

**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, March 12, 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: Joseph “Skip” Crawford, Allen Gibson, John Hanson, Jim Finnegan, Steven Purcell, Michael Matejka, Karen Schmidt and Mayor Stephen F. Stockton.

Alderman Absent: Kevin Huette.

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

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Opening of One Bid for Main Branch Kickapoo Creek Force Mains

Bids were received by the City Clerk on February 26, 2007 until 2:00 p.m. for the Main Branch Kickapoo Creek Force Mains. There is \$800,000 budgeted for this item. Only one bid was received by the City Clerk and it is City policy in situations where only one bid is received to have the bid opened and read at the Council Meeting.

Staff requests that the City Council authorize the Director of Engineering to open the bid at the March 12, 2007 Meeting and present the City Council with a recommendation prior to the end of the Council Meeting concerning award of the bid.

Respectfully,

Tracey Covert
City Clerk

Brian Brakebill
Deputy City Manager

Mayor Stockton introduced this item. Alderman Matejka cited individuals on both sides of this controversy.

Motion by Alderman Matejka, seconded by Alderman Crawford to suspend the rules to allow someone to speak.

Motion carried.

Brian Brakebill, Deputy City Manager, addressed the Council. He noted the bid discrepancy involved whether the bid was received prior to 2:00 p.m. The City Clerk had received one (1) bid within the specified time. Stark Excavating's bid was not accepted. The City received a letter from Stark Excavating requesting the bid be accepted and opened. The lone bid from Gildner's would be opened this evening.

Tracey Covert, City Clerk, addressed the Council. She noted that the bid was received after the 2:00 p.m. deadline. Alderman Crawford noted the difference was a matter of seconds. Alderman Matejka reminded the Council that staff must abide by the rules. Alderman Gibson added that Stark Excavating knew the rules. There were no exceptions.

David Stark, 1805 W. Washington, addressed the Council. He disagreed with staff's actions. The bid was delivered to the City Clerk's Office. His staff delivered the bid and was told it was late. The bidders were not using the same clock as the City Clerk. His staff claimed there was fifty (50) seconds left. The bid had been returned. He requested that his company's bid be accepted. It would be fair to reject all of the bids. There may be issues with the lone bid. Mayor Stockton responded there was no dispute that there was a cut off for bid submittal. Mr. Stark noted there was no second hand on the City Clerk Office's clock.

Brad Jameson, 1805 W. Washington, addressed the Council. He walked in, placed the bid down on the counter and was informed that he was late. He acknowledged that the Council Chamber clock was used.

Alderman Finnegan questioned which clock was used since the claim was the deadline was not missed by fifty (50) seconds. Mr. Jameson stated the bid was rejected. All present had been informed that there was a lone bid.

Mayor Stockton acknowledged the minor difference in time. There was a question of whose clock was used. To break the rules was not an option. This bid was submitted less than one (1) minute after the deadline. The Council was interested in the honesty of the bid process. Staff had no idea who the successful bidder would be. Alderman Finnegan noted the difficulty determining the truth. Mr. Jameson suggested the City provide a time clock stamp for bid submittals. Alderman Gibson noted the clocks at City Hall were coordinated.

Doug Gildner, 2031 Ireland Grove Road, addressed the Council. His bid was submitted prior to 2:00 pm. He was informed later that Stark's bid had been rejected. Staff had followed the procedure. After 2:00 p.m., staff announced that there was a lone bid which would be opened at the March 12, 2007 Council Meeting. If the bid from Stark

was accepted, it would put the procedure into question. Alderman Finnegan noted this discussion was a he said/she said. If bidders were worried about the clock, then the City should purchase a time stamp.

Alderman Crawford asked if this issue had ever arisen before. Alderman Purcell stated rebidding this issue would be a slight to the company who had submitted their bid on time. Mr. Gildner noted his bid met the requisites.

Alderman Gibson stated the Council should not question the City Clerk's actions. She acted correctly.

Doug Grovesteen, Director of Engineering, addressed the Council. He had been present at the bid opening. At 2:00 p.m. there was a lone bid. He did not believe the gentleman from Stark Excavating was in the City Hall building. The Clerk announced there was only one (1) bid. He stood behind and supported the Clerk's actions.

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

Motion carried.

Mayor Stockton noted that this dispute was over the time on the clocks. Alderman Matejka stated his support of staff.

Alderman Schmidt noted the City Clerk did not take procedures lightly. There were others present to support the Clerk's actions. It may be of benefit for the City to purchase a time stamp.

Alderman Crawford noted this had never occurred before. The City may need to implement a new process. Alderman Matejka concurred. He stated staff should designate a bid clock so everyone was on the same page. He also noted contractors generally wait until the last minute to submit these bids due to the nature of materials' costs.

Alderman Hanson suggested having staff at a time spot to validate the time of receipt. The City needed to be sensitive to this issue and address it in the future.

Alderman Schmidt believed the City Clerk's statement that it was 2:00 p.m. when she left her office. By implementing the Council's suggestions, perception of human error would be removed.

Mayor Stockton recommended that the Clerk research other ways to remove the subjective method currently in place.

Alderman Finnegan suggested the City provide funds to purchase an atomic clock. Mayor Stockton added possibly a time stamp.

Motion by Alderman Matejka, seconded by Alderman Schmidt that the Bid be opened at the March 12, 2007 Council meeting, referred to staff for analysis and reported back to Council prior to the end of the meeting.

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

Ayes: Aldermen Matejka, Crawford, Schmidt, Finnegan, Gibson, and Purcell.

Nays: Alderman Hanson

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Opening of One Bid for 802 S. Center – Heidi Bocot – Community Development

Bids were received by the City Clerk on March 1, 2007 until 2:00 p.m. for 802 S. Center – Heidi Bocot. There is \$16,800 budgeted for this item. Only one bid was received by the City Clerk and it is City policy in situations where only one bid is received to have the bid opened and read at the Council Meeting.

Staff requests that the City Council authorize the Director of P.A.C.E. to open the bid at the March 12, 2007 Meeting and present the City Council with a recommendation prior to the end of the Council Meeting concerning award of the bid.

Respectfully,

Tracey Covert
City Clerk

Brian Brakebill
Deputy City Manager

Motion by Alderman Matejka, seconded by Alderman Finnegan that the Bid be opened at the March 12, 2007 Council meeting, referred to staff for analysis and reported back to Council prior to the end of the meeting.

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

Ayes: Aldermen Crawford, Schmidt, Finnegan, Gibson, Hanson, Matejka 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

Brian Brakebill
Deputy 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 Matejka, Crawford, Schmidt, Finnegan, Gibson, Hanson, 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 fifteenth partial payment to Felmley Dickerson in the amount of \$43,463.67 on a contract amount of \$2,669,586 of which \$2,643,455.25 will have been paid to date for work certified as 99% complete for the Library Expansion. Completion date - November 2006.

2. The nineteenth partial payment to PJ Hoerr, Inc. in the amount of \$31,261.99 on a contract amount of \$11,582,642.56 of which \$10,948,664.75 will have been paid to date for work certified as 95% complete for the Renovation of the Bloomington Center for the Performing Arts. Completion date – June 2006.
3. The sixth partial payment to the Pantagraph in the amount of \$2,308.20 on a contract amount of \$30,000 of which \$27,794.40 will have been paid to date for work certified as 92.65% complete for the 2006-2007 Seasonal Advertising Services. Completion date – April 2007.
4. The eleventh partial payment to Supreme Radio Communications, Inc. in the amount of \$1,075 on a contract amount of \$12,900 of which \$11,825 will have been paid to date for work certified as 92% complete for the Service Maintenance Agreement with Supreme Radio. Completion date – April 2007.
5. The thirteenth partial payment to Clark Dietz, Inc. in the amount of \$1,001.25 on a contract amount of \$140,000 of which \$110,769.64 will have been paid to date for work certified as 79% complete for the Locust – Colton CSO Study. Completion date – March 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,

Brian Brakebill
Deputy 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 Matejka, Crawford, Schmidt, Finnegan, Gibson, Hanson, and Purcell.

Nays: None.

Motion carried.

The following was presented:

March 12, 2007

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To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Request to Pay Wilson & Wilson Consulting and Contracting for a Phase 2 Environmental Site Assessment

In the proposed Capital Improvement budget for FY 2008 - 2009 and FY 2009 - 2010, there are funds available for the design and purchase of right-of way for the realignment of the Washington/Euclid/Brown intersection. It is anticipated that to build this project, right-of-way may be required from the property on the southeast corner of Washington and Euclid. The current owner of the property is willing to discuss the sale of the parcel to the City. Prior to staff pursuing this option any further, staff believed it prudent to investigate the site for any possible environmental problems.

Staff retained the firm of Wilson & Wilson Consulting and Contracting to provide professional services in performing a Phase 2 Environmental Site Assessment. They have submitted an invoice for the work in the amount of \$5,300. Staff has reviewed the bill and finds it to be in order.

Staff respectfully requests that Council approve a payment in the amount of \$5,300 to Wilson & Wilson Consulting and Contracting, with payment to be made from G16210-70050.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Brian Brakebill
Deputy 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 Matejka, Crawford, Schmidt, Finnegan, Gibson, Hanson, 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 Foremost Industrial Technologies for Repair of a Sewage Pump

One of the two pumps in the Sugar Creek Sewage Pump Station failed. It was determined that the pump could be economically repaired rather than replaced. The pump was sent to Foremost Industrial Technologies (FGI) in East Peoria to be rebuilt. FGI has submitted an invoice for the work in the amount of \$12,750. Staff has reviewed the bill and finds it to be in order.

Staff respectfully requests that Council approve a payment in the amount of \$12,750 to Foremost Industrial Technologies, with payment to be made from X52100-71080.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Brian Brakebill
Deputy 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 Matejka, Crawford, Schmidt, Finnegan, Gibson, Hanson, and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Annual Subscription Fees for Membership in the American Water Works Association Research Foundation (AWWARF)

The City has long been a member of the American Water Works Association Research Foundation (AWWARF). AWWARF is a member supported nonprofit organization that promotes and funds the research of drinking water. The City has benefited from numerous educational publications and seminars dealing with emerging water regulations and research into

current issues. Based upon the amount of water that is pumped each year to customers, the annual dues for 2007 are \$9,098.

Staff respectfully recommends the approval of the 2007 subscription fee to the American Water Works Association Research Foundation (AWWARF) in the amount of \$9,098 with payment to be made from: Water Department, A & G Division, Operations and Maintenance funds, Registration and Membership Dues 50110 - 70780.

Respectfully,

Craig M. Cummings
Director of Water

Brian Brakebill
Deputy 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 Matejka, Crawford, Schmidt, Finnegan, Gibson, Hanson, and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Request to Dispose of Surplus Meter Equipment

Staff respectfully requests that Council authorize the disposal of surplus water meters. Staff has been changing large meters from a style known as turbine meters to that of a compound meter, in certain installations. The total number of turbine meters used in the water system will not be as great in the future, thus there are several surplus turbine meters that need to be disposed of. In addition, there is one (1) hydrant meter which is no longer used and one (1) strainer for a large meter.

In the past, when water meters were deemed obsolete, surplus or unrepairable, they were simple sold for the scrap value of the metal used in the meter body. Staff has sought out a meter repair and resale shop that will take these larger water meters and rehabilitate them. One such source has been found that is willing to purchase the used meters and rehabilitate them into a like-new

meter with new meter specifications. Gunners Meters and Parts, of Detroit, Michigan have offered the following pricing for these surplus meters/parts:

Prices for Meter Inventory

<u>Meter Type and Size</u>	<u>Price per Item</u>	<u>x# in inventory</u>	<u>Price</u>
3" TT	\$115.00	x8	\$ 920.00
3" HPT	\$100.00	x20	\$ 2,000.00
4" HPT	\$150.00	x11	\$ 1,650.00
6" HPT	\$250.00	x3	\$ 750.00
6" strainer	\$175.00	x1	\$ 175.00
3" hydrant meter	\$ 150.00	x1	<u>\$ 150.00</u>
TOTAL			\$ 5,645.00

The funds generated from this surplus water meter sale would be deposited in the Water Department Salvage Revenue account, #5010-X50110-57190.

Respectfully,

Craig M. Cummings
Director of Water

Brian Brakebill
Deputy City Manager

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the surplus meters be sold to Gunners Meters and Parts and the revenue deposited into the Water Department Salvage Revenue Account, #5010-X50110-57190.

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

Ayes: Aldermen Matejka, Crawford, Schmidt, Finnegan, Gibson, Hanson, and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Waive the Formal Bidding Process and Purchase Vehicles for Fire Department

Staff respectfully requests that Council waive the formal bidding process and approve the purchase of three (3) Ford Expedition Sport Utility Vehicles, (SUV) from Landmark Ford in Springfield, IL. These vehicles are available on a State of Illinois Joint Purchasing Contract at a cost of \$25,468.67 ea. for a total cost of \$76,406.01.

LifeLine Mobile Medics has recently announced it will stop providing paramedic service September 1, 2007. As a result the Fire Department must expedite its preparation to assume full responsibility for providing paramedic services to the community. Purchasing the vehicles at this time will also allow the City to take advantage of the current State of Illinois Joint Purchasing Contract which expires April 18, 2007.

The Fire Department's proposed FY07-08 budget contains \$69,000 for the purchase of three (3) SUVs to be utilized as Paramedic response vehicles. The FY 07-08 budget also contains an additional \$15,000 for emergency lights and sirens for these vehicles. A portion of the emergency warning light package is included in the price on the State of Illinois bid. As a result the total for the vehicles and required warning equipment will not exceed the budgeted amount. Funds for this purchase are available in account # F15210-72130.

Respectfully,

Keith Ranney
Fire Chief

Dan Augstin
Director of Fleet Mgt.

Brian Brakebill
Deputy City Manager

RESOLUTION NO. 2007 - 16

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF THREE (3) FORD EXPEDITION SUVS FOR
THE FIRE DEPARTMENT FROM LANDMARK FORD AT A PURCHASE PRICE OF
\$76,406.01**

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

1. That the bidding process be waived and the Purchasing Agent be authorized to Purchase three (3) Ford Expedition SUVs from Landmark Ford for the Fire Department at a Purchase Price of \$76,406.01.

ADOPTED this 12th day of March, 2007.

APPROVED this 13th day of March, 2007.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the formal bidding process be waived, three (3) Ford Expedition SUV's purchased from Landmark Ford in the total amount of \$76,406.01, the Purchasing Agent Authorized to issue a Purchase Order for same, and the Resolution adopted.

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

Ayes: Aldermen Matejka, Crawford, Schmidt, Finnegan, Gibson, Hanson, and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Waive the Formal Bidding Process and Approve an Agreement with Starnet Technologies, Inc. for Preventive Maintenance and Support Service of the Water Department Supervisory Control and Data Acquisition (SCADA) system

The Water Department Supervisory Control and Data Acquisition (SCADA) system is over ten (10) years old and is in need of increasing maintenance. Currently, the department utilizes the system integrator, Starnet Technologies, Inc., to provide these services on an as-needed basis. Staff has determined that it would be more cost-effective to purchase this service in a preventative maintenance contract.

Starnet Technologies, Inc., has submitted a proposal for their preventive maintenance services to provide sixteen (16) one-day preventative maintenance visits and twenty (20) hours of telephone support for \$18,000 per year. Staff has reviewed this proposal and finds it to be in order.

Staff respectfully requests that Council waive the formal bidding process and approve an agreement with Starnet Technologies, Inc. for preventative maintenance of the Water Department's SCADA system at a cost of \$18,000 per year. Payment will be divided equally between dept. funds: Purification Division, Operations and Maintenance accounts, Other Professional and Technical Services, account number 50130 - 70220 and Transmission and Distribution Division, Operations and Maintenance accounts, Other Professional and Technical Services, account number 50120 - 70220.

Respectfully,

Craig M. Cummings
Director of Water

Brian Brakebill
Deputy City Manager

RESOLUTION NO. 2007 - 17

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF PREVENTIVE MAINTENANCE AND
SUPPORT SERVICE OF THE WATER DEPARTMENT SUPERVISORY CONTROL
AND DATA ACQUISITION (SCADA) SYSTEM FOR THE WATER DEPARTMENT
FROM STARNET TECHNOLOGIES, INC. AT A PURCHASE PRICE OF \$18,000 PER
YEAR**

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

1. That the bidding process be waived and the Purchasing Agent be authorized to Purchase Preventive Maintenance and Support Service of the Water Department Supervisory Control and Data Acquisition (SCADA) system at a Purchase Price of \$18,000 per year.

ADOPTED this 12th day of March, 2007.

APPROVED this 13th day of March, 2007.

APPROVED:

Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the formal bidding process be waived, an agreement with Starnet Technologies, Inc. for preventative maintenance of the SCADA system be approved in an amount of \$18,000 per year, the Mayor and City Clerk authorized to execute the necessary documents, and the Resolution adopted.

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

Ayes: Aldermen Matejka, Crawford, Schmidt, Finnegan, Gibson, Hanson, and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Waive the Formal Bidding Process and Approve an Aquatic Management Agreement for Golden Eagle Detention Basins

For the past four (4) years, Marine Biochemists of Normal have treated the detention basins at Golden Eagle Subdivision. These basins seem to have an inordinate amount of weed growth and algae due to the sediment and nutrients that enter the basins from development further east. The previous agreement with Marine Biochemists was for \$5,800 per year for five (5) monthly treatments between May and September.

Marine Biochemists have submitted a proposal of \$7,761 per year for the treatment of the basins over the next two (2) years. This includes \$5,913 for the monthly treatments and \$1,848 for a single treatment of southern naiad. This treatment may or may not be necessary and the City will not be billed if the treatment does not occur.

Staff believes that Marine Biochemists have provided an excellent service. We, therefore, respectfully request that Council waive the formal bidding process and the proposal of Marine Biochemists for treatment of the basins at \$7,761 per year be approved, the Purchasing Agent authorized to issue a purchase order for same, and the Resolution adopted. There are funds available in the Storm Water Management Fund, account X55100-70220 for this work.

Respectfully,

Dean Kohn
Director Parks & Recreation

Brian Brakebill
Deputy City Manager

RESOLUTION NO. 2007 - 18

A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND AUTHORIZING THE PURCHASE OF AQUATIC MANAGEMENT FOR THE GOLDEN EAGLE DETENTION BASINS FROM MARINE BIOCHEMISTS AT A PURCHASE PRICE OF \$7,761 PER YEAR FOR THE NEXT TWO (2) YEARS

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

1. That the bidding process be waived and the Purchasing Agent be authorized to Purchase Aquatic Management for the Golden Eagle Detention Basins from Marine Biochemists at a Purchase Price of \$7,761 per year for the next two (2) years.

ADOPTED this 12th day of March, 2007.

APPROVED this 13th day of March, 2007.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

AQUATIC MANAGEMENT AGREEMENT 2006 – 27107

THIS AGREEMENT is made between MARINE BIOCHEMISTS, a division of Advantis Technologies, Inc., with its principal offices at W175 N11163 Stonewood Dr., Suite 234, Germantown, Wisconsin (hereinafter “MB”) and the City of Bloomington, c/o Dean Kohn, 109 East Olive Street, Bloomington, IL 61702, (w) (309) 434-2260 (hereinafter “Customer”).

For and in consideration of the mutual covenants herein contained, the parties hereto agree as follows: Marine Biochemists proposes to treat Eagle Creek East and West for the reduction of filamentous algae with the use of Cutrine Plus/Ultra, Clearigate, and/or Hydrothol 191 algaecides, plus Aqua Prep enzyme surfactant. Marine Biochemists proposes a seasonal treatment program (5 occurrences) beginning in May and continuing through September.

In addition, this contract also includes a single treatment for Sago Pondweed (May or June depending upon vegetation growth). Signs will be posted accordingly after herbicide treatment.

Option: A vast treatment for East Lake (Southern Naiad – 96 ounce treatment) Treatment will be weather and plant growth dependant - \$1,848 per application. Pricing includes equipment, personnel, sign posting and herbicide.

Marine Biochemists is proposing a two year agreement with no price increase during the second year.

1. Agreement: MB hereby agrees to provide Water Management Services for the benefit of Customer, and Customer hereby accepts such services described above.
2. Term of Agreement The term of this agreement shall cover the period from May 1, 2007 and continue until September 30, 2008.
3. Services Provided: MB shall supply all necessary labor, materials, equipment and technical advice in providing Water Management Services to Customer. Customer shall provide a suitable boat launching site and pay any launching fees necessary to provide Water Management services in said water area where applicable.
4. Cost and Terms of Payment: The cost to Customer for Water Management Services supplied by MB shall be \$5,913 * per season, wherein payments shall be made by Customer to MB as follows: \$1,971 by June 1, 2006, \$1,971 by July 1, 2006, and \$1,971 by August 1, 2006.
5. Consulting Fee: Where applicable, an additional consulting fee in the amount of \$0.00 is due with return of this Agreement.
6. Liability: It is specifically understood that MB shall not be liable for any personal injury and/or property damage resulting from completed operations of Water Management Services.
7. Warning: Customer shall take whatever action is reasonably necessary by means of posting of warning signs and otherwise, in order to prevent bodily injury and/or property damage, whether to persons, animals, or property, while Water Management Services are being conducted and/or completed Water Management Services.
8. Customer Authorization: Customer represents and warrants that this Agreement has been duly authorized by the Customer, and that the persons executing this Agreement have the authority to execute this Agreement on Customer's behalf.
9. Cancellation Fees: In the event that Customer terminates this Agreement for any reason prior to work being performed, or if treatment(s) cannot be conducted due to regulatory restrictions, the Customer agrees to pay MB a cancellation fee equal to 20% of Agreement costs unless otherwise noted.
10. Miscellaneous: This Agreement shall be construed under and in the Courts of the State of Illinois. This Agreement constitutes the entire understanding between the parties, and may be amended only in writing by the properly authorized representatives, successors, and assigns. This

March 12, 2007

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Agreement shall insure to the benefit of and be binding upon the parties hereto, their respective personal representatives, successors, and assigns.

IN WITNESS WHEREOF, the parties hereunto set their hands and seals this Tuesday, February 20, 2007.

MARINE BIOCHEMISTS

CUSTOMER

Stephen F. Stockton, Mayor
City of Bloomington

February 20, 2007

Tracey Covert
City Clerk

March 13, 2007

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the formal bidding process be waived, the proposal from Marine Biochemists be approved in the amount of \$7,761 per year, the Purchasing Agent Authorized to issue a Purchase Order for same, and the Resolution Adopted.

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

Ayes: Aldermen Matejka, Crawford, Schmidt, Finnegan, Gibson, Hanson, and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Waive the Formal Bidding Process and Purchase the 2007 Fireworks Display

In 2005, the City contracted with Mad Bomber Fireworks Productions from Kingsbury, Indiana for a fireworks display. S & N Display Fireworks, Lincoln, Illinois, provided the show the previous four (4) years. The reason for the change to Mad Bomber was their proposal for a significantly greater number of shells.

The 2005 display provided by Mad Bomber was disappointing. It was not close to being synchronized with the music. In Bloomington, the first shell was shot a full minute after the music had started. It was even further off in Normal. Staff also believes that not all of the shells contained in the proposal were shot. The interval between shells was too great for the length of the show. Mad Bomber has indicated that they improve their performance. Staff is not comfortable recommending them again.

In 2006, staff requested that S & N Display Fireworks submit a proposal for 2007's show. The requested proposal would include an additional two (2) years. The only other vendor available, Melrose Pyrotechnics, has indicated to staff they do not have the capacity to shoot two (2) additional shows on July 4th. They were not interested in submitting a proposal to the City.

The new proposal submitted by S & N Display Fireworks shows a slight increase in the number of shells compared to their 2006 proposal. The insurance requirements, electronic firing, shell size, and length of show were the same as last year. Due to the difficulties with 2005's show and the quality that S & N Display Fireworks has provided in the past, staff believes that S & N should provide the 2007's display, as well providing the service for 2008 and 2009.

Staff respectfully requests that Council waive the formal bidding procedure, accept the proposal submitted by S & N Display Fireworks in the amount of \$20,000 per year for three (3) years, the Mayor and City Clerk be authorized to execute the necessary documents, and a Resolution be adopted.

The annual budget for the show is \$20,000. WJBC is again committed \$9,000 to each community to help defray the cost of the shows. There are funds available in the FY 2007-08 budget, account G14112-70990 for the display.

Respectfully,

John Kennedy,
Asst. Director Parks & Recreation

Brian Brakebill
Deputy City Manager

RESOLUTION NO. 2007 - 19

A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND AUTHORIZING THE PURCHASE OF FOURTH OF JULY FIREWORKS DISPLAYS FOR 2007, 2008 AND 2009 FROM S & N DISPLAY FIREWORKS AT A PURCHASE PRICE OF \$20,000 PER YEAR

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

1. That the bidding process be waived and the Mayor and City Clerk be authorized to execute the necessary documents for the Fourth of July Fireworks Displays for 2007, 2008, and 2009 at a Purchase Price of \$20,000 per year.

ADOPTED this 12th day of March, 2007.

APPROVED this 13th day of March, 2007.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

AGREEMENT

This agreement is made on this first day of March, 2007 between S & N Display Fireworks, Inc. (S & N) and the City of Bloomington (Customer). For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. Customer agrees to purchase the package display as attached to this sheet for the sum of \$20,000. Payment shall be as follows: \$2,000 upon signing of this contract, and balance of \$18,000 upon delivery. S & N reserves the right to make substitutions of equal or greater dollar value in the event that some of the materials are unavailable. Customer agrees to return all unused materials and equipment to S & N, undamaged, or if damaged or not returned, to pay for the same.
2. In the event that S & N determines that weather conditions on the presentation date are not suitable, the presentation shall take place on the next suitable night. If there is such a postponement, Customer agrees to pay S & N, in addition to the above, the greater of, any additional expenses incurred by S & N, or ten percent (10%) of the total contract price.
3. Customer understands that S & N is not a manufacturer of the materials governed by this agreement. As such, S & N makes no representation or warranties of any kind or nature with respect to the quality of the materials used. All materials sold hereunder carry no warranty of merchant's ability or fitness for a particular purpose, and are sold "as is". Customer acknowledges that it is not relying on any representations or assertions by S & N with respect to the quality of the materials sold herein. Customer further acknowledges or is relying solely upon its examination and /or testing of such materials. In no event shall S & N be liable for any loss, resulting from malfunction or non-delivery of materials, in any amount greater than the actual cost of such materials.

4. Customer represents to S & N that it is familiar with all legal requirements of the jurisdiction where the presentation will take place regarding this type of fireworks presentation. Customer further agrees to secure at its expense, all permits and approvals that may be required by any law, regulation, code of local ordinance of the jurisdiction where the presentation will take place.
5. Customer agrees to provide a safe-zone security area for the presentation. This zone must meet NFPA Standards for the safe-zone and fall-out of debris. Those standards call for a safe-zone of 70 feet per inch of shell, with a minimum distance of 300 feet in any direction. S & N assumes no liability for damages of any kind or nature within this designated area. Customer agrees to post appropriate no-entry warning signs near the perimeter of this area.
6. Customer agrees to indemnify and hold S & N harmless for any loss, damages, claims or demand whatsoever arising out of Customer's activities under this contract, including, but not limited to claims of Customer's employees (whether as a worker's compensation claim, third-party claim or otherwise). In no event shall S & N be liable to Customer for any loss of profits, or other economic loss, arising out of any claim breach of obligations herein. It is agreed that Customer's damages under this contract are limited to the sums paid hereunder, which sum shall be deemed to be liquidated damages in full satisfaction. S & N is called upon to defend itself against any claims made against it as a result of any actions on part of Customer. Customer agrees to reimburse S & N for all costs associated with the defense of that claim, including attorney's fees and court costs.
7. If Customer fails to make payments as called for herein, customer agrees to pay a two percent (2%) per month late payment fee on any outstanding balance until paid in full. Time is of essence of this contract. If S & N is required to initiate collection proceedings against Customer, Customer shall be liable for the payment of all of S & N collection cost, including attorney's fees. Customer agrees that Logan County, Illinois is the proper venue to litigate any collection proceedings under this contract and Customer hereby agrees to submit to the jurisdiction of the Court of competent jurisdiction of Logan County, Illinois for such purposes.

IN WITNESS WHEREOF, this contract is executed in duplicate on the date shown above.

S & N Display Fireworks, Inc.

City of Bloomington

Mary D. Vinyard
S&N Display Fireworks, Inc.

Stephen F. Stockton
Mayor

Insurance: YES

This contract is a three-year contract good for 2007, 2008 & 2009. Down payment due by May first of each year to include 10% free product in 2007, 2008 & 2009. At any time during the

contract period customer defaults on contract, customer is responsible for paying the discount received.

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the formal bidding process be waived, the Fourth of July Fireworks display be awarded to S & N Display fireworks be approved in the amount of \$20,000 per year for three (3) years, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.

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

Ayes: Aldermen Matejka, Crawford, Schmidt, Finnegan, Gibson, Hanson, and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Renovation of Miller Park Playground

Staff respectfully requests that the Renovation of Miller Park Playground be held over until the March 26, 2007 Council Meeting. Final figures were not received until late on Friday, March 2nd. There was not enough time to fully evaluate them and make a recommendation for this project.

Respectfully,

Dean Kohn
Director of Parks and Recreation

Brian Brakebill
Deputy City Manager

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the item be laid over until the March 26, 2007 Council meeting.

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

Ayes: Aldermen Matejka, Crawford, Schmidt, Finnegan, Gibson, Hanson, and Purcell.

Nays: None.

Motion carried.**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Analysis of Bids - Golf Tee Signs for Prairie Vista Golf Course

On Thursday, February 22, 2007, at 11:00 a.m., bids were publicly opened and read for the replacement of eighteen (18) golf tee signs for the Parks and Recreation Department. These tee signs will replace the tee signs at Prairie Vista which were installed in 1998. The bids were as follows for 12"x18" bronze tee signs with 3"x3"x7' aluminum posts:

FIRM	TOTAL PRICE
National Golf Graphics (Madison, WI)	\$ 9,810.00*
Eagle One Golf Products (Anaheim, CA)	\$14,490.00
Easy Picker (Lehigh Acres, FL)	\$13,140.00
Sign-A-Rama (Bloomington, IL)	\$12,780.00
Alternate #1 (zinc)	\$10,500.00**
Alternate #2 (polypropylene)	\$ 6,495.00**
Mineola Signs (Mineola, NY)	\$12,418.00
Cylex (Tempe, AZ) (cylex granite)	\$ 7,697.60**
Prairie Signs (Normal, IL)	\$18,000.00

*Low and recommended quote

**Material bid did not meet specifications

The low quote which met the specifications is being recommended. Staff is also familiar with National Golf Graphics as they have supplied a good product in the past for tee signs at The Den at Fox Creek. Therefore, staff respectfully requests that Council accept the low bid of \$9,810 submitted by National Golf Graphics for the tee signs and authorize the Purchasing Agent to issue a purchase order for the same. There are sufficient funds available in G14152-72570.

Respectfully,

John Kennedy
Asst. Director - Parks & Recreation

Brian Brakebill
Deputy City Manager

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the bid be awarded to National Golf Graphics in the amount of \$9,810, 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 Matejka, Crawford, Schmidt, Finnegan, Gibson, Hanson, and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Zoo Animal Quarantine/Hospital

In September, 2006 staff solicited Request for Qualifications for the design and construction of the new Zoo Animal Quarantine/Hospital. Proposals were received from the following four (4) firms: Edwards Architects, Shrive Hattery Architects, Cornerstone Construction LLC/Francois and Associates, and Felmley Dickerson Inc.

All of these firms have done many projects throughout the community and have an excellent reputation in the construction industry. Staff interviewed all four (4) firms and selected Cornerstone Construction LLC for the project. Cornerstone and Francois and Associates have teamed up on other projects and together have a large list of references and projects in the community. Francois and Associates was the designer for the Rainforest and has completed other projects at Miller Park Zoo, the Miller Park Pavilion and the Lincoln Leisure Center.

Staff, therefore, respectfully requests that Council approve a contract with Cornerstone Construction LLC/Francois and Associates for the design and construction of the Quarantine/Hospital at Miller Park Zoo in an amount not to exceed \$398,770. Funds were budgeted in the 2006-2007 Capital Improvement Account X40100-72570 along with funds from the Zoo Society and Foundation.

Respectfully,

Dean Kohn
Director Parks & Recreation

Brian Brakebill
Deputy City Manager

Alderman Purcell questioned the total cost of this project and why it was needed. Dean Kohn, Director of Parks and Recreation, addressed the Council. This would not be a hospital. It was a quarantine room for the veterinarian to use if necessary. This would meet AZA, (Association of Zoos and Aquariums), accreditation standards for animals. It also would assist with zoo keeper safety. This area would be designed with an exhibit

effect, viewable to the public. The building would have various uses. It would be a vet room, a quarantine area, an exhibit area and also staff space.

The last of the Off Track Betting (OTB) funding would pay for the construction. Ground breaking was scheduled for Friday, March 16, 2007.

Alderman Purcell reiterated this would be multi-purpose building. Mr. Kohn concurred and stated weekly veterinarian visits would ensure efficient use.

Alderman Schmidt questioned if local veterinarians were used by Miller Zoo. Mr. Kohn answered affirmatively.

Alderman Purcell questioned the equipment needed and how it would be funded. Mr. Kohn stated the Zoo was looking for donations. The project would use the design/build process.

Mayor Stockton questioned if this would impact accreditation. Mr. Kohn stated accreditation would be completed in May or June 2007.

Alderman Crawford questioned if this project was eligible for grants. Mr. Kohn answered affirmatively.

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the contract with Cornerstone Construction, LLC/Francois and Associates for the design and construction of the Quarantine/Hospital at Miller Park Zoo be approved in an amount not to exceed \$398,770, 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 Matejka, Crawford, Schmidt, Finnegan, Gibson, Hanson, and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Main Branch Kickapoo Creek Pump Station Analysis of Bids

Bidding proposals for the Main Branch Kickapoo Creek Pump Station were received until 2:30 p.m. Monday, February 26, 2007, in the office of the City Clerk at which time and place the bids were opened and read aloud as follows:

Stark Excavating, Inc.	\$1,990,500.00	Low Bid
Bowen Engineering	\$2,812,000.00	
Hoerr Construction	\$2,861,153.00	
Engineer's Estimate	\$2,305,400.00	
Budget for Pump Station	\$1,200,000.00	Sewer Depreciation Funds (Bond Issue)
Budget for Force Mains	\$800,000.00	Sewer Depreciation Funds (Bond Issue)

The Main Branch Kickapoo Creek Pump Station involves the construction of various underground structures, piping and a control building. It will receive sanitary sewer flow from the Grove on Kickapoo Creek Subdivision and future subdivisions to the west and north. The pump station will be located alongside the main branch of Kickapoo Creek, just south of Ireland Grove Road and approximately one mile east of Towanda Barnes Road. It will discharge into force mains that will be located along the north side of Ireland Grove Road and the east side of Towanda Barnes Road. The force mains were bid as a separate project.

Staff respectfully recommends that Council accept the low bid of Stark Excavating, Inc. in the amount of \$1,990,500 and, further, that the Mayor and City Clerk be authorized to execute the necessary documents. Funds for the said work will be made with Sewer Depreciation Funds (X52250-72550).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Brian Brakebill
Deputy City Manager

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the bid be awarded to Stark Excavating, Inc., in the amount of \$1,990,500 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 Matejka, Crawford, Schmidt, Finnegan, Gibson, Hanson, and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Analysis of Bids - Brokaw Road Sanitary Trunk Sewer

Bidding proposals for the Brokaw Road Sanitary Trunk Sewer were received until 2:00 p.m. Wednesday, March 7, 2007, in the office of the City Clerk, at which time and place the bids were opened and read aloud. Bidding proposal for the subject project included a base schedule and four (4) alternate schedules of work. Alternate schedules were used to evaluate the costs for different pipe material over a majority of the project. Alternate A evaluated the cost of Clay Pipe, Alternate B evaluated Concrete Pipe, Alternate C evaluated a specially lined Ductile Iron Pipe, and Alternate D evaluated a standard lined Ductile Iron Pipe. The lowest bidder submitted the lowest cost for each alternate. After reviewing the costs of each alternate, staff decided Alternate C was the best value. The Base Bid + Alternate C bids are as follows:

Stark Excavating, Inc.	\$2,974,384.00	Low Bid
Foley Construction Company	\$3,536,489.00	
Hoerr Construction, Inc.	\$4,079,780.34	
Super Excavators, Inc.	\$5,336,715.00	
Engineer's Estimate	\$4,854,550.00	
Budget	\$2,500,000.00	Sewer Depreciation Funds (Bond Issue)

The Brokaw Road Sanitary Trunk Sewer involves the construction of gravity sanitary sewer from east of Towanda-Barnes Road and south of the Norfolk and Southern Railway (NSR) to west of the Little Kickapoo Creek and south of the NSR. It will receive sanitary sewer flows via force mains from the Main Branch Kickapoo Creek Pump Station and receive gravity flow from a 1,600 acre area surrounding the sewer. The sewer will discharge into Bloomington & Normal Water Reclamation District's existing East Side Interceptor. The force mains and pump station were each bid as separate projects.

Staff respectfully recommends that Council accept the low bid of Stark Excavating, Inc. in the amount of \$2,974,384 and, further, that the Mayor and City Clerk be authorized to execute the necessary documents. Payment will be made with Sewer Depreciation Funds (X52200-72550).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Brian Brakebill
Deputy City Manager

(ON FILE IN CLERKS OFFICE)

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the bid be awarded to Stark Excavating, Inc. in the amount of \$2,974,384, 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 Matejka, Crawford, Schmidt, Finnegan, Gibson, Hanson, 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 – Electronic Outdoor Sign for the Bloomington Center for the Performing Arts

Requests for Proposals were received until Thursday, February 15, 2006, at 2:00 p.m. to provide comprehensive services to fabricate and install an electronic outdoor sign for the Bloomington Center for the Performing Arts (BCPA). The monument sign is to be located on the southwest corner of the BCPA with vinyl graphics to help patrons identify the building, and an approximately 4’x 9’x 35 mm monochromatic LED message center to promote upcoming events at the Center.

The proposals were as follows:

FIRM	TOTAL
Super Sign Service (Bloomington)	No proposal (Reason: too many variables)
Hall Signs (Bloomington, IN)	No proposal (Reason: none given)
Vulcan Signs (Foley, AL)	No proposal (Reason: unable to offer competitive prices)
Lyle Signs, Inc. (Eden Prairie, MN)	No proposal (Reason: do not carry product)
*Prairie Signs (Normal)	\$26,000

* Recommended proposal.

Prairie Signs, was able to meet all of the criteria set forward by the Cultural District for this project. While four (4) other companies responded to the RFP, no competitive proposals were submitted except by Prairie Signs.

Staff requests that the Council approve the low bid of \$26,000 submitted by Prairie Signs. Funding for this project will come out of X21110-72620 of the Cultural District budget.

Respectfully,

C. Bruce Marquis
Executive Director

Brian Brakebill
Deputy City Manager

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the proposal be awarded to Prairie Signs in the amount of \$26,000, and the Purchasing Agent authorized to issue a Purchase Order for same.

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

Ayes: Aldermen Matejka, Crawford, Schmidt, Finnegan, Gibson, Hanson, 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 – Graphic Designer for the Cultural District

Requests for Proposals were received in the Office of the City Clerk until Friday, February 23, 2007 at 2:00 to provide graphic design services for four (4) projects for the Bloomington Center for the Performing Arts (BCPA). The projects include: 1.) the 2007-08 BCPA Season Brochure; 2.) the 2007-08 BCPA Spotlight Student Series Brochure; 3.) the design of two (2) K-12 education newsletters, and 4.) the design of a typesetting style or logo for the Spotlight Student Series.

The proposals were as follows:

FIRM	JOB A	JOB B	JOB C	JOB D	TOTAL
Martin Graphics (Bloomington)	\$80/page	\$55/page	\$470	\$400	Est. \$3970**
Brad Ochiltree (Bloomington)	\$2,550	\$1,875	\$1,650	\$900	\$6,975 ***
Branmarc Design (St. Augustine, FL)	\$1,000	\$1000	\$500	\$600	\$3,100 *

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CG Custom Graphics (Bloomington)	\$4,160	\$2725	\$3070	\$960	\$10,915
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Bear Graphics (Bloomington)	\$3,840	\$2,134	\$1,600	\$1,067	\$8,614
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Super Sign (Bloomington)					No proposal
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Illinois Graphics (Bloomington)					No proposal
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* Low and recommended proposal.

** Incomplete: No portfolio of work submitted.

*** Technicality: Did not sign insurance page.

The proposal by Branmarc Design met the criteria set forth by the Cultural District. Staff respectfully requests that Council approve the \$3,100 proposal submitted by Branmarc Design. Payment for this work will come from X21100-70220 of the Cultural District budget.

Respectfully,

C. Bruce Marquis
Executive Director

Brian Brakebill
Deputy City Manager

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the proposal be awarded to Branmarc Design in the amount of \$3,100, and the Purchasing Agent authorized to issue Purchase Orders for same.

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

Ayes: Aldermen Matejka, Crawford, Schmidt, Finnegan, Gibson, Hanson, and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Change Order #16 to the Contract with P.J. Hoerr, Inc. for the Renovation of the Bloomington Center for the Performing Arts

P.J. Hoerr, Inc. has requested the following change orders to their contract for work associated with the renovation of the Bloomington Center for the Performing Arts. These change orders were reviewed by staff, who found them to be acceptable. The total amount of these change orders is \$1,340.93.

#170 Change location of grab bars as per City Inspector	815.73
#171 Provide exit light box covers	299.40
#172 Provide boxes at floor level to protect sprinkler pipes	304.30
#173 Repair damaged concrete floor at edge of lift	393.50
#174 Provide additional painting throughout building	528.00
#175 Deduct for painting of pre existing elevator	(1,000.00)
	<u>1,340.93</u>
Total this Change Order	1,340.93
Revised contract	11,578,524.56
New Total Amount	11,579,864.96

This work is outside the existing contract of P.J. Hoerr. There was a need to build boxes around the exit lights, move the grab bars in toilet areas and build floor boxes to protect the fire sprinkler lines as required by the City inspectors. There was a need to repair the damaged concrete at the edge of the new loading dock lift, and provide additional painting throughout the building. The contractor deduct for painting of the pre existing elevator was accepted.

This change order amount will be added to the guaranteed bid price and will be paid for out of the renovation contingency fund.

Contingency Fund:	\$600,000.00
Total Change Orders to date:	\$591,664.96
Contingency Balance:	\$ 8,335.04

Staff respectfully recommends that Council approve this change order to the contract with P.J. Hoerr, Inc. in the amount of \$1,340.93. Payment for this work will come from account X21100-72620 of the Cultural District budget.

Respectfully,

Bruce Marquis
Executive Director

Brian Brakebill
Deputy City Manager

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the Change Order to the contract with P.J. Hoerr for the Renovation of the Bloomington Center for the Performing Arts in the amount of \$1,340.93 be approved.

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

Ayes: Aldermen Matejka, Crawford, Schmidt, Finnegan, Gibson, Hanson, and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Amendment to Agreement with Citizens Equity First Credit Union, (CEFCU)

On April 24, 2006, the City Council approved a contract with the Citizens First Equity Credit Union (CEFCU) for a pledge of \$150,000 as payment for stage signage rights for the outdoor stage to be located in the Festival Park at the Bloomington Cultural District.

The approved agreement included an obligation for the City to construct and erect the stage by August 1, 2007. Due to circumstances beyond staff control, the Cultural District will be unable to satisfy this condition by that date. Given these circumstances, staff negotiated an amendment to the agreement to extend the deadline for the City to construct the stage to August 1, 2009. Staff believes this extension is fair and reasonable.

Staff respectfully requests that Council approve an amendment to extend the date by which the City is to satisfy the conditions of this agreement by twenty-four (24) months, making August 1, 2009 the obligatory date.

Respectfully,

C. Bruce Marquis
Executive Director

Brian Brakebill
Deputy City Manager

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the date for the City to pledge \$150,000 for signage rights for an outdoor stage located in Festival Park be extended to August 1, 2009.

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

Ayes: Aldermen Matejka, Crawford, Schmidt, Finnegan, Gibson, Hanson, and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Change Order to the Aerial Ortho-photography and GIS Mapping Agreement with the McLean County Regional Planning Commission

On February 13, 2006, Council approved funding the City's share of the Ortho-photography and GIS Mapping contract being administered by the McLean County Regional Planning Commission (MCRPC) in the amount of \$275,471.99 (\$56,005.77 as Capital Improvement Fund (CIF), \$56,005.77 as Storm Water Management Fund (SWMF), and \$163,460.00 as Water Depreciation Fund (WDF).

The MCRPC contract with Pinnacle Mapping Technologies, Inc. included six (6) additional flight lines in the central urban areas of Bloomington and Normal, over the tallest buildings, to reduce the amount of building lean visible in the final product. Preliminary photos have shown that there is still significant building lean visible in the photography outside the central urban area. Pinnacle has given the MCRPC a quote in the amount of \$21,832 to add additional flight lines to the remainder of the Bloomington-Normal urban area. This additional cost would be split 50/50 between the City and the Town of Normal. Staff reviewed has reviewed this change order in the amount of \$10,916 and finds it acceptable.

Staff respectfully recommends that Council approve a change order to the payment agreement with the MCRPC in the amount of \$10,916 to be paid as follows: \$5,458 from CIF (X40100-70220) and \$5,458 from SWMF (X55200-70220), and further that the Resolution be adopted.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Brian Brakebill
Deputy City Manager

RESOLUTION NO. 2007 - 20

A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE AMOUNT OF \$10,916 IN THE CONTRACT BETWEEN THE CITY OF BLOOMINGTON AND THE MCLEAN COUNTY REGIONAL PLANNING COMMISSION (MCRPC) FOR ORTHO-PHOTOGRAPHY AND GIS MAPPING

WHEREAS, the City of Bloomington has previously entered into a contract with the McLean County Regional Planning Commission (MCRPC) for Ortho-photography and GIS Mapping; and

WHEREAS, for the reasons set forth in a staff report dated March 12, 2007 it was necessary to add additional flight lines in order to reduce the amount of building lean visible in the ortho-photographs; and

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the March 12, 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 \$10,916 in the contract between the City of Bloomington and McLean County Regional Planning Commission (MCRPC) for Ortho-photography and GIS Mapping be approved.

ADOPTED this 12th day of March, 2007.

APPROVED this 13th day of March, 2007.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the Change Order in the amount of \$10,916 be approved and the Resolution adopted.

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

Ayes: Aldermen Matejka, Crawford, Schmidt, Finnegan, Gibson, Hanson, and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Application for a Permit from the Illinois Department of Transportation to Install Traffic Signals at the Intersections of MacArthur Avenue & Center Street and MacArthur Avenue & Main Street

On November 27, 2006, Council awarded the installation of Traffic Signals at the Intersections of MacArthur Avenue & Center Street (south bound Bus. Rt. US51,) MacArthur Avenue & Main Street (north bound Bus. Rt. US51) to Laesch Electric. This work will occur within state right-of-way; therefore the City is required by the Illinois Department of Transportation (IDOT) District 5, to obtain a permit. The permit contains a provision which adds the new signal installations to the Master Signal Maintenance Agreement. The costs for maintenance and electricity will be split equally by City and State.

Staff respectfully recommends that Council approve the permit with IDOT District 5 and authorize the Mayor and City Clerk to execute the necessary documents.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Brian Brakebill
Deputy City Manager

(ON FILE IN THE CLERKS OFFICE)

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the IDOT 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 Matejka, Crawford, Schmidt, Finnegan, Gibson, Hanson, and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Local Agency Agreement for Federal Participation for Design of the Downtown
Bloomington Main Street Beautification: Front St. to Washington St. MFT
Section 06-00334-00-SW

On February 12, 2007, Council awarded a contract to Farnsworth Group, Inc. to provide engineering services for the design of the Downtown Bloomington Main Street Beautification: Front St. to Washington St., MFT Section 06-00334-00-SW. The design is to be funded in part with an Illinois Transportation Enhancement Program (ITEP) grant. Since ITEP grant monies are federal funds, the City must execute a Local Agency Agreement for Federal Participation with the Illinois Department of Transportation (IDOT) prior to IDOT approving the design contract.

Staff respectfully recommends that Council approve the Local Agency Agreement for Federal Participation and authorizing the Mayor to sign said Agreement.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Brian Brakebill
Deputy City Manager

(ON FILE IN THE CLERKS OFFICE)

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 Matejka, Crawford, Schmidt, Finnegan, Gibson, Hanson, and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Professional Services Contracts

Staff respectfully requests approval of contracts to engage persons and/or groups represented by East Coast Entertainment, Off Broadway Booking, and Reduced Shakespeare Company to perform services in the Bloomington Center for the Performing Arts on dates agreed by staff. Base expenses for the contracts will be \$47,350.

Staff further respectfully advises Council that contract provisions prohibit public announcements of any persons/groups and/or dates of services until said contracts have been executed by both parties. The selection of these groups was coordinated with the Cultural Commission and the Cultural District's Programming Advisory Committee. Staff and community advisors agree that the visiting professionals would attract broad, positive community involvement and contribute to the public service mission of the Cultural District and the Bloomington Center for the Performing Arts.

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

Respectfully,

C. Bruce Marquis
Executive Director, Cultural District

Brian Brakebill
Deputy City Manager

(ON FILE IN THE CLERKS OFFICE)

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the Contracts with East Coast Entertainment, Off Broadway Booking and Reduced Shakespeare Company 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 Matejka, Crawford, Schmidt, Finnegan, Gibson, Hanson, and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: City Weed Ordinance Renewal

In accordance with the FY 2005 bid for the City Weed Ordinance, staff respectfully requests that the agreement between the City and B & D Lawn Service, Inc. be renewed for the seasonal mowing period of May 1, 2007 through October 1, 2007. Staff and B & D have agreed to the terms for this year, which includes a \$1.00 per hour increase for fuel. All other terms and conditions shall remain the same. The per-hour fees for FY 2007/08 are as follows:

Tractor Mowing	\$17.00
Push Mowing	\$17.00
Labor	\$20.00

Per specification, this service shall be extended past October 1, 2007, if warm weather prompts continued growth into the fall season. The blanket purchase order expires at the end of this mowing season. The service will be let for bid in 2008.

Respectfully,

Kim Nicholson
Purchasing Agent

Brian Brakebill
Deputy City Manager

Alderman Gibson questioned if prevailing wages was applicable to this item. He also questioned lawn services provided, the company's hiring practices and the wages paid. Mark Huber, Director - PACE, addressed the Council. The recommended vendor was a sole proprietorship.

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the renewal with B & D Lawn Service, Inc. for the 2007 seasonal mowing period be approved, and the Purchasing Agent authorized to issue a Purchase Order for same.

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

Ayes: Aldermen Matejka, Crawford, Schmidt, Finnegan, Gibson, Hanson, and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Acceptance of #5 Station Design Grant

As a result of the efforts of APACE Design, the architects for the # 5 Fire Station, the City has been offered grant. The grant will cover design funding and funding towards commissioning the pursuit of a LEED Gold certification for the construction of this facility by the Illinois Clean Energy Community Foundation.

After reviewing the construction information at the Council Work Session on February 12, 2007 and receiving input, staff respectfully requests that the grant in the amount of \$81,950 be accepted. The architects have been directed to continue their design efforts toward incorporating the discussed Green features. This grant results in funds to supply 100% of the design and commissioning fees.

Respectfully,

Keith A. Ranney
Fire Chief

Brian Brakebill
Deputy City Manager

(ON FILE IN THE CLERKS OFFICE)

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the design grant from the Illinois Clean Energy Community Foundation in the amount of \$81,950 be accepted, the design of the discussed Green features for the # 5 Fire Station be continued, and the Mayor and City Clerk authorized to execute the necessary documents.

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

Ayes: Aldermen Matejka, Crawford, Schmidt, Finnegan, Gibson, Hanson, and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Permission to Accept Grant

Staff has been working with the Farnsworth Group and Goodpaster/Jamison Inc. on the redevelopment of the stream at The Grove at Kickapoo Creek Subdivision. Goodpaster/Jamison Inc has secured a grant from the Illinois Environmental Protection Agency, Bureau of Water (IEPA) for water quality monitoring. The cost of the project is \$127,000. The IEPA is funding the grant 100% but the grant recipients must be a government agency. The project would be no cost to the City.

Staff respectfully requests that Council accept the grant from the Illinois Environmental Protection Agency, Bureau of Water in the amount of \$127,000 for The Grove at Kickapoo Creek Subdivision.

Respectfully,

Dean Kohn
Director of Parks and Recreation

Brian Brakebill
Deputy City Manager

**U.S. Department of the Interior
U.S. Geological Survey Joint Funding Agreement**

Water Resources Investigations

THIS AGREEMENT is entered into as of the 20th day of December, 2006, by the U.S. GEOLOGICAL SURVEY, UNITED STATES DEPARTMENT OF THE INTERIOR, party of the first part, and the Bloomington Parks and Recreation, party of the second part.

1. The parties hereto agree that subject to availability of appropriations and in accordance with their respective authorities there shall be maintained in cooperation project tasks to include baseline data collection analyses and summaries of stream flow, sediment, and water-quality data at 3 sites near the future Grove development in Bloomington, Illinois; and a baseline assessment of the physical stream and riparian conditions., herein called the program. The USGS legal authority is 43 USC 36C; 43 USC 50; and 43 USC 50b.
2. The following amounts shall be contributed to cover all of the cost of the necessary field and analytical work directly related to this program. 2(b) includes In-Kind Services in the amount of \$0.00.

by the party of the first part during the period

(a) \$0 January 1, 2007 to September 30, 2007

by the party of the second part during the period

(b) \$127,000 January 1, 2007 to September 30, 2007

(c) Additional or reduced amounts by each party during the above period or succeeding periods as may be determined by mutual agreement and set forth in an exchange of letters between the parties.

(d) The performance period may be changed by mutual agreement and set forth in an exchange of letters between the parties.

3. The costs of this program may be paid by either party in conformity with the laws and regulations respectively governing each party.
4. The field and analytical work pertaining to this program shall be under the direction of or subject to periodic review by an authorized representative of the party of the first part.
5. The areas to be included in the program shall be determined by mutual agreement between the parties hereto or their authorized representatives. The methods employed in the field and office shall be those adopted by the party of the first part to insure the required standards of accuracy subject to modification by mutual agreement.
6. During the course of this program, all field and analytical work of either party pertaining to this program shall be open to the inspection of the other party, and if the work is not being carried on in a mutually satisfactory manner, either party may terminate this agreement upon 60 days written notice to the other party.
7. The original records resulting from this program will be deposited in the office of origin of those records. Upon request, copies of the original records will be provided to the office of the other party.
8. The maps, records, or reports resulting from this program shall be made available to the public as promptly as possible. The maps, records, or reports normally will be published by the party of the first part. However, the party of the second part reserves the right to publish the results of this program and, if already published by the party of the first part shall, upon request, be furnished by the party of the first part, at costs, impressions suitable for purposes of reproduction similar to that for which the original copy was prepared. The maps, records, or reports published by either party shall contain a statement of the cooperative relations between the parties.
- 9 USGS will issue billings utilizing Department of the Interior Bill for Collection (form DI-1040). Billing documents are to be rendered quarterly. Payments of bills are due within 60 days after the billing date. If not paid by the due date, interest will be charged at the current Treasury rate for each 30 day period, or portion thereof, that the payment is

delayed beyond the due date. (31 USC 3717; Comptroller General File B-212222, August 23, 1983).

U.S. Geological Survey
United States
Department of the Interior

Bloomington Parks and Recreation

USGS Point of Contact

Name: Audrey Ishii
Address: 1201 W University
Urbana, IL 61801-2347
Telephone 217/344-0037, extension 3026
Email: alishii@usgs.gov

Customer Point of Contact

Name: Dean Kohn
Address: 115 E Washington St
Bloomington, IL 61701
Telephone: 309/434-2260
Email: dkohn@cityblm.org

Signatures

By: Robert R. Holes, Jr., PhD, P.E.
Title: Director, USGS Illinois Water Science
Center

Signatures

By: Stephen F. Stockton
Title: Mayor

Date: December 20, 2006

Date: March 13, 2007

By: Tracey Covert
Title: City Clerk

Date: March 13, 2007

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the grant in the amount of \$127,000 for The Grove at Kickapoo Creek Subdivision be accepted, 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 Matejka, Crawford, Schmidt, Finnegan, Gibson, Hanson, and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Permission to Apply for C2000 Grant

Staff has been working with the Farnsworth Group and Goodpaster/Jamison Inc. on the redevelopment of the stream at the Grove at Kickapoo Creek Subdivision. Goodpaster/Jamison Inc. has requested permission to submit a C2000 Grant to the Illinois Environmental Protection Agency, Bureau of Water, for stream restoration. They are requesting a \$200,000 grant with matching funds provided by the developers.

The IEPA has allowed the matching funds for this project to come from the developers but the grant recipients must be a government agency. The project would be no cost to the City. Staff respectfully requests that Council authorize staff to enter into a contract with Goodpaster/Jamison Inc. to apply for a C2000 matching grant for the Grove at Kickapoo Creek Subdivision.

Respectfully,

Dean Kohn
Director Parks & Recreation

Brian Brakebill
Deputy City Manager

(ON FILE IN THE CLERKS OFFICE)

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the contract with Goodpaster/Jamison Inc. to apply for a C2000 matching grant be approved, and the Mayor and City Clerk authorized to execute the necessary documents.

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

Ayes: Aldermen Matejka, Crawford, Schmidt, Finnegan, Gibson, Hanson, and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Permission to Apply for Three (3) State of Illinois Grants

For many years the City has contracted with park planners to prepare and write grants for State and Federal funded projects. Last year the Department of Natural Resources conducted training sessions for grant writing and contract administration. Staff has taken the opportunity to use these sessions to train in this process. To date we have four (4) staff members that have taken the training. As the grant cycle nears, staff would like to request permission to apply for three (3) separate grants.

Gaelic Park is a ten (10) acre park that has been in the planning stages for the past six (6) years. It is in the final addition and is slated to be developed in the 2008-2009 construction season. Staff has projected \$1,000,000 in the fiscal year 2008 for this construction project. The City is eligible for up to a \$400,000 state match for this development. Two (2) public meetings were held several years ago and one additional meeting will be held in May to finalize citizen input. Staff is requesting permission to apply for an OSLAD (Open Space Lands Acquisition and Development) Grant for this project.

In 2005 Ark VI Developers annexed Eagle View and Eagle View South to the City. As part of the Park Dedication Ordinance the City acquired 6.15 acres of land. During this period staff also negotiated the purchase of an additional 8.5 acres from the developer for the sum of \$242,400. As the City continues to grow further east it is believed that this is an excellent way to meet the needs of the community by constructing a 15 acre neighborhood park. Towanda Barnes Road is a major barrier separating many of the great developments that have been completed in the last couple of years. Staff believes that it is important to offer the same opportunities on both sides of the barrier. The City has the opportunity to apply for an OSLAD Grant for this project. As the grant cycle is in July, it is necessary to begin the process now to insure that the proper documentation is in place. With Council's permission staff will apply for a \$221,200 matching grant to purchase the land. In the event the grant is rejected, the City will purchase this land with park dedication funds so that the construction of this proposed park can move forward.

The third and last request is for Constitution Trail. Staff receives calls weekly on the progress and development of this linear park. The Department of Natural Resources has an Illinois Trails Grant Program. Staff has worked over the last year with the Farnsworth Group to develop the construction drawing for the section of trail that goes south of Grove Street to Hamilton Road. Funding for a portion of this development has been acquired through the Federal Government. The additional funding was not secured.

The City now has the opportunity to apply for a grant that would secure an additional \$200,000 matching funds for the 2008 construction season. These funds have not been projected but staff believes that these projects should be realigned to continue the growth of the Constitution Trail.

It is important that Council understand that when the submittal of these grants are approved, the City is also committed to funding the projects if the grants should be awarded. In summary, staff respectfully requests permission to apply for grants for the above three (3) projects to acquire and construct additional parks and trail for the City.

Respectfully,

Dean Kohn
Director of Parks & Recreation

Brian Brakebill
Deputy City Manager

Motion by Alderman Finnegan, seconded by Alderman Schmidt that staff be allowed to submit three (3) grants to the State of Illinois to acquire land and construct additional parks and trail for the City.

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

Ayes: Aldermen Matejka, Crawford, Schmidt, Finnegan, Gibson, Hanson, and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Update of Anti Displacement / Replacement Housing and Relocation Assistance Plan for HUD Funded Activities

The City's Code Enforcement Division administers the federally funded Community Development Block Grant (CDBG) program. The US Department of Housing and Urban Development (HUD) requires that local communities have a compliant residential anti-displacement and relocation policy to protect persons displaced as a result of a federally assisted project or program. The following types of activities administered through the Code Enforcement Division could require compliance with the Uniform Relocation Act. They are: acquisition, rehabilitation, demolition or relocation activities.

Previously, Council approved an Anti-Displacement Plan on March 12, 1990, as Resolution Number 1990-7. A revised and updated Anti-Displacement/Replacement Housing and Relocation Assistance Plan is now available for approval. The updated plan provides 1.) a brief history and explanation of the required policy; 2.) the City's policies to minimize and avoid displacement of persons from their homes; 3.) the replacement policy for any low and moderate income habitable housing units; 4.) the displacement and relocation subject to the Uniform Act; 5.) and displacement assistance as a result of Code Enforcement.

Staff respectfully requests that Council approve the updated Anti-Displacement/Replacement Housing and Relocation Assistance Plan and the Resolution be adopted.

Respectfully,

Mark R. Huber
Director, PACE

Brian Brakebill
Deputy City Manager

RESOLUTION NO. 2007 - 21

**A RESOLUTION AMENDING A RESIDENTIAL
ANTIDISPLACEMENT AND RELOCATION PLAN POLICY**

WHEREAS, the City of Bloomington, located in the County of McLean, within the State of Illinois may provide HUD assistance for acquisition, rehabilitation, conversion or demolition, and relocation activities; and

WHEREAS, the US Department of Housing and Urban Development (HUD) requires local communities to have a compliant residential anti-displacement and relocation policy to protect persons displaced as a result of a federally assisted project or program.

NOW, THEREFORE, BE IT RESOLVED that the following “Anti-Displacement and Relocation Assistance Plan” and the provisions within are adopted as policies of the City of Bloomington, located in the County of McLean, within the State of Illinois:

ADOPTED on this 12th day of March, 2007.

APPROVED on this 13th day of March, 2007.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Purcell questioned the Update of Anti Displacement/Replacement Housing and Relocation Assistance Plan for HUD Funded Activities. Mark Huber, Director – PACE, addressed the Council. In order for the Community Development Block Grant to receive accreditation, the City must have a plan as well as a plan update. Alderman Purcell questioned if these were basic changes. Mr. Huber responded negatively. He noted that this type of action has rarely been used.

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

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

Ayes: Aldermen Matejka, Crawford, Schmidt, Finnegan, Gibson, Hanson, and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Resolution to Cede "Private Activity Bonding Cap" to the Illinois Housing Development Authority for 2007

The Internal Revenue Code permits the City of Bloomington, as an Illinois Home Rule Municipality, to issue private activity bonds which are capped at the rate of \$85 per capita per year. The City has a volume cap of \$5,928,665 for calendar year 2007.

The Illinois Housing Development Authority works with communities to help working families and individuals achieve home ownership. The City has ceded over either all or a portion of its bond volume cap for the past several years for the successful Mortgage Credit Certificate (MCC) Program and/or the Mortgage Revenue Bond (MRB) Program. The MCC program allows first-time homebuyers who hold the certificate to use 25% of the interest paid on their mortgage loan, to a maximum of \$2,000 per year for the life of the mortgage, as a tax credit on their federal income tax return. The MRB Program assists first time home buyers to purchase homes in the City. Use of the volume cap for participation in the MCC and MRB programs will be on a 50/50 for each program.

As in the past, this cede does not obligate the City financially or in any other way. The program is administered by local lending institutions who deal directly with IHDA. The accompanying Resolution will accomplish the ceding of this year's portion of volume cap to IHDA for 2007.

Staff respectfully recommends that Council adopt the Resolution and that the Mayor and City Clerk be authorized to execute it on behalf of the City.

Respectfully,

Mark R. Huber
Director, PACE

Brian Brakebill
Deputy City Manager

RESOLUTION NO. 2007 - 22

**A RESOLUTION AUTHORIZING THE CEDING OF THE PRIVATE ACTIVITY BOND
VOLUME CAP FOR THE YEAR 2007 TO THE ILLINOIS HOUSING DEVELOPMENT
AUTHORITY**

BE IT RESOLVED by the City Council of Bloomington, Illinois:

Section 1: That the City hereby cedes to the Illinois Housing Development Authority \$5,928,665.00 of its private activity bond allocation for Calendar Year 2007, said Volume cap to (1) be used for the establishment and/or maintenance of the Mortgage Credit Certificate Program to help first-time home buyers purchase a home pursuant to Section 25 of the Internal Revenue Code of 1986, and (2) for the establishment and/or maintenance of the Mortgage Revenue Bond Program (MRB) pursuant to Section 143 of the Code to assist first time homebuyers to purchase homes in the City.

Section 2: That the City Manager is authorized to execute a letter of Agreement with the Illinois Housing Development Authority consenting to such reallocation on behalf of the city as authorized hereby.

Section 3: The City Manager is authorized and directed to maintain a record of such allocation for the term of the bond issued pursuant to such allocation.

Section 4: The City Manager shall provide a notice of such reallocation to the Office of the Governor.

Section 5: This Resolution shall be effective from and after its passage.

ADOPTED this 12th day of March, 2007.

APPROVED this 13th day of March, 2007.

APPROVED:

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 Matejka, Crawford, Schmidt, Finnegan, Gibson, Hanson, and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Acquisition of Easement from the Lee DeVary Trust for the Brokaw Road Sanitary Sewer

The City needs an easement across some property owned by the Lee DeVary Trust to construct a gravity sewer that will take the flow from the sewer force mains being installed to serve The Grove at Kickapoo Creek Subdivision to the sewerage treatment plant on West Oakland Avenue. The property to be burdened with the easement lies immediately south of and adjacent to the Norfolk Southern Railroad tracks just east of Hershey Road. The proposed easement runs west from Hershey Road a distance of approximately 1600 feet and ranges in width from thirty (30) to fifty (50) feet wide. The easement contains a total of 1.5 acres. The City also needs a temporary easement for construction purposes across a strip of land fifty (50) feet in width lying south of the permanent easement.

The trustee of the Trust has agreed to grant the permanent and temporary easement for construction purposes to the City for a total payment of \$3,561. Staff believes this fairly compensates the Trust for the easement and respectfully requests that Council approve the agreement and that the Mayor and City Clerk be authorized to execute the necessary documents.

Respectfully,

Hannah R. Eisner
Deputy Corporation Counsel

Brian Brakebill
Deputy City Manager

AGREEMENT

This AGREEMENT is entered into between the City of Bloomington, a corporate body politic, (hereinafter referred to as “City”), and the Agricultural Services Trust, (hereinafter referred to as “Owner”). In consideration of the mutual promises contained herein, the parties hereby state and agree as follows:

1 That the parties have entered into an Easement Agreement, dated February 2, 2007 with respect to the following described real estate:

Owner: Agricultural Services Trust

Agricultural Services Trust Company, as successor trustee of Trust Agreement dated April 14, 1983 and known as the Trust under the Will of Lee DeVary dated July 17, 1963, for the benefit of Alice DeVary

Description of Property:

All that part of the Northeast Quarter of Section 14, Township 23 North, Range 2 East of the Third Principal Meridian lying south of the Lafayette, Bloomington and Mississippi Railroad (now Norfolk and Southern), in McLean County, Illinois.

Permanent Sewer Easement No. 1:

A strip of land, 50 feet in width, lying south of and adjacent to the South Right-of-Way Line of said Norfolk and Southern Railroad. Said strip is bounded on the east by the East Line of the West Half of the Northeast Quarter of said Section 14 and on the west by the Easterly Line of the City of Bloomington 50-foot wide sewer easement recorded June 22, 1993 as Document No. 93-17496 in the McLean County Recorder’s Office.

Permanent Sewer Easement No. 2:

A strip of land, 30 feet in width, in the East Half of the Northeast Quarter of said Section 14 lying south of and adjacent to the South Right-of-Way Line of said Norfolk and Southern Railroad.

Said Permanent Easements Nos. 1 and 2, together, contain 65,674 square feet, more or less, equals 1.51 acres, more or less.

Temporary Easement for Working Purposes Only During Construction:

A strip of land, 50 feet in width, lying south of said Permanent Easements Nos. 1 and 2.

Said Temporary Easement contains 93,964 square feet, more or less, equals 2.16 acres, more or less.

2. That the owner, Agricultural Services Trust, is the legal and sole owner of the above - described real estate.

3. That as, and for consideration for, the Owner entering into the aforementioned Easement Agreement, the City promises and agrees as follows:

A. To compensate Owner \$2,265.00 for 1.51 acres of permanent easement.

B. To compensate Owner \$1,296.00 for two years of restoration on 2.16 acres.

C. To allow Owners access to Owner's property during construction.

D. During the construction, clearing, trenching and laying of the sewer main, to remove the topsoil, up to a minimum of two feet thickness, and to replace, after completion of the installation of the sewer main, on the area within the permanent easement.

E. To restore any surface area into which the City or its agents dig, excavate or otherwise disturb, to its preexisting condition. The City will repair any damage to underground drainage tiles with SDR 35 PVC pipe of the same diameter following State Standards. Tile repairs are to have granular backfill to support the tile. The City will replace and repair any damage to fences using the same type of materials out of which the fences were originally constructed. The City will replace driveways and entrances with like materials.

F. To bury all manholes proposed in farmland on Owner's property, a minimum of three feet below surface to install sewer at a minimum depth of four feet below surface.

4. Owner shall be permitted to make a connection .to the sanitary sewer to be constructed within the easement being conveyed at such time as sewer service becomes available and further subject to compliance with all rules and regulations then in effect and payment of all applicable tap on and permit fees.

This AGREEMENT is entered into and made a part of the Easement Agreement dated February 2, 2007, between the City of Bloomington and Lee DeVary Trust, and is dated this 13th day of March, 2007, and signed at McLean County, Illinois.

Owner

City of Bloomington

By: Vice President and Trustee Officer
Agricultural Services Trust

By: Stephen F. Stockton
Mayor

Attest:

Tracey Covert
City Clerk

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the Easement Agreement with the Lee DeVary Trust 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 Matejka, Crawford, Schmidt, Finnegan, Gibson, Hanson, and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Ordinance Amending “An Ordinance Describing and Designating an Area Located Partially Within the City of Bloomington, the Town of Normal, and Unincorporated McLean County as an Enterprise Zone”

On December 27, 2005, the City adopted an ordinance authorizing the modification of the Enterprise Zone boundary to include a large area of land in eastern McLean County to accommodate the development of a wind energy generating farm by Horizon Wind Energy, Inc. Horizon has proceeded with that project and a number of wind turbines in the project area have already been erected. As a result of some modifications made by Horizon in Phase II of their project, there will be a net reduction of the size of the Enterprise Zone of approximately .067 square mile. Therefore, approval of the proposed ordinance would authorize the proposed Enterprise Zone reduction.

The reduction will not adversely impact the Horizon wind energy project and it will create additional Enterprise Zone area that might be used for other projects. As may be recalled, under state statute the size of the Enterprise Zone is limited to thirteen (13) square miles. Since the current Enterprise Zone is approaching that maximum geographic area, these slight reductions in overall size of the Zone provide for more flexibility in extending the Enterprise Zone to other areas in order to create additional economic development for the two (2) communities and McLean County.

State statute requires that any modification in the Enterprise Zone boundary, including a reduction in Enterprise Zone size, requires that a public hearing be held. A public hearing on this proposed boundary reduction was held on Friday, February 16, 2007 at the Central Illinois Regional Airport. No one offered testimony at that public hearing either in support of or in opposition to the proposed boundary modification.

Staff respectfully recommends approval of the proposed ordinance which would reduce the boundary of the Enterprise Zone by .067 square miles. The Normal Town Council will consider this ordinance at their meeting on March 19, 2007. The McLean County Board is scheduled to vote on their ordinance on March 20, 2007. The Enterprise Zone administrator, Marty Vanags of the Economic Development Council, will be in attendance at the March 12th Council meeting to address any questions Council may have regarding this Enterprise Zone boundary modification.

Respectfully,

J. Todd Greenburg
Corporation Counsel

Brian Brakebill
Deputy City Manager

ORDINANCE NO. 2007 – 10

AN ORDINANCE AMENDING “AN ORDINANCE DESCRIBING AND DESIGNATING AN AREA LOCATED PARTIALLY WITHIN THE CITY OF BLOOMINGTON, THE TOWN OF NORMAL AND UNINCORPORATED MCLEAN COUNTY AS AN ENTERPRISE ZONE”

WHEREAS, the City of Bloomington did on December 26, 1984, adopt Ordinance No. 1984-131, which ordinance describes and designates an area located partially within the City of Bloomington, Town of Normal and unincorporated McLean County as an Enterprise Zone; and

WHEREAS, the City of Bloomington did on February 25, 1985, by Ordinance No. 1985-10, amend Ordinance No. 1984-131, by revising the functions of the designated zone organizations and the powers and duties of the zone administrator; and

WHEREAS, the City of Bloomington did on October 28, 1985, by Ordinance No. 1985-103, amend Ordinance No. 1984-131 by lengthening the duration of the Enterprise Zone and providing certain tax abatements therein; and

WHEREAS, the City of Bloomington did on May 27, 1986, by Ordinance No. 1986-56, amend Ordinance No. 1984-131 by amending the territory included in the Enterprise Zone; and

WHEREAS, the City of Bloomington did on December 14, 1998, by Ordinance No. 1998-118, amend Ordinance No. 1984-131 by extending the duration of the Enterprise Zone to December 31, 2005, and removing local tax incentives in the Enterprise Zone post December 31, 1998; and

WHEREAS, the City of Bloomington did on December 27, 2005, by Ordinance No. 2005-144, amend Ordinance No. 1984-131 by amending the territory included in the Enterprise Zone; extending the duration of the Enterprise Zone to December 31, 2015; adopting an Enterprise Zone certification fee; enacting a technical correction regarding the issuance of a Certificate of Eligibility for Sales Tax Exemption in order to claim a sales tax exemption on building materials for eligible projects; and clarifying that the local sales tax exemption on building materials for eligible projects is available for nonresidential projects; and

WHEREAS, the City of Bloomington did on June 26, 2006, by Ordinance No. 2006-66, amend Ordinance No. 1984-131 by amending the territory that was added to the Enterprise Zone pursuant to Ordinance No. 2005-144; and

WHEREAS, the City of Bloomington now desires to enact certain amendments to the Enterprise Zone to further amend the territory that was added to the Enterprise Zone pursuant to Ordinance No. 2005-144, which territory was subsequently amended pursuant to Ordinance No. 2006-66; and

WHEREAS, a public hearing regarding such amendments has been held as provided by law.

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

SECTION ONE: That Appendix "A", which is attached to Ordinance No. 1984-131 and incorporated by reference in Section One of said ordinance and amended by Ordinance No. 1986-56, Ordinance No. 2005-144, and Ordinance No. 2006-66, shall be, and the same is, hereby further amended with respect to the territory added by Ordinance No. 2005-144 and amended by Ordinance No. 2006-66 by deleting in its entirety the portion of Appendix "A" that consists of the legal description of such territory and replacing it with the legal description set forth in the "Amendment to Appendix A" a copy of which is attached hereto and incorporated herein by reference.

SECTION TWO: That the provisions of Ordinance No. 1984-131 as previously amended and as hereby amended, being "An Ordinance Describing and Designating an Area Located Partially within the City of Bloomington, the Town of Normal, and Unincorporated McLean County as an Enterprise Zone" shall remain in full force and effect.

SECTION THREE: That this ordinance shall be in full force and effect from and after its passage and approval and publication as required by law and from and after its approval by the Illinois Department of Commerce and Economic Opportunity.

SECTION FOUR: That the City Clerk be and she is hereby directed and authorized to publish this ordinance in pamphlet form as required by law and forward a certified copy of this ordinance to the Illinois Department of Commerce and Economic Opportunity for its approval and to file a certified copy of this ordinance with the County Clerk for McLean County.

SECTION FIVE: That this ordinance is adopted pursuant to the authority granted the City of Bloomington by the Illinois Enterprise Zone Act, and pursuant to Home Rule Authority.

SECTION SIX: That the Enterprise Zone Administrator is hereby authorized and directed to cause application to be made to the State of Illinois pursuant to the Illinois Enterprise Zone Act.

Passed this 12th day of March, 2007.

Approved this 13th day of March, 2007.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

AMENDMENT TO APPENDIX A

Legal Description on file in the Office of the City Clerk and attached hereto by reference.

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

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

Ayes: Aldermen Matejka, Crawford, Schmidt, Finnegan, Gibson, Hanson, and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of City Council

From: Staff

Subject: Annexation of Seven Acre Parcel Located on Fox Creek Road

The City purchased a seven (7) acre tract of property from David Kieser to construct Fox Creek Road several years ago. The property is not currently in the corporate limits but is contiguous to land that has been annexed. The City needs to subdivide this land to dedicate the road and plat the surplus property into lots for future development. By law, the City can annex its own property by passage of an ordinance. Staff respectfully recommends that Council pass the proposed ordinance annexing the land.

Respectfully,

Hannah R. Eisner
Deputy Corporation Counsel

Brian Brakebill
Deputy City Manager

ORDINANCE NO. 2007 - 11**AN ORDINANCE FOR THE ANNEXATION OF A SEVEN ACRE PARCEL ON FOX CREEK ROAD NOT PRESENTLY WITHIN THE CORPORATE LIMITS OF THE CITY OF BLOOMINGTON**

WHEREAS, there is presently unincorporated territory which is owned by the City of Bloomington located in the Southwest Quarter of Section 13 and part of the Northwest Quarter of Section 24 on Fox Creek Road; and

WHEREAS, 65 ILCS 5/7-1-9 provides that whenever any contiguous, uninhabited, unincorporated territory is owned by any municipality, that territory may be annexed by that municipality by the passage of an ordinance to that effect; and

WHEREAS, the territory hereinafter specifically described is uninhabited and is contiguous to the City of Bloomington and, therefore, is entitled to be annexed to the City of Bloomington, McLean County, Illinois; and

WHEREAS, the lands herein referred to are legally described on Exhibit A attached hereto and incorporated by reference,

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

Section 1. That the territory described on Exhibit A which is not now included within the City Limits of any City, village or incorporated town, and which territory is uninhabited and is owned by the City of Bloomington, Illinois, be and the same hereby is, annexed to the City of Bloomington, Illinois and shall be a part of said City of Bloomington, Illinois.

Section 2. This ordinance shall be in full force and effect from and after its passage and approval as required by law.

Section 3. That a copy of this Ordinance, together with an accurate map of the annexed territory, by recorded in the office of the County Recorder of McLean County, Illinois, as by the statutes in such case made and provided.

PASSED this 12th day of March, 2007.

APPROVED this 13th day of March, 2007.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Part of the Southwest Quarter of Section 13 and part of the Northwest Quarter of Section 24, Township 23 North, Range 1 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Commencing at the Northwest corner of the Southeast Quarter of the Southwest Quarter of Section 13, Township 23 North, Range 1 East of the Third Principal Meridian; thence west, 374.15 feet (record dimension); thence South, 486.73 feet (record dimension) to a monument found on the center of the Township Road, said point also being the true point of beginning; thence North $57^{\circ}-29'-46''$ East, along said centerline, 3.77 feet to the Northwest corner of Outlot 1 of Fox Creek Country Club as shown per plat recorded as Document Number 95-26592; thence South $00^{\circ}-14'-41''$ East, along the West line of said Outlot 1, 879.83 feet to the Southwest corner thereof; thence South $87^{\circ}-41'-41''$ East, along the South line of said Outlot 1 and the South line of the aforesaid Southeast Quarter of the Southwest Quarter of Section 13, 383.97 feet to a monument found at the Southeast corner of said Southeast Quarter of the Southwest Quarter of Section 13; thence South $00^{\circ}-59'-10''$ East, along the East line of the Northwest Quarter of Section 24, Township 23 North, Range 1 East of the Third Principal Meridian, 102.45 feet to the South line of the tract described in deed recorded June 29, 2001 as Document No. 2001R21230 in the McLean County Recorder's Office; thence South $89^{\circ}-24'-30''$ West, along said South line, 385.34 feet; thence South $89^{\circ}-24'-11''$ West, along said South line, 232.72 feet; thence North $00^{\circ}-24'-16''$ West, along the West line of said tract, 814.81 feet; thence South $57^{\circ}-17'-19''$ West, along the North line of said tract, also being the existing South right of way line of the aforesaid Township Road, 106.48 feet; thence North $00^{\circ}-24'-16''$ West, 39.04 feet to a railroad spike found on the centerline of said Township Road, said point lying at station 203+88.26 on the proposed centerline Blue Ash Court; thence North $57^{\circ}-17'-19''$ East, along said centerline of the Township Road, 250.21 feet to a monument found on said centerline; thence North $57^{\circ}-29'-46''$ East, along said centerline, 131.33 feet to the Point of Beginning, containing 264,122 square feet (6.063 acres), more or less, all situated in McLean County, Illinois.

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

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

Ayes: Aldermen Matejka, Crawford, Schmidt, Finnegan, Gibson, Hanson, and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of City Council

From: Staff

Subject: Annexation of One Acre Parcel Located on the South Side of Ireland Grove Road

The City purchased a one acre tract of property from Jim Adams to construct a pump station for force mains that will serve the Grove at Kickapoo Creek Subdivision. This property is on the south side of Ireland Grove Road about one and a half (1 ½) mile east of Towanda Barnes Road. It is not currently in the corporate limits but is contiguous to land that was recently annexed. This property should be annexed so the City, as opposed to the County, can issue permits for construction of the pump station. By law, the City can annex its own property by passage of an ordinance. Staff respectfully recommends that Council pass the proposed Ordinance annexing the land.

Respectfully,

Hannah R. Eisner
Deputy Corporation Counsel

Brian Brakebill
Deputy City Manager

ORDINANCE NO. 2007 - 12

AN ORDINANCE FOR THE ANNEXATION OF A ONE ACRE PARCEL ON THE SOUTH SIDE OF IRELAND GROVE ROAD NEXT TO KICKAPOO CREEK APPROXIMATELY ONE AND HALF MILES EAST OF TOWANDA BARNES ROAD NOT PRESENTLY WITHIN THE CORPORATE LIMITS OF THE CITY OF BLOOMINGTON

WHEREAS, there is presently unincorporated territory which is owned by the City of Bloomington on the south of Ireland Grove Road next to Kickapoo Creek approximately one and half miles east of Towanda Barnes Road that is the site of the Kickapoo Creek Pump Station; and

WHEREAS, 65 ILCS 5/7-1-9 provides that whenever any contiguous, uninhabited, unincorporated territory is owned by any municipality, that territory may be annexed by that municipality by the passage of an ordinance to that effect; and

WHEREAS, the territory hereinafter specifically described is uninhabited and is contiguous to the City of Bloomington and, therefore, is entitled to be annexed to the City of Bloomington, McLean County, Illinois; and

WHEREAS, the lands herein referred to are legally described on Exhibit A attached hereto and incorporated by reference;

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

Section 1. That the territory described on Exhibit A which is not now included within the City Limits of any City, village or incorporated town, and which territory is uninhabited and is owned by the City of Bloomington, Illinois, be and the same hereby is, annexed to the City of Bloomington, Illinois and shall be a part of said City of Bloomington, Illinois.

Section 2. This ordinance shall be in full force and effect from and after its passage and approval as required by law.

Section 3. That a copy of this Ordinance, together with an accurate map of the annexed territory, by recorded in the office of the County Recorder of McLean County, Illinois, as by the statutes in such case made and provided.

PASSED this 12th day of March, 2007.

APPROVED this 13th day of March, 2007.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

The North 208.71 feet of the West 208.71 feet of the East Half of the Northwest Quarter of Section 16, Township 23 North, Range 3 East of the Third Principal Meridian, McLean County, Illinois, containing 1.00 acre, more or less.

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

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

Ayes: Aldermen Matejka, Crawford, Schmidt, Finnegan, Gibson, Hanson, and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition from ARK VI, LLC Requesting Approval of a Final Plat for Eagle View South Subdivision 1st Addition

A Petition has been received from ARK VI, LLC requesting approval of a Final Plat for Eagle View South Subdivision 1st Addition. This residential subdivision is located east of Towanda Barnes Road at Baywood Road.

Staff reviewed the Final Plat and finds it in conformance with the Preliminary Plan approved by the Council on October 24, 2005. There are tap on fees due for this subdivision, and a performance guarantee is required for the unfinished public improvements.

March 12, 2007

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Staff respectfully recommends that Council approve the Petition and adopt an Ordinance approving the Final Plat for Eagle View South Subdivision 1st Addition subject to the Petitioner paying the required fees prior to recording the plat.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Brian Brakebill
Deputy City Manager

PETITION FOR APPROVAL OF FINAL PLAT

State of Illinois)
) ss.
County of McLean)

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

Now comes ARK VI, LLC, hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold estate of the premises hereinafter legally described in Exhibit A which is attached hereto and made a part hereof by this reference;
2. That your petitioner seeks approval of the Final Plat for the subdivision known and described as First Addition to Eagle View South Subdivision, Bloomington, Illinois, which Final Plat is attached hereto and made part hereof.

WHEREFORE, your petitioner respectfully prays that said Final Plat for the first Addition to Eagle View South Subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

By: ARK VI, LLC

Mercer Turner
Attorney

SUBSCRIBED AND SWORN to before
me this 15th day of February, 2007

Tammie R. Keener
Notary Public, State of Illinois
My Commission Expires 09/10/09

ORDINANCE NO. 2006 - 13

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE FIRST
ADDITION TO EAGLE VIEW SOUTH SUBDIVISION**

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

WHEREAS, said Petition is valid and sufficient and conforms to the requirements of the statutes in such cases made and provided and the Final Plat attached to said Petition was prepared in compliance with requirements of the Bloomington City Code.

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

1. That the Final Plat of the First Addition to Eagle View South Subdivision is hereby approved.
2. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 12th day of March, 2007.

APPROVED this 13th day of March, 2007.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

All that part of the North 925 feet of even width of Lot 4 in Barnes Subdivision of Section 29, Township 24 North, Range 3 East of the Third Principal Meridian, per plat recorded in Plat Book 6, Page 3, McLean County, Illinois, which lies east of the Northerly Extension of the East line of Lot 13 in the original Town of Barnes, said extension being the East line of the West 806.68 Feet of Said Lot 4, and south, southwest and east of the Southerly and Easterly lines of Eagle View

South Subdivision in the City of Bloomington, McLean County, Illinois according to the Plat recorded as Document No. 2006-12954, in the McLean County Recorder's office.

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

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

Ayes: Aldermen Matejka, Crawford, Schmidt, Finnegan, Gibson, Hanson, and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition from Allan Clifton Thompson & Sonia A. Thompson, Trustees of the Sonia A. Thompson Trust Requesting Approval of a Final Plat for Pebblebrook Subdivision

A Petition has been received from Allan Clifton Thompson and Sonia A. Thompson, Trustees of the Sonia A. Thompson Trust requesting approval of a Final Plat for Pebblebrook Subdivision. This residential subdivision is located south of Fox Creek Road and west of Knollbrook Court.

Staff reviewed the Final Plat and finds it in conformance with the Preliminary Plan approved by the Council on September 26, 2005. There are no fees due prior to recording the final plat for this subdivision, but rather, a development fee of \$4,000 is due at the time each lot is sold.

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

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Brian Brakebill
Deputy City Manager

PETITION FOR APPROVAL OF FINAL PLAT

State of Illinois)
)ss.
County of McLean)

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

Now comes Allan Clifton Thompson and Sonia A. Thompson, Trustees of the Sonia A. Thompson Trust, under Trust Agreement dated December 22, 1993, hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold or lesser estate thereinof the premises hereinafter legally described in Exhibit A attached hereto and made a part hereof by this reference;
2. That your petitioner seeks approval of the Final Plat for the subdivision of said premises to be known and described as Pebblebrook Subdivision, which Final Plat is attached hereto and made a part hereof.
3. That your petitioner also seeks approval of the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code, 1960: None.
4. That your Petitioner hereby dedicates to the public, all public rights of way and easements shown on said Final Plat.

WHEREFORE, your petitioner respectfully prays that said Final Plat for the Pebblebrook Subdivision, submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

Allan Clifton Thompson and Sonia A. Thompson,
Trustees of the Sonia A. Thompson Trust

ORDINANCE NO. 2007 - 14**AN ORDINANCE APPROVING THE FINAL PLAT OF THE
PEBBLEBROOK SUBDIVISION, BLOOMINGTON, ILLINOIS**

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

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

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

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

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

1. That the Final Plat of the Pebblebrook Subdivision, and any and all requested exemptions and/or variations be, and the same is hereby approved.
2. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 12th day of March, 2007.

APPROVED: this 13th day of March, 2007.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

**EXHIBIT A
LEGAL DESCRIPTION**

A part of the Southeast ¼ of Section 13 and a part of the Northeast ¼ of Section 24, all in Township 23 North, Range 1 East of the Third Principal Meridian, McLean County, Illinois, described as follows: Commencing at the Southwest Corner of the Southwest ¼ of said Section 13, said Southwest Corner also being the Northwest Corner of the Northeast ¼ of said Section 24; thence North 478.08 feet along the West line of the Southeast ¼ of said Section 13; thence East 349.06 feet along a line which forms an angle to the left of 90 degrees 00 minutes 00 seconds with the last described course to the Point of Beginning; From said Point of Beginning, thence Northeast 185.98 feet along a line which forms an angle to the right of 98 degrees 41 minutes 03 seconds with the last described course; thence Southeast 210.00 feet along a line which forms an angle to the left of 90 degrees 00 minutes 00 seconds with the last described course; thence Southeast 292.62 feet along a line which forms an angle to the left of 168 degrees 52 minutes 36 seconds with the last described course; thence Southwest 716.04 feet along a line which forms an angle to the left of 90 degrees 00 minutes 00 seconds with the last described course; thence Northwest 676.22 feet along a line which forms an angle to the left of 43 degrees 11 minutes 14 seconds with the last described course to the Point of Beginning, in McLean County, Illinois.

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

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

Ayes: Aldermen Matejka, Crawford, Schmidt, Finnegan, Gibson, Hanson, and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition from Kimley-Horn and Associates, Inc. Requesting Approval of a Final Plat for Resubdivision of Lot 201-B Interchange City West Subdivision 7th Addition

A Petition has been received from Kimley-Horn and Associates, Inc. requesting approval of a Final Plat for Resubdivision of Lot 201-B Interchange City West Subdivision 7th Addition. This subdivision is the location of the west side Wal-Mart. The Final Plat is in conformance with the Preliminary Plan. No fees are due as they were paid previously.

Staff respectfully recommends that Council approve the Petition and adopt an Ordinance approving the Final Plat for Resubdivision of Lot 201-B Interchange City West Subdivision 7th Addition.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Brian Brakebill
Deputy City Manager

PETITION FOR APPROVAL OF FINAL PLAT

State of Illinois)
)ss.
County of McLean)

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

Now comes John Hart with Kimley-Horn and Associates on behalf of Wal-Mart hereinafter referred to as your petitioners, respectfully representing and requesting as follows:

1. That your petitioners are the owners of the freehold or lesser estate thereinof the premises hereinafter legally described in Exhibits A and B which is attached hereto and made a part hereof by this reference, of is are) a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises; and
2. That your petitioner seeks approval of the Final Plat for the subdivision of said premises to be known and described as Re-subdivision of Lot 201-B Interchange City West Subdivision 7th Addition; and
3. That your petitioner also seeks approval of the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code, 1960: None.

WHEREFORE, your petitioner respectfully prays that said Final Plat for the Re-subdivision of Lot 201-B Interchange City West Subdivision 7th Addition subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

By: John Hart, with Kimley-Horn,
on behalf of Wal-Mart

ORDINANCE NO. 2007 - 15

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE
RE-SUBDIVISION OF LOT 201-B INTERCHANGE CITY WEST SUBDIVISION
SEVENTH ADDITION**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for approval of the Final Plat of the Resubdivision of Lot 201-B Interchange City West Subdivision, Seventh Addition legally described in Exhibits A and B attached hereto and made a part hereof by this reference; and

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

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

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

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

1. 1.That the Final Plat of the Resubdivision of Lot 201-B Interchange City West Subdivision, Seventh Addition and any and all requested exemptions and/or variations be, and the same is hereby approved.
2. That this Ordinance shall be in full force and effective as of the time of its passage this 12th day of March, 2007.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Murphy Oil Company Lease Parcel:

A part of Lot 201-B in the Resubdivision of Lot 101-B in Interchange City West Subdivision 7th Addition in the City of Bloomington, McLean County, Illinois, per plot recorded as Document No. 2001R39624 in the McLean County Recorder's office, being a part of the Southwest Quarter of Section 31, Township 24 North, Range 2 East of the Third Principal Meridian and part of the Southeast Quarter of Section 36, Township 24 North, Range 1 East of the Third Principal Meridian, and being more particularly described as follows: Commencing at the Northeast Corner of said Lot 201-B, thence south 00°-18'-41" east (bearings are based on the final plat for said Resubdivision of Lot 101-B) 218.20 feet along the East Line of said Lot 201-B; thence South 01°-35'-52" west 813.79 feet along said East Line; thence north 89°-44'-35" west 66.05 feet to the Point of Beginning. From said Point of Beginning, thence north 89°-58'-42" west 151.86 feet; thence north 00°-01'-18" west 105.79 feet to the Point of Beginning, containing 16,065 square feet – 0.369 acre, more or less.

EXHIBIT B

Wal-Mart Tract (Supercenter No. 3459)

Lot 201-B in the Resubdivision of Lot 101-B in Interchange City West Subdivision 7th Addition in the City of Bloomington, McLean County, Illinois, per plat recorded as Document No. 2001R39624 in the McLean County Recorder's Office, being a part of the Southwest Quarter of Section 31, Township 24 North, Range 2 East of the Third Principal Meridian and part of the Southeast Quarter of Section 36, Township 24 North, Range 1 East of the Third Principal Meridian, and being more particularly describes as follows: Beginning at the Northeast Corner of Said Lot 201-B. From Point of Beginning, thence south 00°-18'-41" east (bearings are based on the final plat for said resubdivision of Lot 101-B) 218 feet along the East Line of said Lot 201-B; thence south 01°-35'-52" west 861.54 feet along said East Line to the Northeast Corner of Lot 203-B in said Resubdivision of Lot 101-B; thence north 87°-10'-04" west 242.14 feet along the North line of said Lot 203-B; thence north 90°-00'-00" west 56.11 feet along said North Line to the Northwest Corner thereof; thence south 00°-18'-41" east 191.05 feet along the West Line of said Lot 203-B to the Southwest Corner thereof; thence north -41'-19" east 296.59 feet along the South Line of said Lot 203-B to the Southeast Corner thereof; thence south 00°-18'-41" east 110.47 feet along the East Line of said Lot 201-B; thence south 37°-03'-32" west 16.06 feet along said East Line to the Southeast Corner thereof; thence north 77°-22'-26" west 320.37 feet along the South Line of said Lot 201-B, said South Line also being the Northeast Right-of-Way Line of West Market Street/Illinois Route 9; thence south 12°-37'-34" west 21.84 feet along said South Line, also being said Northeast Right of Way line; thence north 78°-27'-22" west 176.96 feet along said South Line, also being said Northeast Right-of-Way Line to the Easternmost Corner of a tract dedicated for a portion of said Market Street, per said Resubdivision of Lot 101-B; thence north -42'-07" west 23.32 feet along said South Line, also being said Northeast Right-of-Way Line; thence north 78°-27'-22" west 80.00 feet along said South Line, also being said Northeast Right-of-Way Line to the East Line of Lot 202-B in said Resubdivision of Lot 101-B; thence north 00°-18'-41" west 165.69 feet along said East Line; thence north 45°-09'-59" west 40.00 feet along said East Line to the Northeast Corner thereof; thence north -00'-00" west 229.59 feet along the North Line of said Lot 202-B to the Northwest

Corner thereof; thence north 00°-18'-41" west 1,067.45 feet along the West Line of said Lot 201-B to the Northwest Corner thereof; thence south 90°-00'-00" east 880.00 feet along the North Line of said Lot 201-B to the Point of Beginning, containing 1,025,185 square feet = 23.535 acres, more or less.

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

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

Ayes: Aldermen Matejka, Crawford, Schmidt, Finnegan, Gibson, Hanson, and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition from McLean Commercial Corporation, Requesting Approval of a Final Plat for Commerce Park 27th Addition

A petition has been received from McLean Commercial Corporation, requesting approval of a Final Plat for Commerce Park Subdivision 27th Addition. This subdivision is located south of Veterans Parkway and west of Morrissey Drive. The Final Plat is in conformance with the Preliminary Plan approved on July 10, 1989. There are fees due prior to recording the plat.

Staff respectfully recommends that Council approve the Petition and adopt an Ordinance approving the Final Plat for Commerce Park Subdivision 27th Addition, subject to the Petitioner paying the tap on fees before recording the plat.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Brian Brakebill
Deputy City Manager

PETITION FOR APPROVAL OF FINAL PLAT

STATE OF ILLINOIS)
) ss
COUNTY OF McLEAN)

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

Now Comes McLean Commercial Corporation, an Illinois corporation, hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

- 1. That your Petitioner is the owner of the freehold or lessor estate therein of the premises hereinafter described in Exhibit A attached hereto and made a part hereof by this reference; and
- 2. That your Petitioner seeks approval of the Final Plat for the subdivision to be known and described as Commerce Park Subdivision, Twenty-Seventh Addition which Final Plat is attached hereto and made a part hereof; and
- 3. That your Petitioner also seeks approval of the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code, 1960; and

None, but subject to the terms and conditions of the Annexation Agreement between Petitioner and the City of Bloomington dated June 13, 1988, and approved September 9, 1988; and

- 4. That the Final Plat substantially conforms to the Preliminary Plan of said subdivision heretofore approved by the City Council; and
- 5. That your Petitioner hereby dedicates to the public, all public rights of way and easements shown on said Final Plat.

WHEREFORE, your Petitioner prays that the Final Plat for the Commerce Park Subdivision, Twenty-Seventh Addition submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

McLean Commercial Corporation,
an Illinois Corporation

By: Laurence Hundman
Its President

ORDINANCE NO. 2007 – 16

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE
COMMERCE PARK SUBDIVISION, TWENTY-SEVENTH ADDITION**

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

WHEREAS, said Petition requests the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code – 1960, as amended: All terms and conditions pursuant to Annexation Agreement dated June 13, 1988, approved September 9, 1988, between McLean Commercial Corporation and the City of Bloomington; and

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

WHEREAS, said exemptions and/or variations are reasonable and in keeping with the intent of the Land Subdivision and Planned Unit Development Code, Chapter 24 of the Bloomington City Code – 1960 as amended.

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

1. That the Final Plat of the Commerce Park Subdivision, Twenty-Seventh Addition and any and all requested exemptions and/or variations be, and the same is hereby approved, and all dedications made therein are accepted.
2. That this Ordinance shall be in full force and effect as of the time of its passage and approval.

PASSED this 12th day of March, 2007.

APPROVED this 13th day of March, 2007.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

A part of the N½ of Section 15, Township 23 North, Range 2 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois, more particularly described as follows: Beginning at the southeast corner of Lot 49 in Commerce Park Subdivision 25th Addition, according to the Plat thereof recorded as Document No. 2003-57991 in the McLean County Recorder of Deeds Office; thence S.03°-43'-16"E. 235.00 feet on the west right of way line of Finance Drive as dedicated in Commerce Park Subdivision 24th Addition according to the Plat thereof recorded as Document No. 99-30589 in the McLean County Recorder of Deeds Office, to the northeast corner of Lot 40 in Commerce Park Subdivision 23rd Addition, according to the Plat thereof recorded as Document No. 2001-23505 in the McLean County Recorder of Deeds Office; thence S.86°-16'-44"W. 190.00 feet to the northwest corner of said Lot 40; thence N.03°-43'-16"W.235.00 feet to the southwest corner of said Lot 49 in Commerce Park Subdivision 25th Addition; thence N.86°-16'-44"E. 190.00 feet to the Point of Beginning, containing 1.03 acres, more or less, with assumed bearings given for description purposes only.

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

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

Ayes: Aldermen Matejka, Crawford, Schmidt, Finnegan, Gibson, Hanson, and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition submitted by William Suazo requesting approval of a Special Use Permit to allow a single family residence in a B-1, Highway Business District at # 3 Finance Drive on the west side of Finance Drive, south of NAPA Auto Parts, # 8 Currency Drive (Case SP-03-07) (Ward # 4)

BACKGROUND INFORMATION:

Adjacent Zoning

north: B - 1, Highway Business District
 south: B - 1, same as above
 east: B - 1, same as above
 west: B - 1, same as above

Adjacent Land Uses

north: auto parts retail store
 south: vacant lot, crane service & auto detailing service
 east: vacant lots
 west: physical fitness center & party supply store

The property in question, a 125' x 190' (23,750 square foot) vacant lot, is the proposed site of a 2,400 square foot bar and grill with an attached two-car garage on the first floor and a 2,400 square foot single family dwelling unit on the second floor of a new building to be constructed on this lot. The attached garage will provide two parking spaces for the second story dwelling unit. There will be thirty-two (32) accessory parking spaces (including two spaces for the handicapped) on the site for the bar and grill.

The Zoning Code stipulates the following standards and conditions for single family dwellings as a special use:

- (1) Minimum Fencing/Screening Requirements: Outdoor play or recreation areas shall be enclosed by a fence not less than four (4) feet in height.
- (2) Minimum Lot Size: Six thousand six hundred square feet (6,600) in addition to the lot area required for a business or industrial use.
- (3) Minimum Lot Width: Fifty (50) feet in addition to the lot width required for a business or industrial use.
- (4). Minimum Yard Requirements:
 - (a) Front Yard: Twenty-five (25) feet.
 - (b) Side Yard: Six (6) feet.
 - (c) Rear Yard: Twenty-five (25) feet.
- (5) Maximum Height: Thirty-five (35) feet or two (2) stories, whichever is lower.
- (6) Additional Requirements: Two (2) parking spaces; per dwelling unit.

A review of the proposed site plan for this lot results in a finding that this development can comply with most of the zoning standards, except for the following:

- A fifteen (15) foot variance of the twenty-five (25) foot minimum rear yard requirement must be requested by the petitioner since the site plan indicates a rear yard setback of only ten (10) feet.
- A variance to permit off-street parking in the twenty-five (25) foot required front yard must be requested by the petitioner since parking lots are not permitted in a required front yard.

- A four (4) foot variance of the twelve (12) foot landscaped setback area requirement between the public right of way line and the parking lot must be requested by the petitioner since the site plan indicates a landscaped setback of only eight (8) feet.

BOARD OF ZONING APPEALS' PUBLIC HEARING:

The Zoning Board of Appeals held a public hearing on this petition on Wednesday, February 21, 2007. Mr. William Suazo, 208 Parktrail Road, Normal, presented testimony in favor of this case. He stated that he is purchasing the lot at 3 Finance Drive with the intention of constructing a new building for a bar and grill. He intends to reside on the second floor of the building as his primary residence.

Mr. Mark Huber, Director of Planning and Code Enforcement, requested that the petition be laid over until the March 21, 2007 meeting since staff was unable to notify the petitioner of three (3) variances that would be needed.

Mr. Suazo stated that he was scheduled to close on the property March 15, 2007, and wished to proceed with the request for the special use permit. Mr. Huber informed the board that three (3) variances were currently needed. One (1) of the needed variances would address an inadequate landscape setback. Staff recommended changing the design of the site to meet the landscape setback requirement. The other two (2) variances included a reduction in the rear yard setback and permission to park in the required front yard. These two (2) variances were required because of the special use request for a single family dwelling in a B-1 zoning district. Mr. Huber stated that if the petitioner returned in March to request the two (2) variances concerning parking and setback, staff would recommend approval. There are other residential areas in the neighborhood, and the setbacks are more stringent than the neighboring commercial parcels.

The petitioner was notified that if the Council approved the special use permit, he would need to either change his site plan to accommodate the requirements of the code, or come back to the Zoning Board on March 21, 2007, for a variance request. No one presented testimony in opposition to Case SP-03-07 at this public hearing.

BOARD OF ZONING APPEALS' RECOMMENDATION:

After having given due consideration to Case SP-03-07 and the testimony presented on February 21, 2007, the Board of Zoning Appeals, by a vote of 5 to 0, recommended Council approval of this petition for a Special Use Permit to allow a single family dwelling residence in a B-1, Highway Business District at # 3 Finance Drive.

STAFF RECOMMENDATION:

Staff respectfully recommends Council approval of this petition for a Special Use Permit at # 3 Finance Drive.

Respectfully,

Kenneth Emmons
City Planner

Brian Brakebill
Deputy City Manager

**PETITION FOR A SPECIAL USE PERMIT FOR PROPERTY LOCATED AT:
3 FINANCE DRIVE, BLOOMINGTON, IL**

State of Illinois)
)ss.
County of McLean)

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

Now comes William Suaso hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A which is attached hereto and made a part hereof by this reference, or is a mortgagee or vendee in possession, assignee of rents: receiver, executor; trustee, lease, or any other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises; and
2. That said premises presently has a zoning classification of B1 under the provisions of Chapter 44 of the Bloomington City Code, 1960; and
3. That under the provisions of Chapter 44, Section 7, 30 (K) of said City Code Single Family Residence, are allowed as a special use in a B1 zoning district; and
4. That the establishment, maintenance, or operation of said special use on said premises will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare; and
5. That said special use on said premises will not be injurious to the use and enjoyment of other property in the immediate vicinity of said premises for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood; and
6. That the establishment of said special use on said premises will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the B1 zoning district; and

7. That the exterior architectural treatment and functional plan of any proposed structure on said premises will not be so at variance with either the exterior architectural treatment and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood adjacent to said premises; and
8. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided to said premises for said special permitted use; and
9. That adequate measures have been or will be taken to provide ingress and egress to and from said premises so designed as to minimize traffic congestion in the public streets; and
10. That said special permitted use on said premises shall, in all other respects, conform to the applicable regulations of the B1 zoning district in which it is located except as such regulations may, in each instance, be modified by the City Council of the City of Bloomington pursuant to the recommendations of the Bloomington Board of Zoning Appeals.

WHEREFORE, your petitioner respectfully prays that said special use for said premises be approved.

Respectfully submitted,

William Suazo

ORDINANCE NO. 2007 - 17

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A
SINGLE FAMILY RESIDENCE
FOR PROPERTY LOCATED AT: 3 FINANCE DR., BLOOMINGTON, IL**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting a Special Use Permit for a Single Family Residence for certain premises hereinafter described in Exhibit A; and

WHEREAS, the Bloomington Board of Zoning Appeals, after proper notice was given, conducted a public hearing on said petition; and

WHEREAS, the Bloomington Board of Zoning Appeals, after said public hearing made findings of fact that such Special Use Permit would comply with the standards and conditions for granting such special permitted use for said premises as required by Chapter 44, Sections 7.30(K) of the Bloomington, City Code, 1960; and

WHEREAS the City Council of the City of Bloomington has the power to pass this Ordinance and grant this special use permit.

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

1. That the Special Use Permit for a Single Family Residence on the premises hereinafter described in Exhibit A shall be and the same is hereby approved.
2. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 12th day of March, 2007.

APPROVED this 13th day of March, 2007.

APPROVED

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

A part of the N½ of Section 15, Township 23 North, Range 2 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois, more particularly described as follows: Beginning at the southeast corner of Lot 49 in Commerce Park Subdivision 25th Addition, according to the Plat thereof recorded as Document No. 2003-57991 in the McLean County Recorder of Deeds Office; thence S.03°-43'-16"E. 235.00 feet on the west right of way line of Finance Drive as dedicated in Commerce Park Subdivision 24th Addition according to the Plat thereof recorded as Document No. 99-30589 in the McLean County Recorder of Deeds Office, to the northeast corner of Lot 40 in Commerce Park Subdivision 23rd Addition, according to the Plat thereof recorded as Document No. 2001-23505 in the McLean County Recorder of Deeds Office; thence S.86°-16'-44"W. 190.00 feet to the northwest corner of said Lot 40; thence N.03°-43'-16"W.235.00 feet to the southwest corner of said Lot 49 in Commerce Park Subdivision 25th Addition; thence N.86°-16'-44"E. 190.00 feet to the Point of Beginning, containing 1.03 acres, more or less, with assumed bearings given for description purposes only.

Motion by Alderman Finnegan, seconded by Alderman Schmidt that the Special Use Permit be approved and the Ordinance passed contingent upon appearance before the March 21, 2007 Zoning Board of Appeals meeting and the variances being approved.

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

Ayes: Aldermen Matejka, Crawford, Schmidt, Finnegan, Gibson, Hanson, and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Amendment to Agreement with LifeLine Mobile Medics for Paramedic Intercept Services

Staff respectfully recommends that Council approve the accompanying revised agreement with LifeLine Mobile for paramedic services through September 1, 2007. The revised agreement calls for LifeLine Mobile Medics to provide services through September 1, 2007 and receive \$250 for each paramedic intercept provided.

LifeLine Mobile Medics (LLMM) has announced its intention to cease paramedic services effective September 1, 2007. In addition, LLMM has approached the City and the Town of Normal and requested an increase in the paramedic intercept fee to help reduce their operational

losses. The existing agreement is for paramedic intercept services through January 1, 2009 at a cost of \$204 per intercept.

The effective date of the rate increase is retroactive to March 1, 2007. Staff respectfully recommends that the revised agreement be approved and the Mayor and City Clerk be authorized to execute the necessary documents. The Town of Normal staff has also recommended the revised agreement to the Normal City Council.

Respectfully,

Keith Ranney
Fire Chief

Brian Brakebill
Deputy City Manager

LIFELINE ALS SERVICE AGREEMENT

This Agreement is entered into by and between the City of Bloomington, Illinois, a home rule unit of local government and LifeLine Mobile Medics, Inc., a not-for-profit Illinois corporation, doing business as LifeLine.

WHEREAS, the City of Bloomington operates a Fire Department which provides emergency medical services to the residents of the City of Bloomington; and

WHEREAS, the City of Bloomington Fire Department currently provides basic life support services in connection with its emergency medical services; and

WHEREAS, LifeLine currently provides advanced life support services in connection with its emergency medical services provided in McLean County; and

WHEREAS, LifeLine desires to eliminate its transport services, but continue to provide advanced life support services to residents of McLean County; and

WHEREAS, LifeLine and the City of Bloomington have agreed to cooperate in the provision of emergency medical transport services and advanced life support services to the residents of the City of Bloomington as set forth in this Agreement.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the parties agree as follows:

1. The City of Bloomington shall continue to provide emergency medical transport services within the City of Bloomington.
2. LifeLine shall eliminate its transport services within the City of Bloomington and shall implement a chase vehicle protocol wherein LifeLine shall dispatch in a non-transport vehicle to calls for emergency medical services within the City of Bloomington and

intercept City of Bloomington transport vehicles in accordance with established protocol. A copy of current protocol is attached hereto as Exhibit A. Said protocol may be amended from time to time without amending this Agreement.

3. LifeLine upon intercept shall provide advanced life support services to patients being transported by the City of Bloomington Fire Department emergency medical services vehicles.
4. The City of Bloomington agrees to compensate LifeLine in the amount of \$250.00 per intercept for the delivery of advanced life support services by LifeLine to patients transported by City of Bloomington emergency medical services transport vehicles.
5. LifeLine agrees to submit any and all documentation required by any and all third parties billing services in order to process any claim for reimbursement by the City of Bloomington for the delivery of advanced life support service.
6. The City of Bloomington agrees to reasonably process bills for payment for the delivery of emergency medical services by the City and LifeLine as set forth in this Agreement. The City may engage a third party contractor to bill for the services provided herein. LifeLine agrees to cooperate with any and all rules, regulations or protocols established by the third party billing service in order to receive payment under this Agreement.
7. The City of Bloomington shall not be liable for any delays in payment to LifeLine which delays are caused by billing and processing services provided by others or otherwise beyond the control of the City of Bloomington.
8. LifeLine agrees, for and on behalf of itself, its successors and assigns, and hereby releases the City of Bloomington, its officers, employees and agents (collectively City Parties) and agrees to indemnify and hold harmless City Parties from and against any and all losses, liabilities, costs, expenses (including attorney fees), fines, penalties, assessments, damages, claims, demands, actions, causes of action, suits, judgments and settlements (collectively indemnifiable losses) arising in any manner, directly or indirectly, from or in connection with the provision of services by LifeLine, its employees or agents pursuant to the terms of this Agreement.
9. LifeLine upon tender of defense by the City of Bloomington agrees to defend the City of Bloomington, its officers, agents and employees from and against any and all losses, liabilities, costs and expenses, fines, penalties, assessments, damages, claims, demands, actions, causes of action, suits, judgments and settlements arising in any manner, directly or indirectly, from or in connection with the provision of services and the terms of this Agreement by LifeLine, its officers, agents and employees.
10. Without waiving any immunity as provided at common law or pursuant to the Local Governmental and Governmental Employees Tort Immunity Act, the City of Bloomington for and on behalf of itself hereby releases LifeLine, its officers, agents, employees, successors and assigns and agrees to indemnify and hold harmless LifeLine

from and against any and all losses, liabilities, costs and expenses (including attorney fees), fines, penalties, assessments, damages, claims, demands, actions, causes of action, suits, judgments and settlements (collectively indemnifiable losses) arising in any manner, directly or indirectly, from or in connection with the delivery of transport services and basic life support services by the City of Bloomington as set forth in this Agreement.

11. The parties to this Agreement agree to obtain and maintain throughout the term of this Agreement public liability insurance coverage in an amount not less than \$1,000,000 for property and \$1,000,000 for the death or injury of one person and \$3,000,000 for any one accident or casualty. Such insurance shall name the other party as an additional insured. Certificates evidencing such insurance coverage shall be provided upon execution of this Agreement.
12. This Agreement is not intended nor do the parties intend to create by this Agreement, a joint venture or partnership. It being understood and agreed that each party hereto is a separate legal entity providing services over which the other party has no control.
13. Any and all notices to be given under the terms of this Agreement and/or fees to be paid shall be delivered or remitted to the following address:

LifeLine	City of Bloomington
112 B Southgate Drive	Attention: City Manager
Bloomington, IL 61704	109 E. Olive Street
	Bloomington, IL 61701
14. This Agreement binds the parties, its successors and assigns and shall inure to the benefit of the parties, its successors and assigns. This Agreement shall not be assigned without express written consent of both parties.
15. The individuals signing this Agreement on behalf of the parties each represent that he or she has full power and authority to sign this Agreement on behalf of the party for whom he or she is signing and to bind such party to the term of this Agreement.
16. LifeLine agrees to execute the certifications attached as Exhibit B to this Agreement and certifies that such representations are true and correct.
17. This Agreement shall be effective from and after March 1, 2007, however, the parties may delay the effective date of this Agreement if for reasons beyond the control of the parties, either party is not in a position to implement said Agreement. In such case prior notice shall be given as soon as practicable and the parties shall meet on a regular basis in order to facilitate implementation of this Agreement.
18. The parties agree to abide by all applicable laws governing the delivery of services and the billing for services delivered whether such law is enacted by the federal, state or local governing authority.

19. This Agreement shall terminate upon September 1, 2007, provided that the Bloomington Fire Department is certified as a temporary or permanent ALS provider.
20. The parties shall meet on a monthly basis to discuss the delivery of services pursuant to the terms of this Agreement.
21. This Agreement shall not be amended except in writing as agreed by the parties.

LifeLine Mobile Medics, Inc.

City of Bloomington

David A. Anderson
Chief Executive Officer

Stephen F. Stockton
Mayor

ATTEST:

ATTEST:

Bonnie R. Porter

Tracey Covert
City Clerk

March 26, 2007

(EXHIBIT A NOT ON FILE)

EXHIBIT B

Contractor on behalf of contractor certifies that the following representations are true and correct and further agrees as a condition of doing business with the City of Bloomington to require all of Contractor's subcontractors and sub-subcontractors to certify that the following representations are true and correct for each subcontractor and sub-subcontractor:

1. Contractor certifies that no City of Bloomington officer or employee has any interest in the proceeds of this contract.
2. Contractor certifies that same has not committed bribery or attempted bribery of an officer or employee of any governmental official whether on the federal, state or local level.
3. Contractor certifies that same has not been barred from conducting business with any governmental unit whether federal, state or local.
4. Contractor certifies that the business entity its officers, directors, partners, or other managerial agents of the business have not been convicted of a felony under the Sarbanes-Oxley Act of 2002 nor have any of the same been convicted of any felony under state or federal securities laws.
5. Contractor certifies that same has not been barred from contracting with any unit of state or local government as a result of a violation of 720 ILCS 5/33E-3 (bid-rigging) or 720 ILCS 5/33E-4 (bid-rotating).
6. Contractor certifies that same is not delinquent in the payment of any debt or tax due the State or the City of Bloomington.

7. Contractor certifies that same has read the Drug-Free Workplace Act (30 ILCS 580/1 et. seq.) and is in compliance with the act on the effective date of this contract.
8. Contractor certifies that same shall maintain books and records relating to the performance of this contract as necessary to support amounts charged under the contract for a period of three (3) years from the later of the date of final payment under the contract or completion of the contract.
9. Contractor agrees to comply with applicable provisions of the City of Bloomington Human Rights Ordinance, the Illinois Human Rights Act, the U.S. Civil Rights Act and the Americans with Disabilities Act.
10. Contractor certifies that the same is an “Equal Opportunity Employer” as defined by Section 2000 (e) of Chapter 21, Title 42 U.S. Code Annotated and applicable Executive Orders.
11. Contractor certifies in accordance with the State of Illinois Steel Products Procurement Act (30 ILCS 565/ et.seq.) that steel products used or supplied in the performance of this contract are manufactured or produced in the United States.
12. Contractor certifies that same is in compliance with the Employment of Illinois Workers on Public Works Act (30 ILCS 570/ et seq.)
13. Contractor certifies that same is in compliance with the State of Illinois Public Works Employment Discrimination Act (775 ILCS 10/ et seq.)
14. Contractor certifies that same is in compliance with the State of Illinois Prevailing Wage Act (820 ILCS 130/et seq.)
15. Contractor certifies that for public works contracts exceeding one hundred thousand dollars (\$100,000) in value contractor is in compliance with the City of Bloomington Responsible Bidder Ordinance which requires Contractor to participate in applicable apprenticeship and training programs approved by and registered with the United States Department of Labor’s Bureau of Apprenticeship and Training. (This provision shall not apply to federally funded projects if such application would jeopardize the receipt of use of federal funds in support of such project.)
16. Contractor certifies that same is or is not (please circle applicable designation) a Minority and Female Business Enterprise as defined by the State of Illinois (30 ILCS 575/et seq.)

Dated: March 26, 2007

LifeLine Mobile Medics, Inc.

David A. Anderson

Attest:

Bonnie R. Porter

Mayor Stockton introduced this item. He reviewed the City’s history with LifeLine. Dan Shanks, Deputy Chief – Operations, addressed the Council. The initial date for the City to assume paramedic services was January 1, 2009. LifeLine approached the City and requested increased compensation. Negotiations included the City and the Town of

Normal. The request was for an additional \$250 effective September 1, 2007. LifeLine was no longer viable mainly due to staffing issues. LifeLine was not financially viable.

Alderman Schmidt noted the cost of calls would increase from \$204 to \$250. She questioned how the rate adjustment compared to actual costs. Deputy Chief Shanks stated the savings never materialized.

Alderman Purcell questioned the outcome if the City was not prepared to take over paramedic services as of September 1, 2007. Deputy Chief Shanks responded the City would continue EMT – I (Intermediate). The basic concern was EMT – P service failures.

Alderman Purcell noted the plan would be pushed forward by fifteen (15) months. Deputy Chief Shanks stated that LifeLine knew staff would be leaving. The City planned to phase in Advance Life Support (ALS) services. He cited the City's Experienced Officer Hiring Program. The City had started hiring individuals with EMT – P licenses. The Fire Department would be ready by September 1, 2007. There would be at least one (1) ALS ambulance on the street. The department would start with ALS SUV, (Sports Utility Vehicle). They would not be assigned to a signal territory.

Alderman Purcell noted his appreciation that service would be available. The City was prepared and ready. The Fire Department had the equipment and personnel.

Mayor Stockton questioned the LifeLine module. The company went through bankruptcy and could not continue services. The City had to do something to keep EMT – P service. There was a rapid deterioration. Experienced staff left. It would be cost effective for the City to eliminate the redundant response. Eventually, the City would have six (6) ambulances which would provide a better response time. The transition would be challenging.

Alderman Purcell noted citizens' concerns regarding coverage. Deputy Chief Shanks stated there was a committee which would determine the most appropriate vehicle for the City to use.

Motion by Alderman Hanson, seconded by Alderman Matejka that the revised agreement with LifeLine Mobile Medics 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 Matejka, Crawford, , Schmidt, Finnegan, Gibson, Hanson, 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 Farnsworth Group, Inc. for the Design of Tanner Street from Morris Avenue to Lake Street

Staff has negotiated a proposed contract with Farnsworth Group, Inc. to provide professional services for the design of Tanner Street from Morris Avenue to Lake Street. The project consists of relocating Tanner Street on a new alignment to intersect Morris Avenue at Butchers Lane and preparing an Intersection Design Study for said intersection. The new Tanner Street section will consist of two lanes (three lanes at Morris intersection), include sidewalk on at least one side and replace the existing water main. Farnsworth Group has proposed to provide civil engineering and surveying services on a time and materials basis for a maximum amount of \$130,300. Funding for these design services was shown in the 2005-2006 Capital Budget as \$200,000 Capital Improvement Funds (CIF). Funding is shown in the current fiscal year of the Capital Budget for right-of-way acquisition in the amount of \$365,000 CIF. It is anticipated this will not all be spent by the end of the fiscal year, leaving funds available for this design contract.

Staff has reviewed the proposal from Farnsworth Group and finds it acceptable, and respectfully recommends that Council approve a contract with Farnsworth Group to provide civil engineering and surveying services on a time and materials basis for a maximum amount of \$130,300 and that the Mayor and City Clerk be authorized to execute the necessary documents. Funds for said work are available in the Capital Improvement Funds (X40100-70050).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Brian Brakebill
Deputy City Manager

Mayor Stockton introduced this item. Alderman Matejka reminded the Council that a neighborhood meeting was held last summer. Engineers would determine the most cost effective design. Tanner St. would be realigned. The south end of Springfield Rd. would be closed. There would be one (1) exit point. Traffic was a concern.

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

Motion carried.

Norman Brown, 1544 E. Shelbourne, owner of Highland Properties/Hills Apartments, which had seventy-two (72) units. He purchased the property in 1979. There was concern due to the closing of Springfield Road.

This issue first came up in 1997. It was not in his interest to close Springfield Rd. In 2000, there was more discussion. He sent letters to the Illinois Department of Transportation, state legislators Dan and Bill Brady, and City staff requesting the road be left open at Skate N Place, 1701 S. Morris Ave.

At the last meeting, there were five (5) options which were voted on. No one voted to improve Tanner Street. He restated his opposition to the closure of Springfield Rd.

He questioned the status of this project last fall. This would have a serious effect on the apartments' residents. He encouraged the Council to keep Springfield Rd. open.

Stan Winterroth, 204 Van Schoick, addressed the Council. He had attended the neighborhood meeting. He believed that the improvement to Tanner St. would lead to increased traffic. He also requested that Springfield Rd. remain open. Tanner St. had an old road bed. He was not in favor of this recommendation. It was a simple intersection. The City's Engineering Department could do the design work.

Alderman Purcell believed an improved Tanner Street would enhance traffic flow.

Mr. Winterroth noted that existing traffic did not need an improved Tanner St. There was not a tremendous amount of traffic. There was limited wait time. This project was unnecessary at this time.

Alderman Purcell noted the state's improvements to Veterans Parkway would impact Springfield Rd. Mr. Winterroth responded that people would be impacted.

Alderman Finnegan questioned if there was any other choice but to close the road due to road construction. Mayor Stockton believed the closure was required by the state. He questioned available options. He believed the City's Engineering Department would perform the design services.

Brian Brakebill, Deputy City Manager, addressed the Council. The engineering work would be done in house. The Council was polled regarding the street's alignment.

Doug Grovesteen, Director of Engineering, addressed the Council. The construction was agreed to by the City many years ago. The state had proceeded with the Veterans Parkway project. The state had made significant investments in this project. If this was not completed, the state would have to start over.

Alderman Matejka noted Clark St. which would provide an exit to the north. Springfield Rd. would cross same. He questioned why this project was so difficult. Mr. Grovesteen informed the Council that this was one of his projects twenty-seven (27) years ago. The state had now assumed this role.

Mayor Stockton questioned if there were any options to relocate Springfield Rd. Mr. Grovesteen responded that a road would have to go through the park. There was a

path many years ago. This alignment was not suitable. It would destroy mature trees. This would be an expensive and destructive choice. A Goose Creek alignment had also been considered. The City could purchase commercial property and relocate businesses. Tanner St. would still need to be improved. This project would be completed in and out of house because City staff could not do it all, even though they have the expertise. Staff was busy with plan review. Additional staff would have to be hired to complete the work in house.

Mayor Stockton reminded the Council that they were polled six to eight (6-8) months ago.

Alderman Schmidt questioned natural progression. She requested the next steps and if the project would require further refinement.

Mr. Brakebill offered to meet with surrounding residents. The City needed to do what would be safe. The road should be shifted to the south to slow traffic. A sidewalk would be installed on one (1) side of the road. It would be the gateway to Miller and Forrest Parks.

Mr. Winterroth believed another option was to close Tanner Street. Another exit to the south could be built to connect the two (2) parks.

Motion by Alderman Finnegan, seconded by Alderman Gibson to return to order.

Motion carried.

Mayor Stockton noted that options had been discussed for a long time. Springfield Rd. being opened at the south end was not a practical solution. The question was if the City was willing to move forward with the Tanner St. project.

Alderman Matejka meant no disrespect. The road could go through the park. Springfield Rd. was an entrance into the park. It provided a one way entrance through the park. This option required further discussion. Morris Ave. needed reconstruction as well.

Alderman Gibson believed that the south end could not be changed. Veterans Parkway would exit onto Morris Avenue. There was talk of exiting onto Springfield Rd. He questioned if this was possible.

Changing Goose Creek would be too expensive. Taking traffic through the park to another exit on to Morris Ave., with no traffic signal, was not a good idea. Alderman Matejka reminded the Council of the high tension power line in the area, and the cost to relocate same.

Mr. Brakebill noted that at this time, there were willing sellers and the costs will not go down.

Alderman Purcell questioned the benefit of a work session regarding this issue.

Alderman Hanson noted the area was canvassed. The Council reviewed the proposals. He believed this was the best way to move forward. Mr. Brakebill concurred. The most feasible option was to move forward with this proposal.

Alderman Hanson suggested that one of the selling points on this issue was the fact that at some point, Morris Ave. would be upgraded. It was the logical intersection and the best use of taxpayer dollars. Springfield Rd. was not an issue. The City's plan was to be in line with the state's project.

Mr. Brakebill cited Morris Ave. improvements contained in the City's Capitol Improvement Budget.

Mr. Grovesteen added that Miller St. to Goose Creek would be put out for bid and construction would begin this summer. The design was completed in house. Tanner St. would align with Butchers Ln.

Alderman Schmidt agreed with Alderman Hanson's comments. This was a difficult decision.

Alderman Matejka stated that out of fairness to the nearby apartments, he would like the City to look into a one way entrance to the park. Mr. Brakebill stated staff needed clear direction from the Council at this meeting.

Alderman Matejka noted it was not part of the contract to look at the old road, the park usage or traffic in the park. Mayor Stockton suggested the staff review this issue.

Alderman Matejka hoped that staff would not write off his ideas. Mr. Brakebill stated the approved contract would not be executed until after staff review. The Council's ideas were in addition to Tanner Street.

Motion by Alderman Schmidt, seconded by Alderman Hanson that the contract with Farnsworth Group, Inc. to provide civil engineering and surveying services for the Design of Tanner Street from Morris Avenue to Lake Street be approved in an amount not to exceed \$130,300, and the Mayor and City Clerk authorized to execute the necessary documents.

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

Ayes: Aldermen Matejka, Crawford, Schmidt, Finnegan, Gibson, Hanson, and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Members of the City Council

From: Liquor Commission

Subject: Application of KPTS, Inc., d/b/a Six Strings, located at 525 N. Center St, for an RAS liquor license, which will allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to hear the application of KPTS, Inc., d/b/a Six Strings, located at 525 N. Center St. requesting an RAS liquor license which would allow 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 Stephen Stockton, Rich Buchanan, Marabeth Clapp, Steve Petersen and Mark Gibson; Lt. Tim Stanesa, Police Department, and Tracey Covert, City Clerk; and Tim Stills, co-owner and Applicant representative, and Jay Reece, Applicant's attorney.

Commissioner Stockton opened the liquor hearing. He requested that the license holder present the business plan. Jay Reece, Applicant's attorney, addressed the Commission. Tim Stills would be the President and co-owner of Six Strings. The plan involved the reopening of 525 N. Center St. It was located at the intersection of Center and Mulberry. The Applicant believes Six Strings would be the perfect use for this facility. The building has been vacant for months. He noted that Mr. Stills currently holds the liquor license for the Last Lap located at 1035 Wylie Dr.

Tim Stills, co-owner and Applicant representative, addressed the Commission. He opened the Last Lap three (3) years ago. He noted that in the past three (3) years that there had been three (3) fights. The Last Lap catered to the thirty to sixty (30 - 60) year old crowd, (the older market). Mr. Stills noted his appreciation for Country music. The Last Lap had featured approximately forty (40) national acts. He had watched and learned a lot during the past three (3) years. Only fifteen percent (15%) of the Last Lap's clientele was in the twenty-five to thirty (25 - 30) year old crowd. He cited his familiarity with the Downtown. He informed the Commission that he was related to Butch Thompson, owner and license holder for Daddios located at 527 N. Main St.

Six Strings would be a country music venue which would attract the college age crowd. He planned to operate a clean and structured establishment. Six Strings would offer sandwiches and appetizers. He did not believe that Six Strings could compete with the Downtown's existing restaurants. He cited the parking issues. He planned to put the best light and sound system in the facility. He had no intention to have music on the upper level.

Commissioner Petersen arrived at 4:18 p.m.

Mr. Still noted that a number of police officers frequent the Last Lap. He had remodeled the building. The Last Lap offered live music on Thursday, Friday and Saturday nights.

Commissioner Buchanan questioned if Mr. Still wanted the patio deck to be included as part of the premise. Mr. Still described the upper deck as an ideal outdoor smoking area. He was unsure of the City's criteria. The deck would only be used in the spring and fall. It would be too hot in the summer and too cold in the winter.

Mr. Still added his plan to place an LED board for outdoor advertising. He was unsure if this would be allowed by City Code. He had considered a move to the Downtown for one and a half (1½) years. The Downtown offered built in clientele. This Application was not a new location.

Commissioner Stockton noted that parking had been addressed due to the building's proximity to the Market St. garage. However, he questioned the request for an "R" Restaurant license. He noted that Mr. Stills' description left him concerned. He questioned if Six Strings would really be a restaurant. Mr. Stills acknowledged that Six Strings would not be a sit down restaurant. There would be tables and chairs. The kitchen would offer a grill and fryers. The menu would be limited.

Commissioner Buchanan referred to the questionnaire. He noted that alcohol sales would be more than fifty percent (50%) of total sales. This application should be for a "T" Tavern license. An "R" license would allow those less than twenty-one (21) years of age to enter the facility. Mr. Reese noted that there would be no problem changing the license classification to a TAS if the Commission so deemed. Mr. Stills noted that there had been discussions regarding cover changes, revenue from entertainment, and alcohol.

Commissioner Stockton noted that Mr. Stills would hold two (2) license. Mr. Stills responded affirmatively. Commissioner Stockton noted that a "T" license would be more closely scrutinized. He acknowledged that Mr. Stills had done an admirable job of cleaning up the former Wild West. Mr. Stills acknowledged that the Last Lap had a single violation for noise. There was only one in three (3) years. Mr. Reece noted Mr. Stills' good history at the Last Lap.

Commissioner Buchanan questioned if Mr. Stills had experience fewer issues at the Last Lap. Lt. Tim Stanesa concurred with Commissioner Buchanan's statement. He noted that there were questions and/concerns regarding security personnel. Mr. Stills responded that he had taken appropriate measures to assist the Police Department. He noted that there were problems but the country artists involved would never be booked to appear at the Last Lap again. He found himself caught in the middle. Lt. Stanesa added that the Police Department did not have a good sense of who was running the business that night. Mr. Stills restated that although the artist had been a financial and a media success, he would not make another appearance at the Last Lap. Commissioner Buchanan was satisfied with Mr. Stills' response. Lt. Stanesa also responded affirmatively. Mr. Reece expressed his opinion that Mr. Stills operated his business well. Lt. Stanesa concurred and added that the call load to this address was dramatically lower.

Commissioner Petersen questioned if Mr. Still had any concerns regarding the Downtown's younger crowds. Mr. Stills expressed his view point. He viewed Country music at different levels. Today's Country is yesterday's Rock n' Roll. Today's youth needed to be managed differently. He did not have to have every entertainment dollar. He believed in nipping trouble in the bud. He did not want to pull away customers from his existing business. Mr. Reece added

that there was no place like Six Strings in town. Mr. Stills noted that Rhino's is offering Country music on Thursday nights. He restated that Six Strings would offer a great light and sound show. He estimated the occupancy for the building at 350.

Commissioner Clapp questioned if Six Strings would sell tickets or use a cover charge. Mr. Stills noted that this issue would be dependent upon the band.

Commissioner Clapp questioned marketing. Mr. Stills noted that he currently used B-104 and its sister station in Peoria. He advertised in the Pantagraph and its smaller journals. In addition, ads were placed in the Vidette. Hand made flyers were distributed on the college campuses. These efforts encompassed ninety-nine percent (99%) of his advertising.

Commissioner Buchanan questioned Mr. Stills' operations to screen out those individuals who are under twenty-one (21) years of age. Mr. Stills noted that identification would always be checked at the door. There would be two (2) door men. At the Last Lap, the bartenders are responsible during the day. He noted that college students tend to purchase the drink special. This age group requires more discipline. The Last Lap was a destination. Six Strings would provide him with opportunity to have a piece of the Downtown bar scene.

Commissioner Buchanan questioned Mr. Stills' plan to manage over serving. Mr. Stills noted that Six Strings would pay the taxi fare for patrons who over imbibe. Mr. Stills noted that initially his older experienced staff would work at Six Strings. Over time younger staff members would be hired. His staff is informed that there is zero tolerance.

John Caruso, General Manager City Beverage, addressed the Commission. City Beverage has become TIPS (Training for Intervention Procedures by Servers of Alcohol) certified.

Commissioner Buchanan questioned if there had been any communication with the Council regarding Downtown taverns. He specifically cited any preconceived notions. Commissioner Stockton saw this Application as a license transfer not a new application. He noted that concerns had been raised regarding additional tavern licenses. He cited concerns regarding additional people. He expressed his opinion that the existing crowd was pretty healthy. Mr. Stills has a plan and a proven track record at the Last Lap. His plan included an outstanding venue. He questioned Mr. Stills' investment in the facility. Mr. Stills responded at least \$100,000. The light/sound system would cost at least \$50,000. Mr. Reece added that Six Strings would offer curb appeal. Mr. Stills informed the Commission that a logo for Six Strings had been designed.

Commissioner Gibson arrived at 4:50 p.m.

Commissioner Buchanan expressed his opinion that Mr. Stills' current plan would take a few months. He anticipated that Six Strings would not be open until the spring. He questioned when Mr. Stills planned to obtain the liquor license. He noted that the Commission had not addressed sound. Mr. Reece noted that there would not be an initial use of the upper level patio. Commissioner Buchanan requested that the Applicant define the premise. Mr. Stills wanted the upper level patio included in the premise.

The Last Lap held an "R" Restaurant license. However, no eighteen to twenty (18 to 20) year olds are allowed on the premise. (Condition placed upon the Last Lap's liquor license: each night that the Last Lap is open tavern rules will be in effect commencing at 8:00 p.m.) The goal for the upper level patio would be for the area to be used as the outdoor smoking area. The upper level patio would also offer liquor service.

Commissioner Stockton noted that this area could be treated as an extension of premise. This type of request is handled by the Commission. He found the LED sign worrisome. He caution Mr. Stills as Six Strings might be viewed as nearly a restaurant. He encouraged Mr. Stills to be sensitive to and work with the Downtown Bloomington Association. Mr. Stills responded affirmatively. Mr. Reece stated that Mr. Stills' experience at the Last Lap had made him aware. He cited the good relationships developed with the business' neighbors, (apartment complex and motels). Mr. Stills acknowledged that the bass can be felt outside of the building. Commissioner Stockton questioned if there should be a condition regarding noise i.e. general statement. Mr. Stills informed the Commission that he would be amazed if there would be an issue with noise. He wanted his neighbors to be happy with Six Strings. Loud is not good, good music is about quality.

Commissioner Buchanan noted that the Commission could recommend conditions. The record would reflect the Applicant's word that outdoor noise would be controlled. The Commission could ask Mr. Stills to appear before the Commission after six (6) months of operations to address any noise issues. This meeting could also address the use of the outdoor area.

Commissioner Petersen questioned if the lower level east room would be open or closed. Mr. Stills informed the Commission that the room would be used. The doors would not be open.

Commissioner Buchanan informed Mr. Stills that when/if he reappeared before the Commission he should be prepared to discuss noise. The Commission may choose to impose reasonable conditions. Commissioner Stockton added that the Commission will consider the impact of the liquor license on the neighborhood. Mr. Stills restated that he did not believe that noise would be a problem. Mr. Reece added that there was not any adjoining residential property. Mr. Stills expressed his opinion that a T license would make operating Six Strings easier.

Based on the above, the Liquor Commission recommends to the City Council that a TAS liquor license for KPTS, Inc., d/b/a Six Strings, located at 525 Center St., be created, contingent upon compliance with all applicable health and safety codes.

Respectfully,

Stephen F. Stockton
Chairman of Liquor Commission

Mayor Stockton introduced this item. The Liquor Commission changed this license from a RAS (Restaurant) to a TAS (Tavern) liquor license. Concerns regarding Downtown had been raised during the Liquor Commission's meeting.

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

Motion carried.

Jay Reece, 202 N. Center St., Six Strings' attorney, addressed the Council. Tim Stills, Last Lap's owner/license holder, had a good record with the City. The Last Lap catered to an older demographic. Six Strings would be a Country Western bar offering live Country Western music.

The building was formerly the Knights of Columbus Hall. It had sat vacant for fifteen (15) months. It was his client's intent to lease the space. Occupying that space would entail significant work due to the building's condition. There would also be a significant investment, estimated at least six (6) figures. The hope was to attract an older crowd.

Mr. Reece and Mr. Stills had met with the Downtown Bar Association (DBA) on Thursday March 8, 2007. The meeting was well attended.

Six Strings requested approval of a TAS license to be in-line with their current business plan. An RAS license would be difficult to achieve within the context of the business plan. It did not fit the financial plan.

The building was surrounded on three (3) sides by streets. It was a unique situation because it had no direct adjacencies. The building was close to the Market Street Garage with on street parking along Center Street which addressed the necessary parking arrangements.

The projected gross revenue would be between \$1.5 to \$2 million per year

This item had been laid over from the Council's February 26, 2007 Meeting. It was contained in the Regular Agenda

Alderman Schmidt questioned the business plan's projection of 350 – 400 people.

This evening, Tim Stills, Six Strings' President and co-owner, addressed the Council. On a regular evening, he expected between 150 – 200 people. For national acts he anticipated 350 - 400 people. The estimated occupancy was 350. The plan included remodeling the facility.

Last weekend he had been in Nashville, TN. The City Council had invested \$50 million in the Downtown for it to be conducive as an entertainment district. He applauded the Council. Mr. Stills planned to join the Downtown Bar Association because he believed that participation was important. Six Strings was at an entry point into the Downtown.

The Council had one (1) of two (2) choices regarding Six Strings. It would either be a TAS or an RAS liquor license. Six Strings would provide an entertainment venue, with a quality sound system, karaoke, line dancing, couples dance lessons, etc. The plan was to bring in new Country Western artists as well.

The windows would not be opened. He cited estimated door receipts versus liquor sales. His goal was to provide service. He believed a large part of Six Strings audience would be from out of town and even from out of state.

Alderman Finnegan questioned food service. Mr. Stills stated there would be a light menu. It was provided for the business plan. Mr. Reece noted there would be a kitchen equipped with grills and fryers. Mr. Stills added they would also serve pizza, sandwiches and appetizers.

Alderman Finnegan was concerned due to the informal moratorium on tavern licenses in the Downtown. His preference was a restaurant license.

Mr. Stills reminded the Council this would be an entertainment venue. It would provide live music, dance lessons and karaoke. Country music appealed to an older crowd.

Mr. Reece noted the tavern license was requested because Six Strings did not provide a full kitchen menu. He encouraged the Council to approve a TAS license because of the strong focus on entertainment.

Alderman Finnegan noted the possibility of same. He questioned if there would be a pool table. Mr. Stills believed that it would draw younger crowds. It would be small part of Six Strings' business.

Alderman Schmidt noted that Daddios offered live entertainment on a regular basis. She believed the Downtown was at the saturation point. There would be additional people in the Downtown at closing time.

She had spoken with the Police Officers after the last meeting. She was opposed to this application. Alderman Crawford cited the Police Department's overtime expenses within the Downtown.

Mr. Stills questioned which direction was better. Tavern patrons would be easier to manage if the establishments were centralized.

Mr. Reece addressed the Council's concerns. He cited the applicant's experience at the Last Lap. The Six Strings venue would be similar. Small problems would be addressed. He acknowledged that gross revenue may require additional services. He reminded the Council that the building had been vacant for fifteen (15) months.

Peggy Flynn, 200 W Monroe St., Downtown Business Association's Executive Director, addressed the Council. She had met with the Entertainment Zone Committee.

She noted the importance of a strategic plan for the Downtown. She cited the size of residential base in the Downtown. The City needed to consider Six Strings' uses and whom it would serve. It might become another strain on City services. Approval may hinder future development.

She stressed the need for a new Downtown strategy before granting another tavern license. She requested a moratorium on new tavern licenses. The City needed to follow the Main Street corridor study. She had spoken to the Mayor and City Manager. She reminded the Council that the Downtown study was ten (10) years old and out of date.

Alderman Hanson stated this appeared to be a density issue. This was a small geographic area. He believed that Six Strings would be successful. The Council needed to move forward and vote on this item.

Ms. Flynn noted the Downtown's built in clientele. The area was vibrant and demographics were changing. The Downtown needed a different venue for the different clientele. It was estimated that 1,500 college students visited the Downtown on Thursday, Friday, and Saturday nights. Alderman Hanson questioned if there was another area in the Downtown for students. Ms. Flynn believed Six Strings should be in close proximity to the US Cellular Coliseum (USCC).

She questioned if an upscale restaurant would open in Downtown. Alderman Hanson noted that a restaurant license usually meant less density.

Ms. Flynn explained this would be a different dynamic. The area did not need another bar. It was already over saturated. It would impact City services. She encouraged the Council to consider a restaurant license as opposed to a tavern license.

Alderman Gibson questioned if she had an establishment in mind. Ms. Flynn believed that the City and the Economic Development Council needed to market Downtown development for a variety of uses. The Council needed to provide guidance. Alderman Gibson expressed his concern regarding an empty building sitting in the Downtown.

Alderman Schmidt cited a Downtown marketing study. At this time, all changes were reactive. The City needed to expand on the positives. She cited the "Adopt-a-Pot" program as an example. People wanted to enjoy the Downtown. Another bar would not be healthy for the area.

Alderman Gibson could see this venue as a place for entertainment. He questioned the conditions on the license. He questioned how the City could attract business with these conditions.

Alderman Schmidt suggested allowing a plan to mature on its own.

Alderman Matejka noted this application was not really a tavern. This request was a response to the business plan.

Ms. Flynn stated this was another bar like place. The Downtown already had enough bars. The business plan was not in question. The City needed to look at uses.

Mayor Stockton noted this was not a bar. It was a mini coliseum. It would be different from a tavern. Ms. Flynn noted the age range of USCC's patrons. Six Strings would offer different programming. The USCC was not a drinking establishment

Mr. Stills stated Six Strings would be open every day except Mondays.

Mayor Stockton questioned the impact of an additional 300 – 400 people at 2:00 am. This number may be offensive.

Alderman Schmidt believed the applicant was looking for an opportunity to become a part of the Downtown bar scene. She questioned if there was another license classification. Ms. Flynn cited the conditions placed on Show Me's and Reality Bites. Mayor Stockton believed JuJu's (formally at this address) had held a TAS license.

Ms. Flynn noted Police enforcement issues due to conditions being placed on licenses.

Alderman Matejka cited conditions placed on Reality Bites. Those conditions included an earlier closing time and restrictions on entertainment. It was not located in the 500 or 600 block of N. Main St. Ms. Flynn stated restrictions were welcomed.

Mark Finley, 19330 Deerhaven Ct., addressed the Council. He was between a rock and a hard place. The building had sat vacant and was deteriorating. There had been no offers for a restaurant in the past fifteen (15) months. As the building's owner, he had worked to find quality operators. The Council needed to judge this application independently of the other Downtown issues.

The last business, (Creole Café & Bar), was a disaster. The operators were local people with business experience

Any new business needed finances and investors to back and grow the business. He believed the March 8, 2007 meeting went well. Security issues were addressed. He hoped a compromise could be reached. The location could become a destination.

Six Strings had the support of Recycling for Families located at 515 N. Center St. Six Strings would be a good neighbor.

Mr. Finley expressed his concern regarding a proposed moratorium.

Alderman Purcell noted the building had sat vacant six (6) months.

Mr. Finley stated one option was to give the building back to bank. He might go bankrupt because he did not have the funds to repair it. He did not anticipate interest in a restaurant due to the fact that there was no adjacent parking. He questioned if the closing hour condition could sunset in six (6) months.

Alderman Purcell questioned a compromise. Mr. Finley believed it was up to Mr. Stills. He needed to consider his commitment.

Mr. Finely reminded the Council of Crusens' liquor license application. Crusens estimated annual sales of \$1 million with \$400,000 in food sales. They were not eligible for a restaurant license.

Tyler Holloway, 511 N. Main St., Fat Jack's owner/operator and Downtown Bar Association President, addressed the Council. He was opposed to this application. He understood the point about entertainment. Downtown bars, especially the "T" licenses, were under scrutiny. He believed a restaurant would be welcomed at this location

Show Me's market share was adequate. Competition was not the issue. Another bar would only add problems. There would be late night taxi issues. He cited difficulty dispersing persons and keeping the streets clear.

Alderman Hanson had heard stories about large numbers of people in the Downtown. The estimates have been 1,100 - 3,000 people during evening hours. Mr. Holloway noted that Fat Jacks had seen 1,000 people through its doors on weeknights. The numbers were probably closer to 3,000 on Friday and Saturday nights.

Alderman Hanson questioned the time needed to clear the Downtown. Mr. Holloway noted there were people waiting for taxis long after closing time. They were frustrated with the situation.

Alderman Purcell questioned the number of Downtown tavern and restaurant licenses. Mr. Holloway believed there were sixteen (16) tavern licenses and ten (10) restaurant licenses. Mayor Stockton noted that the City Clerk's Office maintained these records and could verify the specific numbers. Mr. Holloway believed the City should be looking for a better mix Downtown.

Alderman Matejka stated the Council had heard what needed to be said. The Council should grant the tavern license with the condition of a 1:00 a.m. closing time. License renewals occur annually.

Mr. Stills would like stipulations and goals which would allow Six Strings to achieve the same closing time. Alderman Matejka cited Reality Bites' experience. There was a dispersal issue within the Downtown. Mr. Stills planned to purchase shuttle busses. He was interested in an opportunity.

He had purchased ten (10) buildings in downtown LeRoy, IL.

He hoped to create a Downtown entertainment venue. It was important to be a good neighbor. He was interested in an equal playing field.

Mr. Reece stated this was a unique concept. It was important to determine what was acceptable. Historically, this owner had a clean report from the Police Department. There were goals to meet.

Mr. Stills was a knowledgeable person. He owned four (4) restaurants. He was familiar with the industry. This location would not be successful as a restaurant. The kitchen was too small, there was no parking, etc. There would be large investment in the building.

Alderman Matejka noted that Reality Bites had operated for six (6) months. He was impressed with Six Strings focus on entertainment. Hopefully, this would give Six Strings room to work, with a chance to prove itself to the City, the Police Department, the Downtown Business Association, etc.

Mr. Stills acknowledged the concerns raised ("fear of what might happen"). Alderman Schmidt was concerned about reality. The challenge was the mixed uses. It was difficult to reach a balance.

Mayor Stockton cited compromise was on table. He questioned where the Council was on this issue. He was looking for a motion from the Council.

Daniel Rolph, 19730 Josarah Ct., addressed the Council. He was an investor and his wife was a dance instructor. Six Strings was an entertainment venue which would promote local talent. It would be similar to Funny Bones (comedy club). He was not interested in bar ownership. There were dance teachers lined up. He argued that the Downtown should be a cultural experience.

Mr. Reece noted the applicant's willingness to compromise. They would like an objective structure to be able to meet the goals and achieve a level playing field.

Alderman Hanson noted the novelty of a shuttle service to the Downtown. Mr. Stills stated there would be two to four (2 -4) points in Bloomington/Normal. There would be one route to take people home.

Alderman Hanson questioned closing times and patron numbers. Mr. Stills stated the earlier closing hour would encourage patrons to go to Fat Jacks. The Last Lap was a police stop. Music would stop one (1) hour prior to closing to help with crowd dispersal. Six Strings would provide assistance when needed.

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

Motion carried.

Alderman Schmidt would not support a compromise. This would provide the City with needed time to develop a marketing strategic plan.

Motion by Alderman Schmidt, seconded by Alderman Crawford to deny a TAS liquor license for KPTS, Inc., d/b/a Six Strings located at 525 N. Center St.

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

Ayes: Aldermen Crawford and Schmidt.

Nays: Aldermen Hanson, Finnegan, Gibson, Purcell, and Matejka.

Motion failed.

Alderman Matejka noted in most cases he would have agreed with the previous motion. However, with the proven track record of the applicant, this would be different. He was impressed with the applicant and wanted to provide an opportunity for same. He did not see the necessity to dance around the issue regarding the number of licenses or their locations.

Mayor Stockton was not in favor of a temporary moratorium. Placing a limit on the number of licenses stopped improvements. A better option was determining a plan for the Downtown. He recognized the Camiros Report which was ten (10) years old. The Downtown had become an entertainment venue. The City needed to put something on the table.

Alderman Hanson stated in order to clarify the compromise this application should be sent back to Liquor Commission. Mayor Stockton noted that would be dependent upon a vote by the Council. Alderman Finnegan questioned why this needed to go back to Liquor Commission. Alderman Matejka responded the Council could request specific goals the applicant would have to meet. The Liquor Commission was in a better position to craft same.

Alderman Gibson stated the discussion muddied the waters. The real concerns were about the conditions and extra police work involved if a tavern license was issued.

Motion by Alderman Matejka, seconded by Alderman Purcell to amend the request for a TAS liquor license for KPTS, Inc., d/b/a Six Strings located at 525 Center St., be created, with a closing time of one (1) hour earlier, until January 1, 2008.

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

Ayes: Aldermen Finnegan, Gibson and Purcell.

Nays: Aldermen Hanson, Crawford, Schmidt and Matejka.

Motion failed.

Alderman Matejka wanted the community to know the Council took planning questions seriously. The Downtown Business Association would come to the City for the finances.

Motion by Alderman Matejka, seconded by Alderman Hanson that the current proposal be sent back to the Liquor Commission to elaborate on a transition plan with definitive goals.

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

Ayes: Aldermen Hanson, Finnegan, Matejka and Purcell.

Nays: Aldermen Crawford, Schmidt and Gibson.

Motion carried.

Mayor Stockton noted the depth of the issue.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Text Amendment to Chapter 6 Eliminating the GPA license

The City Code currently allows the sale of alcoholic liquor at convenience stores that sell gasoline. We have a GPA license that allows the sale of all types of alcohol and a GPB license that allows the sale of beer and wine only. Some Council members have expressed reservations or even opposition to allowing the practice and have voiced concerns during deliberations over applications for these types of licenses. No license has been denied, however there has been compromises. Applicants who file for GPA licenses have been encouraged or requested to change their applications to request GPB licenses, the implication being that the application for the GPA license might be denied. Under the circumstances, the applicants have universally complied with the request. There are currently only four (4) GPA licenses and twenty-six (26) GPB's.

The City has the authority to determine the type of liquor licenses it will issue. For example, the Code now classifies licenses as package (P), restaurant (R), tavern (T) and convenience store licenses (G) and further divides those into all types (A) or beer and wine only (B). The GPA classification has been effectively eliminated by non creation of same. It would be appropriate to eliminate the classification rather than relying on applicants voluntarily limiting their requests to GPB licenses. As long as the classification exists, applications for those types of licenses must be considered. There is no need for the classification if the sale of all types of alcohol at

convenience stores would be denied under any circumstance. Additionally, this might help solve some of the problems associated with the sale of single serving sizes. Convenience stores often sell the smaller sizes of spirits that are more often associated with littering and loitering.

The proposed Text Amendment would eliminate the GPA license. It would be effective immediately; however the existing GPA licenses would remain in effect until the end of the year. Those licenses will automatically change to GPB when renewed.

Staff respectfully recommends that Council approve the Text Amendment and that the Ordinance be passed. It reflects current practice and it is in keeping with the existing philosophy of limiting the sales of alcohol at convenience stores.

Respectfully,

Hannah R. Eisner
Deputy Corporation Counsel

Brian Brakebill
Deputy City Manager

ORDINANCE NO. 2007 - 18**AN ORDINANCE AMENDING BLOOMINGTON CITY CODE
CHAPTER 6 SECTION 5(b)**

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

SECTION 1. That Bloomington City Code Chapter 6, Section 5(b), be amended by adding the following paragraphs to read as follows (additions are indicated by underlining; deletions are indicated by strikeouts):

~~(b) — Alcohol may only be sold at premises at which motor vehicle fuels are sold if such premises have either a “GPA” or “GPB” license. No other type of license will be issued for or allow the retail sale of alcohol at premises at which motor vehicles fuels are sold, provided however that any PA or PB license created, issued and/or renewed on or before January 1, 1992 for premises which sell motor vehicle fuels shall remain in effect until December 31, 1992, and alcohol may be sold at those premises until that date. All such licenses will terminate automatically and go out of existence with no possibility of renewal on December 31, 1992 and any licensee operating under a PA or PB license must file an application for and receive either a GPA or GPB license to sell alcohol at premises where motor vehicle fuels are sold after December 31, 1992.~~

(b) No license shall be issued for the sale of any type of alcoholic liquor at any premise at which motor vehicle fuels are sold, except that licenses for the sale of beer and wine only may be issued to such premises that are “retail grocery convenience stores” as defined in Section 1. Any license for the sale of all types of alcohol created, issued and/or renewed for a premise at which motor vehicle fuels are sold on or before January 1, 2007 shall remain in effect and allow the sale of all types of alcohol by the existing license holder and may be renewed annually by that license holder for the premises identified in the license until such time as there is either a change in ownership (as defined in Section 1) of the licensee or the licensee no longer qualified for a license for any of the reasons set forth in Section 4. The sale of alcohol at such premises shall be prohibited thereafter as provided in this section. A premise shall be considered to be one that sells motor vehicle fuel if there are fuel dispensing pumps within 100 feet of any door to the premise or any location where fuel sales are consummated.

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

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

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

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

PASSED this 12th day of March, 2007.

APPROVED this 13th day of March, 2007.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Mayor Stockton introduced the item. He stated this ordinance would eliminate the GPA, (Gasoline, Packaged, All types of alcohol), license classification. This had been discussed by the City Council and Liquor Commission. It would be phased out by January 1, 2008. Some licensees believe this ordinance was unfair.

Alderman Schmidt noted the violation history of GPA licenses. The Council and Commission reviewed the information provided by Hannah Eisner, Deputy Corporation Council. There were four (4) existing GPA licenses. She recommended that they be grandfathered until sold.

Alderman Finnegan noted this seemed to be designing a solution while looking for a problem. There was no data to support this as a problem. Mayor Stockton noted this item was the Liquor Commission's response to the Council's concern. He believed change was necessary. Currently there were two (2) GPA requests pending.

Hannah Eisner, Deputy Corporation Council, addressed the Council. There had been similar situations. This was not a moratorium. Applicants had been directed to request a GPB (Beer and wine only) liquor license. This was the best way to eliminate the class. Spirits were different than beer and wine. There were applications pending, along with neighborhood issues. It was a Council decision. This classification applied to sale of alcohol at gasoline stations.

Alderman Finnegan understood the concerns about the combination of gasoline and alcohol sales. However, first it must be shown this was a major problem, then the Council would address same.

Mayor Stockton stated the concern involved with proliferation of this class of license. The City Clerk would contact the licensees.

Motion by Alderman Hanson, seconded by Alderman Schmidt that the Text Amendment be approved and the Ordinance passed with a grandfather clause in effect for the four (4) existing businesses, (sale of the business would result in the loss of the GPA license classification).

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

Ayes: Aldermen Crawford Schmidt, Matejka, Gibson, Hanson and Purcell.

Nays: Alderman Finnegan.

Motion carried.

The following was presented.

Mark Huber, Director – PACE, presented the lone bid for 802 S. Center. Brady Construction, Pekin, IL, submitted a bid in the amount of \$14,976. \$16,800 had been budgeted for this item. He recommended approval.

Motion by Alderman Matejka, seconded by Alderman Crawford to accept the bid from Brady Construction, in the amount of \$14,976, and orders to proceed be issued.

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

Ayes: Aldermen Crawford, Schmidt, Finnegan, Gibson, Hanson, Matejka and Purcell.

Nays: None.

The following was presented.

Doug Grovesteen, Director of Engineering, addressed the Council. He presented the lone bid for Main Branch Kickapoo Creek Force Mains. There was a Bid Bond and the addendum was submitted. The certificates were not complete. Alderman Matejka recommended that the figures not be read. The bid was uncompetitive and incomplete.

Todd Greenburg, Corporate Counsel, stated on a technicality the bid was noncompliant. Brian Brakebill, Deputy City Manager, noted that only two (2) staff members had reviewed the bid.

Mr. Grovesteen stated staff would advertise to rebid by the Council's April 9, 2007 meeting.

Motion by Alderman Matejka, seconded by Alderman Schmidt to reject the lone bid.

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

Ayes: Aldermen Crawford, Schmidt, Finnegan, Gibson, Hanson, Matejka and Purcell.

Nays: None.

MAYOR'S DISCUSSION: Mayor Stockton recognized Alderman Matejka who attended the One Voice meeting with United States Representatives, Senators and their staff. Four (4) issues were cited. The information was well received. Twenty-eight (28) people were present. The elected representatives needed to see there was unanimous support for these priority issues.

Alderman Matejka stated it was an impressive meeting. It was an excellent trip. He represented labor.

CITY MANAGER'S DISCUSSION: Brian Brakebill, Deputy City Manager, noted that there would be a Work Session on March 19, 2007 at 5:30 p.m.

CITY ALDERMEN'S DISCUSSION: Alderman Purcell cited the great job done by City crews addressing potholes.

He acknowledged the importance of the discussion regarding Downtown.

Alderman Schmidt stated the Planning Commission would hold a Public Hearing on GAP (Gridley Allen Prickett) Form Based Zoning on March 14, 2007 at 4:00 p.m.

Alderman Hanson stated the informative meeting held on the Eastside corridor last week went well.

Motion by Alderman Matejka, seconded by Alderman Hanson, that the meeting be adjourned. Time 10:37 p.m.

**Tracey Covert
City Clerk**

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