

**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, August 14, 2006.

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, Michael Matejka, John Hanson, Jim Finnegan, Steven Purcell, Karen Schmidt and Mayor Stephen F. Stockton.

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

Absent: Alderman Kevin Huette.

The following was presented:

Oaths of Office – Timothy Power, Jerimiah Liebendorfer, and Andrew Chambers.

Jeff Sanders, Asst. Police Chief, addressed the Council. He introduced Police Patrol Officers Power, Liebendorfer and Chambers. They had completed their probationary period. Timothy Power held an Associates Degree from Heartland Community College. He was currently attending Illinois State University pursuing a Bachelor’s Degree in Criminal Justice. His wife, son, and mother were in attendance this evening. Jerimiah Liebendorfer also held an Associates Degree. His mother and father, and friend were in attendance this evening. Andy Chambers was also an EMT – P who had received a life saving award. His wife, son, mother and father were also in attendance this evening.

Tracey Covert, City Clerk, performed the Oath of Office. Mayor Steve Stockton presented the officers with their certificates. He congratulated the officers and their families. He added that Bloomington was a great place to work and the citizens counted on the Police Department.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Bills and Payroll

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

Respectfully,

Brian J. Barnes
Director of Finance

Tom Hamilton
City Manager

(ON FILE IN CLERK'S OFFICE)

Motion by Alderman Crawford, seconded by Alderman Gibson 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 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: Payments from Various Municipal Departments

1. The second partial payment to Peace Meal in the amount of \$624 on a contract amount of \$7,500 of which \$1,248 will have been paid to date for work certified as 17% complete for the John M. Scott Home Delivered Meals. Completion date - May 2007.
2. The second partial payment to Peace Meal in the amount of \$2,082 on a contract amount of \$25,000 of which \$2,082 will have been paid to date for work certified as 17% complete for the Peace Meals. Completion date - April 2007.
3. The first partial payment to Hay Group in the amount of \$1,800 on a contract amount of \$14,000 of which \$1,800 will have been paid to date for work certified as 13% complete for the Hay Group Position Review. Completion date - September 2006.

4. The fourth and final payment to Motorola in the amount of \$186,777.84 on a contract amount of \$631,597.24 of which \$627,675.24 will have been paid to date for work certified as 99% complete for the Communication Center Equipment. Completion date - June 2006.
5. The twenty-third partial payment to New World Systems in the amount of \$7,231.49 on a contract amount of \$671,523 of which \$514,910.57 will have been paid to date for work certified as 77% complete for the Police & Fire Computer Aided Dispatch System. Completion date - July 2006.
6. The twenty-fourth partial payment to New World Systems in the amount of \$13,980.43 on a contract amount of \$671,523 of which \$528,891 will have been paid to date for work certified as 79% complete for the Police & Fire Computer Aided Dispatch System. Completion date - July 2006.
7. The twenty-fifth partial payment to New World Systems in the amount of \$2,451.26 on a contract amount of \$671,523 of which \$531,342.26 will have been paid to date for work certified as 79% complete for the Police & Fire Computer Aided Dispatch System. Completion date - July 2006.
8. The second partial payment to Farnsworth Group in the amount of \$4,249.23 on a contract amount of \$41,173 of which \$7,864.33 will have been paid to date for work certified as 19% complete for the Highland Park Golf Course. Completion date - December 2006.
9. The first partial payment to Ratio Architects, Inc. in the amount of \$6,604.75, of which \$4.75 is reimbursable, on a contract amount of \$135,240 of which \$6,600 will have been paid to date for work certified as 5% complete for the Miller Park Playground Renovation. Completion date - May 2007.
10. The second partial payment to JG Stewart Contractors in the amount of \$8,992.50 on a contract amount of \$210,000 of which \$16,869.75 will have been paid to date for work certified as 8% complete for the 2006-2007 Sidewalk Replacement and Handicap Ramp Program. Completion date - November 2006.
11. The eleventh partial payment to Rowe Construction Co. in the amount of \$9,750 on a contract amount of \$1,250,603.92 of which \$1,143,796.68 will have been paid to date for work certified as 91% complete for the US Cellular Coliseum Infrastructure Improvements. Completion date - September 2006.
12. The fortieth partial payment to Brisbin, Brook, Beynon Architects in the amount of \$5,662.66 on a contract amount of \$1,611,964.52 of which \$1,425,285.73 will have been paid to date for work certified as 88% complete for the US Cellular Coliseum Architects. Completion date - April 2006.

13. The seventh and final payment to CIMCO Refrigeration, Inc. in the amount of \$351,671.80 on a contract amount of \$1,593,778 of which \$1,593,778 will have been paid to date for work certified as 100% complete for the Design/Build of the US Cellular Coliseum. Completion date - April 2006.
14. The fourth and final payment to Irwin Seating Co. in the amount of \$72,135 on a contract amount of \$721,332 of which \$721,332 will have been paid to date for work certified as 100% complete for the Design/Build of the US Cellular Coliseum. Completion date - April 2006.
15. The tenth partial payment to Associated Constructors Co. Inc. in the amount of \$9,000 on a contract amount of \$1,100,655 of which \$990,589.50 will have been paid to date for work certified as 90% complete for the Design/Build of the US Cellular Coliseum. Completion date - April 2006.
16. The ninth partial payment to Kelly Glass in the amount of \$27,800 on a contract amount of \$325,732 of which \$289,978 will have been paid to date for work certified as 89% complete for the Design/Build of the US Cellular Coliseum. Completion date - April 2006.
17. The thirteenth partial payment to Felmley Dickerson in the amount of \$756 on a contract amount of \$676,351 of which \$608,715.90 will have been paid to date for work certified as 90% complete for the Design/Build - General Trades of the US Cellular Coliseum. Completion date - April 2006.
18. The twelfth partial payment to Felmley Dickerson in the amount of \$19,264.50 on a contract amount of \$756,133 of which \$680,519.70 will have been paid to date for work certified as 90% complete for the Design/Build - Misc. Metals of the US Cellular Coliseum. Completion date - April 2006.
19. The tenth and final payment to Hoerr Inc. in the amount of \$79,013.71 on a contract amount of \$790,137 of which \$790,137 will have been paid to date for work certified as 100% complete for the Design/Build of the US Cellular Coliseum. Completion date - April 2006.
20. The twenty-seventh partial payment to Johnston Contractors, Inc. in the amount of \$19,872.73 on a contract amount of \$3,512,780 of which \$3,392,720.75 will have been paid to date for work certified as 97% complete for the Design/Build of the US Cellular Coliseum. Completion date - April 2006.
21. The eighteenth partial payment to Johnston Contractors in the amount of \$54 on a contract amount of \$371,005 of which \$358,496.47 will have been paid to date for work certified as 95% complete for the Design/Build of the US Cellular Coliseum Parking Deck. Completion date - April 2006.

22. The fifth and final payment to Du-Mont Company in the amount of \$1,800 on a contract amount of \$18,000 of which \$18,000 will have been paid to date for work certified as 100% complete for the Design/Build of the US Cellular Coliseum Parking Garage. Completion date - April 2006.
23. The twenty-seventh partial payment to Clark Dietz, Inc. in the amount of \$137.25 on a contract amount of \$366,591.65 of which \$351,533.77 will have been paid to date for work certified as 96% complete for the Hamilton Road - Greenwood to Timberlake Lane. Completion date - July 2006.
24. The fourteenth partial payment to Clark Dietz, Inc. in the amount of \$1,651.09 on a contract amount of \$330,000 of which \$280,442.94 will have been paid to date for work certified as 85% complete for the Hamilton Road - Timberlake to Main Street. Completion date - December 2006.
25. The first partial payment to Farnsworth Group in the amount of \$837.50 on a contract amount of \$10,000 of which \$837.50 will have been paid to date for work certified as 8% complete for the Ireland Grove Road Design QA/QC. Completion date - January 2007.
26. The third partial payment to Stark Excavating, Inc. in the amount of \$19,637 on a contract amount of \$1,399,893.75 of which \$331,658.80 will have been paid to date for work certified as 24% complete for the Euclid Avenue - Oakland to Washington. Completion date - November 2006.
27. The third partial payment to Laesch Electric, Inc. in the amount of \$27,526 on a contract amount of \$118,963.11 of which \$71,756 will have been paid to date for work certified as 60% complete for the Airport Road at College Avenue Traffic Signals. Completion date - September 2006.
28. The eighth partial payment to Farnsworth Group in the amount of \$8,541.50 on a contract amount of \$203,300 of which \$106,635.30 will have been paid to date for work certified as 52% complete for the Constitution Trail - Grove to Hamilton. Completion date - November 2006.
29. The ninth partial payment to Farnsworth Group in the amount of \$23,357.84 on a contract amount of \$168,400 of which \$98,817 will have been paid to date for work certified as 59% complete for the Lincoln Street - Bunn to Morrissey. Completion date - November 2006.
30. The eighth partial payment to Farnsworth Group in the amount of \$1,616.75 on a contract amount of \$32,562 of which \$13,750.42 will have been paid to date for work certified as 42% complete for the Norfolk Southern Railroad Crossing Negotiations (1) ML King at White Oak; (2) Hamilton at Commerce; (3) Hershey at Hamilton. Completion date - December 2006.

31. The third partial payment to Illinois Department of Transportation in the amount of \$106,607.51 on a contract amount of \$456,176.04 of which \$391,434.02 will have been paid to date for work certified as 86% complete for the Fell Avenue Bridge. Completion date - November 2006.
32. The second partial payment to Village of Downs in the amount of \$5,631.59 on a contract amount of \$3,936,372 of which \$98,034.72 will have been paid to date for work certified as 2% complete for the Village of Downs and City Sewerage Improvements Project. Completion date - 2008.
33. The third and final payment to Farnsworth Group in the amount of \$3,061.65 on a contract amount of \$9,200 of which \$9,200 will have been paid to date for work certified as 100% complete for the Ridgewood Outfall Sewer at Fox Creek. Completion date - August 2006.

All of the above described payments are for planned and budgeted items previously approved by the City Council. I recommend that the payments be approved.

Respectfully,

Tom Hamilton
City Manager

Motion by Alderman Crawford, seconded by Alderman Gibson that the payments be approved.

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: Members of the City Council

From: Stephen Stockton, Mayor

Subject: Reappointments and Appointment to Various Boards and Commissions

I ask that you concur with the following reappointments:

Cultural District Commission:

Ron Guthoff, Box 1445, Bloomington, IL
Carol Baker, 1515 N. Linden, Bloomington, IL
Tony Waller, 1707 E. Taylor, Bloomington, IL

All of their terms will expire 4/30/2009.

I ask that you also concur with the following appointment to the Cultural District Commission:

Patricia Donsbach, 1402 Ironwood, Normal, IL

Her term will also expire 4/30/2009.

Respectfully,

Stephen F. Stockton
Mayor

Mayor Stockton introduced Patricia Donsbach, who would be appointed to the Cultural District Commission. Ms. Donsbach was employed with AAA radio stations. She had chaired the Capital Committee for two and half (2½) years. She had been a resident of the City for eight (8) years.

Alderman Purcell questioned the term. Mayor Stockton noted three (3) years.

Motion by Alderman Crawford, seconded by Alderman Gibson that the reappointments and the appointment be approved.

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: Request to Pay the Illinois Department of Transportation, (IDOT) for the City's Share of the Construction of Veterans Parkway between Eastland Drive and Commerce Parkway

On August 29, 2000 the Council approved "A Joint Agreement Between the State of Illinois and the City of Bloomington" for the sharing of costs for the construction of Phase 3 of Veterans Parkway (Business Route I-55) from Eastland Drive to Commerce Parkway for an estimated cost of \$247,000. The City has received an invoice from IDOT for the City's share of the construction cost of \$244,215.44, which is less than the estimated cost in the agreement. Staff has examined the invoice and agrees with the amount billed.

Staff respectfully requests that Council approve payment to IDOT in the amount of \$244,215.44 with payment to be made with Motor Fuel Tax Funds (X20300-72530).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

Motion by Alderman Crawford, seconded by Alderman Gibson that the payment be approved.

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: Request to Pay Stark Excavating, Inc. for Emergency Sewer Repair

It was discovered that the sewer service for the Center for the Performing Arts located in the alley west of the building, was partially obstructed by debris and in need of repair. The debris

could not be cleared using the City's sewer cleaning equipment. It was determined that the need for the repairs was urgent. Due to the depth of the sewer and the scope of the work, the Cultural District requested the Engineering Department to retain a contractor to make the repair. Stark Excavating, Inc. cleared the service, repaired the line and installed a manhole to facilitate future maintenance. They have submitted a time and materials bill for the work in the amount of \$11,938.28. Staff has reviewed the bill and finds it to be in order.

Staff respectfully requests that Council approve a payment in the amount of \$11,938.28 to Stark Excavating, Inc. for the repair of the service and the installation of the manhole with payment to be made \$5,969.14 from Sewer Depreciation Funds (52200-72550) and \$5,969.14 from Cultural District Funds (X21100-70510).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Bruce Marquis
Cultural District Director

Tom Hamilton
City Manager

Motion by Alderman Crawford, seconded by Alderman Gibson that the payment be approved.

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: Request to Pay George Gildner, Inc. for Emergency Sewer Repair

The Masonic Temple located at 302 E. Jefferson Street experienced sewer problems. It was discovered that the public sewer in the utility easement crossing the parking lot of the Second Presbyterian Church located at 313 N. East Street, which serves the Masonic Temple, was plugged. It was determined that the need for repair was urgent.

Due to the depth of the sewer and the scope of the work, the Public Service Department requested that the Engineering Department retain a contractor to make the repair. George Gildner, Inc. was retained to perform the work. Gildner discovered that the easement sewer that

served the Masonic Temple had been severed, possibly during the relocation of the existing 36 inch diameter combination sewer around the previous expansion of the Second Presbyterian facility a few years ago. The sewer was repaired and service restored.

George Gildner, Inc. has submitted a time and materials invoice for this work in the amount of \$6,751.36. Staff has reviewed the bill and found it to be in order.

Staff respectfully requests that Council approve a payment in the amount of \$6,751.36 to George Gildner, Inc. for this work, with payment to be made from Sewer Depreciation Funds (52200-72550).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

Motion by Alderman Crawford, seconded by Alderman Gibson that the payment be approved.

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: Request for Payment of \$41,927.70 to Larry Bielfeldt for the City's Share of the Construction Cost of Over Sizing the Water Main in Towanda Barnes Road Adjacent to Hawthorne Commercial Park Subdivision 4th Addition

On November 26, 2001, Council approved an Annexation Agreement with Larry Bielfeldt for Hawthorne Commercial Park Subdivision. Hawthorne Commercial Park Subdivision is located south of General Electric Road, west of Towanda Barnes Road, and east of Sapphire Lake Subdivision. The Annexation Agreement obligated the City to pay for the over sizing of any water mains above 8 inch. The developer constructed 1171 feet of 16 inch water main in Towanda Barnes Road adjacent to the 4th Addition of the Subdivision.

Farnsworth Group, acting as the developer's agent, has submitted a request for payment in the amount of \$41,927.70. Staff has reviewed the bill and finds it to be reasonable. There are funds budgeted for this expense of "Upsize Misc. Developer Mains." Staff respectfully recommends that Council approve the payment of \$41,927.70 to Larry Bielfeldt with payment to be made from Water Depreciation Funds (X50200-72540).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Craig Cummings
Director of Water

Tom Hamilton
City Manager

Alderman Matejka noted that this payment would not finish the City's obligations. He requested that staff bring the Council up to date on this project. Doug Grovesteen, Director of Engineering, addressed the Council. The issues involving Six Points Rd. had been resolved. The only other outstanding issue involved Sapphire Lake. A meeting was scheduled for tomorrow.

Motion by Alderman Crawford, seconded by Alderman Gibson that the payment be approved.

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: Waive the Formal Bidding Process and Approve an Agreement for an Interpretive Concept of the Miller Park Zoo-Katthoefer Animal Building

The Master Plan for the Miller Park Zoo was updated in 2005 showing a need to renovate the Katthoefer Animal Building. This project takes much coordination and planning because of the large animals that are housed there. As the City enters into the planning and fundraising stage of this project it is important to develop an interpretive concept of the finished project.

Staff has contacted Taylor Studios, Inc., Rantoul, to assist in this process. They have worked with staff in the past and have very good knowledge of the City's animal collection. They

understand the safety issues involved and policies for animal containment with the American Zoological Association.

Staff respectfully requests that Council waive the formal bidding process and approve a contract with Taylor Studios, Inc. for the amount of \$7,500, with reimburseables not to exceed \$500 plus travel. There are funds available in the Capital Improvement Fund, account X40100-72570 to complete the project.

Respectfully,

Dean Kohn,
Director of Parks & Recreation

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 99

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING A CONTRACT WITH TAYLOR STUDIOS, INC. FOR AN
INTERPRETIVE CONCEPT OF THE MILLER PARK ZOO-KATTHOEFER ANIMAL
BUILDING IN AN AMOUNT NOT TO EXCEED \$7,500**

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

1. That the bidding process be waived and a Contract with Taylor Studios, Inc. be approved for an Interpretive Concept of the Miller Park Zoo-Katthoefer Animal Building in an amount not to exceed \$7,500.

Adopted this 14th day of August, 2006.

Approved this 15th day of August, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

**MILLER PARK ZOO— CITY OF BLOOMINGTON. IL
PROFESSIONAL SERVICES AGREEMENT FOR DESIGN CONSULTING SERVICES**

DATE July 31, 2006

Between the Client:

City of Bloomington — Miller Park Zoo
1020 South Morris Avenue

And the Interpretive Designer/Fabricator/Consultant:

Taylor Studios, Inc.
1320 Harmon Drive
Rantoul, Illinois 61866

Project Definitions:

As used in this agreement, term Client and Miller Park Zoo means the City of Bloomington Parks and Recreation. The terms Designer/Fabricator/Consultant and Taylor Studios mean Taylor Studios, Inc. The term Project means the scope of work for design consulting services described below. The term Project Team refers to Client authorized representatives of the Miller Park Zoo and Bloomington Parks and Recreation and Taylor Studios.

Project Description:

Taylor Studios will work with the Project Team to consult and conceptually develop thematic, interactive, education and memorable exhibits for The Animals of Asia which encompass approximately ? square feet.

Our initial services include project management and design consulting for the Asian area.

The goal with our consulting services is to achieve the following:

Provide a preliminary plan view drawing (Bubble Plan) highlighting the site layout, content allocation and visitor flow. (See Attachment A)

Make recommendations on phased-in exhibit enhancements.

Propose assistance by Zoo staff and volunteers to minimize cost whenever and where ever feasible.

Offer design ideas that feature interactives, interpretation and always consider traffic flow of guest through the Zoo.

Utilize thumbnail sketches and quickly generated formats and ideas.

Detail one to three of our sketches to be used for fundraising purposes.

Offer budgeting service including budgeting for all our design ideas, budgets on pre-existing drawings or concepts, recommendations on what ideas to implement to stay in budget and other value engineering input.

Always listen.

Our above services include providing you with a project manager that will follow the project to completion.

Our consulting services provide a road map that will serve as a guide from design development through final design and fabrication of the project. Through experience we have found that preliminary planning is vital. There is a tendency for organizations to not have a cohesive, inclusive and well-rounded design.

Through consulting, we clarify and develop a framework that creates and communicates parameters for all involved in the project. We think a phased in approach to the renovation project makes the most sense as it allows for incremental progress as funding becomes available.

DESIGN CONSULTING SERVICES

I. ARTICLE 1: DESIGNER/FABRICATOR'S BASIC SERVICES AND RESPONSIBILITIES

A. Design Consulting Phase

The Designer's work in the Design Consulting Phase will utilize drawings provided by the zoo and Client input.

1. Exhibit Development — brainstorming and thumbnail sketches In the first phase of design Taylor will create quick sketches of the site layout, traffic flow and bubble plans of content layout. This phase will also include thumbnail sketches of different thematic approaches to these exhibits.
2. Workshop or presentation to Client
 - a. Taylor will present the above ideas to the client for review, discussion and revision opportunities.
 - b. Taylor will provide fabrication price ranges for the above thumbnail concepts.
 - c. Taylor Studios will provide two (2) print copies and one (1) unbound reproducible copy of the brainstorm concepts.
4. Reviews and Revisions to the exhibit development consulting
Client shall advise Taylor in writing of its approval or disapproval of the above design consulting within five (5) days of receipt of the design. In the event that any element of the design is disapproved, the Client shall provide Taylor Studios with a written description of the specifics of any problems or departure from the

specifications that are the basis for such disapproval. Taylor shall thereafter make corrections to the design and resubmit it to Client.

5. Authorization to Proceed into more detailed drawing

Taylor Studios will not begin the more detailed drawings of the approved thumbnails, until the Client has approved or picked the thumbnail sketches they want developed in writing and authorized Taylor Studios to proceed. The Client will provide such authorization to proceed within five (5) days of receipt of the above concepts. Absent notice of disapproval within such time, the design shall be deemed approved.

6. Communications

Taylor Studios will maintain the written "Request for Information" system using a standardized pdf-based email form to transmit clear and consistent questions and answers among the members of the Project Team.

B. Enhanced Drawing Phase

Taylor Studios' work in this Phase will be based on the Exhibit Development (brainstorming and thumbnail sketches) Phase, any specific fabrication budgets established by the Client and requests by the Client to enhance specific exhibit ideas presented in the first phase.

1. Exhibit Development — enhanced drawings and recommendations

Taylor Studios will prepare enhanced drawings, narratives describing these drawings and other exhibit enhancement recommendations for the Client's review. The goal of this phase is to provide two to three drawings that the Client can use for fundraising purposes. Therefore, these drawings may be a big picture view of the exhibit area, instead of detailing designs of specific exhibits.

2. Taylor will provide a budget estimate of the above enhanced drawings.

3. Final Report

Taylor Studios will provide a final report that includes the enhancements created in this phase.

a. Taylor Studios will provide two (2) print copies and one (1) unbound reproducible copy of the Report.

4. Change Orders

Taylor Studios will prepare Contract Change Orders for the Client's written approval if the Client requests or approves changes in the work that are inconsistent with the above scope of work preparation. Such Change Orders will be considered Additional Services.

II. ARTICLE 2: THE CLIENT'S RESPONSIBILITIES

A. Client's Project Manager

The Client shall designate a Project Manager responsible for overall coordination of the Project.

1. This representative will be authorized to act on behalf of the Client and will have the authority to render decisions concerning design, process, and budgetary issues.
2. The Client's Project Manager will be responsible for coordination among all parties, including the Client, the Client's Staff, and other Project consultants including, but not limited to, any content experts and image resources.
3. The Client's Project Manger will be responsible for maintaining the schedule and the adherence to the schedule by all parties.

B. Administrative Assistance

The Client will provide assistance in calling meetings, scheduling reviews and presentations, and coordinating the work of the Client, the Client's Staff, and the Client's building and site contractors with the work of Taylor Studios.

C. Decisions and Approvals

The Client, through the Project Manager, will make every effort to render decisions and approvals promptly, so as to avoid unreasonable delay in the progress of the Designer/Fabricator's work.

D. Access to Resources

The Client will provide Taylor Studios with reports from any existing and ongoing planning studies pertinent to the Project. The Client will provide any existing maps, site plans, drawings, or other relevant documents required by Taylor Studios for the successful performance of the work.

E. Review and Authentication

The Client will be responsible for review and authentication of any natural elements, custom created illustrations, maps, diagrams and painted murals. If Taylor is required to provide an independent scholarly review or technical evaluation of any of these elements this will be considered Additional Services.

F. Notice of Revisions and Changes

The Client shall promptly inform Taylor Studios of any changes made, or planned to be made, in the character or design of the site or its structures that may affect the Designer/Fabricator's work. The Client's Architect's drawings and other documents shall call attention to and clearly indicate these changes.

G. Image and Photo Acquisition

Client shall be responsible for securing usage rights and reproducible originals of images and photos identified by Taylor Studios for use in the exhibit.

H. Off-Budget Item

Design and/or coordination services relating to any off-budget items shall be considered Additional Services. Off-budget items may include, but are not limited to, elements fabricated by the Client's forces under a separate budget and/or contributions by outside parties of equipment and/or services in kind.

I. Other Services

Any other service not otherwise included as part of the description of Basic Services as put forth in this Agreement, or not customarily furnished in accordance with generally accepted professional museum design and interpretive planning practice, will be considered Additional Services. Taylor Studios will inform the Client prior to furnishing such services that they will be considered Additional Services, and will not proceed without the Client's written approval.

III. ARTICLE 3: GENERAL CONDITIONS

A. Jurisdiction

This agreement has been entered into in the State of Illinois, shall be construed in accordance with the laws of the State of Illinois, and any action taken to enforce any term or provision of this agreement shall be conducted in the County of Champaign and State of Illinois.

B. Mediation

1. In an effort to resolve any conflicts that arise during the fabrication and/or installation of the Project or following the completion of the Project, the Client and Taylor agree that all disputes between them arising out of or relating to this Agreement or the Project shall be submitted to nonbinding mediation unless the parties mutually agree otherwise.

2. Mediation In the event that the conflict is not resolved in mediation, and further action is taken to enforce any term or provision of this agreement, the prevailing party shall be entitled to recover court costs and all reasonable expenses related to enforcement of the agreement, including reasonable attorney fees.

C. Supersedes

This agreement represents the entire agreement between the parties and takes precedent over any and all prior or simultaneous negotiations and agreements concerning the subject matter hereof whether written or oral. This agreement may be amended only in writing signed by the parties hereto.

D. Ownership

1. Client agrees to protect the copyright held by Taylor in all materials furnished by Taylor to Client.

E. Work Performed By Others

Taylor has entered into this agreement and has calculated the scope of work to be performed, the performance schedule and the pricing of service rendered upon the assumption

that its employees and subcontractors will perform all work and services to be performed on its part. In the event that Client requires the work be performed by others, all costs associated with this requirement shall be deemed the costs of Client and shall be paid as further consideration under this agreement.

F. Tax Exempt Organizations

If Client is an entity which has qualified as a tax exempt organization under Federal law and has obtained from the legal division of the State within which it is located, a letter identifying the organization as being exempt from the imposition of sales and use taxes in that State, the Client may not be required to pay such taxes in any purchase under this contract. If Client is such an organization, the client must provide to Taylor a copy of the letter received by Client from the legal division of the State's Department of Revenue that identifies Client as being tax exempt and which assigns to Client an exemption number. Upon provision of that letter to Taylor, Taylor will refrain from collecting sales and use taxes from Client, as the law would otherwise require.

G. Termination

Upon ten (10) days written notice Taylor or the Client may, with or without cause, elect to terminate this agreement for its own convenience. In such case, Taylor will be paid that proportion of the contract price as is equal to the percentage of work completed.

H. Certificates of Insurance

Certificates of Insurance acceptable to the Client shall be filed with the Client prior to commencement of work. These Certificates shall contain a provision that coverage afforded under the policies will not be canceled unless at least fifteen (15) days prior written notice has been given to the Client.

I. Non-Discrimination Certification

Taylor Studios certifies that it is an equal opportunity employer and does not discriminate against employees or applicants for employment because of religion, race, color, national origin, age, sex, or disability, in accordance with the State and Federal laws.

J. Americans with Disabilities Act

The Designer/Fabricator's services shall be limited to the application and incorporation of the technical requirements of generally accepted ADA accessibility guidelines into the Reports.

1. The Client acknowledges that ADA requirements are subjective and susceptible to different interpretations. Taylor Studios cannot and does not guarantee compliance with ADA. The Designer/Fabricator's application and use of technical requirements of generally accepted ADA accessibility guidelines in preparing the Reports is a matter professional judgment.

2. In the event that modification, additions and/or changes are required to the work or the completed Project as a result of non-compliance with ADA, the Client releases and holds harmless Taylor Studios and its consultants, agents, and employees from responsibility for the costs and consequences thereof; including but not limited to the

costs of preparing additional drawings and specifications, construction costs, loss of revenue, and legal fees, costs, expenses, and penalties related to or resulting from claims, suits, or demands made against the Client as a result of non-compliance with ADA.

IV. ARTICLE 4: PROJECT PERFORMANCE AND PAYMENT SCHEDULES

A. Performance Schedule

Taylor will begin Design Consulting Phase process —August 14, 2006

Taylor will present bubble plan, thumbnails to client - August 22, 2006

Taylor will begin the Enhanced Drawing Phase - August 23, 2006

Client will provide any additional input to the above presentation in writing by - August 29, 2006

Taylor will provide the Enhanced Drawings for review by Client on or before September 7, 2006

In the event that any cause beyond the control of Taylor delays completion of the performance obligations above scheduled, Taylor shall have a reasonable period of time after such cause no longer exists within which to complete any such obligation.

B. Contract Price and Payment Terms:

1. The charge for consulting services is not to exceed \$7,500. An Initial Deposit in the amount of \$3,750 for credit against the work shall be due upon execution of this agreement. The final payment of \$3,750 will be due after completion of the project on September 7, 2006.

2. In addition to any other amounts due from Client to Taylor herein, Client shall reimburse Taylor for the following expenditures incurred in connection with any work contemplated by this agreement, not to exceed \$500:

a. Travel Expenses:

- \$.47 per mile
- travel time by Taylor Studios staff members

b. Materials, including, but not limited to:

- Color copies beyond the original design documents - Display board materials
- Bindings and other presentation material costs

c. Shipping and Handling Expenses

- including, but not limited to overnight packages

SIGNATURES TO THE AGREEMENT:

Please signify agreement with the aforesaid terms and conditions by having an officer of The Client authorized to legally bind the Client to agreements of this type countersign this document and return a copy to Taylor Studios.

Betty Brennan, Owner August 22, 2006
For Taylor Studios

Stephen F. Stockton, Mayor
For City of Bloomington Parks and Recreation, Miller Park Zoo

Motion by Alderman Crawford, seconded by Alderman Gibson that the formal bidding process be waived, the Contract with Taylor Studios, Inc. for an Interpretive Concept of the Miller Park Zoo-Katthoefer Animal Building be approved in an amount not to exceed \$7,500, 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 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: Waive the Formal Bidding Process and Purchase a Covert Vehicle for the Police Pro-Active Unit

The Pro-Active Unit of the Police Department has need to purchase a vehicle to be used for covert police operations. A vehicle has been selected for this purpose. The amount of this purchase is \$15,000. Funds for this purchase are available in the confiscated funds account X20900-72130.

Staff respectfully requests that the formal bidding process be waived, the covert vehicle for the Pro-Active Unit be purchased in the amount of \$15,000, the Purchasing Agent authorized to issue a Purchase Order for same, and the Resolution adopted.

Respectfully,

Roger J. Akin
Chief of Police

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 100

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF A COVERT VEHICLE FOR THE POLICE PRO-
ACTIVE UNIT AT A PURCHASE PRICE OF \$15,000**

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 a covert vehicle for the Police Pro-Active Unit at a Purchase Price of \$15,000.

Adopted this 14th day of August, 2006.

Approved this 15th day of August, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Crawford, seconded by Alderman Gibson that the formal bidding process be waived, a covert vehicle for the Police Pro-Active Unit be purchased in the amount of \$15,000, 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 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: Waive the Formal Bidding Process and Purchase Police Mobile Data Modems

Staff respectfully requests that Council waive the formal bid process and the purchase of four (4) Motorola VRM 850 Modems be purchased for police squad cars. These modems are used as the communication device for the in-car computers and automatic vehicle locating systems in the squads. The department is in need of four (4) modems and six (6) modem cables. These items are only available from Motorola and are available under state pricing from Supreme Radio. Supreme Radio is the authorized dealer in this area and is also the City's local supplier.

Item	Model #	Price Each	Quantity	Total Price
VRM 850 Modem	F4454	\$2,228.50	4	\$8,914.00
DTE Modem Cable	FKN4174	\$75.00	6	\$450.00
			Grand Total	\$9,364.00

The total amount for this purchase is \$9,364. Funds were budgeted for this purchase in line item G15110-79990.

Respectfully,

Roger J. Aikin
Chief of Police

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 101

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF FOUR (4) MODEMS AND SIX (6) MODEM
CABLES FROM SUPREME RADIO AT A PURCHASE PRICE OF \$9,364**

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 four (4) modems and six (6) modem cables from Supreme Radio at a Purchase Price of \$9,364.

Adopted this 14th day of August, 2006.

Approved this 15th day of August, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Crawford, seconded by Alderman Gibson that the formal bidding process be waived, four (4) modems and six (6) modem cables be purchased from Supreme Radio in the amount of \$9,364, 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 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: Waive the Formal Bidding Process and Purchase Police Building Security Cameras

The need exists to update several of the video surveillance cameras that are part of the Police building security system. The system was purchased from MIDCO who continues to service the system. A proposal was requested from MIDCO to update the camera on the northwest corner of the building, the squad car parking deck, and the lower employee lot. These cameras will allow for improved monitoring of the facility through pan tilt zoom operations. Also included in this proposal is the relocation of the outdoor cameras to allow for a view of the complete exterior of the building.

Staff respectfully requests that Council waive the formal bidding process and approve the equipment purchase from MIDCO, the current vendor for this service and equipment in the amount of \$13,204.13. Funds for this purchase were budgeted in the amount of \$13,250 in line item F15110-72120.

Respectfully,

Roger J. Aikin
Chief of Police

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 102

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF POLICE BUILDING SECURITY CAMERAS
FROM MIDCO AT A PURCHASE PRICE OF \$13,204.13**

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 Police Building Security Cameras from MIDCO at a Purchase Price of \$13,204.13.

Adopted this 14th day of August, 2006.

Approved this 15th day of August, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Crawford, seconded by Alderman Gibson that the formal bidding process be waived, the security camera upgrades be purchased from MIDCO in the amount of \$13,204.13, 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 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: Waive the Formal Bidding Process and Purchase a Vehicle for the Public Service Director

With the appointment of the Public Service Director, Brian Brakebill to Deputy City Manager, it becomes necessary to purchase a vehicle for the new Public Service Director. Brian Brakebill retained his vehicle to be used in his new position.

The new Public Service Director has requested an all wheel drive SUV to improve his ability to get around the community during winter snow events. Currently there is only one vehicle available which is the 2006 Mitsubishi Endeavor LS-AWD from the 2006 Central Illinois Mitsubishi Cooperative Purchasing Program. The only other vehicle that was available was the 2006 Ford Explorer XL from the State of Illinois Joint Purchasing Contract, however, the contract has expired on this vehicle.

In 2005 staff ordered four (4) Endeavor LT from the Central Illinois Mitsubishi Cooperative Purchasing Program. These vehicles have performed flawlessly.

Staff respectfully recommends that Council waive the formal bidding process and approve the purchase one (1) Mitsubishi Endeavor LS-AWD using the Central Illinois Mitsubishi Cooperative Purchasing Program in the amount of \$24,145.05. Funds for this purchase will be made with funds from the Equipment Replacement Fund 16110-72100.

Respectfully,

Daniel Augstin
Director of Fleet Management

Kim Nicholson
Purchasing Agent

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 103

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF ONE (1) MITSUBISHI ENDEAVOR LS-AWD
USING THE CENTRAL ILLINOIS MITSUBISHI COOPERATIVE PURCHASING
PROGRAM AT A PURCHASE PRICE OF \$24,145.05**

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 one (1) Mitsubishi Endeavor LS-AWD using the Central Illinois Mitsubishi Cooperative Purchasing Program at a Purchase Price of \$24,145.05.

Adopted this 14th day of August, 2006.

Approved this 15th day of August, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Crawford, seconded by Alderman Gibson that the formal bidding process be waived, one (1) Mitsubishi Endeavor LS-AWD be purchased in the amount of \$24,145.05 using the Central Illinois Mitsubishi Cooperative Purchasing Program, 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 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: Fire Department Staff

Subject: Waive the Formal Bidding Process and Purchase Radio Equipment for Fire Department Fire Apparatus and Ambulances

The Fire Department is in need of purchasing radio equipment, mounting hardware and installation for the emergency response vehicles to interface with the new communications center. This equipment will facilitate and enhance the on scene and enroute information capabilities and is a component in the Automatic Vehicle Location tracking system.

Staff respectfully requests that the formal bidding process be waived, as the equipment is proprietary, (Motorola), and also is available through the local vendor, Supreme Radio Communications, Inc. Supreme Radio has been providing this service and equipment as a part of the dispatch center project.

The total for the necessary equipment and labor is \$82,285.81. Funds for this purchase will be made from the Fire Department's fixed asset account F15210-72140.

Respectfully,

Keith Ranney
Fire Chief

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 104

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF RADIO EQUIPMENT, MOUNTING
HARDWARE AND INSTALLATION FOR THE FIRE DEPARTMENT EMERGENCY
RESPONSE VEHICLES FROM SUPREME RADIO COMMUNICATIONS, INC. IN
THE AMOUNT OF \$82,285.81**

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 radio equipment, mounting hardware and installation for the Fire Department Emergency Response Vehicles from Supreme Radio Communications, Inc. in the amount of \$82,285.81.

Adopted this 14th day of August, 2006.

Approved this 15th day of August, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Crawford, seconded by Alderman Gibson that the formal bidding process be waived, the radio equipment, mounting hardware and installation be

purchased for the Fire Department's Emergency Response Vehicles from Supreme Radio Communications, Inc. in the amount of \$82,285.81, 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 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: Waive the Formal Bidding Process and Purchase Plastic Pavement Marking Materials

The City has placed plastic pavement marking successfully on newly resurfaced pavements, in place of traffic paint, for a number of years. 3M Stamark Tape has always been used in the City. The Engineering Department has supplied the quantity of tape needed for the General Resurfacing and the MFT Resurfacing contracts for the following streets: IAA Drive, Vernon to IAA Building; Washington Street, Towanda to Colton; Regency Drive, Oakland to Washington; Fairway Drive, Empire to 330' North to Robinhood Lane; Prospect Road, Empire to Maloney; Emerson Street, Colton to Sunset; Linden Street, Empire to Emerson; State Street, Grove to Washington; Holiday Lane; and Division, Center to Lee.

3M plastic pavement materials have been purchased using the State of Illinois Joint Purchasing contract in the past. Staff intends to purchase these materials through the State of Illinois Joint Purchasing Contract if available. If these items are not available, staff will purchase these materials directly from 3M.

Staff respectfully requests that Council waive the formal bidding process and authorize the purchase of plastic pavement marking materials from 3M or use the State of Illinois Contract at a total cost not to exceed \$50,000. \$50,000 has been budgeted for the purchase of plastic pavement marking materials and are funded in account 1001-16230- 71080.

Respectfully,

Richard Clem
Director of Public Service

Gary Poland
Supt. of Streets and Sewers

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 105

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF PLASTIC PAVEMENT MARKING
MATERIALS FROM 3M OR THROUGH THE STATE OF ILLINOIS CONTRACT AT
A TOTAL COST NOT TO EXCEED \$50,000**

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 plastic pavement marking materials from 3M or through the State of Illinois Contract at a total cost not to exceed \$50,000.

Adopted this 14th day of August, 2006.

Approved this 15th day of August, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Crawford, seconded by Alderman Gibson that the formal bidding process be waived, the plastic pavement marking materials be purchased from 3M or through the State of Illinois Contract at a total cost not to exceed \$50,000, 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 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: Waive the Formal Bidding Process and Purchase FlowCAM Particle Analysis System for the Water Department

As part of the City's source water quality monitoring program, staff regularly performs on-site observations of the water quality conditions in both reservoirs. Chemical and biological conditions in the lakes greatly affect the treatment processes and the quality of the water delivered to customers. The particle analysis system staff proposes to acquire will assist efforts to address the taste and odor issue. The system is extremely versatile, and will also be used to improve treatment performance throughout the plant and distribution system.

The taste and odor in the treated water during winter/spring 2005 and briefly in the late fall 2005 was caused by extremely high numbers of blue-green algae (a type of microscopic single celled plant) living in Evergreen Lake. The amounts of the musty smelling compounds produced by the algae were so high that the carbon filters, which successfully removed taste and odor since first installed them in 1994, were overwhelmed and allowed some of the compounds to pass through into the distribution system.

Staff and various consultants have been working on possible solutions to the taste and odor problem. These solutions range from installation of new treatment processes in the plant, to changing certain operational practices and modifying existing treatment units, to adding algae control treatment to complement existing lake management practices. All of the above mentioned practices will probably be necessary to ensure the elimination of taste and odor compounds from the water.

Staff proposes to purchase a FlowCAM flow cytometer and particle analysis system from Fluid Imaging Technologies, the sole source provider. This system will help monitor the numbers and types of algae living in the lakes. In-lake algae treatment is most effective when numbers of undesirable blue-green algae are just beginning to show large increases. Timely application of algae treatments can prevent high concentrations of taste and odor compounds in the lake, and can favor the establishment of more desirable types of algae. The proposed system will provide unbiased and timely information about the algae. An example of the use of this equipment would be that the Massachusetts Water Resources Authority uses a FlowCAM system for algae monitoring and control. They supply water to Boston and surrounding communities.

Staff currently sends algal count and biomass samples to a professional phycologist (algae expert), which normally takes 4 to 6 weeks to obtain a report, and can cost hundreds of dollars. While it is planned to continue sending limited numbers of samples to a phycologist, the new system will be used to process samples on a weekly to daily basis.

Since algal blooms (growth of extremely high numbers of algal cells) can occur far more quickly than the normal reporting time of an outside lab, the Flowcam is necessary for determining if and when lake treatment is warranted.

Staff respectfully requests that Council waive the formal bidding process and approve the purchase of a FlowCAM flow cytometer and particle analysis system from Fluid Imaging Technologies in the amount of \$80,760 and that payment be made with Depreciation Funds substituted from the budgeted structural repairs to the 10 million gallon Division Street reservoir project, X50200- 72620 to X50130- 72620, the Flowcam equipment.

The quote includes training for the system and software support. In addition to monitoring for algae, the system will be used as part of a continuing program to improve all of the treatment processes and distribution system practices.

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 106

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF A FLOWCAM FLOW CYTOMETER AND
PARTICLE ANALYSIS SYSTEM FROM FLUID IMAGING TECHNOLOGIES AT A
PURCHASE PRICE OF \$80,760**

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 a FlowCAM flow cytometer and particle analysis system from Fluid Imaging Technologies at a Purchase Price of \$80,760.

Adopted this 14th day of August, 2006.

Approved this 15th day of August, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Crawford, seconded by Alderman Gibson that the formal bidding process be waived, a FlowCAM flow cytometer and particle analysis system be

purchased from Fluid Imaging Technologies in the amount of \$80,760, the Purchasing Agent be 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 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: Proposal Analysis for Window Treatment at 110 E. Mulberry Street

Requests for Proposals for the fabrication and installation of window treatment in various locations for the Bloomington Center for the Performing Arts at 110 E Mulberry Street were received until 11:00 a.m., Tuesday, August 8, 2006 at the office of the City Clerk. All proposals have been reviewed by staff for quantity, quality and appropriate application of fabrics, shades and hardware. The following firms submitted proposals:

Bloomington/Normal Blind Factory	Bloomington, IL	39,522.00
Interiors by the Cottage	Bloomington, IL	43,370.00
Amy Witzig Interior Decoration & Design	Bloomington, IL	46,618.50

Sixteen (16) companies were sent notification of this project. Eight (8) companies received the design plans/proposal package from the City Clerk and three (3) firms responded.

All proposals for this project were below staff's budget estimates. Staff respectfully requests that Council accept the proposal of \$39,522 submitted by Bloomington/Normal Blind Factory, and the Purchasing Agent be authorized to issue a purchase order for same. Payment for this project will come from account X21100-72620 of the Cultural District budget.

Respectfully,

C. Bruce Marquis
 Executive Director

Tom Hamilton
 City Manager

Motion by Alderman Crawford, seconded by Alderman Gibson that the proposal submitted by Bloomington/Normal Blind Factory for window treatment at 110 E.

Mulberry Street in the amount of \$39,522 be accepted 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 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: Change Order #3 for Development of Holiday Pool

PJ Hoerr has submitted a change order for two (2) modifications to their contract for the construction of Holiday Pool with a total credit of \$19,173.54, and are as follows:

1) Staff requested that Capri Pools look at the condition of the existing lap pool to determine if the paint system is still in good condition or if it was in need of sandblasting and repainting as specifications called for in this project. They completed their report and believe that the coating is still in excellent condition and have offered a credit to the contract for \$19,793.54.

2) There was additional survey work performed by PJ Hoerr on the shoreline restoration portion of the project. The contractor was not able to complete this portion of the project without additional surveying which was not included in the specifications resulting in an additional cost of \$620.

Staff respectfully requests that Council approve change order #3 in the amount of (19,173.54).

Respectfully,

Dean Kohn
Director of Parks & Recreation

Tom Hamilton
City Manager

Motion by Alderman Crawford, seconded by Alderman Gibson that the Change Order be approved.

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: JAG Grant Agreement

Staff respectfully requests permission to enter into an Agreement to receive federal grant money from the Edward Byrne Memorial Justice Assistance Grant (JAG). Total award is in the amount of \$11,646 and will be divided equally between the McLean County Sheriff's Department and the Police Department.

The Police Department will receive funds in the amount of \$5,823. Such funds will be used to purchase warning lights for the security gates on the lower levels of the building as a safety precaution for the moving gates. Additionally, a tech lab workstation will be purchased for the computer forensic lab in order to examine electronic digital media and conduct investigations into Cyber Crimes that utilize the Internet and computers.

Staff respectfully requests permission to enter into the Agreement to receive funds from the JAG grant in the amount of \$5,823.

Respectfully,

Roger J. Aikin
Chief of Police

Tom Hamilton
City Manager

**INTERLOCAL AGREEMENT BETWEEN THE CITY OF BLOOMINGTON, IL AND
COUNTY OF McLEAN, IL**

2006 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD

This Agreement is made and entered into this 31st day of August, 2006, by and between The County of McLean, acting by and through its governing body, hereinafter referred to as County, and the City of Bloomington, acting by and through its governing body, the City Council, hereinafter referred to as City, both of McLean County, State of Illinois, witnesseth:

WHEREAS, this Agreement is made under the authority of The Bloomington and County Government Codes; and

WHEREAS, each governing body, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party; and

WHEREAS, each governing body finds that the performance of this Agreement is in the best interests of both parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this agreement; and

WHEREAS, the County agrees to provide the City \$5,823 from the JAG award for the security upgrade program and tech lab workstation; and

WHEREAS, the City and County believe it to be in their best interests to reallocate the JAG funds.

NOW THEREFORE, the County and City agree as follows:

Section 1.

County agrees to pay City a total of \$5,823 of JAG funds.

Section 2.

City agrees to use \$5,823 for the security upgrade program and tech lab workstation until August 31, 2008.

Section 3.

Nothing in the performance of this Agreement shall impose any liability for claims against County other than claims for which liability may be imposed by the Tort Claims Act.

Section 4.

Nothing in the performance of this Agreement shall impose any liability for claims against City other than claims for which liability may be imposed by the Tort Claims Act.

Section 5.

Each party to this agreement will be responsible for its own actions in providing services under this agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party.

Section 6.

The parties to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

Section 7.

By entering into this Agreement, the parties do not intend to create any obligations express or implied other than those set out herein; further, this Agreement shall not create any rights in any party not a signatory hereto.

City of Bloomington, IL

County of McLean IL

Stephen F. Stockton
Mayor

Michael Sweeney
County Board Chairman

Attest:

Approved as to form:

Tracey Covert
City Clerk

Eric T. Ruud
Assistant District Attorney

Approved as to form:

Todd Greenburg
City Attorney

Motion by Alderman Crawford, seconded by Alderman Gibson 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 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: Regional Planning Services Agreement

Attached is the proposed Regional Planning Services Agreement between the City and the McLean County Regional Planning Commission for the Commission's current fiscal year which began July 1, 2006 and ends June 30, 2007. P.A.C.E.'s Planning Division's budget for "Other Purchased Services" presently has an available balance of \$120,000 to cover the \$36,253 payment cited in the service agreement. The Regional Planning Services Agreements for the Commission's past five fiscal years, as approved by the Council, have been for the following amounts:

<u>Fiscal Year</u>	<u>Contract Amount</u>
• 2001-2002	\$ 35,188.00
• 2002-2003	\$ 36,269.00
• 2003-2004	\$ 37,359.00
• 2004-2005	\$ 39,117.00
• 2005-2006	\$ 23,793.00

The 3.9% decrease in the City's contract amount from fiscal year 2004-2005 to fiscal year 2005-2006 was due to cost reductions to the City, the Town of Normal and the County of McLean resulting from additional revenues that the Commission received last year from other special planning services contracts. Those special planning service contracts included the preparation of the Logan County Comprehensive Plan, and the Logan County Greenways Plan. The proposed contract amount of \$36,253 for this fiscal year is less than the amounts for each of the three fiscal years prior to 2005-2006.

Section B of the proposed agreement outlines the long-range planning services that the Commission's staff will perform, utilizing the contributions from the City, the Town of Normal and the County of McLean. In addition to these services, the Commission staff has worked well with staff on updating the McLean County Geographic Information System, preparing the City's proposed new Stream Buffer Ordinance, and on publishing the new Comprehensive Plan.

The Regional Planning Commission has performed a commendable job in focusing on long-range planning for the City, the Town and the County as a whole. It has also been effective in coordinating specific planning activities and projects that involved Bloomington and Normal, as well as the surrounding parts of McLean County. This role as regional coordinator for these types of projects has been very beneficial to the City.

Staff believes that the Regional Planning Services Agreement that is now being proposed is in the best interest of the City, and therefore, respectfully recommends that Council approve the Agreement as proposed, and that the Mayor and City Clerk be authorized to execute the necessary documents.

Respectfully,

Kenneth Emmons
City Planner

Mark R. Huber
Director of PACE

Tom Hamilton
City Manager

REGIONAL PLANNING SERVICE AGREEMENT

This agreement is entered into as of the 1st day of July, 2006, by and between the McLean County Regional Planning Commission (hereinafter referred to as the "Commission") and the City of Bloomington (hereinafter referred to as the "City").

The parties do mutually agree as follows:

A. Period of Agreement

This agreement shall remain in full force and effect through June 30, 2007.

B. Long Range Planning Services

The "Commission" shall maintain a permanent professional planning staff capable of performing, or causing to be performed, a long range planning work program including visionary planning and the following activities:

1. Prepare and maintain current base maps for public use.
2. Prepare and maintain statistical data and other information in order to assist public agencies in their development decisions.
3. Attendance at meetings of county, municipal, civic clubs or other groups interested in planning and development.
4. Prepare or coordinate the preparation of applications for Federal or State projects provided that no special studies or analysis need to be made.
5. Prepare or coordinate the preparation of reports which are an integral part of the McLean County Transportation Study; including the Unified Work Program (UWP); the preliminary and final long range transportation plan; and the Transportation Improvement Program (TIP) including plan and program implementation technical assistance.
6. Assist the City in the periodic updating of plans, laws, and ordinances which have a direct relationship to planning and development, including zoning ordinances and subdivision regulations.

7. Assist all governmental departments concerning matters of long range planning and development.
8. Coordinate with the City's short range planner in matters pertaining to the process of developing and/or updating the Comprehensive Plan for the City.

C. Staff

The "Commission" shall employ a Director of the "Commission" and other employees which are necessary and authorized by the budget. It is agreed by all parties that the "City" short range planner will be available to assist the Commission staff to accomplish the activities specified in "B" above.

D. Financing

The City of Bloomington will cause to be placed in the accounts of the "Commission" the sum of THIRTY-SIX THOUSAND TWO HUNDRED AND FIFTY THREE DOLLARS (\$36,253.00). The above contribution for the period of July 1, 2006 through June 30, 2007 shall be available for deposit in the accounts of the "Commission" upon the City's receipt of an invoice for said contribution.

Stephen F. Stockton Mayor – City of Bloomington	Tracey Covert City Clerk – City of Bloomington	08/18/06
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Donald L. Fernandes Chairman McLean County Regional Planning Commission	Paul E. Russell Executive Director McLean County Regional Planning Commission	08/22/06
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Motion by Alderman Crawford, seconded by Alderman Gibson that the Regional Planning Services Agreement for July 1, 2006 through June 30, 2007 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 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: Agreement for Funding, Coordination and Administration of the Professional Services Agreements Pertaining to the Main Street Redevelopment Plan - Required Budget Amendment

Earlier this year, BroMenn Healthcare CEO, Roger Hunt called together the Presidents of Illinois Wesleyan and Illinois State Universities and the two Mayors to discuss the possible creation of a Master Plan pertaining to the redevelopment of Main Street from I-55 in north Normal, to I-74 in south Bloomington. Main Street, which is largely a commercial corridor and runs the length of both communities, has developed over the last 50 to 100 years in a rather haphazard fashion.

Despite the fact that it connects three (3) of the communities' larger employers, Illinois State University, Illinois Wesleyan University and BroMenn Healthcare, and the two downtowns, the corridor demonstrates land use patterns that are oftentimes incompatible and certainly not reflective of the highest and best uses for land along this major transportation corridor which has prime commercial development potential.

With the growth of both Bloomington and Normal, and the relative saturation of business development along Veterans Parkway, staff believes there is significant commercial development interest along the Main Street corridor. The City has received development inquiries, particularly in the area immediately north of the downtown area and adjacent to the newly created Cultural District.

Given this renewed commercial development interest along the corridor, the five (5) major stakeholders that were called together by Mr. Hunt, concluded that the time was right to undertake the development of a Master Redevelopment Plan for the entire Main Street corridor. Since all five (5) entities are significant stakeholders along the corridor, it was also determined that they should all participate in the funding of a study.

This meeting resulted in the creation of the Main Street Redevelopment Commission which consists of the two Mayors, the two University Presidents and CEO of BroMenn Healthcare. The group reached out to the McLean County Regional Planning Commission (MCRPC) to assist them in coordinating this very significant planning initiative. In addition, a technical/advisory staff group has been assembled to assist the Commission in managing this project.

Included on the Technical Committee are Mark Peterson, City Manager, Normal; Richard Runner, Director of Facilities Planning at Illinois State University; Carl Teichman, Assistant to the President at Illinois Wesleyan University; Sonja Reece, Governmental Affairs Coordinator at BroMenn Healthcare; and myself.

Paul Russell, Executive Director of the MCRPC, has agreed to serve as the primary staff coordinator on the project and will be working directly with the members of the Commission as well as with the project consultant.

With the assistance of the Technical Committee, the Main Street Commission prepared and distributed a request for proposals (RFP) this spring soliciting proposals from planning firms interested in undertaking the Main Street Master Planning Project. Several excellent proposals were received and those were reviewed by the Technical Committee. The Technical Committee then recommended two finalists that were interviewed by the Commission.

The team headed up by Doug Farr, Farr Associates, was selected by the Commission to undertake this process. In addition to Mr. Farr, the team consists of Clark Dietz Engineering (Civil Engineering), Nelson/Nygaard Associates (Transportation Planning), Zimmerman Volk Consulting (Residential Development), and ZHA Associates (Commercial Development). Once the Farr team was selected, the Technical Committee, with the assistance of Mr. Russell, negotiated a detailed agreement with the Farr Group.

As proposed, the MCRPC will be the entity that actually engages the consultant while the five (5) stake holding agencies have been requested to approve an interagency agreement which includes a funding commitment to cover the costs of the consultant. Initially, the planning project was estimated to cost approximately \$100,000 with each of the five (5) stake holding agencies contributing 1/5 of that total or \$20,000 each.

However, after receiving the project proposals, it became apparent that the initial cost estimate was unrealistic and that, given the significant length of the Main Street corridor and the many complex issues involved, the likely cost would be double that amount. After considerable discussion regarding the project budget from among the members of the Commission, it was determined that it would be appropriate for the two municipalities to pay a larger share so as to close the funding gap.

Both Mayor Stockton and Mayor Koos support the proposal that would require both cities to pay \$68,500 toward the engagement and the remaining three (3) stakeholders would each pay \$24,000. The total estimated project cost, including reimbursable expenses, is therefore \$209,000. The two universities and BroMenn Healthcare have already committed to their funding share. It is staff's understanding that the Town of Normal approved the proposed agreement on August 7, 2006.

Under the terms of the proposed interagency agreement, MCRPC will take responsibility for the coordination and administration of the professional services agreement with Farr Associates for the Main Street Redevelopment planning project. Mr. Paul Russell, Executive Director of the MCRPC, will be the primary coordinating agent working on behalf of the five (5) member Main Street Commission and overseeing the consultant's work on this project.

The five (5) stakeholder agencies, BroMenn Regional Medical Center, Illinois State University, Illinois Wesleyan University, City of Bloomington and the Town of Normal will each be

responsible to cover the entire cost of the consultant's engagement. The proposed funding breakdown is as follows:

Town of Normal	\$68,500
City of Bloomington	\$68,500
BroMenn Regional Medical Center	\$24,000
Illinois State University	\$24,000
Illinois Wesleyan University	<u>\$24,000</u>
Total	\$209,000

The proposed professional services agreement with Farr Associates requires an up front payment of 25%, and the consultant will invoice expenses on a monthly basis from that point thereafter. It is expected that the entire planning process will last approximately 12 months.

The current budget contains \$20,000 in Capital Improvement Funds. The remaining \$48,500 would be taken from the General Fund reserve balance. Staff respectfully recommends that Council approve the agreement and authorize the Mayor and City Clerk to execute the necessary documents.

Respectfully submitted,

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 107

A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT FOR FUNDING, COORDINATION AND ADMINISTRATION OF THE PROFESSIONAL SERVICES AGREEMENTS FOR THE MAIN STREET REDEVELOPMENT PLAN

WHEREAS, the City of Bloomington is a home rule unit of local government with authority to legislate in matters concerning its local government and affairs; and

WHEREAS, the McLean County Regional Planning Commission, City of Bloomington, BroMenn Regional Medical Center, Illinois State University, Illinois Wesleyan University and Town of Normal desire to associate for the purpose of providing the funding mechanism and establishing the cost share arrangements for a Professional Services Agreement between McLean County Regional Planning Commission and Farr Associates to complete the Main Street Corridor Redevelopment Plan; and

WHEREAS, it is in the best interests of the health, safety and welfare of the citizens of Bloomington to enter into said Agreement.

NOW, THEREFORE, BE RESOLVED BY THE MAYOR AND CITY COUNCIL FOR THE CITY OF BLOOMINGTON:

SECTION; That the Mayor is hereby authorized and directed to execute for and on behalf of the City of Bloomington an Agreement with McLean County Regional Planning Commission, Town of Normal, BroMenn Regional Medical Center, Illinois State University and Illinois Wesleyan as funding participants for the purpose of providing the funding mechanism and establishing the cost share arrangements for the execution of the Professional Services Agreement to complete the Main Street Corridor Redevelopment Plan. A copy of said Agreement for Funding, Coordination and Administration of the Professional Services Agreement for the Main Street Redevelopment Plan is marked Exhibit A, attached hereto and incorporated herein by reference.

PASSED this 14th day of August, 2006.

APPROVED this 15th day of August, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

(CONTRACT ON FILE IN CLERK'S OFFICE)

Motion by Alderman Crawford, seconded by Alderman Gibson that the Agreement with Farr Associates for the Main Street Redevelopment Plan be approved, 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 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: Ratification of Three Year Collective Bargaining Agreement with PBPA Unit 21 (Police Officers)

Staff and Unit 21 of the Police Benevolent and Protective Association (which represents all police officers below the rank of sergeant) began negotiating the terms of a contract in the Spring of 2004. The parties were unable to resolve their differences at the table and met several times with a federal mediator. The City also hired James Zeuhl from the law firm of Franczek, Sullivan, in Chicago to prepare for interest arbitration.

After more than two (2) years of bargaining and interest arbitration the parties reached tentative agreements on several language issues. The arbitrator then ruled on the following issues:

- Physical Fitness Standard – The Union’s proposal of remaining with the status quo of having no new language in the contract on physical fitness standard was awarded.
- Shift Assignments - The City’s proposal was awarded regarding the reserving of slots.
- Shift Assignment Times - The City’s proposal was awarded of not memorializing the current shifts in the contract.
- Field Training Officer – The Union’s proposal was awarded of paying all officers, not just Field Training Officer, who are assigned a recruit a premium pay.
- Wages - The arbitrator accepted the City’s proposal and awarded a 3% increase for fiscal years 2004, 2005 and 2006.
- Sick Leave Buyback – The City’s proposal was awarded to remain at the amount of sick leave eligible to be paid to employees who have 20 years of service at the time of separation.
- Sick Leave Abuse – The Union’s proposal was awarded to remain status quo and not add any additional language to the contract.
- Disciplinary Leave – The City’s proposal was awarded not allowing officers to work and use leave time during periods of suspension.
- Convention Leave - The City’s proposal was awarded for release of Officer’s to attend the police annual convention.
- Pregnancy Leave – The Union’s proposal was awarded to memorialize the current practice for pregnant officers in the contract.

- Duty Related Injuries – The City’s proposal was awarded on contract language regarding the Public Employers Disability Act.

Unit 21 ratified the tentative agreement on June 21, 2006. Staff respectfully recommends ratification of this agreement by the City Council.

Respectfully submitted,

J. Todd Greenburg
Corporation Counsel

Roger Aikin
Chief of Police

Jeff Sanders
Asst. Chief of Police

Tom Hamilton
City Manager

Motion by Alderman Crawford, seconded by Alderman Gibson that the tentative agreement with Unit 21 be ratified.

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: Acquisition of Property from Homer and Jeanie Bozarth E. 1200 North Road

The City needs to acquire a part of the Homer Bozarth farm on Ireland Grove Road to extend water and sewer force mains to the Grove Subdivision and for future right of way for Ireland Grove Road. The City needs the south 50 feet of the Bozarth’s property which contains 1.54 acres. The Bozarth’s have a home site fronting on Ireland Grove Road. The house will go from being one hundred to fifty feet from the right of way line after the take.

The Bozarth’s have agreed to sell the necessary right of way to the City for \$75,000. The payment compensates them both for the underlying land and damages to the remainder. They have also requested the following noncash consideration and added terms of sale: 1.) the City will construct Constitution Trail on the south side of Ireland Grove Road, 2.) the City will not construct a sidewalk adjacent to the Bozarth property as part of the roadway improvements, 3.) there will be no construction easement, 4.) excess earth from excavation will be given to Bozarth, 5.) the City will provide a 12” water service connection with a fire hydrant, 6.) the City will extend two residential water services to Bozarth’s property line and charge “in-town” water rates for those services, 7). the large trees at the southwest corner of the residence will be

replaced with comparable landscaping, 8.) a circle drive to be constructed, and 9.) the City will mow area of right of way.

The Bozarth's agreement has an added element. The negotiations with Bozarths and the City reached impasse at \$75,000. Staff had offered \$75,000 and the Bozarths countered at \$88,000. The developers of the Grove Subdivision did not want to delay construction of the water main and offered to pay the Bozarths the difference between the two offers. The Bozarths then accepted City's offer on the condition that they receive the additional money. The developers conditioned their payment on the acquisition of another piece of right of way that is needed to build the water main. Negotiations with that property owner are proceeding and it appears that agreement will be reached.

Staff believes the purchase price and other terms of sale fairly compensate the Bozarths for their property and respectfully recommends that Council approve the acquisition on the terms described, and further that the Mayor and City Clerk be authorized to execute the necessary documents.

Respectfully,

Hannah R. Eisner
Deputy Corporation Counsel

Tom Hamilton
City Manager

Motion by Alderman Crawford, seconded by Alderman Gibson that the Contract for Purchase with Homer and Jeanie Bozarth 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 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: Joint Resolution Forming an Abraham Lincoln Bicentennial Commission of McLean County

In 2003, President George W. Bush and the United States Congress authorized the creation of a national Abraham Lincoln Bicentennial Commission. The Commission, which is being co-chaired by Illinois Senator Richard Durbin and Congressman Ray Lahood, is charged with planning a national celebration commemorating Abraham Lincoln's 200th birthday in February, 2009. While the national commission has commenced large scale planning efforts, they are also urging state and local governments to form local commissions that can assist with the planning of smaller scale activities.

Abraham Lincoln has many roots established in McLean County as he was a practicing lawyer in and around Central Illinois. Many prominent Central Illinois figures, including David Davis and Jesse Fell, helped facilitate Abraham Lincoln's rise to political prominence on the national level.

Given President Lincoln's local ties to the community, our Mayor and staff support the idea of an intergovernmental ad-hoc Abraham Lincoln Bicentennial Commission of McLean County. By having three units of local government involved, the commission will better be able to draw upon community leaders and resources that will be required to create and implement a successful celebratory plan. Staff from each of the local governmental units would also be available to facilitate meetings and provide clerical support as necessary.

Bloomington attorney and member of the David Davis Foundation, Robert J. Lenz, has agreed to chair this intergovernmental commission through their celebratory plans. Mr. Lenz, and staff from Normal, Bloomington and McLean County, along with Mayors Stockton, Koos, and County Board Chairman Mike Sweeney have already identified and solicited numerous local organizations and individuals that have an interest in serving on this commission. The initial members met during the first week of August in a meeting hosted by staff.

The commission expects to meet for sixty to ninety days and return to the respective Councils and County Board with a recommendation on a future direction, including any requested funding, staffing or other further governmental assistance.

The McLean County Board formally adopted the proposed Resolution on July 18, 2006. The Normal City Council adopted the proposed Resolution at their August 7, 2006 meeting. Staff respectfully recommends that Council approve the Intergovernmental Resolution on the formation of the Abraham Lincoln Bicentennial Commission of McLean County.

Respectfully submitted,

Barbara J. Adkins
Deputy City Manager

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 108

**RESOLUTION FORMING THE ABRAHAM LINCOLN BICENTENNIAL
COMMISSION OF McLEAN COUNTY, ILLINOIS**

WHEREAS, Abraham Lincoln, the 16th President, was one of the Nation's most prominent leaders, demonstrating true courage during the Civil War, one of the greatest crises in the nation's history; and,

WHEREAS, born of humble roots on February 12, 1809, Abraham Lincoln rose to political prominence as a lawyer practicing in and near McLean County, Illinois; and,

WHEREAS, with the support of McLean County, Illinois citizens such as the Honorable Judge David Davis, Abraham Lincoln was elected President through a legacy of honesty, integrity, intelligence, and commitment to the United States; and,

WHEREAS, with the belief that all men were created equal, Abraham Lincoln led the effort to free all slaves in the United States; and,

WHEREAS, Abraham Lincoln gave the ultimate sacrifice for the country Lincoln loved, dying from an assassin's bullet on April 15, 1865; and,

WHEREAS, all Americans could benefit from studying the life of Abraham Lincoln, for Lincoln's life is a model for accomplishing the "American Dream" through honesty, integrity, loyalty, and a lifetime of education; and,

WHEREAS, the year 2009 will be the bicentennial anniversary of the birth of Abraham Lincoln, and a local commission should be established to coordinate and encourage civic organizations' activities that are fitting and proper to celebrate that anniversary in a manner that appropriately honors Abraham Lincoln; now, therefore,

BE IT RESOLVED, this 18th day of July, 2006 that here is established a commission to be known as the Abraham Lincoln Bicentennial Commission of McLean County, Illinois (referred to in this resolution as the "Commission").

BE IT FURTHER RESOLVED that the Commission shall have the following duties:

1. To study activities that may be carried out by civic organizations and to encourage activities that are fitting and proper to honor Abraham Lincoln leading up to and on the occasion of the bicentennial anniversary of Lincoln's birth.
2. To assist civic organizations in coordinating activities that the Commission considers fitting and proper to honor Abraham Lincoln during the aforementioned period.
3. To assist civic organizations in coordinating such aforementioned activities with local government entities which may have permit, authorization or other oversight upon performance of said activities.

BE IT FURTHER RESOLVED that the Commission Membership shall be comprised of the following:

1) Appointment - The Commission shall be composed of members as appointed as follows:

a. Members whom shall be a private citizen of McLean County with a demonstrated dedication to educating others about the importance of historical figures and events; and substantial knowledge and appreciation of Abraham Lincoln, as appointed by and with the concurrence of the Chairman of the McLean County Board, the Mayor of Bloomington and the Mayor of Normal.

b. Members whom shall represent civic organizations of McLean County which have demonstrated dedication to educating others about the importance of historical figures and events, as appointed by and with the concurrence of the Chairman of the McLean County Board, the Mayor of Bloomington and the Mayor of Normal.

2) Terms - Each member shall be appointed for the life of the Commission and serve at the discretion of said Chairman and Mayors. New members may be appointed in the same manner in which the original appointments were made.

3) Remuneration and Expenses - Members shall serve on the Commission without remuneration or reimbursement for personal expenses.

4) Quorum - Five members of the Commission shall constitute a quorum but a lesser number may hold meetings.

5) Chair - The Commission shall select a Chair from among the members of the Commission.

BE IT FURTHER RESOLVED that the Commission shall meet at the call of the Chair.

BE IT FURTHER RESOLVED that the County of McLean, City of Bloomington and Town of Normal, shall, on a rotating basis, provide a staff representative to coordinate and obtain meeting locations, provide meeting notices and Commission communications, review Commission proposals which require local governmental permits or authorizations, and provide administrative support services as are required to hold Commission Meetings.

BE IT FURTHER RESOLVED that the Commission shall be empowered for the purpose of carrying out this resolution, hold such meetings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers to be appropriate.

BE IT FURTHER RESOLVED that the Commission shall submit to the local governments such reports as the Commission considers to be appropriate.

BE IT FURTHER RESOLVED that the Commission shall terminate on December 31, 2009.

ADOPTED by the McLean County Board this 18th day of July, 2006.

APPROVED:

ATTEST:

Michael F. Sweeney, Chairman
McLean County Board

Peggy Ann Milton, County Clerk

ADOPTED by the Town of Normal Council this 7th day of August, 2006.

APPROVED:

ATTEST:

Chris Koos, President
Town of Normal

Wendy Briggs, Clerk
Town of Normal

ADOPTED by the City of Bloomington Council this 15th day of August, 2006.

APPROVED:

ATTEST:

Stephen F. Stockton, Mayor
City of Bloomington

Tracey Covert, City Clerk
City of Bloomington

Mayor Stockton introduced Bob Lenz. Mr. Lenz would chair the Abraham Lincoln Bicentennial Commission of McLean County. It was noted that Mr. Lincoln was born in 1809.

Motion by Alderman Crawford, seconded by Alderman Gibson that the Resolution be adopted.

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: Resolution of Support for the McLean County Museum of History

The McLean County Museum of History is embarking on a multi-year “Lincoln in Bloomington-Normal” outdoor exhibit project that will feature seventeen locations in Bloomington-Normal with fifteen of those outdoor exhibits in Bloomington. Once the permanent outdoor exhibits are installed, residents and visitors will be able to take a self-guided tour of the most important Lincoln sites in Bloomington to learn about the connections Abraham Lincoln had with Bloomington. In addition, these outdoor exhibits will serve as a key component of the Museum’s audio tour of these same sites.

Many communities across Illinois are preparing for the 200th anniversary of Abraham Lincoln’s birth in 2009. The newly formed Abraham Lincoln Bicentennial Commission of McLean County (ALBCMC) has a broad range of organizations and individuals on this commission including staff members from the City, Town of Normal, McLean County, Illinois State University, Illinois Wesleyan University, Heartland College, David Davis Mansion, McLean County Museum of History, members of the Illinois and the United States Lincoln Bicentennial Commissions, as well as other organizations, historians, and Lincoln scholars. At their last meeting, the ALBCMC unanimously endorsed the McLean County Museum of History’s Lincoln in Bloomington-Normal project.

Depending on timing and a possible grant extension, the City will pay for the four (4) permanent outdoor exhibits around the courthouse square with existing streetscape grant funds in FY 2006-07. Money will need to be budgeted for the remaining 11 permanent exhibits in FY 07-08 and FY 08-09. If Council adopts the Resolution, the City is committing funds up to but not to exceed \$70,000. Temporary Lincoln signs will be placed in late September or early October using City staff. The temporary signs should cost less than \$500 plus installation and this amount can be absorbed in the current traffic sign budget.

Staff respectfully recommends that Council adopt the Resolution of support for the McLean County Museum of History’s efforts to partner with the Looking for Lincoln Heritage Coalition.

Respectfully,

Brian Brakebill
Deputy City Manager

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 109

RESOLUTION OF THE CITY OF BLOOMINGTON APPROVING SUPPORT AND FUNDING FOR THE MCLEAN COUNTY MUSEUM OF HISTORY’S EFFORTS TO PARTNER WITH THE LOOKING FOR LINCOLN COALITION

WHEREAS, communities across Illinois are developing more Abraham Lincoln information and tourism sites to coincide with the 200th anniversary of his birth; and,

WHEREAS, the McLean County Museum of History has partnered with volunteers of the McLean County Chamber of Commerce's Leadership McLean County and State Farm Insurance Company and is releasing a CD audio tour in October 2006 and desires signage to augment said tour; and,

WHEREAS, the McLean County Museum of History wishes to use logos and designs and partner with the Looking for Lincoln Heritage Coalition; and,

WHEREAS, the Looking for Lincoln Heritage Coalition requires commitments from local municipalities to ensure there are funds available for acceptable signage prior to allowing use of their logos and designs.

BE IT RESOLVED by the Bloomington City Council as follows:

1. The Bloomington City Council hereby agrees to support the McLean County Museum of History's efforts by funding sign manufacture and installation for the Looking for Lincoln Tour in an amount not to exceed \$23,333.33 annually for three years with a total commitment of \$70,000.
2. The City Clerk shall provide a certified copy of this Resolution to Greg Koos, Director of the McLean County Museum of History and Nicky Stratton, Director of the Looking for Lincoln Heritage Coalition.

ADOPTED by the Bloomington City Council this 14th day of August, 2006.

ATTEST:

APPROVED:

Tracey Covert, City Clerk
City of Bloomington, Illinois

Steven Stockton, Mayor
City of Bloomington, Illinois

Motion by Alderman Crawford, seconded by Alderman Gibson that the Resolution be adopted.

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:

August 14, 2006

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To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Rescind Resolution 2000-64 and Approve a Motor Fuel Tax Resolution for the Construction of Veterans Parkway Between Eastland Drive and Commerce Parkway, MFT No. 96-00313-03-WR

On August 29, 2000 the Council approved "A Joint Agreement Between the State of Illinois and the City of Bloomington" for the sharing of costs for the construction of Phase 3 of Veterans Parkway (Business Route I-55) from Eastland Drive to Commerce Parkway for an estimated cost of \$247,000. Additionally, on August 29, 2000 Council approved Resolution 2000-64 appropriating \$247,000 in Capital Improvement Funds for the project.

The City's financial situation has changed since August of 2000. It is now beneficial to the City to expend Motor Fuel Tax Funds for this expense rather than Capital Improvement Funds as anticipated by Resolution 2000-64. In order to spend Motor Fuel Tax Funds to pay for this work, it is necessary for Council to rescind Resolution 2000-64 and adopt a Resolution appropriating \$244,215.44 in Motor Fuel Tax Funds to cover the cost.

Staff respectfully requests that Council rescind Resolution 2000-64 and adopt a Resolution appropriating \$244,215.44 in Motor Fuel Tax Funds under Motor Fuel Tax Section 96-00313-03-WR and that the Mayor and City Clerk be authorized to execute the necessary documents.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

(RESOLUTION NO. 2006 - 110 ON FILE IN CLERK'S OFFICE)

Motion by Alderman Crawford, seconded by Alderman Gibson that Resolution 2000-64 be rescinded, and a Resolution appropriating \$244,215.44 in Motor Fuel Tax Funds under Motor Fuel Tax Section 96-00313-03-WR be adopted.

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: Lake Bloomington Lease Transfer Petition for Lot 6, Block 5 of Camp Kickapoo from the Mohar Trust to Scott and Debra Rolfs

Staff has reviewed the Lake Bloomington Lease Transfer Petition and the septic system inspection report for Lot 6, Block 5 of Camp Kickapoo from the Mohar Trust to Scott and Debra Rolfs. The septic system was found to be in working order.

Staff respectfully requests that Council approve the Lake Bloomington Lease Transfer for Lot 6, Block 5 in Camp Kickapoo, and further that the Mayor and City Clerk be authorized to execute the necessary documents.

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

Motion by Alderman Crawford, seconded by Alderman Gibson that the Lake Lease Transfer 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 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: Lake Bloomington Lease Transfer Petition for Lot 10, Block 4 of Camp Kickapoo from Martin Petit et. al. to Patrick and Jacqueline Yerkes

Staff has reviewed the Lake Bloomington Lease Transfer Petition and the septic system inspection report for Lot 10, Block 4 of Camp Kickapoo from Martin Petit et. al. to Patrick and Jacqueline Yerkes. The septic system is very old and beyond its useful life, however, it appears

to still be functioning. The septic system is a subsurface discharging system with a leach field that apparently extends into a neighbors leased property. This cabin is intended to be used intermittently until the structure is razed for a new structure to be built.

Staff respectfully recommends that this septic system be allowed to remain until either the old cabin is razed or is used full time. Staff furthermore respectfully recommends that this system be inspected annually by a licensed McLean County septic system inspector and the report forwarded to the Water Department and the McLean County Health Department.

Staff respectfully requests that Council approve the Lake Bloomington Lease Transfer for Lot 10, Block 4 in Camp Kickapoo, from Martin Petit et. al. to Patrick and Jacqueline Yerkes with the condition that the existing septic system remain only until the old cabin is razed, or is used full time, and that it be inspected annually.

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

Motion by Alderman Crawford, seconded by Alderman Gibson that the Lake Lease Transfer 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 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: Petition from CIP, LLC Requesting Approval of the Vacation of an Access Control Line in the First Addition to Williamsburg Place Subdivision

A petition has been received from CIP, LLC requesting Council approval of the vacation of the south 50 foot of the 217.65 foot long Access Control Line on the east side of the Williamsburg Drive right-of-way dedicated as part of the First Addition to Williamsburg Place Subdivision.

ORDINANCE NO. 2006 - 85

**AN ORDINANCE PROVIDING FOR THE VACATION OF
ACCESS CONTROL LINE IN THE FIRST ADDITION TO WILLIAMSBURG PLACE
SUBDIVISION**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting the vacation of Fifty (50') feet access control line; and

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

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

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

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

1. That fifty feet (50') access control line described in Exhibit A is hereby vacated.
2. That this ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 14th day of August, 2006.

APPROVED this 15th day of August, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

DESCRIPTION OF ACCESS CONTROL LINE:

Beginning at the northwest corner of Corporate Center East Subdivision (doc. #88-1165) which is also southeast corner of the intersection of Williamsburg Drive and S.B.I. Rt. 9, thence south

217.65 feet along east right of way line of Williamsburg Drive (Doc. #2000-31228) located in Section 2 T23N R2E of 3rd P.M., City of Bloomington, McLean County, IL

DESCRIPTION OF ACCESS CONTROL LINE VACATION:

The south 50 feet of the existing 217.65 feet Access Control Line described above.

PIN 21-02-226-005

Motion by Alderman Crawford, seconded by Alderman Gibson that the Vacation be approved and the Ordinance passed.

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

Ayes: Aldermen 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: Petition Submitted by Fox Ridge Partnership, LLC, an Illinois Limited Liability Company, Requesting Approval of the Final Plat for Fox Lake Subdivision, 5th Addition

A Petition has been submitted by Fox Ridge Partnership, LLC requesting approval of a Final Plat for Fox Lake Subdivision, 5th Addition. This subdivision is located south of Fox Creek Road and West of Danbury Drive. We have reviewed the Final Plat and find it in conformance with the provisions of the Preliminary Plan.

In accordance with the Annexation Agreement dated October 5, 1998, tap on fees and a performance bond for the public improvements are due for this subdivision.

Staff respectfully recommends that Council approve the Petition and adopt an Ordinance approving the Final Plat for Fox Lake Subdivision, 5th Addition subject to the Petitioner paying the required tap on fees and performance bond prior to recording of the plat.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

PETITION FOR APPROVAL OF FINAL PLAT

State of Illinois)
)ss.
County of McLean)

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

Now comes Fox Ridge LLC., an Illinois Limited Liability Company, 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 of the premises herein 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 known and described as Fox Lake Subdivision, Fifth Addition, Bloomington, Illinois, which Final Plat is attached hereto and made a part hereof.
3. That the Final Plat substantially conforms to the Preliminary Plan of said Subdivision heretofore approved by the City Council.
4. That your Petitioner hereby dedicates to the public all right of way and easements shown on said Final Plat.

Respectfully submitted,

By: Laurence F. Hundman
Member

ORDINANCE NO. 2006 - 86**AN ORDINANCE APPROVING THE FINAL PLAT OF THE
FOX LAKE SUBDIVISION FIFTH 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 Fox Lake Subdivision Fifth Addition, Bloomington, Illinois, 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 Fox Lake Subdivision Fifth 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 and approval.

PASSED this 14th day of August, 2006.

APPROVED this 15th day of August, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

A part of Lots 16 and 17 in Scogin's Subdivision in the SW ½ of Section 18, 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 41 in Fox Lake Subdivision Fourth Addition on the south line of Lot 17 in Scogin's Subdivision; thence N.01°-39'-44"W. 109.60 feet to the northeast corner of said Lot 41 on the south right of way line of Steppe Lane; thence northeasterly on said south right of way line 12.37 feet on a non-tangential curve concave to the northwest having a central angle of 10°-07'-24", a radius of 70.00 feet and

chord of 12.35 feet bearing N.62°-23'-49"E. from the last described course; thence N.88°-20'-16"E. 1.36 feet on said south right of way line; thence N.01°-39'-44"W. 60.00 feet to the north right of way line of Steppe Lane on the south line of Lot 43 in Fox Lake Subdivision Fourth Addition; thence N.88°-20'-16"E. 77.59 feet to the southeast corner of said Lot 43; thence N.00°-59'-06"W. 436.08 feet on the east line of Fox Lake Subdivision Fourth Addition and the northerly extension thereof to the southwest corner of Lot 50 in said Fox Lake Subdivision First Addition; thence N.89°-00'-54"E. 175.00 feet on the south line of said Lot 50 and the easterly extension thereof to the east right of way line of Stelt Drive; thence N.00°-59'-06"W. 0.52 feet on said east right of way line to the southwest corner of Lot 68 in said Fox Lake Subdivision First Addition; thence N.89°-00'-54"E. 115.00 feet to the southeast corner of said Lot 68; thence S.00°-59'-06"E. 431.71 feet; thence southwesterly 53.38 feet on a non-tangential curve concave to the northwest having a central angle of 03°-09'-11", a radius of 970.00 feet and a chord of 53.37 feet bearing S.86°-45'-41"W. from the last described course; thence S.01°-39'-44"E. 60.00 feet; thence northeasterly 7.62 feet on a non-tangential curve concave to the northwest having a central angle of 00°-25'-27", a radius of 1030.00 feet and a chord of 7.62 feet bearing N.88°-07'-33"E. from the last described course; thence S.02°-05'-11"E. 115.03 feet to the south line of Lot 17 in Scogin's Subdivision; thence S.88°-20'-16"W. 335.22 feet on the south line of said Lot 17 to the Point of Beginning containing 4.21 acres, more or less, with assumed bearings given for description purposes only.

Parcel No. 21-18-327-005

Motion by Alderman Crawford, seconded by Alderman Gibson 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 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: Petition from Royal Links Subdivision, Inc. Requesting Approval of a Final Plat for Second Addition to Royal Links Subdivision.

A petition has been received from Royal Links Subdivision, Inc. requesting Council approval of a Final Plat for Second Addition to Royal Links Subdivision. This subdivision is located south

of Ft. Jesse Road, east of Airport Road, north of Ridge Crest Subdivision and west of Eagle Crest North Subdivision. The Final Plat is in conformance with the second revised Preliminary Plan.

There is a performance guarantee required for this Subdivision as well as various tap on fees.

Staff respectfully recommends that Council approve the Petition and adopt an Ordinance approving the Final Plat for Second Addition to Royal Links Subdivision, subject to the Petitioner posting the necessary performance bond and paying the tap on fees before recording the plat.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

PETITION FOR APPROVAL OF FINAL PLAT

State of Illinois)
)ss.
County of McLean)

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

Now comes Royal Links Subdivision, Inc., 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 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 to be known and described as Second Addition to Royal Links 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: all those shown on the approved Preliminary Plan, if any,
4. That the Final Plat substantially conforms to the Preliminary Plan of said subdivision heretofore approved by the City Council.
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 said Final Plat for the Second Addition to Royal Links Subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,
Royal Links Subdivision, Inc.

By: William R. Johnston, President

ORDINANCE NO. 2006 - 87**AN ORDINANCE APPROVING THE FINAL PLAT OF THE
SECOND ADDITION TO ROYAL LINKS 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 Second Addition to Royal Links Subdivision, legally described in Exhibit A attached hereto and made a part hereof by this reference; and

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

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

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

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

1. That the Final Plat of the Second Addition to Royal Links 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 14th day of August, 2006.

APPROVED this 15th day of August, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

A part of Lot 3 in the Resubdivision of Lot 1 in Baer-Kilborn Subdivision in the City of Bloomington, McLean County, Illinois, according to the Plat recorded June 3, 1985, as Document No. 85-6503 and as corrected by Plat recorded March 20, 1987, as Document No. 87-5234 in the McLean County Recorder's Office and a part of Lot 2 in the Subdivision of the North Half of Section 30, Township 24 North, Range 3 East of the Third Principal Meridian, McLean County, Illinois, according to the Plat recorded in Book 7 of Plats, Page 123, in said Recorder's Office, more particularly described as follows: Beginning at the Northeast Corner of Baer-Kilborn Subdivision in McLean County, Illinois, according to the Plat recorded as Document No. 84-13680 in said Recorder's Office. From said Point of Beginning, thence east 422.09 feet along the North Line of said Lot 2 to the Northwest Corner of Eagle Crest North Subdivision in the City of Bloomington, Illinois, according to the Plat recorded as Document No. 9626888 in said Recorder's Office; thence south 1032.01 feet along the West Line of said Eagle Crest North Subdivision being a line which is parallel with the East Line of said Baer-Kilborn Subdivision and which forms an angle to the left of 90°-22'-00" with the last described course to the Southwest Corner of said Eagle Crest North Subdivision; thence west 581.35 feet along the Easterly Extension of the South Line of said Lot 3 and the South Line of said Lot 3 being a line which is parallel with the North Line of said Lot 2 and which forms an angle to the left of 89°-38'-00" with the last described course to the Southeast Corner of Lot 66 in the First Addition to Royal Links Subdivision in the City of Bloomington, Illinois, according to the Plat recorded as Document No. 2006-1108 in said Recorder's Office; thence north 180.00 feet along the East Line of said Lot 66 and the East Line of Baer Road in said First Addition which form an angle to the left of 90°-00'-00" with the last described course to the Northeast Corner of said Baer Road; thence west 25.00 feet along the North Right of Way Line of said Baer Road which forms an angle to the left of 270°-00'-00" with the last described Course to the Southeast Corner of Lot 62 in said First Addition; thence north 584.00 feet along the East Line of said Lot 62 and the East Lines of Lots 61 through 56, inclusive, in said First Addition which form an angle to the left of 90°-00'-00" with the last described course; thence northeast 210.91 feet along the East Line of said Lot 56 and the East Line of Lot 55 in said First Addition which form an angle to the left of 170°-26'-52" with the last described course to the Northeast Corner of said Lot 55, said Northeast Corner also being the Southeast Corner of Outlot 67 in said First Addition; thence north 20.00 feet along the East Line of said Outlot 67 which forms an angle to the left of 189°-33'-08" with the last described course to the Northeast Corner thereof, said Northeast Corner being on the South Right of Way Line of Fort Jesse Road in said Baer-Kilborn Subdivision which Right of Way Line is also the North Line of said Lot 3 in the Resubdivision of Lot 1 in Baer-Kilborn Subdivision; thence east 142.91 feet along said South Right of Way Line and said North Line which form an angle to the left of 90°-00'-00" with the last described course to the Northeast Corner of said Lot 3; thence north 40.00 feet along the East Line of said Baer-Kilborn Subdivision which forms an angle to the left of 270°-22'-00" with the last described course to the Point of Beginning, containing 13.92 acres, more or less.

Motion by Alderman Crawford, seconded by Alderman Gibson 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 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: Petition From CIP, LLC, an Illinois Limited Liability Company, Requesting Approval of a Final Plat for the Airport Park Subdivision 11th Addition

A petition has been received from Laurence F. Hundman, Manager of CIP, LLC, an Illinois Limited Liability Company, for approval of a Final Plat for the Airport Park Subdivision 11th Addition. This subdivision is commonly located north of the new Central Illinois Regional Airport Terminal site and north of Illinois Route 9, south of Sapphire Lake Subdivision, and west of Towanda Barnes Road.

Staff has reviewed the Final Plat and finds it to be in conformance with the Preliminary Plan approved by the City Council on November 13, 2000. There are tap on fees required from this subdivision. There is no performance guarantee required as the public improvements in the subdivision are complete.

As all items are in order, staff respectfully recommends that Council approve the Petition and pass an Ordinance approving the Final Plat of the Airport Park Subdivision 11th Addition, subject to petitioner's paying tap on fees prior to recording of the plat.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

PETITION FOR APPROVAL OF FINAL PLAT

State of Illinois)
)ss.
County of McLean)

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

Now comes CIP LLC, an Illinois Limited Liability Company, 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 attached hereto and made a part hereof by reference.
2. That your petitioner seeks approval of the Final Plat for the subdivision of said premises to be known and described as Airport Park Subdivision 11th Addition, Bloomington, Illinois, which Final Plat is attached hereto and made a part hereof.
3. That the Final Plat substantially conforms to the Preliminary Plan of said Subdivision heretofore approved by the City Council.
4. That your Petitioner hereby dedicates to the public all public right of way and easements shown on said final plat.

Respectfully submitted,

CIP, LLC, an Illinois Limited Liability Company

By: Larry Hundman, Its Manager

ORDINANCE NO. 2006 - 88**AN ORDINANCE APPROVING THE FINAL PLAT OF THE
AIRPORT PARK SUBDIVISION 11TH 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 Airport Park Subdivision, 11th Addition, 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 Airport Park Subdivision 11th Addition 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 14th day of August, 2006.

APPROVED this 15th day of August, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

A part of the SW ¼ and SE ¼ of Section 31, Township 24 North, Range 3 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois, more particularly described as follows: Beginning at the northwest corner of Lot 138 in Airport Park Subdivision on the south right of way line of Gerig Drive, according to the plat thereof recorded as Document No. 2001-00023503 in the McLean County Recorder of Deeds Office; thence S.51°-26'-52"W. 270.32 feet on the northwesterly line of said Lot 138 to the west line of said Lot 138 and the east line of the West 355.15 Acres of said Section 31; thence N.00°-28'-08"W. 447.23 feet on said east line of the West 355.15 Acres of Section 31 to the southwest corner of Lot 262 in Airport

Park Subdivision 6th Addition; thence S.88°-37'-35"E. 37.59 feet on the south line of said Lot 262; thence S.43°-01'-24"E. 268.90 feet to the westerly right of way line of Gerig Drive; thence southerly 89.57 feet on said westerly right of way line of Gerig Drive on a non-tangential curve concave to the east having a radius of 60.00 feet, a central angle of 85°-31'-44" and a chord of 81.48 feet bearing S.04°-12'-44"W from the last described course to the Point of Beginning, containing 59,869.68 square feet/1.37 acres, more or less, with assumed bearings given for description purposes only.

Motion by Alderman Crawford, seconded by Alderman Gibson 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 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: Motion to Reconsider the Application of Anjana, Inc., d/b/a W. Market Groceries, located at 301 W. Market St., for a PBS liquor license, which will allow the sale of packaged beer and wine for consumption off the premises seven (7) days a week

At the July 24, 2006 Council meeting, I made a motion that the Application of Anjana, Inc., d/b/a W. Market Groceries located at 301 W. Market St., be laid over until the Council's August 28, 2006 meeting. The Applicant was directed to meet with the Gridley Allen Prickett and Old Towne Neighborhoods with Alderman Purcell and Alderman Schmidt in attendance. According to Alderman Schmidt, the meeting was held on Wednesday, August 3, 2006 at the First Christian Church located at 401 W. Jefferson. The meeting was well attended and there was agreement to provide the Applicant with the opportunity to sell liquor based upon the conditions recommended by the Liquor Commission and contained in the Applicant's lease.

I respectfully request to amend my motion of July 24, 2006 regarding the Application of Anjana, Inc., d/b/a W. Market Groceries, located at 301 W. Market St., for a PBS liquor license, which will allow the sale of packaged beer and wine for consumption off the premises seven (7) days a week. The amended motion would be that the item be laid over until the Council's August 14, 2006 meeting.

Respectfully,

Mike Matejka
Alderman Ward 2

Tom Hamilton
City Manager

Motion by Alderman Matejka, seconded by Alderman Schmidt that the Application of Anjana, Inc., d/b/a W. Market Groceries, located at 301 W. Market St., for a PBS liquor license, which will allow the sale of packaged beer and wine for consumption off the premises seven (7) days a week be laid over until the Council's August 14, 2006.

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: Members of the City Council

From: Liquor Commission

Subject: Application of Anjana, Inc., d/b/a W. Market Groceries, located at 301 W. Market St., for a PBS liquor license, which will allow the sale of packaged beer and wine for consumption off the premises seven (7) days a week

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to hear the application of Anjana, Inc. d/b/a W. Market Groceries, located at 301 W. Market St., requesting a PBS liquor license which would allow the sale of packaged beer and wine for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Steven Stockton, Richard Buchanan, Marabeth Clapp and Mark Gibson; Hannah Eisner, Asst. Corporation Counsel and Tracey Covert, City Clerk; and Danda Venu, owner/operator and Applicant representative.

Commissioner Stockton noted that this Application had appeared on the Commission's March 14, 2006 meeting agenda. The Commission deferred consideration of this Application until their July meeting. Commissioner Stockton requested that the Applicant explain the business plan. Danda Venu, owner/operator and Applicant representative, addressed the Commission. W. Market Groceries opened three (3) months ago. He noted that business had been slow in April but picked up in May. He added that a number of his patrons were handicapped. The store was small 1,000 square feet. He offered all of the essentials. The store stocked a variety of food and cigarettes. In the recent past, he had operated Pop's Groceries. The store had been open for four

(4) months. He described the environment as comfortable. There were no large crowds and there had not been any problems at the store. He noted that thirty percent (30%) of his customers were Hispanic. A number of them had requested liquor. He expressed his belief that the store had potential. He added that he had done a good job. He enjoyed operating W. Market Groceries. Business hours were from 7:00 a.m. to 10:00 p.m. He noted that business was slow after 8:00 p.m. He described the location as a family neighborhood.

Commissioner Stockton noted that Mr. Venu had operated the store for four (4) months. Mr. Venu was before the Commission to request a liquor license. Mr. Venu noted that he was losing customers because alcohol was not available for sale. He cited Thornton's which was located two to three (2 - 3) blocks from his store. He restated that he operated a small store. The cooler has five (5) doors. He estimated the storage capacity at fifty (50) square feet. Liquor product would be stored in the cooler.

Commissioner Stockton noted that this application was for a PBS liquor license. He questioned the business hours.

Commissioner Buchanan had visited the store. He described the store as small and attractive. He expressed his concern as Mr. Venue will not be able to stock a lot of liquor product. He questioned if there would be a display in addition to the cooler space. He added his concern that W. Market Groceries would turn into a liquor store. He also expressed his concern about cubic feet versus square feet. He feared that the alcohol inventory (percentage) would be larger than anticipated. He requested specific information regarding the floor plan. Mr. Venu informed the Commission that alcohol would be displayed in the space currently occupied by the coffee machine. Coffee sales were not doing well. He noted that the cooler has five (5) doors. Liquor could be stocked to a maximum of three (3) doors. He noted that milk sales were good and he might expand the use of coolers to accommodate same.

Commissioner Clapp questioned the parking lot. Commissioner Buchanan noted that parking was addressed this store was located in a small strip mall located on the northwest corner of Madison and Market.

Commissioner Clapp questioned if Mr. Venu was the principal manager. Mr. Venu responded affirmatively and noted that he had two (2) additional employees. Commissioner Buchanan questioned if there were times when only a single employee was present. Mr. Venu responded affirmatively.

Cynthia Arnold, 504 N. Lee St., addressed the Commission on behalf of the Gridley Allin Prickett's Neighborhood Association. She informed the Commission that on Saturday, July 1, 2006 W. Market Groceries was still open at 11:00 p.m. She noted that the store's closing time was 10:00 p.m. She noted that there were litter issues. The property is clean. She expressed her concern that the store's windows were covered with posters/signs. She cited a security concern as employees are left alone. She informed the Commission that District 87 has used the intersection of Roosevelt and Mulberry and Roosevelt and Market as bus stops for the elementary, junior high and high school students. Children stand at the corners and wait for the school bus.

Commissioner Stockton noted that the 10:00 p.m. closing time condition could be linked to Mr. Venu's application for a liquor license. Ms. Arnold noted that the property was clean and quiet. However, concerns still existed. She noted that recently a bus was parked in the lot. She restated the view of the windows. Commissioner Stockton noted that personal safety was important. Mr. Venu noted that a shade had been installed. He added that there was only one (1) sign.

Commissioner Buchanan questioned the relevance of the school bus stop to this application. Ms. Arnold noted that school children would view liquor sales. She added that she did not know where the bus stops would be in the coming school year. Commissioner Buchanan questioned if Ms. Arnold want to be go on the record that she was oppose to this application. Ms. Arnold responded affirmatively.

Leo Hermes, 2631 N. 1475 East Rd., addressed the Commission. He was the building's owner. Hermes owned and operated the Starcrest Cleaners which was also located in this building. Initially, he was opposed to Mr. Venu's interest in a liquor license.

He reconsider with the following stipulations: 1.) that the sale of alcohol be restricted to package beer (no less than six-pack quantity) and wine; 2.) total beer and wine floor space to be no more than 10% of total lease space; and 3.) lessor reserves the right to prohibit sale of all alcohol on the premises by giving Lessee 30-day notice of such change to this provision. In addition, the lease states the hours of operation: tenant shall maintain hours of operation from 7:00 a.m. to 11:00 p.m., seven days a week. (See Lease Exhibit "E" Rules and Regulations (r) (s).) He spoke in support of this application. He was pleased with Mr. Venu and described him as a good tenant. He did not believe that limited beer and wine sales would have a negative impact on the neighborhood.

The lease also includes language which addresses litter: outside areas immediately adjoining the leased premises inclusive of the sidewalks shall be kept clear at all times by Tenant, and Tenant shall not permit any obstructions, garbage, refuse, or improvements. (See Exhibit "E" Rules and Regulations (f).) He added that no loitering is allowed.

Dennis Arnold, 504 N. Lee St., addressed the Commission on behalf of the Gridley Allin Prickett's Neighborhood Association. He expressed his concern regarding the building's ownership. He acknowledged that Mr. Hermes was the current owner, but there were no future guarantees. W. Market Groceries was located along a pedestrian way. He restated the school bus routes. This store was located in the Downtown's immediate west side. He cited the homeless population and the school children. He expressed his belief that this store would become another Red Fox (a/k/a Pop's Grocery, 918 W. Market St.). This strip mall is located at a crossroad, (intersection of Madison/51N and Market St.). He welcomed the store. He added that there had been no problems beyond minor litter issues. He expressed his hope that sales would continue to increase. However, liquor would bring problems. He restated the pedestrian nature of the area.

Commissioner Buchanan questioned if Mr. Arnold was comparing the former Red Fox to W. Market Groceries. Mr. Arnold responded affirmatively. He had been a resident for twenty-eight

(28) years. He stressed the pedestrian nature of the area. There would be customer traffic to this store before the bars were open.

Commissioner Stockton noted that the Commission has continued to explore the single serve issue. He noted that there were other convenient stores located in residential areas. The Commission has heard similar concerns. He questioned how this location was different. Mr. Arnold cited the homeless shelters, railroad yards, and the number of packaged licenses in the area. He expressed his belief that there also was a larger percentage of residential housing. Commissioner Stockton acknowledged the proximity to the homeless shelters. He noted that the Commission could address the time for liquor sales and type of beverage to be sold. He added that it was tough for convenient stores to make a go of it without alcohol sales. The key was to find the balance. The City did not want convenience stores to be a nuisance to the neighborhood. Mr. Arnold expressed his belief that the issue would be the percentage of the population living and consuming the alcohol within a block of the store. Commissioner Stockton restated that purchases would be limited to a six (6) pack, (see lease agreement). Mr. Arnold responded negatively. He noted that the next step would be single serve sales.

Commissioner Buchanan restated that Mr. Venu's lease would not allow single serve sales. Mr. Arnold expressed his opinion that there would be pressure to go in that direction.

Commissioner Stockton cited various convenient store locations within the City. Mr. Arnold questioned the percentage of pedestrian customers. Commissioner Stockton questioned how to fine tune this application to the neighborhood. Mr. Arnold compare this application to the City's smoking ban.

Donna Thompson, 508 W. Washington, addressed the Commission. She acknowledged that W. Market Groceries would have homeless patrons. She added that all of its patrons would not be alcoholics. She did not see a problem with the application. She did not believe that it would disturb the peace.

Wes Newport, 609 N. Mason, addressed the Commission. He had resided in the Gridley Allen Prickett's neighborhood since 1974. The neighborhood had been the same for over thirty (30) years. A number of its residents were without vehicles. He added that it was beginning to change. Individuals are purchasing homes.

Mr. Newport expressed his belief that the City did not need another source from which to purchase packaged liquor on Market St. Liquor sales brought nothing but problems. He appreciated the grocery store. He described the store as wonderful. The parking lot was clean. The facility was well managed. He did not believe that Mr. Venu nor the City could control liquor sales.

He informed the Commission that individuals party in the streets (Oak, Mulberry and Mason). These individuals do not need another liquor store. He questioned why there should be another source to purchase alcohol. The only people who would purchase same would be pedestrians. Their intent would be immediate consumption. He added that his comments were his personal opinion.

Kathryn McCaleb, 502 W. Locust, addressed the Commission. She described the neighborhood environment. There were concerns about drinking and public urination all day long. The neighborhood dynamics were different. She expressed her belief that Pub I held a packaged license. She had prepared a map which showed all of the liquor licenses within the Downtown. There was an abundant supply of liquor. She requested that the Commission assist the neighborhood and not hinder it. In conclusion, she stated her opposition to this application.

Commissioner Stockton clarified that his intention was not to compare City neighborhoods. He attempted to demonstrate that alcohol is available throughout the City in its various neighborhoods. The Commission would consider the existence of other nearby licenses. It was listed as a factor to consider. He noted the following establishments with package licenses: Pub I, 505 W. Market St.; CVS, 210 N. Center St.; Thorton's, 906 N. Main St.; Circle K, 1210 W. Market St.; and Nooners, 802 W. Front St.

Commissioner Clapp noted that the Commission generally let the market decide.

Commissioner Gibson arrived at 6:00 p.m.

Ms. Eisner encouraged the Commission to include the lease provisions as conditions upon the license. Mr. Venu expressed his willingness to close at 10:00 p.m. Commissioner Stockton noted another concern. He wanted to insure that the Commission would review this liquor license with the possibility of revocation within six (6) months of creation. Such action would provide Mr. Venu with the opportunity to prove himself. He thanked those present as good points were raised. Commissioner Buchanan noted that the full Commission would support such action if problems occurred. Commissioner Stockton recommended that the review be held prior to December 1, 2006 due to annual renewals. Commissioner Buchanan questioned the language - can or will - perform a review. Commissioner Stockton noted will perform a review. Ms. Eisner noted that liquor licenses are renewed annually. Commissioner Buchanan restated that the Commission would perform a review of Anjana, Inc. d/b/a W. Market Groceries. Mr. Venu noted that he knew what needed to be done. He would satisfy the City's conditions. Commissioner Buchanan thanked those present for meaningful and thoughtful input.

Based on the above, the Liquor Commission recommends to the City Council that a PBS liquor license for Anjana, Inc., d/b/a W. Market Groceries, located at 301 W. Market St., be created, contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) the sale of packaged beer and wine would be limited to nothing smaller than a six (6) pack of beer and 750ml of wine; 2.) that there be no sale of alcohol before 10:00 a.m. on Monday through Saturday; 3.) that the dedicated sales space for stocking/displaying of alcohol be limited to ten percent (10%) of the available floor space not to exceed 100 square feet (reference Applicant lease); and 4.) that the Commission would review this liquor license no later than their November hearing date (November 8, 2006).

Respectfully,

Stephen F. Stockton
Chairman of Liquor Commission

Alderman Schmidt addressed the Council. A meeting was held at the First Christian Church. She approximated attendance at fifteen to twenty, (15 – 20) people. Venu Danda, Liquor License Applicant, was also present. Individuals representing the Gridley Allin Prickett's, (GAP), and the Old Towne Neighborhood Associations were also present. The meeting lasted for approximately ninety (90) minutes. She believed that neighborhood residents would be more comfortable with a probationary liquor license. This license would set a trial period with a review by the Liquor Commission in November 2006. She noted Mr. Herme's strict lease with the Applicant. She cited the conditions which were recommended by the Liquor Commission. She noted that the meeting's discussion was not about the Applicant. Direction was taken from GAP. The discussion was about the location.

Mayor Stockton addressed the concept of a probationary license. The City would have the right to renew same or not.

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

Motion carried.

Dennis Arnold, 504 N. Lee St., addressed the Council. He spoke on behalf of GAP. He thanked Alderman Matejka for the suggestion to hold a neighborhood meeting. Those who were opposed to this application were skeptical. Mr. Venu had been in the neighborhood for three (3) years as the owner/operator of Pop's Grocery located at 918 W. Market St. If approved, the liquor license should be granted for a probationary period. He expressed his hopes that Mr. Venu would not be taken advantage of.

Mayor Stockton expressed his appreciation to the neighbors for their willingness to allow Mr. Venu the opportunity. Mr. Arnold stressed that the liquor license should be probationary. Alderman Schmidt noted that the responsibility would be placed upon Mr. Venu. Mr. Arnold added that the neighbors would have the burden of reporting any issues. Mayor Stockton encouraged the neighbors to contact the Liquor Commission. He added that he had spent time in the neighborhood.

Wes Newport, 609 N. Mason, addressed the Council. He was speaking as an individual. He had attended the meeting. He expressed his willingness to compromise contingent upon the liquor license being a probationary one. GAP was in the process of adopting a form based code. Market St. was a main corridor. He expressed his concern that liquor would be available for sale on every street corner. He questioned the need for a

liquor license. He noted the Applicant's claim that it was needed for him to stay in business.

Alderman Schmidt stated that this issue was addressed by the Liquor Commission. She expressed her concern that if this license is approved then there would be pressure for additional licenses. Mayor Stockton noted that the Commission looked at a number of factors. For the past twenty (20) years, the market has addressed the issue of need. The Commission considered the neighborhood impact. It was an issue of balance and blend.

Alderman Schmidt cited the form based code and other issues such as homeless shelters. Mayor Stockton believed that these concerns had been addressed by the Commission. He noted the conditions which had been placed upon the liquor license.

Kathryn McCaleb, 502 W. Locust St., addressed the Council. She noted the gravity of the Council's decision. She cited the neighborhood impact. She believed that current neighborhood issues would be escalated. She had appeared before the Liquor Commission and the City Council. She believed the only person with enforcement powers was the landlord, Mr. Hermes. She encouraged the Council to broaden their thinking and consider the ramifications of their actions. The flood gates would be opened. Market St. was the entry way into the Downtown.

Alderman Matejka questioned if Ms. McCaleb had attended the neighborhood meeting. She responded negatively. She was out of town on business. Alderman Matejka cited a claim of open alcohol and consumption of same at 7:00 a.m. He encouraged citizens to contact the Police Department. Ms. McCaleb noted that neighborhood residents sit on their porches and consume alcohol. She had visited the Police Department on Sunday, August 13, 2006. Alderman Matejka questioned if there were code enforcement issues. Ms. McCaleb informed the Council that she was employed by the City and worked in Code Enforcement.

Mayor Stockton addressed two (2) issues: 1.) currently the liquor cited could not have been purchased at W. Market; and 2.) citizens needed to look into code enforcement. He acknowledged that neighborhood residents found the situation frustrating.

Danda Venu, Applicant, addressed the Council. He currently was the owner of W. Market Groceries and Pop's Grocery located at 918 W. Market St. He had attended the neighborhood meeting. It was not possible to satisfy everyone. He cited the various issues facing Pop's when he acquired the business. Issues had been addressed. It had been a challenge. The lease would be renewed for an additional three (3) years. Everyone must be responsible. W. Market was a small store. Hispanic customers have requested liquor items. He had tried to convince all involved that he planned to do the right thing. He requested the opportunity to prove that he could satisfy everyone.

Mayor Stockton cited the neighborhood's uniqueness. Mr. Venu had chosen to operate a business there. W. Market should not contribute to the challenges facing the neighborhood.

Alderman Hanson questioned if Pop's held a liquor license. Mr. Venu responded negatively.

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

Motion carried.

Alderman Purcell noted that there were individuals who abused alcohol. A liquor license would be Mr. Venu's personal responsibility. The Council should give this item careful consideration. He cited his awareness of the issues facing GAP and Old Towne Neighborhoods. A three (3) month probationary license would give the City a chance to see the impact upon the neighborhoods. It would also provide Mr. Venu with an opportunity. If there were any problems, then the license could be withdrawn.

Alderman Schmidt stated that the license would be placed on the Commission's November meeting agenda with notification and reviewed by the Commission at that meeting. Mayor Stockton responded affirmatively. He added that the meeting would be held on November 8, 2006 at 4:00 p.m. in the Government Center.

Alderman Hanson believed that the Council had voted against this application at a previous meeting. He had driven through the area. He questioned if the Council was adding more fuel to a problem area of the City. He was against imposing conditions upon a liquor license. He needed a larger comfort zone. He believed that the City provided Applicants plenty of opportunity. The neighborhood residents were trying to make improvements. Liquor licenses can be an issue in any neighborhood. He restated his intention to vote against this Application.

Alderman Schmidt expressed her belief that Council members should have attended the neighborhood meeting. The outcome surprised her.

Mayor Stockton acknowledged that liquor can be a controversial topic. Various neighborhoods have opposed various applications. The Commission was interested in those ideas which addressed the findings for creation of a liquor license.

Alderman Gibson equated this Application to smoking in taverns. Mayor Stockton stated that these were two (2) different issues.

Alderman Matejka noted that the store owner, the neighborhood residents, and the City had worked together on this Application. He cited other issues which had been addressed on a joint basis such as nuisance abatement and rental housing property. The City needed to be committed to enforcement of public consumption, (Ordinance Violation).

Motion by Alderman Schmidt, seconded by Alderman Gibson that a PBS liquor license for Anjana, Inc., d/b/a W. Market Groceries located at 301 W. Market St., be created, contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) the sale of packaged beer and wine would be limited to nothing

smaller than a six (6) pack of beer and 750ml of wine; 2.) that there be no sale of alcohol before 10:00 a.m. on Monday through Saturday; 3.) that the dedicated sales space for stocking/displaying of alcohol be limited to ten percent (10%) of the available floor space not to exceed 100 square feet (reference Applicant lease); and 4.) that the Commission would review this liquor license no later than their November hearing date (November 8, 2006).

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

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

Nays: Alderman Hanson.

Motion carried.

Mayor Stockton stated that the liquor license had been approved. A review of the liquor license would occur at the Commission's November 8, 2006, meeting at 4:00 p.m. He cautioned Mr. Venu that in the interim his business would be under a microscope.

MAYOR'S DISCUSSION: Mayor Stockton noted that the Council would meet in Executive Session at conclusion of the meeting.

He stated that National Night Out was held Tuesday, August 1, 2006. The event went well considering the heat. The community put on a great display.

Mayor Stockton addressed the ward realignment. There were over 70,000 residents which meant that a ninth ward would be added for the 2007 City election. Petitions for City office would be available starting on September 18, 2006. The Election Commission office will not change the precincts. He noted the tight time line. The Council may need to call a Special Meeting to address this issue, (Ward Map). The new map must address equality of population and compactness of wards. This would be the first expansion of the Council under staggered terms. A map with population figures by precinct was posted in the Aldermen's Conference Room.

He noted that the City's Corporation Counsel had drafted a post offender ordinance. He requested that feedback be sent to Todd Greenburg, Corporation Counsel, by the end of the week. The next step would be to release the draft ordinance to the various neighborhood associations for feedback.

CITY MANAGER'S DISCUSSION: Tom Hamilton, City Manager, also addressed National Night Out. He thanked those who participated, (Mayor, Council, and City staff). It was a great event for the community.

ALDERMAN'S DISCUSSION: Alderman Matejka requested that the Council be informed of all retirements within the City. Mr. Hamilton noted that retirement

announcements were posted on the bulletin board located in the City Administration Office.

Alderman Matejka noted that the Police Department recently held a ceremony to mark the seventy-fifth (75th) anniversary of the death of John Penn. He questioned if other City departments hold similar events.

Alderman Schmidt inquired about fire lanes and handicapped parking enforcement. Jeff Sanders, Asst. Police Chief, addressed the Council. There had been a citizen program which addressed handicapped parking. There had been two (2) volunteers who were assigned to the Traffic Sgt. The program had been successful. The Police Department needed to develop a strategy to revitalize the program. Mayor Stockton noted that traffic enforcement was not a revenue generator for the City. Citizens reported concerns. Citations may be written. Neighborhood associations have expressed an interest in running radar. The goal would be compliance with existing laws via peer pressure. Mayor Stockton encouraged the Police Department to think about these issues. He questioned documentation. Citizens could be used to extend the eyes and ears of the Police Department.

Alderman Schmidt questioned Downtown security cameras. She specifically cited the west side of the Coliseum. Mr. Hamilton noted that the cameras would need to interface with the Police Department's systems. He hoped the system would be wireless. His goal was to have numbers for the budget.

Alderman Schmidt questioned television broadcast of Council meetings. Mr. Hamilton noted that City staff was addressing the franchise agreement with Insight. Mayor Stockton questioned the number of hits to WJBC's audio broadcast.

Alderman Purcell also addressed National Night Out. It was a great experience and an enjoyable evening.

He also thanked the City's Engineering Department and George Gildner, Inc. for the CSO (Combined Sewer Overflow) project.

Motion by Alderman Matejka, seconded by Alderman Schmidt to recess into executive session at 8:45 p.m.

Motion carried.

Motion by Alderman Matejka, seconded by Alderman Schmidt to return to regular session and adjourn at 9:27 p.m.

Motion carried.

**Tracey Covert
City Clerk**