors, controller, cables and communication equipment, and other related components. Maintenance shall include modifications to programmable detection zones.

E. ANNUAL

1. RELAMP

Clean reflectors, lenses and lamps once every twelve (12) months or as needed. Replacement of lamps shall be performed on the same occasion as the cleaning required in this provision.

2. CONTROLLER CHECK

Remove and clean and overhaul the controller (except solid-state), relays, special auxiliary control equipment, and time clocks once a year or more often if necessary. When solid state controllers malfunction, they shall be removed, repaired, and bench checked. Solid state controllers shall not be removed for annual maintenance inspections.

This annual check should verify software with central office software and reprint cabinet pack timings sheet. Controller check shall occur during a bi-annual cabinet inspection.

3. CONFLICT MONITOR TESTING

Conduct a complete test of each conflict monitor and malfunction management unit. The following tests shall be performed: Indicator, System/Timing, Conflict/Voltage/Clearance, Green/Green Permissive, Complete Permissive, and Extended (inc. Red/Green Dual Display, Watchdog Failure, etc.). It is recommended that testing be performed with the aid of an automated conflict monitor tester.

4. FUSE AND BREAKER CHECKS

Fuse and breaker check should occur during R bi-annual cabinet inspection. Replace burned out fuses or deteriorated breakers as needed.

5. CLEARANCE TRIMMING

Remove any obstruction blocking the line of sight of the traffic signal face to the motorist. The maintaining agency shall trim trees, bushes or any other form of vegetation blocking said lines of sight. The maintaining agency shall remove, or order the removal of, any man-made obstructions such as signs or banners blocking said line of sight. Visibility for line of sight shall meet the standards established and contained in the Manual on Uniform Traffic Control Devices for Streets and Highways. (MUTCD). All trimmed vegetation shall be legally disposed of by the maintaining agency off the right of way.

6. HARDWARE INSPECTION

Inspect all mast arm assemblies, mast arm poles, brackets (or other types of hardware) supporting traffic heads or pedestrian signal heads on an annual basis. The inspection shall focus on the structural elements of the mast arm assembly and must include a close up, arms length investigation of the mast arm, pole, mast to pole connection, base plate, and anchor bolts. The arm of the assembly shall be visually inspected at all signal head connections for any defects, such as cracks or buckles. Inspect the mast arm to pole connection for significant loss of section, cracks in welds or base metal, and deterioration of the connection plates. The bolts of the arm to pole connection shall be inspected for tightness and condition. Check the pole for external corrosion, impact damage, rust through perforation, deflection, distortion, or cracking. Closely inspect pole for corrosion near the base plate, especially if mounted on a grout bed. Check welds of the pole to base plate connection for cracks. Inspect base plate for section loss or deformation. Inspect mast arm anchor bolts for any corrosion or bending, and for loose or missing nuts.

Upon discovery of any buckles or significant structural defects (loose or missing nuts, severe corrosion or dents, cracks in welds, plate or structure, etc.), immediately notify the County.

Motion by Alderman Huette, seconded by Alderman Schmidt that the Intergovernmental 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, Huette, Schmidt, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Ratification of Collective Bargaining Agreement with Local 49

The City and Local 49 held their last negotiation session on September 7, 2007. Serving on the bargaining committee for the City were Keith Ranney, Fire Chief, Dan Shanks, Deputy Fire Chief, Laurie Wollrab, Compensation and Benefits Manager, Angie Brown Human Resources Specialist and Emily Bell, Human Resources Director. On September 13, 2007 the Tentative Agreement was ratified by the membership of Local 49

Highlights of the Agreement are as follows:

- 2 year agreement
- Base wages will be increased by 3.5% effective May 1, 2006, 2% effective May 1, 2007, 2% effective November 1, 2007 and an equity adjustment of 3.5% for Captains only effective April 30, 2008.
- 25% health insurance contribution for single, employee + one and family for all Fire Fighters hired on or after May 1, 2006.
- Promotional Process resolution, including settlement of lawsuit on Assistant Chief.
- Addition of 24 hours of Training Leave each calendar year for training or education directly related to the services provided by the department.
- Elimination of clothing allowance and the City agreeing to provide uniforms.
- Sick Leave accrued beyond the 1800/1440 hour maximum will be paid into Retirement Health Savings Account.
- Sick Leave Buyout paid into Retirement Health Savings Account, instead of maintained in account held by the City.
- Updated Administrative Duty Language.
- Addition of Trade Time guidelines and cap.
- New language on maximum number of hours an employee may work.
- Updated Recall Procedure.
- Updated contract regarding Smoking at the Fire Stations.

The staff respectfully recommends Council ratification of the Tentative Agreement.

Respectfully,

Emily Bell
Director of Human Resources

Keith Ranney
Fire Chief

Tom Hamilton
City Manager

Alderman Fruin thanked those who participated in the negotiations. He was pleased with the progress that the unions were making regarding health insurance premiums. He expressed his belief that they were becoming more in line with what the citizens and taxpayers are paying.

Motion by Alderman Huette, seconded by Alderman Schmidt that the Collective Bargaining Agreement with Local 49 be ratified.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Variance from Section 37-9(a)(3) of City Code Allowing Connection of a Sump Pump and Down Spouts to a Combination Sewer at 900 N. Roosevelt Street

Staff has received a request from Steve Whelan, the owner of the rental property at 900 N. Roosevelt Street, to connect the sump pump and downspouts to the public combination sewer. The property is located at the northeast corner of Roosevelt Street and Walnut Street, across the street from Bent Elementary School. The connection of sump pumps or downspouts to a public combination sewer is prohibited by Section 37-9(a)(3) of City Code.

Staff has reviewed the request and agrees that connection to the combination sewer is the best solution in this case. The structure is set back approximately 8.5 feet behind the sidewalk which does not allow sufficient room for a safe surface discharge. Discharging the sump pump and downspouts on the surface close to the public sidewalk causes icing problems in the winter which are a safety concern this close to an elementary school. There is an inlet at the corner of the intersection, adjacent to the property, which would allow a connection without cutting the pavement. The existing public combination sewer serving this area is a 15 inch pipe.

Staff respectfully recommends that Council approve a variance to Section 37-9(a)(3) of City Code for 900 N. Roosevelt Street and allow the connection of the sump pump and downspouts to the public combination sewer.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Petition from Kevin Schmidgall for Approval of an Easement Vacation Plat for Lot 11 in Fox Lake Subdivision (a/k/a 2401 Savanna Rd.)

A Petition has been received from Kevin Schmidgall for approval of an Easement Vacation Plat for Lot 11 in Fox Lake Subdivision (a/k/a 2401 Savanna Rd.) The request is to vacate the utility easement along the north ten feet (10') of Lot 11, except the west ten feet (10') and the east fifteen feet (15'). All relevant private utility companies have reviewed the plat and granted their approval of the easement vacation. Staff has also reviewed the plat and found no conflicts with existing or proposed public utilities and drainage ways.

Staff respectfully recommends that Council approve the Petition and adopt an Ordinance approving the Easement Vacation Plat for Lot 11 of Fox Lake Subdivision.

Respectfully,

Doug Grovesteen
Director of Engineering

Tom Hamilton
City Manager

PETITION FOR VACATION OF UTILITY EASEMENT

STATE OF ILLINOIS)
)ss.
COUNTY OF McLEAN)

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

Now comes Kevin Schmidgall hereinafter referred to as your Petitioner, respectfully representing as follows:

1. That your Petitioner is interested as owner in the premises hereinafter described in Exhibit A attached hereto and made a part hereof by this reference;
2. That your Petitioner seeks approval of the vacation of utility easement adjacent to said premises;
3. That said vacation of utility easement is reasonable and proper because such utility easement is not needed for public right-of-way by said City, its only use being the location of existing or proposed utilities.

WHEREFORE, your Petitioner prays that utility easement be vacated with such reservation of utility easements as may seem proper.

Respectfully submitted,

Kevin Schmidgall

ORDINANCE NO. 2007 - 84

AN ORDINANCE PROVIDING FOR THE VACATION OF AN EASEMENT VACATION PLAT FOR LOT 11 IN FOX LAKE SUBDIVISION, A/K/A 2401 SAVANNA ROAD

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting the vacation of an Easement for Lot 11 in Fox Lake Subdivision, A/K/A 2401 Savanna Rd.; and

WHEREAS, said petition complies in all respects with the ordinances of said City and the statutes of the State of Illinois in such case made and provided; and

WHEREAS, the City Council of said City has the power to pass this Ordinance and grant said vacation; and

WHEREAS, it is reasonable and proper to vacate said Easement as requested in this case.

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

1. That an Easement for Lot 11 in Fox Lake Subdivision, a/k/a 2401 Savanna Rd. is hereby vacated.
2. That the utility easements described in the Easement Vacation Plat attached hereto is hereby vacated.
3. That this ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 24th day of September, 2007.

APPROVED this 25th day of September, 2007.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert,
City Clerk

EXHIBIT A

Legal description of 2401 Savanna, Bloomington:

Lot 11 in Fox Lake Subdivision, being part of Lots 15 and 16 in Scogin's Subdivision in the Southwest ¼ of Section 18, Township 23 North, Range 2, East of the Third Principal Meridian, according to the Plat thereof recorded December 7, 1998 as Document No. 98-41459, in the City of Bloomington, McLean County, Illinois.

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Members of the City Council

From: Liquor Commission

Subject: Application of Wehrenberg, Inc., d/b/a Bloomington Galaxy 14 Cine, located at 1111 Wylie Dr., for an RBS liquor license, which will allow the sale of beer and wine by the glass for consumption on the premises seven (7) days a week

The Bloomington Liquor Commissioner Steve Stockton called the Liquor Hearing to hear the application of Wehrenberg, Inc., d/b/a Bloomington Galaxy 14 Cine, located at 1111 Wylie Dr., requesting an RBS liquor license which allows the sale of beer and wine by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Steve Stockton, Rich Buchanan, Marabeth Clapp and Mark Gibson; Hannah Eisner, Deputy Corporation Counsel; Sgt. Larry Shepherd, Police Department; Tracey Covert, City Clerk; and Ronald Krueger II, President, Brett Havlik, Director - Concessions, Wehrenberg, Inc., and David Williams, General Manager - Bloomington Galaxy 14 Cine, and Applicant representatives.

Commissioner Stockton opened the liquor hearing. He requested that the Applicant present the business plan. Ronald Krueger, President - Wehrenberg, Inc., addressed the Council. He introduced Brett Havlik, Director - Concessions - Wehrenberg, Inc., and David Williams, General Manger - Bloomington Galaxy 14 Cine. Commissioner Stockton noted that he had driven by and this facility would offer more than fourteen (14) movie screens.

Mr. Krueger described the facility as an entertainment complex. Bloomington Galaxy 14 Cine would offer a game room, Fred's Drive In, regular concession fair, and fourteen (14) movie screens. One of these would be a mega screen which would seat 400 patrons. Fred's Drive In was introduced as a concept over the last five (5) years. It offers an extended food menu plus beer. Wehrenberg started serving beer in 1985.

Commission Stockton questioned where the vending areas would be and where a patron would be allowed with a beer. Mr. Krueger noted the standard concession stand which would offer ten (10) payment stands. Fred's Drive In was located in a separate area. All alcohol sales require identification. All servers are twenty-one (21) years old or older. Commissioner Stockton questioned the premise. He questioned how broad the alcohol consumption area would be. He cited the Applicant's liability. Commissioner Buchanan requested that the Applicant cite the area on the floor plan which had been provided. Mr. Krueger noted the seating area within Fred's Drive In plus the entire facility.

Commissioner Stockton questioned if alcohol would be available during a children's movie. He cited Saturday morning as an example. Mr. Krueger responded affirmatively if the purchaser was of age.

Commissioner Stockton questioned the number of Wehrenberg theaters. Mr. Krueger responded four (4). This number would be expanded to six (6): Bloomington, IL and Rochester, MN. Commissioner Clapp questioned if there were any instances, (problems, violations). She questioned how management exercised control and monitored activity. Mr. Krueger noted that the usher and management staff patrols the premise. Commissioner Clapp cited beer sharing. Mr. Krueger recognized this risk. There had been no incidents to date. He added that a beer would cost \$8. A movie theater is not a stadium. A guest arrives, picks up concessions, and watches the movie. Currently, beer sales equaled three percent (3%) of total sales. Beer was offered to complement the patron's movie going experience.

Commissioner Clapp noted that beer would be the only alcoholic beverage available. Mr. Krueger responded affirmatively.

Commissioner Buchanan noted that there would only be one (1) location to purchase same. Mr. Krueger responded affirmatively. There would be a single point of control. The beer taps were located adjacent to the cash register. Commissioner Buchanan questioned if the patrons who had been carded would be identified, (he cited a bracelet). He questioned if Wehrenberg's staff assumed that if a person were carry a beer that the individual was of age. Mr. Krueger restated that there had been no incidents. Commissioner Buchanan noted the number of theaters and the variety of beverages offered. He questioned the environment. Mr. Krueger noted that Wehrenberg offered the snuggle seat. It was designed after the Ford Mustang's bucket seat. There was a cup holder in the arm rest. Fred's Drive In offered restaurant seating.

Commissioner Buchanan questioned the time line. Mr. Krueger stated that the planned opening was December 14, 2007.

Commissioner Stockton questioned if a patron would be allowed to purchase multiple beers at one time. Brett Havlik, Director - Concessions, Wehrenberg, Inc., addressed the Commission. He responded negatively. Each person must be carded. Each drink must be linked to a person.

Commissioner Clapp questioned other offerings. Mr. Krueger noted that the facility would also be equipped with ten (10) digital projectors. Bloomington Galaxy 14 Cine could host other types of entertainment - sports, concerts, etc.

Commissioner Gibson noted that the Applicant was well prepared.

Commissioner Stockton questioned Wehrenberg's standards for auditorium patrol. Mr. Krueger noted that the entire facility is patrolled every twenty (20) minutes. Cinema staff looks for a variety of factors/issues. He noted that the beer cups were unique. Wehrenberg's goal was to provide a pleasant movie environment for its patrons.

Commissioner Buchanan noted his presumption that the premise would be defined as the public area of the facility.

Commissioner Stockton welcomed Wehrenberg, Inc. to the community. He expressed his willingness to try a movie theater with a liquor license. He cautioned the Applicant that the Commission reserved the right to make any adjustments. He cited concerns being raised regarding family movies. He noted that liquor licenses are renewed each year. He cited the renewal process. If the Commission were to receive any complaints or hear of any problems, then the license could be modified. Commissioner Stockton put the Applicant on notice.

Commissioner Buchanan would not include any conditions. He expressed his comfort with the integrity of this firm. He also cited the liquor license renewal process. A hearing could be held to address any issues.

Mr. Krueger restated that there had not been any problems. He understood the annual renewal process. Family shows attracted families. He did not have any concerns. There had not been a single incident. He restated the charge for a beer.

Sgt. Larry Shepherd questioned the size of the \$8 beer. Mr. Havlik noted that two (2) sizes were offered: 1.) twenty-four ounce (24 oz.), and 2.) thirty-two ounce (32 oz.). The first was canned and the second was draft. Wehrenberg may also begin to offer bottled beer.

Commissioner Buchanan restated that Wehrenberg had not had a negative experience. He questioned litter. Mr. Havlik noted that none of the cups used are reusable.

Commissioner Buchanan questioned the cost for admission. Mr. Krueger noted the price for an evening adult ticket would be \$8.

Commissioner Stockton cited the former Castle Theater. This facility hosted live bands late at night. These concerts lent a tavern atmosphere. He questioned who would be allowed to attend Wehrenberg's entertainment offerings. Mr. Krueger based his comments on experience.

Most theaters seat 100 - 150 guests. Usually there was a cross section of ages. There had not been any issues. Commissioner Stockton noted the Commission's past practice of age restrictions when restaurant license holders take on a tavern atmosphere. The Castle Theater became more of a club.

Commissioner Gibson noted that this facility should not be compared to the US Cellular Coliseum. He did note that thirty-two ounces (32 oz.) was a quart.

Commissioner Buchanan expressed his belief that this Application was not similar. He could not envision this facility taking on a tavern environment due to the cost of a beer. Mr. Krueger cited from recent experience. A college football game was hosted. This event was family oriented. Movie theaters are nonsmoking environments. There were not any issues. It was not a sport bar/ tavern environment.

Commissioner Stockton questioned over serving. Mr. Havlik stated that this had not been an issue. Wehrenberg's staff is taught best practice, (taught not to sell). He added that the movie business was different.

Sgt. Shepherd addressed the Commission. He noted that the concept was great. It would be new territory for the City. He also noted the thirty-two ounce (32 oz.) size. He complimented the Applicant for holding a clean record.

Mr. Krueger informed the Commission that he had been with the company since 1994. On site consumption had not been an issue. Additional sales have been denied.

Sgt. Shepherd questioned if midnight movies would be offered. Mr. Krueger noted that such offerings do well in college towns. If there is an interest, then they would be offered.

Commissioner Buchanan questioned if the Applicant understood the City's hours of sale. Mr. Krueger responded affirmatively. He added that Wehrenberg planned to employ off duty police patrol officers on Friday and Saturday nights. This was described as a preventative measure.

Mr. Havlik restated that alcohol sales equaled three percent (3%) of total sales. He estimated sixteen (16) beer sales per 1,000 guests. Commissioner Stockton stated his expectation that there would be a difference in percentage of beer sales for sport events versus movies.

Ms. Eisner noted Wehrenberg's other locations, (Cedar Rapids, IA, St. Louis, St. Charles and Chesterfield, MO). She questioned if there were any license restrictions at these locations. Mr. Krueger responded negatively. Some facilities offer all types of alcohol.

Based on the above, the Liquor Commission recommends to the City Council that an RBS liquor license for Wehrenberg, Inc., d/b/a Bloomington Galaxy 14 Cine, located at 1111 Wylie Dr., be created, contingent upon compliance with all applicable health and safety codes.

Respectfully,

Stephen F. Stockton
Chairman of Liquor Commission

Mayor Stockton addressed the Council. He noted that this cinema complex was unique to the area. It included fourteen (14) movie screens holding 150 seats, and one mega screen, similar to an IMAX that holds 400 to 450 seats. There would be an arcade and a restaurant. He stated that liquor licenses are not unusual for a restaurant. However this business was primarily a movie theatre. The mega screen would show live sporting events on selected evenings.

He had received comments from some citizens concerned with patrons becoming drunk during children's movies and/or underage drinking. He had also received comments from citizens that stated that alcoholic beverages in movie theaters were no different than having alcoholic beverages in places such as Chuck E. Cheeses, or bowling alleys. He stated his belief that it was a personal choice, and that these types of movie theaters were fairly common in other cities.

Hannah Eisner, Deputy Corporation Counsel addressed the Council. She stated that Wehrenberg, Inc. had four (4) other cinemas in the St. Louis area. She had contacted the St. Louis City Clerk and inquired about any problems at these locations. There were no reported problems, and there were no liquor license restrictions in place.

Alderman Finnegan questioned if the building was completed. Ms. Eisner responded that it was under construction. She noted that the owners did not expect more than three percent (3%) of their sales to be alcohol. They did not expect patrons to purchase more than one drink. Alderman Finnegan noted that the "B" classification included the sale of both beer and wine. Ms. Eisner explained that the cinema would offer beer only.

Mayor Stockton restated that this cinema is a different model than other cinemas in the area because it included a restaurant. The Liquor Commission considered limiting the alcohol sales to the restaurant area only. There were other options considered such as limiting the container size. The majority of the Commission saw no need to place conditions upon the license, but reserved the right to review the license if there were problems or concerns in the future.

Alderman Schmidt inquired if the Commission believed that the other cinemas in the area would apply for a liquor license in order to be competitive. Mayor Stockton responded that it would be possible. However this cinema has a restaurant feature, whereas the other cinemas do not. Alderman Stearns noted that the other cinemas could apply for a license regardless of having a restaurant or not. Mayor Stockton affirmed.

Mayor Stockton suggested that the rules be suspended in order to speak with the applicant's representative.

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

Motion carried.

Ronald Krueger II, President of Wehrenberg, Inc. introduced himself to the Council. Mayor Stockton inquired if he had described the business accurately. Mr. Krueger affirmed, but noted that the restaurant was not a "sit down" type of restaurant with wait staff. This restaurant was self service, where the food would be ordered at a counter and then taken back to a table or into the theater to be eaten.

Mayor Stockton inquired if there was a barrier separating the serving area of Fred's Drive In and the concession stand, though adjacent to each other. Mr. Krueger responded that they are adjacent to each other, but are completely separate. They have their own point of service area. The company views that as best for control. The patrons would know that they are in a separate area from the concession area. Fred's Drive In would have its own unique theme. It would have different food items from the concession. The only point of sale for alcohol would be Fred's Drive In.

Alderman Finnegan questioned the rationale for selling thirty-two ounce (32 oz.) containers of beer. Mr. Krueger stated that he has been in the theatre operations business for over twenty (20) years with this size of container and has experienced no issues. Out of these twenty (20) operations, four (4) offer alcoholic beverages.

Alderman Schmidt inquired if Wehrenberg, Inc. had ever been denied a liquor license. Mr. Krueger responded negatively. Alderman Hanson questioned the competitive advantage of the liquor license, with limited liquor sales. Mr. Krueger responded that this business was an expanded entertainment operation. It was not just a movie theater. He noted that the movie theater businesses were simpler operations, with simpler views of their operations than his business plan. He reiterated that his business was not just a movie theater.

Alderman Hanson stated that three percent (3%) in alcohol sales was not necessary to keep the concession viable. Mr. Krueger stated that alcohol sales was a desired addition. Alderman Hanson inquired if Mr. Krueger expected the sales of alcohol to increase over time. Mr. Krueger responded that the sale of alcohol had grown to three percent (3%) of total sales and had plateaued.

Alderman Stearns noted that the building was under construction. She questioned the timing of the liquor application. She noted that the business planned to open with or without a liquor license. Mr. Krueger explained that he did not believe that the City would have any concerns regarding the sale of alcohol in the facility. He believed that the application would be approved.

Alderman Purcell questioned if the existing facilities employed off duty police officers. Mr. Krueger affirmed. He noted that the presence of an off duty police officer was not an alcohol related issue, but rather to ensure good guest behavior.

Mayor Stockton stated that the Council had the option to deny the liquor application or approve it with or without restrictions. He questioned if the business would have problems complying with restrictions placed on the license. Mr. Krueger responded that his existing businesses have not experienced any problems with alcohol sales. He has not observed families attending afternoon matinees and purchasing alcohol. He noted his preference for an approved license without restrictions. He stated that restrictions on the license would cause increased policing demands. Mayor Stockton inquired if it would be burdensome to police. Mr. Krueger responded that it is the policy of the business to double check for alcohol violations. The identifications are checked at the point of sale, and the theaters are checked by staff for under age drinking and/or pass offs.

Alderman Finnegan questioned if the business would be willing to limit the size of alcohol containers to twenty-four (24) ounces or less. Mr. Krueger affirmed. Alderman Fruin noted that most people go to the concession stand prior to the movie and typically do not leave the theater for refills. Mr. Krueger stated that was very much the experience of the business. Alderman Fruin noted that it was a personal opinion regarding the size of alcohol containers.

Alderman Purcell left the meeting at 8:55 p.m.

Alderman Fruin noted that this business concept was present in four (4) other cities. There was space for televised sporting events. Mr. Krueger explained that the digital projectors allowed for alternate entertainment such as boxing matches, concerts and football games.

Alderman Purcell returned to the meeting at 8:58 p.m.

Mayor Stockton stated his concerned that if the license were pushed without restrictions it may be defeated. If the Council denied the application, the applicant would have to reapply for reconsideration, causing additional fees and a longer process. He noted that the Council could consider the application with restrictions, send the application back to the Commission for further consideration, or simply deny it.

Alderman Gibson stated that this application had been reviewed by the Liquor Commission and recommended approval without restrictions. It was not necessary to place restrictions on the license. He noted that the Liquor Commission had the authority to review the license if problems occurred. It was not necessary to second guess the Commission. Alderman Hanson echoed Alderman Gibson's statements.

Alderman Hanson noted that he did not want the Council to set a precedent. He was concerned that approving this application would lead to similar requests for a liquor license. Alderman Huette stated that each application is reviewed individually.

Alderman Sage stated his discomfort with alcohol being taken from the restaurant area of the business. It would be difficult to police, and ensure no over serving or under age drinking inside the theaters. Alderman Stearns echoed Alderman Sage's statements.

Mayor Stockton stated that he believed that the Council would deny this application. Alderman Schmidt stated her interest in how the Council would vote on the application. Alderman Huette called for a motion. He stated that he would move to approve the application upon the condition that the alcohol be limited to the food service area. Alderman Finnegan stated that if the alcohol were limited to the food service area it would have the appearance of being a tavern. Alderman Huette stated that he did not believe that the business would be viewed as a destination for having a beer.

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

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

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

Nays: None.

Motion carried.

Motion by Alderman Huette, seconded by Alderman Gibson that an RBS liquor license for Wehrenberg, Inc., d/b/a Bloomington Galaxy 14 Cine located at 1111 Wylie Dr., be created, contingent upon compliance with all applicable health and safety codes, with the following condition: 1.) that the alcohol be limited to the food service area.

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

Ayes: Aldermen Schmidt, Fruin, Gibson, and Huette.

Nays: Aldermen Stearns, Purcell, Sage, Hanson and Finnegan.

Motion failed.

Alderman Fruin noted that it would not be difficult to come up with a compromise. He questioned if the license were approved or denied if there would have been opportunities to review other options.

Motion by Alderman Finnegan, seconded by Alderman Gibson that an RBS liquor license for Wehrenberg, Inc., d/b/a Bloomington Galaxy 14 Cine located at 1111 Wylie Dr., be created, contingent upon compliance with all applicable health and safety codes, with the following condition: 1.) that the alcohol containers be limited to sixteen and twenty-four (16 and 24 oz.).

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

Ayes: Aldermen Schmidt, Finnegan and Gibson.

Nays: Aldermen Stearns, Purcell, Fruin, Sage, Hanson and Huette.

Motion failed.

Motion by Alderman Gibson, seconded by Alderman Hanson that an RBS liquor license for Wehrenberg, Inc., d/b/a Bloomington Galaxy 14 Cine located at 1111 Wylie Dr., be denied.

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

Ayes: Aldermen Stearns, Purcell, Hanson, Finnegan and Gibson.

Nays: Aldermen Schmidt, Fruin, Sage and Huette.

Motion passed.

Alderman Schmidt noted that denying the application would force the applicant to reapply for a liquor license.

MAYOR'S DISCUSSION: Mayor Stockton noted his appreciation to City staff and Council for their attendance at the recent Coliseum open house. He was disappointed with public attendance. He had his power point presentation available if anyone would like to use it.

Alderman Schmidt noted that the Coliseum has a link on their website for the public to post questions.

Mayor Stockton noted the opening celebration for District 87's 150th birthday began with a Sesquicentennial parade from Oakland School to the Bloomington High School. He extended the Council's congratulations on 150 years.

CITY MANAGER'S DISCUSSION: Mr. Hamilton noted that the tour of the Water Treatment Plant would take place on October 1, 2007 at 4:30 p.m. He directed the City Clerk to notify the public as necessary.

Mr. Hamilton noted that the upcoming week would begin the Main Street Corridor meetings beginning at 7:00 p.m. The meetings would be held as follows:

Tuesday, September 25, 2007 – Bloomington Police Department – Osborn Room.

Wednesday, September 26, 2007 – Illinois Wesleyan University – Hansen Center.

Thursday, September 27, 2007 – Illinois State University – Bone Student Center – Prairie Room.

All meetings are scheduled for 7:00 p.m.

ALDERMEN'S DISCUSSION: Alderman Stearns questioned Roger Aikin, Chief of Police regarding "Rule 51." Chief Aikin addressed the Council. He stated that "Rule 51" is part of the Standard Operating Procedures. The rule requires officers to refrain from making disparaging remarks and/or starting rumors about other officers. It was not good for the department's moral. He offered to provide the Council with the language for "Rule 51".

Mayor Stockton noted that these types of questions should be directed to the City Manager or to the Chief instead of the public meeting.

Alderman Gibson left the meeting at 9:35 p.m.

Alderman Purcell questioned the timing of the demolition of the Coachman Hotel. Mr. Hamilton responded that the City was waiting for the Environmental Protection Agency to sign off on the asbestos removal. He hoped that the building would be demolished by Thanksgiving.

Alderman Schmidt noted that she would like the Council to focus on the 2008/2009 Fiscal Year Budget. She expressed her desire to schedule some time at the next Council meeting to discuss it. Mr. Hamilton stated that he was in the process of putting together a list of efficiencies to provide the Council. Alderman Schmidt stated that she would like to focus on filling in the gap.

Alderman Hanson stated that the Council could not look at past obligations, nor could it look at just one area to find efficiencies. He stated that it was important that the Council give strong direction to the City Manager.

Alderman Stearns stated that she had made suggestions to the City Manager regarding possible revenue streams. She noted that Alderman Fruin had reviewed the City's employee benefit packages. It was her opinion that the City Manager should respond to these suggestions.

Alderman Schmidt stated that it was her opinion that individual Council members making suggestions and requests of the City Manager were sidetracking him from focusing on his task. She suggested that the Council provide suggestions but wait for the City Manager to bring to the Council a list of ideas. Mr. Hamilton stated that he would be unable to respond to each Council member individually for each suggestion but that he would put all of their ideas and suggestions into a total package. He requested that their suggestions and ideas be very specific. The more specific their ideas the better he could research them.

Alderman Hanson noted that thirty cents (.30) of every dollar spent by the City was on personnel. He stated that the biggest cut should be personnel. He suggested that employees not be replaced through attrition. He noted that in order to shrink the budget personnel should not be overlooked. Alderman Stearns echoed Alderman Hanson's statements.

Alderman Fruin expressed his opinion that Mr. Hamilton did a good job of providing outlines for the work sessions. He noted that the upcoming Work Session on the Police Department would be October 8, 2007 at 6:00 p.m.

Alderman Hanson stated that the Council should direct their questions to the department heads regarding the City's day to day operations. Alderman Finnegan echoed Alderman Hanson's remarks.

Motion by Alderman Hanson, seconded by Alderman Schmidt, that the meeting be adjourned. Time: 9:55 p.m.

Motion carried.

**Julie Phillips
Deputy City Clerk**