

**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, July 24, 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:

Carol Koos, Public Library Board Chairman, introduced Georgia Bouda, Library Director. Ms. Bouda was found through a nationwide search. Ms. Koos expressed her appreciation to Brian Barnes and Krista Tepper, Co-interim Directors. She also thanked the City for its on going support. Ms. Bouda addressed the Council. She informed them that this had been her first day. It was an exciting time for the library. She was glad to be here.

The following was presented:

Alderman Matejka introduced Nancy Edoff, new State Director of the Leukemia and Lymphoma Society. Alderman Matejka informed the Council that he served on the Board. There was a local office in the area. He described this organization as a well kept secret. He welcomed Ms. Edoff to the community. Ms. Edoff thanked the Council for the opportunity to address them. She noted events hosted by the Leukemia and Lymphoma Society such as the Light the Night. The Society addressed blood cancers. The Society was here to serve and advise. The Society's Normal office was fully staffed. She thanked the City for its continued support.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Opening of One Bid for a Sign Plan for the Bloomington Center for the Performing Arts

Bids were received by the City Clerk on July 14, 2006 for a Sign Plan for the Bloomington Center for the Performing Arts. There is \$25,000 budgeted for this item. Only one bid was received by the City Clerk and it is City policy in situations where only one bid is received to have the bid opened and read at the Council Meeting.

Staff requests that the City Council authorize the Purchasing Agent to open the bid at the July 24, 2006 Meeting and present the City Council with a recommendation prior to the end of the Council Meeting concerning award of the bid.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Bills and Payroll

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

Respectfully,

Brian J. Barnes
Director of Finance

Tom Hamilton
City Manager

(ON FILE IN CLERK'S OFFICE)

Motion by Alderman Matejka, seconded by Alderman Crawford 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

Alderman Finnegan questioned payments 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; and 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. He questioned the remaining work. Tom Hamilton, City Manager, addressed the Council. The final bills were being submitted to Johnston Contractors. There was nothing unusual about these payments.

Motion by Alderman Matejka, seconded by Alderman Crawford 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: Honorable Mayor and Members of the City Council
From: Staff
Subject: Audit of the Accounts for the Township Supervisor of General Assistance Fund and General Town Fund for the Month of June, 2006

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

The Audit of these accounts took place on Monday, July 24, 2006 at 6:30 p.m. in the Conference Room of Bloomington City Hall and should, at this time, be made a matter of record.

Respectfully,

Tracey Covert
City Clerk

Motion by Alderman Matejka, seconded by Alderman Crawford that the audit of the bills and payrolls for the Township for the month of June, 2006 be made a matter of record.

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: Reports

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

1. Motor Fuel Tax Allotment for the month of June 2006.
2. Monthly Receipt & Expenditure Report, July 2006.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

(REPORTS ON FILE IN CLERK'S OFFICE)

Motion by Alderman Matejka, seconded by Alderman Crawford that the reports be received and placed on file.

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

Ayes: Aldermen 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: Ornamental Lighting at the Pantagraph

The Pantagraph desires ornamental Sternberg lighting along West Washington Street adjacent to their building. The Sternberg lights that are proposed are identical to the lights the City installed around the Courthouse Square. The Pantagraph approached staff and requested that the City split the cost of this lighting construction and that the work be completed in conjunction with the 50/50 sidewalk reconstruction.

The Pantagraph solicited quotes from two electrical contractors and are in the process of determining which contractor to use. Staff has worked closely with both contractors in the past and believe that either of these contractors would be acceptable to the City.

The new Sternberg lights will be located on City's right-of-way and the City would own and maintain the lights after inspection and a ninety (90) day continuous operation warranty period. The City would also pay the electricity for these street lights as is throughout the City.

The Pantagraph's lowest quote is \$27,170. The City's share of this work would be \$13,585 plus a five percent contingency fund of \$679.25 for a total of \$14,264.25 Staff respectfully requests Council approve a payment to the Pantagraph an amount not to exceed \$14,264.25 for

ornamental Sternberg lighting on the south side of Washington Street adjacent to the Pantagraph building.

Funds are available in capital improvement account X40100-72530 for this work.

Respectfully,

Brian Brakebill
Deputy City Manager

Tom Hamilton
City Manager

Motion by Alderman Matejka, seconded by Alderman Crawford 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 at Belmont Road in the Utility Easement

It was discovered that the 12" sewer collapsed in the back yard easements on Belmont Road. As the need for the repairs were urgent to protect the public safety and due to the location of the sewer and the scope of the work, the Public Service Department requested the Engineering Department to retain a contractor to make the repair. Stark Excavating, Inc. repaired the 12" collapsed portion of this sewer. A time and materials invoice has been submitted for the work in the amount of \$13,876.88. Staff has reviewed the bill and finds it to be in order.

Staff respectfully requests that Council approve a payment in the amount of \$13,876.88 to Stark Excavating, Inc. for the repair of the sewer with payment to be made with Sewer Depreciation Funds (X52200-72550).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

Motion by Alderman Matejka, seconded by Alderman Crawford 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 for Landlord and Code Enforcement Officers Training

Staff respectfully requests that Council waive the formal bidding process and approve Landlords/Property Managers and Code Enforcement Staff training from Campbell DeLong Resources, Inc. This training will be conducted as part of the City's annual Landlord/Property Managers Training in September of 2006. The training will cover Applicant Screening, Rental Agreements, Ongoing Management, Community Building/Apartment Watch, Crime Prevention Through Environmental Design, Warning Signs of Drug Activity, Working with the Police, and Crisis Resolution/Eviction. Several staff members had the opportunity to go through this training last spring in Peoria, IL. This training was found to be very informative and meets the needs of the City's ongoing training with community Landlords/Property Managers.

Staff respectfully recommends that Council waive the formal bidding process and approve the training from Campbell DeLong Resources, Inc. in the amount of \$5,276, the Purchasing Agent authorized to issue a Purchase Order for same, and the Resolution be adopted. Funds for this training will be taken from the Legislative Department, Community Relations Line Item (Account G11110-79110).

Respectfully,

Barbara J. Adkins
Deputy City Manager

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 94

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF LANDLORDS/PROPERTY MANAGERS AND
CODE ENFORCEMENT STAFF TRAINING FROM CAMPBELL DELONG
RESOURCES, INC. AT A PURCHASE PRICE OF \$5,276**

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 Landlords/Property Managers and Code Enforcement Staff Training from Campbell Delong Resources, Inc. at a Purchase Price of \$5,276.

Adopted this 24th day of July, 2006.

Approved this 25th day of July, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Matejka, seconded by Alderman Crawford that the formal bidding process be waived, the Landlords/Property Managers and Code Enforcement Staff Training from Campbell Delong Resources, Inc. be approved in the amount of \$5,276, 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 Covert Vehicles for Police Vice Unit

The Vice Unit of the Police Department needs to replace two vehicles that are used for covert police operations. Two vehicles with low mileage were selected for this purpose from the inventory of a local leasing business. The amount of this purchase is \$34,800. Staff respectfully requests that Council waive the formal bidding process and approve the purchase of two (2) covert vehicles for the Vice Unit in the amount of \$34,800, the Purchasing Agent authorized to issue a Purchase Order for same, and the Resolution adopted. Funds for this purchase are available in the Confiscated Drug Account (X20900-72130).

Respectfully,

Roger J. Aikin
Chief of Police

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 95

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF TWO (2) COVERT VEHICLES FOR THE
POLICE VICE UNIT AT A PURCHASE PRICE OF \$34,800**

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 two (2) covert vehicles for the Police Vice Unit at a Purchase Price of \$34,800.

Adopted this 24th day of July, 2006.

Approved this 25th day of July, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Matejka, seconded by Alderman Crawford that the formal bidding process be waived, two (2) covert vehicles for the Police Vice Unit be approved in the amount of \$34,800, 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 Police Mobile Video System

The Police Department currently employs a video tape system in the squad cars to record traffic stops. This is an older system that is due for replacement. With this in mind a committee was established to research mobile digital video systems which have the advantage of better recording clarity and better audio quality.

Several different systems were reviewed and researched. After this process was completed the digital recording system manufactured by AMR Digital was selected due to its ease of use and simplicity. This system has no moving parts and as such is less prone to failure. The Officers have no direct contact with the system other than putting on a microphone. This system allows for automated wireless downloads of the data by way of access points at the Police building. It also includes the needed hardware for this wireless transaction and a 5.6 terabytes server to store, recall and view the video. Additionally, this system uses a 900 MHz transmitter for increased audio quality. The bulk of this system is mounted in the glove compartment of the police vehicle helping save space for other equipment.

The table below shows a breakdown in the cost of the system and the items to be purchased.

In Car Digital Video Proposal			
Item	Cost	Amount	Total
Camera System	\$4,200.00	36	\$151,200.00
Additional Transmitters	\$290.00	10	\$2,900.00
Chargers for Added Transmitters	\$60.00	10	\$600.00
USB Officer ID System	\$100.00	32	\$3,200.00
USB Management Software	\$595.00	1	\$595.00
Server	\$13,299.00	1	\$13,299.00
Wireless Network	\$2,850.00	1	\$2,850.00
		Grand Total	\$174,644.00

This system is only available from the manufacturer and the quote for the thirty-six (36) necessary units and all ancillary equipment is \$174,644.

Staff respectfully requests that Council waive the formal bidding process and authorize the purchase of thirty-six (36) mobile video systems and all ancillary equipment from AMR Digital in the amount of \$174,644, the Purchasing Agent authorized to issue a Purchase Order for same, and the Resolution adopted.

Funds in the amount of \$135,000 were budgeted for the replacement of the in-car systems and \$9,000 was budgeted for the purchase of two additional systems for a total of \$144,000 in account F15110-42140. The remaining \$30,644 would come from the DUI fund, account X20920-72140.

Respectfully,

Roger J. Aikin
Chief of Police

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 96

A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND AUTHORIZING THE PURCHASE OF THIRTY-SIX (36) MOBILE VIDEO SYSTEMS AND ALL ANCILLARY EQUIPMENT FOR THE POLICE DEPARTMENT VEHICLES AT A PURCHASE PRICE OF \$174,644

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 thirty-six (36) mobile video systems and all ancillary equipment for the Police Department Vehicles at a Purchase Price of \$174,644.

Adopted this 24th day of July, 2006.

Approved this 25th day of July, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Matejka, seconded by Alderman Crawford that the formal bidding process be waived, the thirty-six (36) mobile video systems and all ancillary equipment for the Police Department Vehicles be purchased from AMR Digital in the amount of \$174,644, 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 Authorize the Replacement of Snyder Parking Deck Gates Located on Washington Street between the State Farm Building and Heartland Bank

On October 25, 2004, Council approved the purchase of an automated parking access and security system to allow staff to remotely manage various activities from City Hall. The goal was to incorporate multiple City owned parking facilities into one centralized automated system. Since the inception of this project, new gates have successfully been added to the Market Street Parking Garage and the parking deck at the US Cellular Coliseum. The time has come to replace the old equipment and incorporate the Snyder Parking Deck into the automated parking access and security system.

Security Parking, Inc. was selected to provide the ScanNet Parking Access System including the initial installation of the system, the maintenance and monitoring of parking gate equipment, and installation of the software package. Security Parking, Inc., has provided staff with a quote in the amount of \$17,851.70 to add the Snyder Parking Deck to the system. The cost breakdown follows:

Parking gates and related equipment	\$6,626.70
Smart Pass Cards (300)	\$3,600.00
Freight	\$ 250.00
Installation	<u>\$7,375.00</u>
	\$17,851.70

Staff respectfully recommends that Council waive the formal bidding process and Security Parking, Inc. be selected to continue the centralization of the parking access and security system by adding the Snyder Parking Deck to the existing City parking deck infrastructure, the Purchasing agent be authorized to issue Purchase Orders for same, and the Resolution adopted. A total of \$30,000 was budgeted in the Fixed Asset Replacement Fund, account F54200-72140 for the replacement of the parking gates.

Respectfully,

Kim Nicholson
Purchasing Agent

Tim Ervin
Supervisor of Financial Services

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 97

A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND AUTHORIZING SECURITY PARKING, INC. TO CONTINUE THE CENTRALIZATION OF THE PARKING ACCESS AND SECURITY SYSTEM BY ADDING THE SNYDER PARKING DECK TO THE EXISTING CITY PARKING DECK INFRASTRUCTURE AT A PURCHASE PRICE OF \$17,851.70

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

1. That the bidding process be waived and authorizing Security Parking, Inc. to continue the centralization of the parking access and security system by adding the Snyder Parking Deck to the existing City parking deck infrastructure at a Purchase Price of \$17,851.70.

Adopted this 24th day of July, 2006.

Approved this 25th day of July, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Matejka, seconded by Alderman Crawford that the formal bidding process be waived, Security Parking, Inc. be authorized to continue the centralization of the parking access and security system by adding the Snyder Parking Deck to the existing City parking deck infrastructure in the amount of \$17,851.70, 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: Analysis of Bids-Printing of Brochure

On Wednesday, July 5 at 10:45 a.m. bids were opened in the City Clerk's office for the printing of 15,800 copies of the 2006 Fall Program Guide for the Parks and Recreation Department. Eight printers responded to the bid. There was \$10,000 budgeted for this brochure.

FIRM	BID PRICE
Ron Smith Printing, Bloomington, IL**	\$7,268.00
Action Printing, FonDuLac, Wisconsin	\$7,352.00
Printec Printing, Champaign, IL	\$9,356.00
Illinois Graphics, Bloomington, IL	\$9,658.00
BOPI, Bloomington, IL	\$9,832.00
Infinity, Normal, IL	\$13,255.00
Original Smith Printing, Bloomington, IL	\$13,267.00
Heartland Printing, Bloomington, IL	No Bid

** Low and recommended bid

Staff respectfully requests that Council award the bid to Ron Smith Printing in the amount of \$7,268 and authorize the Purchasing Agent to issue a purchase order same. There are sufficient funds available in account G14112-70740 for this purchase.

Respectfully,

Barb Wells
Supt. Of Recreation

Dean Kohn, Director
Parks & Recreation

Tom Hamilton
City Manager

Motion by Alderman Matejka, seconded by Alderman Crawford that the bid be awarded to Ron Smith Printing in the amount of \$7,268 and the Purchasing Agent authorized to issue a Purchase Order for same.

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

Ayes: Aldermen 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: Analysis of Bids – Printing Services for the Cultural District

At the April 24, 2006 Council meeting, Council accepted bids for Jobs A and B for printing services for the Cultural District, and directed staff to re-bid Job C. Job C was re-bid and on Wednesday, July 5, 2006, at 10:30 a.m., those bids were publicly opened and read from printers seeking to print playbills for the Bloomington Center for the Performing Arts (BCPA).

The project details include printing 28,000 program covers to be used for playbills, as well as up to thirty-two (32) interior pages for a maximum of 1,200 program books printed per performance for the twenty-one (21) mainstage series performances in the BCPA's 2006-07 season. The bids were as follows:

FIRM	Cover	Interior pgs.	TOTAL
Illinois Graphics Inc. (Bloomington)	\$3,498	\$34,566	\$34,772
Printec Press (Champaign)	\$2,363	\$32,235	\$34,598
Alphagraphics (Bloomington)	\$2,975	\$36,960	\$39,935
Ron Smith Printing (Bloomington)*	Priced as one total		\$33,600
Heartland Printing (Bloomington)	\$10,500	\$29,400	\$39,900
Infinity Printing (Bloomington)			No bid
Bloomington Offset Printing			No bid

* Low and recommended bid.

Staff respectfully requests that Council approve the low bid submitted by Ron Smith Printing in the amount of \$33,600, and the Purchasing Agent be authorized to issue a Purchase Order for same. Funds for this printing will come from account X21100-70740 of the Cultural District budget.

Respectfully,

C. Bruce Marquis
Executive Director, Cultural District

Tom Hamilton
City Manager

Motion by Alderman Matejka, seconded by Alderman Crawford that the bid for Job C, Printing Services for the BCPA be awarded to Ron Smith Printing in the amount of \$33,600, and the Purchasing Agent authorized to issue a Purchase Order for same.

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

Ayes: Aldermen 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: Analysis of Bids for Breathing Air System for Fire Department

Bids for a breathing air system for the Fire Department were accepted until July 5, 2006 and responses were received from two (2) vendors. The response from Breathing Air Systems

contained six (6) exceptions to the system design specifications. The response from SCBAS Inc. contained no exceptions to the design specifications. The bid submitted by SCBAS Inc. provides the lowest cost to the City.

Listed below are the prices proposed by each vendor.

SCBAS, Inc Washington, IL	\$39,369.00
Breathing Air Systems Macon, IL	\$55,825.00

Staff respectfully requests that the Council accept the bid submitted by SCBAS Inc. and authorize the Purchasing Agent to issue a Purchase Order for the same. Payment for this purchase will be made from account #F15210-72140.

Respectfully,

Keith Ranney
Fire Chief

Tom Hamilton
City Manager

Motion by Alderman Matejka, seconded by Alderman Crawford that the bid submitted for a Breathing Air System for the Fire Department be awarded to SCBAS, Inc., in the amount of \$39,369, and the Purchasing Agent authorized to issue a Purchase Order for same.

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

Ayes: Aldermen 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: Analysis of Negotiated Contract for General Resurfacing

At their regular meeting of June 26, 2006, Council authorized staff to waive the formal bidding process and negotiate a contract with Rowe Construction Company for the resurfacing of City streets. Staff supplied Rowe with a proposal containing locations and quantities, similar to what would be provided to a bidder. Rowe supplied a written proposal to perform the work requested as follows:

Rowe Construction	\$824,007.32	Quote for quantities supplied
Engineer's Estimate	\$784,954.00	
Budget:		
Resurfacing St's & Alleys	\$500,000.00	CIF X40100-72530
Resurfacing Pkg Lots & Trail	\$135,000.00	CIF X40100-72570
Resurfacing Lake Blm St's	\$25,000.00	WDF X50200-72530
Training Fac. at Fire Sta.	<u>\$50,000.00</u>	CIF X40100-72520
Total:	\$710,000.00	

The unit price offered for bituminous concrete to resurface streets is \$78.00 per ton. Last year the City paid \$65.00 per ton. Given that the cost of the liquid asphalt cement (an oil by product), which is used to bind the aggregate into bituminous concrete, has more than doubled since last year the increase in cost is understandable. Staff has analyzed all unit prices offered by Rowe and considers them acceptable. Staff will adjust the contract quantities to hold expenditures to within the budgeted amounts.

Staff respectfully recommends that Council accept the negotiated unit prices of Rowe Construction Company and award a contract in the amount of \$710,000, and further that the Mayor and City Clerk be authorized to execute the necessary documents. Payment for this work will be made from accounts listed above.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

(CONTRACT ON FILE IN CLERK'S OFFICE)

Motion by Alderman Matejka, seconded by Alderman Crawford that the contract for General Resurfacing by Rowe Construction Company be approved in an amount not to exceed \$710,000, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

Ayes: Aldermen 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: Analysis of Request for Proposals for Towing Over 10,000 Gross Vehicle Weight

Request for Proposals (RFP) for Towing over 10,000 GVW were due in the City Clerk's office on April 30, 2006 at 2:00 PM. There were two proposals submitted for staff review for consideration.

	Joe's Towing	Southtown Wrecker
Towing	\$160.00 per incident	\$45.00 per incident
Winching	\$190.00 per incident	\$45.00 per incident
Abandon and Impound Storage Charges to the City	\$0.00	\$1.00
Mileage Outside the City	\$3.00 per mile	\$0.50 per mile

The proposals from both vendors meet all the requirements of the RFP. Joe's Towing has held the contract for this towing service for the past ten (10) years with good service. Prior to Joe's Towing holding the contract, Southtown Wrecker held the contract, they also provided the City with good service.

On July 11, 2006 Towing Officer Fred Martin and Director of Fleet Management Dan Augstin conducted a site inspection of Southtown Wrecker facility at 1600 Circle Avenue and Joe's Towing facility at 2233 Springfield Road to ensure that the facility meets the requirements of the RFP.

The facilities of Southtown Wrecker was found to have two minor issues that do not meet the RFP requirements, as follows:

1. The fencing around the storage lot is only approximately five feet tall in some areas. Staff does not see this as a problem with this contract. The number of impound tows where a truck would have to be secure is minimal and the contractor has sufficient inside storage for this purpose. The owner of the business lives on the property.
2. The lot was not completely fenced. The owner has been doing some renovations around this property and had taken down part of the fence that will be reinstalled to secure the lot.

The facilities of Joe's wrecker met all of the requirements of the RFP.

The RFP is for a one (1) year contract with four (4) annual renewals by Council approval for a possible total of five (5) years at the rates indicated in the above table. Staff recommendation to

Council for the annual renewal of the contact will be determined on towing agency performance and contract compliance.

Southtown did provide the City with a lower financial package for the services and staff does not see the issues found during the site inspection as a problem. Staff respectfully recommends accepting the proposal from Southtown Wrecker for towing over 10,000 GVW effective August 1, 2006.

Respectfully,

Daniel Augstin
Director of Fleet Management

Kim Nicholson
Purchasing Agent

Tom Hamilton
City Manager

Motion by Alderman Matejka, seconded by Alderman Crawford that the contract for Towing of Vehicles over 10,000 GVW be awarded to Southtown Wrecker effective August 1, 2006, 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 for Additional Printing Charges Incurred Due to Unforeseen Charges in Printing the 2006-07 Bloomington Center for the Performing Arts Season Brochure

Printec Press, Inc. has requested the following change orders to their contract for work associated with printing the season brochure and Student Spotlight Series brochure for the Bloomington Center for the Performing Arts. These change orders were reviewed by staff and found to be acceptable. The total amount for these change orders is \$282.66.

#1 Charge to remove duplicate addresses from mailing lists	\$ 62.40
#2 Charge for increasing paper size (required by final design)	\$ 125.00
#3 Charge for author alterations	\$ <u>95.26</u>

Total	\$ 282.66
Total this change order	282.66
Contract amount	<u>10,274.00</u>
New total amount	10,556.66

Staff respectfully recommends that Council approve this change order to the contract with Printec Press, Inc. in the amount of \$282.66. Payment will come from account X21100-70740 of the Cultural District budget.

Respectfully,

C. Bruce Marquis
Executive Director

Tom Hamilton
City Manager

Motion by Alderman Matejka, seconded by Alderman Crawford 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: Funding Increase of \$35,000 Per Year to the Economic Development Council of the Bloomington Normal Area

In January of 2003, the Economic Development Council, (EDC) the McLean County Chamber of Commerce, (Chamber) and the McLean County Convention and Visitors Bureau, (MCVB) were separated into three distinct organizations. This new approach was dictated by the need for each of these three organizations to more effectively compete with neighboring communities and regions for economic development, tourism, and business retention.

Since 2003, the EDC has operated its offices from the Central Illinois Regional Airport, (CIRA). The EDC currently has only two employees, those being the director and an administrative assistant. Over the past couple of years, the EDC has been working on the development of a five

year strategic plan, entitled “Navigating a New Direction”, designed to enhance the economic growth and prosperity of the Bloomington/Normal area. This very aggressive plan was developed with input from numerous community leaders, both from the government and education sectors, as well as from private businesses. This aggressive plan will require an anticipated investment, over the next three years, of \$3 million. From this investment, the five year EDC initiative, (2007-2011), is expected to result in the following local economic development impact:

- Creation of 1,000 new primary jobs resulting in 1,926 total new jobs
- Inject \$83,331,000 in new earnings annually into the communities
- Generate a total of \$100 million in new capital investment
- Resulting in a total community GDP of \$258.8 million

Currently, the EDC has an annual operating budget of \$165,000 which is primarily funded by the three largest McLean County local governments, Bloomington, Normal and McLean County (\$135,000). The EDC also receives small amounts of funding from various other organizations including Trades and Labor, Corn Belt Energy, AmerenIP, Nicor, McLean County Mayors Association, and the McLean County Chamber of Commerce.

Until recently, the Board of Directors consisted of seven members including a representative from each of the three local governments, one from the Chamber, one from the Workforce Investment Task Force and one from the McLean County Mayors Association. Recently, the Board was expanded from 7 to 23 members with emphasis on private sector membership. As part of the “Navigating a New Direction” Plan, the EDC hopes to derive the majority of its funding (70%) from private sector organizations which dictated the change in representation on the Board of Directors.

The two Mayors and the County Board Chair have automatic positions on the Board as do the two University Presidents and the President of Heartland Community College. The rest of the Board consists primarily of representatives of large and small private sector businesses from the Bloomington/Normal area.

The Leadership Committee, charged with recruiting the new “investor members” to the EDC with a goal of raising \$3 million over a five year period, consists of the following community leaders:

Mayor Chris Koos
Mayor Steve Stockton
County Board Chair Mike Sweeney
ISU President Al Bowman
IWU President Dick Wilson
Willie Brown, Vice President, State Farm
Bob Lakin, President, Commerce Bank
Larry Maschhoff, President, Bank of Illinois
Dave Magers, Chief Financial Officer, Country Insurance and Financial Services

Staff supports the requested additional funding which would raise the City's annual contribution to EDC by \$35,000 from \$45,000 to \$80,000. The current annual budget of the EDC clearly cannot sustain any kind of a competitive and successful economic development program. When comparing the Bloomington/Normal EDC to similar economic development organizations in other Central Illinois communities, the staffing level and budget of the Bloomington/Normal EDC falls far short of those counterpart agencies. The additional funding would start September 1, 2006. This results in an additional \$23,333 this fiscal year. Funding for this request this fiscal year will come from General Fund Reserves.

The five year plan includes some ambitious yet achievable objectives. The current EDC Executive Director, Marty Vanags, was appointed to this position approximately 18 months ago and has already made tremendous progress in expanding the level of service and the overall effectiveness of the organization. However, in order to move the organization forward in a significant way and accomplish the objectives contained within the five year initiative, it will require significant increases in professional staff as well as additional clerical support. It will, therefore, be imperative for the organization to attract a number of new investor members from the local business community as well as the continued strong support from local government, educational institutions, and organized labor.

Staff respectfully recommends that Council approve providing an additional \$35,000 per year to the EDC prorated as of September 1, 2006.

Respectfully submitted,

Tom Hamilton
City Manager

Motion by Alderman Matejka, seconded by Alderman Crawford that the additional funding to the Economic Development Council of Bloomington/Normal in the amount of \$35,000 per year 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: Prevailing Wage Resolution

Illinois law requires the Council to pass a Prevailing Wage Resolution each year. Prevailing wage records are kept by the Illinois Department of Labor and with the help of municipalities throughout the State, they are updated each June. The prevailing wage information received from the Department of Labor has been corrected pursuant to information received from the various local labor unions.

The Resolution also adds a requirement that as a prerequisite to the awarding of contracts for public work in excess of \$25,000 the contractor provide proof of participation in apprenticeship and training programs approved and registered with the United States Department of Labor's Bureau of Apprenticeship and Training.

The Resolution requires prevailing wages to be paid when private commercial economic development projects are directly supported by public funds, such as Tax Increment Financing or tax incentives. This requirement was first imposed by the City in 1991. Certain private projects which, in the staff's opinion, are less directly supported by public funds have been exempted from the requirements that prevailing wages be paid.

The Resolution complies with Illinois law as to public works and is within the Home Rule authority of the City as to private commercial economic developments directly supported by public funds. Staff respectfully recommends adoption of this Resolution.

Respectfully,

Todd Greenburg
Corporation Counsel

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 98

A RESOLUTION OF THE CITY OF BLOOMINGTON, McLEAN COUNTY, ILLINOIS ASCERTAINING THE PREVAILING RATES OF WAGES FOR LABORERS, WORKERS AND MECHANICS EMPLOYED AT PUBLIC WORKS OF THE CITY OF BLOOMINGTON

WHEREAS, the Prevailing Wage Laws, Chapter 48, Section 39s-1, et seq., of the Illinois Revised Statutes approved June 26, 1941, as amended, require that each public body awarding any construction contract for public work or doing such work by day labor shall annually ascertain the general prevailing hourly rates of wages for employees engaged on such work; and

WHEREAS, "public work", as defined in the Prevailing Wage Law, includes commercial or industrial projects financed in whole or in part through the issuance of revenue bonds by the City of Bloomington under authority of the Industrial Project Bond Act or Home Rule Ordinance, without regard to what person or entity formally contracts for such work; and

WHEREAS, the statutes further provide that said rates be published, publicly posted and/or kept available for inspection by any interested party and a certified copy hereof must be promptly filed in the Office of the Secretary of State and Labor Department and be provided to others on request; and

WHEREAS, the City of Bloomington believes Prevailing Wage Law should apply to private commercial economic development projects directly supported by public funds, including projects supported by Tax Increment Financing or tax incentives of any kind, but excluding projects financed by the Downtown Commercial Revolving Loan Fund, projects resulting from Annexation Agreements, Intergovernmental Agreements, projects involving the City's Land Subdivision Code (including waivers/exceptions therefrom), activities that are exempt due to specific contract language, or certain projects the City Council finds inappropriate for application of Prevailing Wage Law; and

WHEREAS, the City of Bloomington believes that contractors awarded contracts for public work as defined by state statute and this Resolution should, as a prerequisite to such contract, provide proof of participation in apprenticeship and training programs approved and registered with the United States Department of Labor's Bureau of Apprenticeship and Training for all construction contracts in excess of \$25,000,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bloomington, County of McLean, State of Illinois that the prevailing wages as set forth in the document attached hereto are incorporated herein by reference as the prevailing rates of hourly wages in the City of Bloomington, Illinois for the laborers, workers and mechanics specified therein who are engaged in the construction of public works within the jurisdiction of this municipality; and

BE IT RESOLVED that the prevailing wages set forth in the document attached hereto and incorporated by reference shall be paid to laborers, workers and mechanics specified therein when such persons perform work on private commercial economic development projects directly supported by public funds, including projects supported by Tax Increment Financing or tax incentives of any kind, but excluding projects financed by the Downtown Commercial Revolving Loan Fund, projects resulting from Annexation Agreements, Intergovernmental Agreements, projects involving the City's Land Subdivision Code (including waivers/exceptions therefrom), activities that are exempt due to specific contract language, or certain projects the City Council finds inappropriate for application of Prevailing Wage Law; and

BE IT RESOLVED that contractors awarded contracts for public work as defined by state statute and this Resolution should, as a prerequisite to such contract, provide proof of participation in apprenticeship and training programs approved and registered with the United

States Department of Labor's Bureau of Apprenticeship and Training for all construction contracts in excess of \$25,000, and

BE IT RESOLVED that nothing herein contained shall be construed to apply said prevailing hourly rates of wages in the locality to any work or employment other than public works or private commercial economic development projects directly supported by public funds as defined in the Act and this Resolution; and

BE IT RESOLVED that the City Clerk shall publicly post or keep available for inspection by any interested party in the main office of this City this determination of prevailing rates of wages; and

BE IT RESOLVED that the City Clerk shall mail a copy of this determination to any employer, any association of employers, and to any person or association of employees who have filed or do file their names and addresses with the Clerk requesting copies of any determination under said law of the particular rates and of the particular classes of persons whose wages will be affected by such rates; and

BE IT RESOLVED that the City Clerk shall promptly file a certified copy of this Resolution with the Secretary of State* and the Department of Labor** of the State of Illinois; and

BE IT RESOLVED that the City Clerk, as required by law, shall cause to be published in a newspaper of general circulation within the area of this municipality a notice of this determination and that it is the effective prevailing wage determination of this public body.

ADOPTED this 24th day of July, 2006.

APPROVED this 25th day of July, 2006.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

(WAGE SCALE AND DEFINITIONS ON FILE IN CLERK'S OFFICE)

Gary Stevens, 1612 Iowa, addressed the Council regarding this item. He expressed his belief that Prevailing Wages increased cost for the City and the taxpayers.

Tom Hamilton, City Manager, stated that this Resolution was approved annually. These wage rates applied to public works projects. He described it as routine. He added that it must be adopted. Todd Greenburg, Corporation Council, addressed the Council. Passage of a Prevailing Wage Resolution was required of all municipalities. Prevailing Wage had been appealed to the state's Supreme Court. He noted that the information (wage rates) is supplied by the state's Department of Labor. The Resolution should be adopted in June. The City usually adopts it in July. There was no option. Prevailing Wage was a state requirement.

Motion by Alderman Matejka, seconded by Alderman Crawford 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: Members of the City Council

From: Liquor Commission

Subject: Application of Hayashi Inc., d/b/a Hayashi, located at 7 Currency Dr., for an RA liquor license, which will allow the sale of all types of alcohol by the glass for consumption on the premises six (6) days a week

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to hear the application of Hayashi Inc., d/b/a Hayashi, located at 7 Currency Dr., requesting an RA liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises six (6) 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 Sangwoon Lim, owner/operator and Applicant representative.

Commissioner Stockton requested that the Applicant explain the business plan. Sangwoon "John" Lim, owner/operator and Applicant representative, addressed the Commission. He informed them that he had been a co-owner of 7 Currency LLC d/b/a Hayashi. He co-owned the business with Larry Hundman. At this time, Mr. Lim had purchased the building and the business from Mr. Hundman, his former partner. Mr. Lim had established a new corporation. He planned to improve the building's interior and exterior. Hayashi would continue to offer and enhance its food offerings.

Based on the above, the Liquor Commission recommends to the City Council that an RA liquor license for Hayashi Inc., d/b/a Hayashi, located at 7 Currency Dr., be created, contingent upon compliance with all applicable health and safety codes.

Respectfully,

Stephen F. Stockton
Chairman of Liquor Commission

Motion by Alderman Matejka, seconded by Alderman Crawford that an RA liquor license for Hayashi Inc., d/b/a Hayashi located at 7 Currency Dr., be created, contingent upon compliance with all applicable health and safety codes.

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

Ayes: Aldermen 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 OSF St. Joseph Medical Center Foundation, for a Limited Alcoholic Limited License, Class LB, which will allow the selling and serving of beer and wine by the glass for consumption on the premise

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to hear the application of OSF St. Joseph Medical Center Foundation for a Limited Alcoholic Limited License, Class LB, which will allow the selling and serving of beer and wine by the glass for consumption on the premise. Present at the hearing were Liquor Commissioner Steven Stockton, Hannah Eisner, Asst. Corporation Counsel and Tracey Covert, City Clerk; and Patricia O'Dell, Foundation Executive Director and Applicant representative.

Commissioner Stockton questioned the purpose of this application. Patricia O'Dell, Foundation Executive Director and Applicant representative, began by informed the Commissioner that this application was for a fund raiser for the OSF St. Joseph Medical Center Foundation to be held at the Eastland Medical Plaza I Atrium on Friday, August 18, 2006 from 6:00 to 8:30 p.m. This request was for a Limited License for a nonprofit corporation.

This would be the tenth or eleventh World Tour, A Sampling of International Beer, Wine and Food. She noted that taster cups would be used to serve the beer and wine. Commissioner Stockton questioned who would act as servers. Mrs. O'Dell noted that OSF would be working with Famous Liquors, located at 1404 E. Empire St. Last year, OSF worked with Villa di Vino, formerly located at 413 N. Main St. Famous Liquors will provide staff. Hannah Eisner, Asst. Corporation Counsel, cautioned that Famous Liquors cannot accept orders at the event. Acceptance of same would be the point of sale. Famous Liquors may act as the event's caterer/distributor. Mrs. O'Dell expressed her understanding of same and would share this information with Famous Liquors.

Mrs. O'Dell noted that this year would mark this event's ninth or tenth anniversary. The event was originally held at Central Station. This will be the seventh year for it to be held on the OSF campus. There also were corporate sponsors for this event.

Mrs. O'Dell estimated the event attendance at 200. The event recognized OSF/St. Joseph's donor base. Commissioner Stockton noted that he had attended the event last year. Dollars raised from this year's event will be used to renovate patient rooms on the second and third floor. These rooms will be changed from double to single rooms.

Commissioner Stockton informed the Applicant that the license fee would be waived as in the past.

Based on the above, the Liquor Commission recommends to the City Council that an LB liquor license for OSF St. Joseph Medical Center Foundation, for a fund raiser to be held on August 18, 2006 from 6:00 - 8:30 p.m. at Eastland Medical Plaza I, Atrium, 1505 Eastland Dr., be created, contingent upon compliance with all applicable health and safety codes.

Respectfully,

Stephen F. Stockton
Chairman of Liquor Commission

Motion by Alderman Matejka, seconded by Alderman Crawford that an LB liquor license for OSF St. Joseph Medical Center Foundation, for a fund raiser to be held on August 18, 2006 from 6:00 - 8:30 p.m. at Eastland Medical Plaza I, Atrium, 1505 Eastland Dr., be created, contingent upon compliance with all applicable health and safety codes.

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

Ayes: Aldermen 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 Paul Nord and Ronald Nord Requesting Approval of a Final Plat for Nord Farms West Subdivision

A petition has been received from Paul Nord and Ronald Nord requesting Council approval of a Final Plat for Nord Farms West Subdivision. This subdivision is located south of IL Rte. 9 at the intersection of Mitsubishi Motorway. The Final Plat is in conformance with the Preliminary Plan.

The public improvements have not been finished, therefore, a performance guarantee is required as well as various tap on fees from the subdivision are due.

As all items are in order, staff respectfully recommends that Council approve the Petition and adopt an Ordinance approving the Final Plat for the Nord Farms West 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 Paul Nord and Ronald S. Nord, Individually, and as Trustee hereinafter referred to as your petitioners, respectfully representing and requesting as follows:

1. That your petitioners are the owners of the freehold or lesser estate thereinof the premises hereinafter legally described in Exhibit A attached hereto and made a part hereof by this reference.
2. That your petitioners seek approval of the Final Plat for the subdivision to be known and described as Nord Farms West Subdivision which Final Plat is attached hereto and made a part hereof.
3. That your petitioners also seeks approval of the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code, 1960: those appearing on the Final Plat or authorized by Annexation Agreement of record.
4. That Final Plat substantially conforms to the Preliminary Plan of said subdivision heretofore approved by the City Council.
5. That your petitioners hereby dedicate to the public, all public rights of way and easements shown on said Final Plat.

WHEREFORE, your petitioner pray that said Final Plat for the Nord Farms West Subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

By: Frank C. Miles
Attorney

ORDINANCE NO. 2006 - 77**AN ORDINANCE APPROVING THE FINAL PLAT OF THE
NORD FARMS WEST 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 Nord Farms West 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: those appearing on the Final Plat or authorized by Annexation Agreements of record; 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 Nord Farms West 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 24th day of July, 2006.

APPROVED this 25th day of July, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

A part of Lot 10 in Wrightonian Farm Subdivision, recorded July 8, 1959, in Plat Book 15 on page 322 in the McLean County Recorder of Deeds Office, and part of the SW¼ of Section 36, all in Township 24 North, Range 1 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Beginning at a point on the west line of Lot 10 in Wrightonian Farm Subdivision on the north right of way line of F.A.P. 693 (IL Route 9) as conveyed to the State of Illinois by Warranty Deed recorded June 2, 1986 as Document No. 86-8455 in the McLean County Recorder of Deeds Office; thence S.89°-33'-20"W. 185.66 feet on said north right of way line; thence N.54°-26'-39"W. 78.06 feet on said north right of way line to the east right of way line of US Route 150 (Mitsubishi Motorway); thence N.08°-02'-50"W. 201.26 feet on said east right of way line; thence N.01°-37'-42"W. 318.43 feet on said east right of way line; thence N.54°-35'-50"E. 111.18 feet on said east right of way line; thence N.01°-37'-42"W. 21.64 feet on said east right of way line to the centerline of T.R. 265 (Old Peoria Road); thence S.69°-10'-30"E. 185.82 feet on said centerline to the northerly extension of the west line of Wrightonian Farm Subdivision; S.02°-14'-04"E. 321.53 feet on said west line of Wrightonian Farm Subdivision to the northwest corner of Lot 10 in said Wrightonian Farm Subdivision; thence S.78°-00'-57"E. 110.72 feet to the northeast corner of said Lot 10; thence S.00°-38'-15"E. 240.12 feet on the east line of said Lot 10 to the north right of way line of F.A.P. Route 693 (IL Route 9) as conveyed to the State of Illinois by Warranty Deed recorded April 29, 1986 as Document No. 86-5857 in the McLean County Recorder of Deeds Office; thence N.84°-44'-02"W. 36.64 feet on said north right of way line; thence S.89°-33'-20"W. 64.34 feet on said north right of way line to the Point of Beginning containing 4.22 acres, more or less, with assumed bearings given for description purposes only.

Motion by Alderman Matejka, seconded by Alderman Crawford 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 Bloomington Columbian Home Association Requesting Approval of a Final Plat for CHA Subdivision

A petition has been received from Bloomington Columbian Home Association requesting Council approval of a Final Plat for CHA Subdivision. This subdivision is located at the southeast corner of Fox Creek Road and Cabintown Road. At this time, plans have not been delivered to the City, showing the necessary improvements. Additionally, there will be various tap on fees due for this subdivision.

Staff respectfully recommends that Council approve the Petition and adopt an Ordinance approving the Final Plat for the CHA Subdivision, subject to the Petitioner delivering approved construction plans, posting the necessary performance bond and paying the tap on fees prior to 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 Bloomington Columbian Home Association, hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A attached hereto and made a part hereof by this reference;
2. That your petitioner seek approval of the Final Plat for the subdivision for the subdivision to be known and described as CHA 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, as amended: 3.5.6 Waiver of the Preliminary Plan;
4. That your Petitioner has previously dedicated or sold to the public all public right-of-way and easements shown on said Final Plat.

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

Respectfully submitted,

Bloomington Columbian Home Association

By: Tim Brady
Its President

ORDINANCE NO. 2006 - 78**AN ORDINANCE APPROVING THE FINAL PLAT OF THE
CHA 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 CHA 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: Section 3.5.6 Waiver of the Preliminary Plan; 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 CHA Subdivision and any and all requested exemptions and/or variations be, and the same is hereby approved, and all dedications made therein are accepted.
2. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 24th day of July, 2006.

APPROVED this 25th day of July, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Legal Description

A part of the S½ of the south 7 acres of the north 9 acres of the west 20 acres of the W½ of the SW¼ of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, City of Bloomington, Mclean County, Illinois, more particularly described as follows: Commencing at the northwest corner of the SW¼ of Section 17; thence S.02°-00'-07"E. 724.67 feet on the west line of said SW¼ of Section 17 to the northwest corner of a tract of land conveyed to the City of Bloomington and described as Parcel No. 2 in Warranty Deed recorded July 09, 2003 as Document No. 2003-00033896 in the Mclean County Recorder of Deeds Office; thence S.89°-43'-49"E. 330.00 feet to the northeast corner of said tract of land conveyed to the City of Bloomington; thence S.02°-00'-07"E. 34.18 feet on the east line of said tract of land conveyed to the City of Bloomington to the Point of Beginning on the south right of way line of Fox Creek Road; thence continuing S.02°-00'-07"E. 400.84 feet to the north right of way line of Cabintown Road, said point lying on the northerly line of a tract of land conveyed to the City of Bloomington and described as Parcel No. 1 in said Warranty Deed recorded July 09, 2003 as Document No. 2003-00033896 in the Mclean County Recorder of Deeds Office; thence N.89°-47'-59"W. 254.30 feet on said north right of way line of Cabintown Road; thence N.35°-14'-44"W. 92.34 feet on said north right of way line of Cabintown Road to the east right of way line of said Cabintown Road; thence N.02°-00'-07"W. 285.29 feet on said east right of way line of Cabintown Road; thence N.43°-46'-36"E. 41.84 feet on said east right of way line of Cabintown Road to the south right of way line of Fox Creek Road; thence N.89°-33'-01"E. 183.27 feet on said south right of way line of Fox Creek Road; thence northeasterly 91.74 feet on said south right of way line of Fox Creek Road on a non-tangential curve concave to the northwest having a central angle of 08°-32'-10", a radius of 615.76 feet and a chord of 91.65 feet bearing N.85°-17'-27"E. from the last described course to the Point Of Beginning containing 2.70 acres, more or less, with assumed bearings given for description purposes only.

Motion by Alderman Matejka, seconded by Alderman Crawford 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 submitted by the Links at Ireland Grove Road, LLC, requesting the rezoning of property located south of Ballybunion Road, east of Tullamore Avenue, and part of Lot 311 in the Links at Ireland Grove Subdivision First

Addition, from S-2 Public Lands and Institutions District to B-1 Highway Business District. (Case Z-15-06) (Ward # 8)

BACKGROUND INFORMATION:

Adjacent Zoning

north: B-1, Highway Business District
south: Agriculture (County)
east: S-2, Public Lands and Institutions District
west: B-1, Highway Business District

Adjacent Land Uses

north: office buildings
south: cropland
east: driving range
west: vacant commercial lots

Comprehensive Plan recommends: "Conservation/Recreation and Light Industrial" use for this property.

The subject property is a 2.39 acre tract that has 800.63 feet of frontage on the east side of Tullamore Ave. and has a depth of 130 feet. This tract was originally planned to be the western 130 feet of the private golf driving range for the Links at Ireland Grove Road. The owner now plans to resubdivide this 2.39 acres into four lots and sell them for business office uses that are allowed in the B-1 Highway Business District. The intent is to extend the line of commercial lots southward along the east side of Tullamore Avenue. The area to the north and to the west is presently zoned B-1.

PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission held a public hearing on this petition on July 12, 2006 and recommends the same. Mr. Kenneth Emmons, City Planner, recommended at this public hearing that the Planning Commission pass a motion recommending Council approval of this petition. Mr. William C. Wetzel, Attorney at Law, Suite 400, 115 West Jefferson Street, presented arguments in favor of this petition at this hearing. Mr. Harold L. Hoeflerle, 500 Grandview Dr. Normal, testified that he and Mr. Darren Rogers, his business partner, are planning to sell the property in question for office uses.

No other persons testified at this public hearing.

PLANNING COMMISSION RECOMMENDATION:

After consideration of this petition and the testimony presented at this hearing, the Planning Commission passed a motion by a vote of 7 to 0, recommending Council approval of this petition in Case Z-15-06 as presented.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission's recommendation for Council approval of this petition in Case Z-15-06.

July 24, 2006

461

Respectfully submitted,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

PETITION FOR ZONING MAP AMENDMENT

State of Illinois)
) ss.
County of McLean)

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

Now comes The Links at Ireland Grove Road, LLC, hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the property described in Exhibit A, which is attached hereto and made a part hereof by this reference;
2. That said premises legally presently have a zoning classification of S-2 (Public Lands and Institutions District) under the provisions of Chapter 44 of the Bloomington City Code, 1960;
3. That the present zoning on said premises is inappropriate due to error in original zoning, technological changes altering the impact or effect of the existing land uses, or the area in question having changed such that said present zoning is no longer contributing to the public welfare;
4. That your petitioner hereby request that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended to reclassify said premises as follows:

B-1 (Highway Business District)
5. That said requested zoning classification is more compatible with existing uses and/or zoning of adjacent property than the present zoning of said premises; and
6. That said requested zoning classification is more suitable for said premises and the benefits realized by the general public in approving this petition will exceed the hardships imposed on your petitioner(s) by the present zoning of said premises.

WHEREFORE, your petitioner respectfully prays that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended as hereinabove requested.

Respectfully submitted,

The Links at Ireland Grove Road, LLC

By: William C. Wetzel, Its Attorney

ORDINANCE NO. 2006 - 79

**AN ORDINANCE REZONING
PROPERTY IN THE CITY OF BLOOMINGTON**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for rezoning of certain premises hereinafter described in Exhibit "A"; and

WHEREAS, the Bloomington Planning Commission, after proper notice was given, conducted a public hearing on said Petition; and

WHEREAS, the City Council of said City has the power to pass this Ordinance and rezone said premises.

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

1. That the premises hereinafter described in Exhibit "A" shall be and the same are hereby rezoned as follows: B-1 (Highway Business District).
2. The Official Zoning Map of said City shall be amended to reflect this change in zoning classification.
3. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 24th day of July, 2006.

APPROVED this 25th day of July, 2006.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Legal Description

That part of the west 130.00 feet of Lot 311 in the First Addition to the Links at Ireland Grove Road Subdivision in the City of Bloomington, McLean County, Illinois, according to the plat

recorded as Document No. 2006-2199 in the McLean County Recorder's Office, lying south of the south line of Lot 314 in said First Addition, containing 2.39 acres, more or less.

Motion by Alderman Matejka, seconded by Alderman Crawford that the Rezoning 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 the Links at Ireland Grove, LLC, requesting approval of the Preliminary Plan for the Second Addition to the Links at Ireland Grove Subdivision, which is commonly located south of Ireland Grove Road, north of Brokaw Road, east of Tullamore Avenue and west of the PONY League Fields and Illinois Power Subdivision, consisting of approximately 55.164 acres. (Case PS-06-06) (Ward # 8)

BACKGROUND INFORMATION:

Adjacent Zoning

north: B-1 Highway Business District & R-2 Mixed Residence District
south: Agriculture (County)
east: R-2, Agriculture (County)
west: B-1, Agriculture (County)

Adjacent Land Uses

north: vacant B-1 & R-2 lots
"same as Adjacent Zoning"
south: cropland & railroad tracks
east: single family dwellings, vacant lots, Illinois Power substation
west: vacant commercial lots, cropland

Comprehensive Plan recommends: "Conservation/Recreation and Light Industrial" use for this property.

This 55.154 acre tract is presently platted as Lot 311 of the First Addition to the Links at Ireland Grove Subdivision and is the site of a private golf course, golf driving range and some vacant land. The Links at Ireland Grove, LLC, now wishes to resubdivide this Lot 311 into four commercial lots (Lots 319-322), along the east side of Tullamore Avenue, and one lot (Lot 318)

containing the golf course and golf driving range. The petitioner is requesting the rezoning of the 2.39 acre area included in Lots 319-322 from S-2 Public Lands and Institutions District to B-1 Highway Business District (see Case Z-15-06). The golf course and golf driving range on Lot 318 will remain in the S-2 zoning district. None of this 55.164 acres is within a Special Flood Hazard Zone. The northwestern portion of this property is within the S-3, Aircraft Noise Impact District where there will be no residential development. Privately maintained, on-site storm water detention will be provided in the lakes on Lot 318. The storm drainage easements on the golf course greens will be privately maintained. Motorized vehicles, including golf carts, will not be permitted on Constitution Trail under the high voltage electric power lines, and a tall fence will be installed by the Developer to protect the users of Constitution Trail from being hit by golf balls at the golf driving range.

Only one (1) waiver must be granted, as agreed upon in the Annexation Agreement for this property, approved November 22, 2004, to permit the minimum right-of-way width for Tullamore Ave., (south of Ballybunion Road) and Ballybunion Road to be 60 feet in lieu of the 70 feet required by the Manual of Practice for the Design of Public Improvements in the City of Bloomington.

PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission held a public hearing on this petition on July 12, 2006 and recommends the same. Mr. Kenneth Emmons, City Planner, recommended that the Planning Commission pass a motion to recommend Council approval of this petition, as presented. Mr. William C. Wetzel, Attorney at Law, Suite 400, 115 West Jefferson Street, presented arguments in favor of this petition at this hearing.

No other persons testified at this public hearing.

PLANNING COMMISSION RECOMMENDATION:

After consideration of this petition and the testimony presented at this hearing, the Planning Commission passed a motion by a vote of 7 to 0, recommending Council approval of this petition in Case PS-06-06 as presented with a waiver permitting the minimum right-of-way width for Tullamore Ave. (south of Ballybunion Road) and Ballybunion Road to be 60 feet in lieu of the 70 feet required by the Manual of Practice for the Design of Public Improvements in the City of Bloomington.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission's recommendation for Council approval of this petition in Case PS-06-06.

Respectfully submitted,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

PETITION FOR APPROVAL OF PRELIMINARY PLAN FOR A SUBDIVISION

State of Illinois)
)ss.
County of McLean)

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

Now comes The Links at Ireland Grove Road, LLC hereinafter referred to as your Petitioner' respectfully representing and requesting as follows:

1. Petitioner is interested as Owner in the premises hereinafter in Exhibit "A" attached hereto and made a part hereof to be known by this reference;
2. Petitioner seeks approval of the Preliminary Plan for a subdivision of said premises to be known and described as "The Second Addition to the Links at Ireland Grove Road" which Preliminary Plan is attached hereto and made a part hereof;
3. Petitioner also seeks approval of the following exemptions or variations from the provisions of Chapter 24, of the Bloomington City Code:

Right of Way for Tullamore (South of Mulligan) and Mulligan Road to be 60 feet in lieu of 70 feet (as provided for in Annexation Agreement).

WHEREFORE, Petitioner prays that the Preliminary Plan for the Second Addition to the Links at Ireland Grove Road submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

The Links at Ireland Grove Road,
LLC

By:

William C. Wetzel
Its Attorney

ORDINANCE NO. 2006 - 80

**AN ORDINANCE APPROVING THE PRELIMINARY PLAN OF THE
SECOND ADDITION TO THE LINKS AT IRELAND GROVE ROAD SUBDIVISION**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition for approval of the Preliminary Plan of the Second Addition to the Links at Ireland Grove Road Subdivision, legally described in Exhibit A attached hereto and made a part hereof by this reference;

WHEREAS, said Petition requests the following exemptions or variations from the provisions of the Bloomington City Code:

Right-of-Way to Tullamore (south of Mulligan) and Mulligan Road to be 60 feet in lieu of 70 feet (as provided for in Annexation Agreement).

WHEREAS, said Petition is valid and sufficient and conforms to the requirements of the statutes in such cases made and the Preliminary Plan attached to said Petition was prepared in compliance with the requirements of the Bloomington City Code; 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 Preliminary Plan of the Second Addition to the Links at Ireland Grove Road 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 the time of its passage and approval.

PASSED this 24th day of July, 2006

APPROVED this 25th day of July, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Legal Description

Lot 311 in the First Addition to the Links at Ireland Grove Road Subdivision, Bloomington, McLean County, Illinois

Motion by Alderman Matejka, seconded by Alderman Crawford that the Preliminary Plan 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 David Kaeb, Harold Goodman, and Glenn Porzelius requesting rezoning of property commonly located at 1318, 1319, 1401 and 1403 West Market Street and 501 N. Hinshaw St. from C-2, Neighborhood Shopping District to B-2, General Business Service District (Case Z-13-06) (Ward #7)

BACKGROUND INFORMATION:**Adjacent Zoning**

north: R-1C, Single Family Residence District
south: R-1C & S-2, Public Lands & Institutions

east: R-1C, Single Family Residence District
west: R-1C, Single Family Residence District

Adjacent Land Uses

north: single family dwellings
south: single family dwelling & multiple family dwellings
east: single family dwellings
west: single family dwellings

Comprehensive Plan recommends: "Regional/Highway Commercial" use for the properties in question.

The properties in question include the following land uses:

- 1318 West Market St. - janitorial supplies, equipment and paper products business, accessory storage garage & apartment;
- 1319 West Market St. (includes 501 N. Hinshaw Ave.) - masonry contractor's office and two (2) apartments & accessory parking lot;
- 1401 West Market St. - currency exchange, loan company, bakery, and accessory parking lot; and
- 1403 West Market St. - parking lot for businesses at 1401 W. Market St.

The addresses in question were first zoned "Commercial" under the City's first Zoning Ordinance adopted in 1941. The zoning of the subject premises was changed to "C-2 Commercial District" on April 9, 1956, with the adoption of a new Zoning Code. A wide range of retail trade and business and professional service uses were permitted in these commercial districts under these early zoning regulations adopted in 1941 and 1956. On February 23, 1979, the zoning of these properties was changed to "C-2 Neighborhood Shopping District" with the adoption of a new Zoning Code. This 1979 Code significantly restricted the types of retail trade and business and professional service uses that were permitted.

Due to these land use restrictions, the janitorial supplies, equipment and paper products business at 1318 West Market are a legal, nonconforming use that can not be enlarged or increased, nor extended to occupy a greater area of land.

Mr. David Kaeb, one of the petitioners, wishes to enlarge the storage floor area for the Kaeb Sanitary Supply, Inc., at 1318 West Market and is unable to do so under the current C-2 zoning. This addition would be permitted in the B-2 district. The other petitioners have joined Mr. Kaeb in petitioning for this zoning map amendment from C-2 to B-2 because the B-2 zoning regulations would permit a wider range of land uses on their lots than under the current C-2 zoning regulations.

Approval of this zoning map amendment would be consistent with the City's Comprehensive Plan which recommends "Regional/Highway Commercial" use for the subject property. The West Market Street arterial is a major western entrance into the City from Interstate Highways I-55 & I-74 and Mitsubishi Motorway and is a primary route to Downtown Bloomington, site of the US Cellular Coliseum and the Bloomington Center for the Performing Arts.

PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission held a public hearing on this petition on July 12, 2006 and recommends the same. Mr. Kenneth Emmons, City Planner, recommended that the Planning Commission pass a motion recommending Council approval of the rezoning of the subject premises from C-2, Neighborhood Shopping District to B-2, General Business Service District because such rezoning would be consistent with the City's Comprehensive Plan.

Mr. David A. Kaeb, 3006 Morningside Dr., presented testimony in favor of this petition. He noted that Kaeb Sanitary Supply, Inc., 1318 West Market St., ships its janitorial supplies, equipment and paper products to most of its customers and that currently receiving and shipping trucks must use its West Market St. driveway, which periodically interferes with traffic flow on

West Market St., resulting in traffic congestion. He stated that trucks now block Market Street for the time it takes to maneuver to back in and West Market is a much higher traffic volume street. He characterized the changes as his attempt to make the corner location more “functional.” He testified that he did not anticipate generating additional truck traffic in his business as a result of this rezoning. He testified that after the proposed addition to the storage floor area was completed, the receiving and shipping of such supplies, equipment and paper products would use a driveway from the east side of N. Hinshaw Avenue instead of West Market St. He noted that presently there is enough area for four to five spaces for customer parking in the adjacent City parking lot to the west of 1318 West Market St.

Mr. Richard Barsema, 313 W. Hickory St., Fairbury, IL, testified that he owns 1311 West Market St., a single family residence, and that he was concerned about the availability of more off-street parking if there is an expansion of commercial land uses on the addresses in question. He recalled that a tavern had once been located at this intersection and that there had been long-standing problems with on-street parking when it had been allowed along West Market Street. He also expressed concern about increased evening noise levels resulting from the expansion of commercial land uses at the subject addresses. He expressed disappointment that Mr. Harold Goodman and Mr. Glenn Porzelius, the two other petitioners, were not present at this public hearing to answer Mr. Barsema’s questions.

Mr. Thomas Staszecki, 1326 West Mulberry St., presented testimony in opposition to this petition at this hearing and noted that the B-2 zoning would result in more truck traffic through residential neighborhoods that would tear up such neighborhoods. He objected to the additional truck traffic using West Market, North Hinshaw and West Locust.

Mr. Mark Huber, Director of Planning and Code Enforcement, noted that this case started with Mr. Kaeb’s desire to expand his building for storage and not being allowed to do so as his property’s use (janitorial supplies) is currently considered a ‘nonconforming use’ and thus does not allow for the structure to be expanded. Rezoning to B-2 would make the janitorial supply a permitted use and allow the expansion. By having the other three commercial corners join the petition helped to make this request less of a ‘spot zoning.’ He noted that any redevelopment would have to meet Code and these sites are very small. He stated that with the restrictions of parking requirements, setbacks, and transitional yards; many uses, like a tavern, may not even be feasible and any new use would likely require variances necessitating the petitioning to the Zoning Board of Appeals and thus trigger a public hearing and public notice.

No other persons testified at this public hearing.

PLANNING COMMISSION RECOMMENDATION:

After consideration of this petition and the testimony presented at this hearing, the Planning Commission passed a motion by a vote of 7 to 0, recommending Council approval of this petition in Case Z-13-06 as presented.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission’s recommendation for City Council approval of this petition in Case Z-13-06.

Respectfully submitted,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

PETITION FOR ZONING MAP AMENDMENT

State of Illinois)
) ss.
County of McLean)

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

Now comes David A. Kaeb, Harold Goodman, and Glenn Porzelius, hereinafter referred to as your petitioners, respectfully representing and requesting as follows:

1. That your petitioners are the owners of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A, which is attached hereto and made a part hereof by this reference, or are a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That said premises legally described in Exhibit “A” presently has a zoning classification of C-2 under the provisions of Chapter 44 of the Bloomington City Code, 1960;
3. That the present zoning on said premises is inappropriate due to error in original zoning, technological changes altering the impact or effect of the existing land uses, or the area in question having changed such that said present zoning is no longer contributing to the public welfare;
4. That your petitioners hereby request that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended to reclassify said premises into the B-2 zoning district classification;
5. That said requested zoning classification is more compatible with existing uses and/or zoning of adjacent property than the present zoning of said premises; and
6. That said requested zoning classification is more suitable for said premises and the benefits realized by the general public in approving this petition will exceed the hardships

imposed on your petitioners by the present zoning of said premises.

WHEREFORE, your petitioners respectfully pray that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended by changing the zoning classification of the above-described premises from C-2 to B-2.

Respectfully submitted,

By: David A. Kaeb

Harold Goodman

Glenn Porzelius

ORDINANCE NO. 2006 - 81

**AN ORDINANCE REZONING
1318 W. MARKET, 1319 W. MARKET, 1401 W. MARKET, AND 1403 W. MARKET
FROM C-2 TO B-2**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for rezoning of certain premises hereinafter described in Exhibit "A"; and

WHEREAS, the Bloomington Planning Commission, after proper notice was given, conducted a public hearing on said Petition; and

WHEREAS, the City Council of said City has the power to pass this Ordinance and rezone said premises.

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

1. That the premises hereinafter described in Exhibit "A" shall be and the same are hereby rezoned from C-2 District to B-2 District.
2. The Official Zoning Map of said City shall be amended to reflect this change in zoning classification.
3. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 24th day of July, 2006.

APPROVED this 25th day of July, 2006.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

1318 W. Market:
Cranmers Addition N ½, W 14', Lot 8 and N ½ Lot 9 Block 3

1401 W. Market:
AH Moores Addition (EX N 100') Lot 3 Block 2

1403 W. Market:
AH Moores Addition (EX ST Indicators EXC in Deed 86-1520) S ½ Lots 1 and 2 Block 2

1319 W. Market:
S44' Lot 9 and All of Lot 10 and W6' Lot 11 Otto Addition to City of Bloomington

Motion by Alderman Matejka, seconded by Alderman Crawford that the Rezoning 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 filed by Mid Central Community Action and the City, a Municipal Corporation, Requesting the Vacation of the Lumber Street Right-of-Way Northerly of West Grove Street (Case: V-01-06) (Ward # 2)

BACKGROUND INFORMATION:

Mid Central Community Action (the developer) is planning to redevelop the 4.393 acre tract of vacant land west of Lumber Street and north of West Grove Street (former site of the Beich Candy Co.) as an affordable housing subdivision containing 23 lots for single family dwellings and one outlot for storm water detention. The developer is petitioning the City to vacate the 0.53 acre Lumber Street right-of-way northerly of West Grove Street so that it can be incorporated into this subdivision as part of a new lot and as a public right-of-way entrance from Grove St. to a new east-west cul-de-sac street (Trailside Court) that will provide access to 18 lots. The six inch City water main that is located within this Lumber Street right-of-way will be abandoned, and a new water main installed along Trailside Court. Street curb and gutter and pavement that is no longer needed will be removed.

PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission held a public hearing on this petition on July 12, 2006 and recommends the same. Mr. Kenneth Emmons, City Planner, recommended that the Planning Commission pass a motion recommending Council approval of this petition. Mr. Frank Miles, Attorney at Law, 202 N. Center St., (representing Mid Central Community Action) presented arguments in favor of this petition at this public hearing. He noted that the former Beich Candy Co. property to the west was given to the Mid Central Community Action, a not-for-profit organization, as a charitable donation.

Mr. Samuel R. Kelch, Sr., 1301 West Grove Street, presented arguments against this street vacation at this hearing. He argued that the City should not give up this right-of-way free of charge and should be reimbursed by Mid Central Community Action for the fair market value. He argued that the Union Pacific Railroad should receive part of this right-of-way. He stated his preference that the petitioner repair and pay for new sidewalks and repair to West Grove Street. Mr. Emmons noted that the City deeds a vacated right-of-way back to the tract from which it had been taken.

Mr. Doug Grovesteen, Director of Engineering, responded that the City customarily does not charge a fee for right-of-way that it vacates and the land that is vacated reverts back to the land from which it was originally dedicated as public right-of-way (filed May 31, 1890 with the right-of-way coming from owner of land to the west).

Mr. Grovesteen noted that the petitioner had agreed to restore the sidewalks as part of this development. He noted that the Council would decide priorities on resurfacing projects such as West Grove St.

PLANNING COMMISSION RECOMMENDATION:

After consideration of this petition and the testimony presented at this hearing, the Planning Commission passed a motion by a vote of 7 to 0, recommending Council approval of the vacation of the Lumber Street right-of-way northerly of West Grove Street.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission's recommendation for City Council approval of this petition in Case V-01-06.

Respectfully submitted,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

**PETITION FOR VACATION OF
LUMBER STREET RIGHT-OF-WAY NORTHERLY OF GROVE STREET**

STATE OF ILLINOIS)
) ss.
COUNTY OF MCLEAN)

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

Now comes Mid Central Community Action and City of Bloomington, Illinois, hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

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

WHEREFORE, your Petitioner prays that Lumber Street right of way, northerly of Grove Street be vacated with such reservation of utility easements as may seem proper.

Respectfully submitted,

By: Mid Central Community Action

ORDINANCE NO. 2006 - 82

**AN ORDINANCE PROVIDING FOR THE VACATION OF
LUMBER STREET RIGHT OF WAY NORTHERLY OF GROVE STREET**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting the vacation of Lumber Street right of way northerly of Grove Street; 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 Lumber Street right of way northerly of Grove Street as requested in this case.

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

1. That Lumber Street right of way northerly of Grove Street is hereby vacated.
2. The aforesaid vacation notwithstanding, the City reserves to itself and to all utilities an easement the full width of the vacated Lumber Street right of way northerly of Grove Street for the purpose of laying, installing, maintaining, repairing, removing, or replacing such facilities as they may deem appropriate.
3. That this ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 24th day of July, 2006.

APPROVED this 25th day of July, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

A part of the public road as shown on the plat of County Clerk's Subdivision of Lot 12 in the south half of Section 5, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, recorded in Plat Book 6, page 9, in the McLean County Recorder's Office, more particularly described as follows:

Beginning at the intersection of the north right of way line of Grove Street with the northwest right of way line of Lumber Street as shown on the plat of Citizen's Addition, Bloomington, Illinois. From said Point of Beginning, thence northeast 438.22 feet along said northwest right of way line to a point on the south line of the Depot Grounds Lot as shown on the plat for said County Clerk's Subdivision of Lot 12, lying 58.34 feet along said south line which forms an angle to the left of 119°-38'-38" with the last described course to said southeast corner, said southeast corner being on the northwest right of way line of the Union Pacific Railroad; thence southwest 436.15 feet along said northwest right of way line, said northwest right of way line also being also being the southeast right of way line of Lumber Street, which forms an angle to the left of 60°-51'-28" with the last described course to a point on the easterly extension of the north right of way line of said Grove Street lying 62.69 feet along said easterly extension which forms an angle to the left of 119°-04'-22" with the last described course to the Point of Beginning, containing 0.53 acres, more or less.

Motion by Alderman Matejka, seconded by Alderman Crawford that the Vacation 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: Members of the City Council

From: Liquor Commission

Subject: Application of Tjolo's Corporation, d/b/a Show Me's Restaurant, located at 517 N. Main St., for an RAS liquor license, which will allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to hear the application of Tjolo's Corporation d/b/a Show Me's Restaurant, located at 517 N. Main St., requesting an RAS liquor license which would allow the sale of all types of alcohol by the glass

for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Steven Stockton, Richard Buchanan, and Marabeth Clapp; Hannah Eisner, Asst. Corporation Counsel and Tracey Covert, City Clerk; and Brian Novotny, owner/operator and Applicant representative; Merrick Hayes, Applicant's attorney; and Ron Cote, President Show Me's Restaurants.

Commissioner Stockton requested that the Applicant explain the business plan. Merrick Hayes, Applicant's attorney, addressed the Commission. He noted that Show Me's would be located at the former Copy Shop. A binder was presented to the Commission which outlined the business plan. This store would be a franchise. Other Show Me's locations were listed in the binder. Show Me was head quartered in Missouri. Brian Novotny would operate the Bloomington franchise. The restaurant menu was also contained in the binder. Ron Cote, the head of the franchise, was present and would address the business operations.

Ron Cote, President - Show Me's Restaurant, addressed the Commission. He noted that there were currently ten (10) Show Me's locations. There were three (3) stores in Illinois, six (6) in Missouri, and one (1) in Indiana. Show Me's was an Illinois corporation. It took three (3) years to gain approval from the state. Show Me's began in November 1990. The franchise has not grown too quickly. Food to liquor sales were estimated with food sales in the high fifty percentile. The goal was for Show Me's to be restaurants. Show Me's offers a fun atmosphere, television with sports, and limited live entertainment.

Commissioner Buchanan questioned the numbers for the Springfield store. Mr. Cote noted that food sales were at sixty-two to sixty-three percent, (62 - 63%). Commissioner Buchanan questioned the lowest food percentile. Mr. Cote noted that the lowest percentile at fifty-six to fifty-seven percent, (56 - 57%). The highest percentile was seventy percent (70%). Commissioner Buchanan questioned the percentage of sales for non alcohol/nonfood. Mr. Cote noted less than one percent (1%).

Commissioner Clapp questioned if Show Me's would offer lunch and dinner. Mr. Cote responded affirmatively. Show Me's opened at 11:00 a.m. Closing hour was generally midnight/1:00 a.m. He described business as steady all day long. He noted that food sales do well late night.

Commissioner Buchanan noted that alcohol sales are not allowed until 12 noon on Sundays. Mr. Cote did not see this fact as a problem. Show Me's would open at 11:00 a.m. and be ready to go by 12 noon.

Commissioner Stockton questioned the store's layout. Mr. Cote noted that each Show Me's was different. Generally, Show Me's take over existing buildings. The restaurant area was up front with the kitchen in the back. He expressed his opinion that the Bloomington facility had a nice layout. Commissioner Stockton questioned the French doors. He also questioned if there would be live/amplified music. Brian Novotny, owner/operator and Applicant representative, addressed the Commission. Show Me's do not offer live music. He noted his preference for the appearance of French doors. They would offer a view of the Downtown. He acknowledged that the City discretion would determine if the doors would be open or closed. Mr. Cote added that

there would be a stereo system with six to eight (6 - 8) speakers. Classic rock, (rock from the 1960 - 90's) is offered.

Commissioner Buchanan noted that Show Me's would be located in the former Copy Shop. He questioned the new section. Mr. Novotny noted that Show Me's would be located at the former Copy Shop. He was rebuilding a portion of the original building. This portion would be thirty feet (30'). The business signage would be on this portion.

Commissioner Stockton questioned if Show Me's would offer a sidewalk cafe. Mr. Novotny noted his plan for patio dining. He added his belief of an understanding with adjacent property owner that the rebuilt portion of the facility would not be two (2) stories. The patio would allow a transition area in light of the City's Ordinance 2006 - 51, An Ordinance Amending Chapter 41 of the Bloomington City Code, Regulating Smoking in Public Places in the City of Bloomington. He noted his concern about Show Me's ability to compete with the area's competition.

Commissioner Stockton questioned the patio's occupancy. Mr. Novotny estimated occupancy at twenty-five to thirty (25 - 30). Mr. Cote estimated total seating at 125, 100 inside and twenty-five (25) on the patio. The Bloomington store would be a smaller restaurant.

Commissioner Buchanan questioned if the patio would be ready at the time the restaurant opened. Mr. Novotny responded affirmatively. Mr. Cote expressed his opinion that the patio would be a nice, appealing addition to the restaurant. Commissioner Buchanan questioned nearby Downtown residences. Mr. Novotny responded affirmatively. Commissioner Stockton noted that when Show Me's was up and operating the business would close at 12:30 - 1:00 a.m. He questioned if there would be people on the patio. He also questioned if Show Me's would be open until 12:30 - 1:00 a.m. on Sundays. Mr. Cote noted that Show Me's pushed the food. Show Me's also offered food specials. Show Me's might be half full but there would be patrons eating food. Show Me's does not cater to a young crowd. He noted that patrons are seated at tables.

Commissioner Buchanan questioned the business hours of operation. He noted that the late closing hour during the week (1:00 a.m.). He questioned if the full menu would be available until close. Commissioner Buchanan questioned if Mr. Cote could break alcohol sales down per hour. He also questioned if the highest percentage occurred between the hours of 11:00 p.m. - 1:00 a.m. Mr. Cote acknowledged his agreement with Commissioner Buchanan's assessment. He added that the full menu would be available until close. Show Me's performs self audits.

Catherine Dunlap, 515 N. Main, Apt. 2, addressed the Commission. She noted that her living room window would be in line with the patio dining area. She expressed her concern regarding a sound and visual barrier. Mr. Novotny noted that there would not be any live music. The patio would be available for dining only. Ms. Dunlap acknowledged that her residence was located in the middle of the Downtown's bar district. She restated that her apartment was level with the patio. She noted that noise would be a major concern. She stated that there would be twenty-five to thirty (25 - 30) people eating and drinking. She added that her bedroom window was one (1) level up.

Commissioner Stockton noted that Fred Wollrab was the owner of 513 - 515 N. Main St. Ms. Dunlap described the apartments as high end. They were occupied by young professionals. Show Me's patrons would be able to look into her living room. Commissioner Stockton noted that Mr. Wollrab was also concerned about a brick wall. Ms. Dunlap requested a visual/sound barrier. However, she also wanted the direct sun light. She noted her experience with a Show Me restaurant in Cape Girardeau, MO.

Mr. Cote described the construction of the patio dining area. He noted the City's Ordinance 2006 - 51, An Ordinance Amending Chapter 41 of the Bloomington City Code, Regulating Smoking in Public Places in the City of Bloomington. He specifically cited Section 15.5. which affects outdoor patios. Show Me's did not want to enclosed the entire facility. Ms. Dunlap noted the neighbors' concerns. She requested that the Applicant be required to meet with the adjacent residents to address the outdoor patio.

Commissioner Buchanan questioned the building plan. He noted that the adjacent structure was a three (3) story building. He questioned what the Applicant could do which would not block direct sun light. Ms. Dunlap noted that the original structure was only a single story. She acknowledged that no assurances were given when she enter into her rental agreement. She expressed her concerns regarding amplified music and people talking. She noted that the building's landlord was not aware of this liquor application.

Commissioner Buchanan questioned the sources of natural light. Ms. Dunlap noted that her apartment had windows on the west and north sides. She restated the locations of the windows. She restated her request for a sound barrier. She expressed her belief that a compromise was possible.

Commissioner Stockton questioned the type of windows used by Mr. Wollrab. Ms. Dunlap believed the windows were double pane. Mr. Cote questioned what Ms. Dunlap was looking for in the way of a compromise. Ms. Dunlap noted a visual barrier with sound absorption. Mr. Cote noted that the patio would only be used two to three (2 - 3) months per year. It would be open until 10:30 p.m. He viewed the patio as an important part of the business. There would only be two (2) speakers on the patio. He expressed his belief that the patio would be quieter than the restaurant. Ms. Dunlap agreed that 10:30 p.m. would be an acceptable closing hour for the patio. Mr. Cote noted that the music would be turned off at 10:30 p.m. Ms. Dunlap questioned the speaker direction. Mr. Cote noted that they could be mounted on the patio's south wall and pointed north.

Commissioner Stockton attempted to clarify the situation. Residents have expressed the following concerns: closing time, music, screening provision, belief that the application was not warranted, and that there should not be a liquor license at this location. Other concerns included control usage of the patio and that the Applicant be required to work with Fred Wollrab, landlord, and his tenants at 513 - 515 N. Main St. Ms. Dunlap stated that there were creative ways to address her concerns.

Mr. Novotny informed the Commission that he had met with Mr. Wollrab. He expressed his belief that they had reached a compromise which was to not enclose the second floor. He added

that he belief that the proposed patio dining area was acceptable to Mr. Wollrab. He expressed his willingness to work with the tenants. He added that the patio dining was an important part of the business plan. Currently, this location was an unfinished space where people congregate at bar closing time. He informed the Commission that he also was a Downtown resident. He acknowledged that sound was a constant. He expressed his hope that an established business would help to dampen the sound volume. Ms. Dunlap noted that there were four (4) units in her building. Her apartment offered windows on the building's north side. She restated that Mr. Wollrab was not notified of this hearing.

Mr. Cote noted that Ms. Dunlap did not want her window blocked. Commissioner Stockton encouraged the Applicant to involve the adjacent property's landlord to work out the details.

Jan Lancaster, 316 N. Main St., addressed the Commission. She expressed concern regarding the French doors. She expressed her belief that Fat Jack's located at 507 - 511 N. Main St. must close its doors and windows at 10:00 p.m. Hannah Eisner, Asst. Corporation Counsel, addressed the Commission. She noted that the requirement was midnight unless Fat Jack's was offering amplified music. Under this circumstance the windows and doors must be closed. Ms. Lancaster encouraged the Council to use the same language. Commissioner Buchanan questioned if the noise levels would be comparable, (Fat Jack's v. Show Me's). Mr. Cote noted that Show Me's would be louder than an Applebee's. Commissioner Stockton noted that noise was an occupational hazard at restaurants, (patron conversations). Ms. Dunlap noted that the noisiest time was at 2:00 a.m., (bar closing time). Commissioner Buchanan acknowledged that all of the Downtown bars close at the same time.

Mr. Novotny offered to work with the City regarding business hours. He informed the Commission that it was more expensive to operate a restaurant than a bar. He needed to sell food for Show Me's to be a successful business enterprise. Show Me's kitchen would be open from lunch time to closing time. Commissioner Buchanan noted that if there were no conditions placed upon the license than Show Me's could be open until 2:00 a.m. He added that it was not within the Commission's scope to address/define some of the concerns raised by Ms. Dunlap. However, he expressed an interest in providing the Commission with the opportunity to review the compromise before making a recommendation to the City Council.

Commissioner Stockton recommended that the Commission consider three (3) conditions: 1.) reserve the right to impose tavern ("T") liquor license rules if deemed appropriate by the Commission; 2.) reserve the right to adjust the use of the French doors and patio with regards to the following: a.) when to open/when to close; b.) use of amplified music; and c.) business hours for use of patio; and 3.) reserve the right to cease operation of the patio if baffling sounds/visual barrier options fail. He added that the Commission would also reserve the right to instruct the Applicant to discontinue use of the same.

Commissioner Buchanan expressed his opinion that these were all honest people working towards a compromise. He again restated his interest in allowing the Commission the opportunity to review said compromise.

Commissioner Clapp expressed her interest in a time limit to address the noise issues. She added that there was a basis for mutual compromise. Mr. Hayes noted that the Applicant needed to know the status of the application.

Ms. Eisner encouraged the Commission to establish hours as a condition. She cited a closing time for the patio dining area. The conditions could also address speaker orientation, a cessation time for liquor sales, French doors, etc. She encouraged the Commission to set reasonable hours. She noted that the Applicant was familiar with the City's Alcoholic Beverage code.

Commissioner Buchanan noted that the Commission cannot assign specific solutions/conditions to all of the concerns raised. Commissioner Stockton noted that the motion could contain conditions with the Commission reserving the ability to adjust said conditions.

Commissioner Clapp noted that the first two (2) conditions were pretty standard for restaurants which are located near residential uses. She questioned if the remaining conditions could be codified.

Ms. Eisner encouraged the Commission to select hours for operations. The restaurant would open with restrictions which could be modified if warranted.

Mr. Novotny noted that the patio dining area would also function as Show Me's smoking area.

Commissioner Stockton noted that there was still a lot of work to be done.

Commissioner Buchanan noted his lack of awareness regarding Ms. Dunlap's situation. He liked Mr. Novotny's application. He noted that the parties involved were responsible, dependable, and respectful to each other.

Based on the above, the Liquor Commission recommends to the City Council that an RAS liquor license for Tjolo's Corporation, d/b/a Show Me's Restaurant, located at 517 N. Main St., be created, contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) the Commission reserves the right to impose tavern ("T") liquor license rules after 8:00 p.m. if the nature of the environment so justifies; 2.) the Commission reserves the right to regulate the environment's surrounding openings, (French doors) with regards to music and sound baffling; 3.) said openings must be closed by midnight or at anytime live music is offered; 4.) the Commission reserves the right to regulate the use of the patio dining area to include the time of use, the use of music, the time for liquor sales, and sound/visual baffling/barrier; and 5.) the patio dining area may not be occupied after 11:00 p.m.

Respectfully,

Stephen F. Stockton
Chairman of the Liquor Commission

Alderman Schmidt requested clarification. She cited the use of the patio and conditions placed upon the license. She expressed her opinion that the conditions were not specific enough. She added that amplified music should not be allowed. Mayor Stockton stated that music, live and/or amplified, had been addressed in the minutes. Neighborhoods change and conditions could also be changed. Alderman Schmidt restated that the conditions were not specific enough. Amplified music should not be allowed on a building's exterior based upon past experiences. She cited issues at the Phoenix Towers.

Mayor Stockton introduced this item. The Liquor Commission met on July 12, 2006. He noted the number of conditions which were placed on the Application.

Alderman Schmidt stated that subsequent to the Commission's meeting a number of comments had been received. She questioned the notification process. Individuals were concerned about the nature of the restaurant. She requested that the public be given the opportunity to address the Commission. She added that the patio would also serve as the establishment's smoking area. She questioned the City's implementation of the ordinance regulating smoking in public places. She noted ADA, (Americans with Disabilities Act), compliance issues. She requested that the agreement between Mr. Novotny and Fred Wollrab be clarified.

Mayor Stockton noted that there were three (3) issues: 1.) the need for an additional license in the area (see Chapter 6. Alcoholic Beverage, Section 4B. Creation of New License - Findings); 2.) the use of the (rooftop) patio and its adverse impact, if any; and 3.) the theme of the restaurant.

Alderman Schmidt expressed her opinion that the issue was bigger. She restated smoking outdoors and compliance with ADA. She noted that this issue would also apply to Your Mother's, LLC, d/b/a Your Mother's, located at 525 N. Center St. Mayor Stockton noted that certain items were beyond the Commission's purview. These issues needed to be addressed by the City's P.A.C.E. (Planning and Code Enforcement) Department.

Alderman Schmidt restated her interest in the agreement between the adjoining property owners, (Brian Novotny and Fred Wollrab).

Alderman Matejka recalled from historic memory that the Council had limited the number of liquor licenses in the northern end of the Downtown. He admitted that there was nothing formally adopted. He encouraged the Council to be cautious regarding an additional liquor license. He noted the number of police calls to this area of the Downtown on Thursday, Friday, and Saturday nights. He requested a report from Roger Aikin, Police Chief. Tom Hamilton, City Manager, addressed the Council. He noted that the Council's concern had been focused upon additional "T" (Tavern) liquor licenses not "R" (Restaurant), liquor licenses. Mayor Stockton expressed his opinion that Show Me's represented a hybrid.

Alderman Crawford recalled that the Police Department has spent over \$200,000 on overtime for Downtown detail, (Thursday, Friday, and Saturday nights). Mr. Hamilton

expressed his opinion that the figure represented a good estimate, and represented the entire Downtown.

Alderman Hanson requested a Work Session prior to the effective date for Ordinance No. 2006 - 51, An Ordinance Amending Chapter 41 of the Bloomington City Code, Regulating Smoking in Public Places in the City of Bloomington. He expressed his opinion that there needed to be guidelines. He added his belief that the Council owed it to the community. Mayor Stockton noted that such a Work Session would address the practical implications of the ordinance. Alderman Hanson noted privacy, noise, etc. There were a number of questions and the City does not have everything in place.

Alderman Schmidt recommended that the new Executive Director of the Downtown Business Association be involved in the discussion. Mayor Stockton added that it would provide an opportunity to current license holders to resolve issues.

Alderman Finnegan questioned the status of the lawsuit involving the City of Springfield. Todd Greenburg, Corporation Counsel, addressed the Council. He had not heard anything regarding same. Mayor Stockton noted that the prime allegations were that the City had no authority/right to ban smoking in bowling alleys, bars, and billiard halls.

Alderman Purcell noted that the ADA would fall under the responsibility of P.A.C.E. Mayor Stockton added that accessibility might be an issue.

Motion by Alderman Schmidt, seconded by Alderman Matejka that the Application of Tjolo's Corporation, d/b/a Show Me's Restaurant located at 517 N. Main St., for an RAS liquor license be returned to the Liquor Commission and be placed on the meeting agenda for August 9, 2006.

The Mayor directed the Clerk to call the roll which resulted as follows:

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

Nays: None.

The following was presented:

To: Members of the City Council

From: Liquor Commission

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

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to hear the application of Your Mother's, LLC d/b/a Your Mother's, located at 525 N. Center St., requesting an RAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Steven Stockton, Richard Buchanan, Marabeth Clapp, and Mark Gibson; Hannah Eisner, Asst. Corporation Counsel and Tracey Covert, City Clerk; and Ben Slotky, owner/operator and Applicant representative.

Commissioner Stockton requested that the Applicant explain the business plan. Ben Slotky, owner/operator and Applicant representative, addressed the Commission. He noted that he had also appeared before the Commission on April 11, 2006. The application was for Your Mother's to be located at 102 N. Center St., (Front n Center building). The Commission recommended to the City Council that the license be created. It appeared on the Council's May 8, 2006 meeting agenda and was approved without conditions. He noted that at this time the building's owner was considering a redevelopment plan for the Front n Center building. Your Mother's would have occupied a small portion of the building. There were also rumors that the building might be sold. At this time, he was unable to move forward. He had been approached by Mark Finley, property owner for 525 N. Center St. This application was for a change of venue. He needed to keep his options open.

Commissioner Buchanan questioned the license classification. He also questioned if Mr. Slotky planned to develop both locations. Mr. Slotky noted that both applications were for an RAS liquor license. He added that only one (1) location would be developed.

Commissioner Stockton noted that the environments were different. This facility was a much larger space/building. He also noted the upper level patio. Mr. Slotky expressed his interest in the Front and Center location. He acknowledged that the space there would have been limited. This facility offered a larger kitchen and additional seating. On the down side, the location was much further from the Downtown square. He expressed his opinion that if the core menu is good, then Your Mother's would do fine in either location. He added the business plan would remain the same.

Commissioner Stockton noted that Mr. Slotky had given the Commission a number of things to consider. He noted the application of tavern ("T") liquor license conditions. He expressed his opinion that the upper level patio would be similar to the proposed Show Me's Restaurant which would be located at 517 N. Main St.

Mr. Slotky expressed his opinion that Your Mother's could work past this issue. Your Mother's would not offer live amplified music. Any speakers installed on the patio would face in.

Commissioner Stockton noted the time the patio would be occupied. In addition, there might be a requirement for a screening barrier, a restriction regarding amplified music and a restriction regarding the hours for alcohol sales. He questioned if the Applicant was willing to be flexible if problems occurred. Mr. Slotky noted that a parking lot was located directly east of this building. Commissioner Buchanan requested that the Applicant compare/contrast his two (2) applications. He added his opinion that this application (525 N. Center St.) appeared to be more like a tavern.

Mr. Slotky noted that the original application's site had been a former flower shop and offered approximately 2,200 square feet. This application had formerly been a restaurant/tavern and was considerably larger, (4,000 square feet). He noted that 525 N. Center St. was considerably larger. However, the business plan and operations would be the same regardless of location. He recalled that there was no opposition to his original application.

Commissioner Clapp questioned if the Applicant was prepared to act/react. She cited that this location had been problematic for the previous tenant.

Commissioner Buchanan questioned Mr. Slotky's plans for the patio. Mr. Slotky noted that the patio offered outdoor seating. People liked to sit and eat outdoors. He compared the patio to a sidewalk cafe.

Commissioner Buchanan questioned the atmosphere inside Your Mother's on a busy Saturday night around midnight. Mr. Slotky noted that there would be patrons eating and drinking. He informed the Commission that at Flinger's Pizza located at 608 N. Main St., eighty percent (80%) of food sales occur between the hours of 11:00 p.m. and 1:00 a.m. People are grabbing something to eat before heading home. Commissioner Stockton questioned the floor plan. Mr. Slotky had submitted a floor plan with the application which showed a bar which would seat sixteen to eighteen (16 - 18).

Commissioner Buchanan questioned the entrance. Mr. Slotky noted that the entrance would be moved from the building's west side (Center St.) to its north side (Mulberry St.).

Commissioner Buchanan questioned the application from a legal perspective. Hannah Eisner, Asst. Corporation Counsel, addressed the Commission. She noted that if this application is approved by the Commission and the Council, then Mr. Slotky would have to relinquish his interest in one of them. He would be allowed to elect one or the other. Mr. Slotky restated that it was intention to operate one but not both.

Commissioner Buchanan questioned if any tavern ("T") liquor license conditions/restrictions had been placed on the original application. Mr. Slotky responded negatively. He noted that if the Commission was compelled to place conditions on this application which specified certain times, he would be amenable.

Commissioner Stockton noted that the floor plan did not show a stage. He questioned if there would be a dance floor. Mr. Slotky responded negatively. Commissioner Stockton questioned Mr. Slotky's investment. Mr. Slotky noted several \$100,000. Part of the budget was for renovation of the facility. The building would look substantially different as an attempt to change the building's perception.

Ms. Eisner questioned the occupancy. Mr. Slotky estimated the number at 160. Commissioner Buchanan questioned if the kitchen would be open and offering full service at anytime Your Mother's is open. Mr. Slotky responded affirmatively.

Commissioner Stockton recommended that a condition be placed upon the motion which would require Mr. Slotky to surrender his rights to one of these liquor licenses. Mr. Slotky noted his opportunity to make something happen at this location.

Commissioner Stockton cited the conditions which were placed upon the proposed Show Me's Restaurant to be located at 517 N. Main St. which addressed the patio and its use including occupancy, screening, amplified music, and liquor sales.

Commissioner Buchanan questioned the business plan's estimate for alcohol and food sales. Mr. Slotky informed them that food sales were estimated at sixty-five percent (65%).

Jan Lancaster, 316 N. Main St., addressed the Commission. She informed them that she had owned and operated a restaurant, (Lancaster's located at 513 N. Main St.), and a tavern, (Bistro located at 316 N. Main St.) for fourteen (14) years. She expressed her opinion that during the late night hours Downtown restaurants become taverns. She added that the predominant sales would be alcohol. She questioned how the City's Police Department could possibly track these conditions. Ms. Eisner noted that the City provides and requires that the conditions be posted along with the liquor license.

Ms. Lancaster expressed her opinion that across the board all liquor establishments should operate as taverns after a certain hour. Commissioner Stockton questioned the impact of her statement upon Lancaster's. Ms. Lancaster amended her comments to be directed at Friday and Saturday nights.

Ms. Eisner noted that the City provides and requires that the conditions be posted along with the liquor license.

Commissioner Buchanan expressed support for a limited number of conditions. Mr. Slotky stated that Crusens East, Inc., d/b/a Crusens located at 525 N. Center St. appeared before the Commission at their May 9, 2006. He noted that no concerns were raised by the Commission. No one from the public came forward to address the Commission. He added that no conditions were placed upon their application. (A review of the minutes for Crusens revealed the following condition: no amplified music be allowed at the patio.)

He also noted the resistance and opposition to his application. He expressed his willingness to comply with any conditions. Commissioner Stockton noted that it was the summer season and the Commission has been made more aware of noise, etc.

Based on the above, the Liquor Commission recommends to the City Council that an RAS liquor license for Your Mother's, LLC, d/b/a Your Mother's, located at 525 N. Center St., be created, contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) the Commission reserves the right to impose tavern ("T") liquor license rules after 8:00 p.m. if the nature of the environment so justifies; 2.) the Commission reserves the right to regulate the use of the patio dining area to include the time of use, the use of music, the time for liquor sales, and sound/visual baffling/barrier; and 3.) the Applicant must relinquish the right to

the RAS liquor license for Your Mother's located at 102 N. Center St. which was approved by the Council on May 8, 2006.

Respectfully,

Stephen F. Stockton
Chairman of Liquor Commission

Mayor Stockton introduced this item. He noted that this issues between Show Me's and Your Mother's were similar.

Alderman Schmidt requested that an additional condition be added: 1.) that no live and/or amplified music be allowed on the patio. She had spoken with Mr. Slotky. He informed her that music on the patio was not a part of his business plan.

Alderman Matejka requested that P.A.C.E. staff address smoking on the patio. Mark Huber, Director of P.A.C.E., addressed the Council. He described the issue as addressing smoking on roof top gardens. If the area were small enough then accessibility would not be required. However, the City's adoption of Ordinance No. 2006 - 51, An Ordinance Amending Chapter 41 of the Bloomington City Code, Regulating Smoking in Public Places in the City of Bloomington, might complicate the matter. The ordinance will take effect on January 1, 2007. The ADA might apply due to equal opportunity. Patrons would be banned from smoking on the first floor, while smoking might be permitted on the roof top garden (second level). P.A.C.E. staff would need to check with the State of Illinois. He also did not know if this building would be grandfathered, (existing construction).

Mayor Stockton noted that this issue was separate from the Commission's responsibilities. Issues regarding the ADA and building requirements are addressed by other statutes and regulations which do not fall within the Commission's charge. Mr. Huber restated that P.A.C.E.'s staff would verify with the state what if any impact the City's ordinance would have. Mayor Stockton requested that Mr. Huber attend the Work Session regarding implementation of this ordinance. The Commission usually requires fencing around any patio/beer garden. Mr. Huber noted that there would only be a few square feet outside of the fifteen foot (15') radius specific in the ordinance applicable Show Me's roof top garden.

Motion by Alderman Schmidt, seconded by Alderman Matejka that an RAS liquor license for Your Mother's, LLC, d/b/a Your Mother's located at 525 N. Center St., be created, contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) the Commission reserves the right to impose tavern ("T") liquor license rules after 8:00 p.m. if the nature of the environment so justifies; 2.) the Commission reserves the right to regulate the use of the patio dining area to include the time of use, the use of music, the time for liquor sales, and sound/visual baffling/barrier; 3.) the Applicant must relinquish the right to the RAS liquor license for Your Mother's located at 102 N. Center St. which was approved by the Council on May 8, 2006; and 4.) no live and/or amplified music be allowed on the patio.

The Mayor directed the Clerk to call the roll which resulted as follows:

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

Nays: None.

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 Pops 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

Mayor Stockton introduced this item. He noted that liquor sales would be limited. The Liquor Commission had placed a number of conditions upon this application. Alderman Schmidt believed that there were individuals present who wanted to address the Council. She noted the landlord's stringent lease.

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 the Gridley Allin Prickett's, (GAP), Neighborhood Association. He expressed his appreciation

for the conditions placed upon the store owner by the landlord. He described a liquor license as undesirable for the area. It would lead to destructive behavior. He believed that there would be problems. The City should use citizens' experiences as a guide. Overt negative behavior is being tolerated by neighbors. He noted his daily observations. He cited the percentage of pedestrian traffic. He believed that alcohol would be purchased and consumed along the way. There would be a path way of litter. Currently there were police issues.

Kathryn McCaleb, 502 W. Locust St., addressed the Council. She noted that the neighborhood was denied at the Liquor Hearing. She had hoped for neighborhood opposition at the Council meeting. She addressed her reasons for opposing this application. She encouraged the Council to consider the adverse impact on the neighborhood. The westward gateway to the City had an abundance of packaged liquor establishments. She encouraged the Council to deny this request.

Mayor Stockton noted that the neighborhood liked the idea of a grocery store. Individuals expected adverse circumstances and did not want a liquor license approved. The Commission decided to grant the Applicant the opportunity to try.

Alderman Purcell informed the Council that he had spoken with the GAP and Old Towne Neighborhood Associations. He addressed the impact of pedestrians walking and drinking. He had observed same. Ordinance Violations occur frequently. If the City granted this application, then why not another one. There were several locations with packaged liquor licenses in the area.

Alderman Schmidt questioned the status of single serve sales. Mayor Stockton noted that this topic would appear on the Commission's August 8, 2006 meeting agenda. This issue was moving slowly. A key issue was how to present a level playing field.

Venu Danda, Applicant, addressed the Council. He thanked them for the opportunity to address them. He had been a resident of the City for three (3) years. He had five (5) years of liquor sales experience in the Chicago area. He had owned and operated Pops Grocery located at 918 W. Market St. He planned to own and operate W. Market St. Grocery. He knew the history at the Red Fox. There was not a liquor license at this store. Pops had developed a relationship with the neighborhood. The store was busy from 8:00 until 10:00 p.m. Sales were lower and the store was safer. There had not been any issues with crime. Things were better at Pops.

W. Market would be a small grocery store. It would be housed in a newly constructed building. He had established a good name and planned to open a new business in a new location. He was confident in his abilities. The neighborhood was predominantly Hispanic. He anticipated customer requests for liquor. He believed that he would loose business without a liquor license. The request was for a license to sell beer and wine only. He was investing his own funds in this business. He noted that Leo Hermes, the landlord, had been initially opposed to the idea of a liquor license. He cited the lease's conditions.

He did not see any issues at W. Market St. He planned to be alert and take care of the property. There would be surveillance cameras. He planned to do a good job.

Mayor Stockton noted that Mr. Hermes operated Starcrest Cleaners, the adjacent business.

Mr. Danda restated his belief that he would lose customers without a liquor license. He wanted his business to be successful. He added that between the hours of 8:00 and 10:00 p.m., forty percent, (40%) of his customers were Hispanic. He noted that there were a number of customers who did not own vehicles. He had a good relationship with Mr. Hermes, his landlord. The store would be closed by 10:00 p.m.

Alderman Matejka noted that the Applicant was sincere and the neighbors were concerned. He recommended that this item be laid over for a month. He suggested that a meeting be held outside of a formal hearing. He understood the fears. He noted the strict conditions placed upon this Application. He added that most applicants do not face same. He questioned if all parties would be amenable.

Mayor Stockton noted that the conditions would allow some type of liquor sales.

Mr. Arnold acknowledged that the parties knew each other. There had been no discussions. There was a great opportunity. The City should stop issuing liquor licenses.

Alderman Schmidt believed that good suggestions had been made. Alderman Matejka believed that an agreement was possible. The City would have to enforce the conditions. He encouraged an informal conversation. Alderman Schmidt suggested that Alderman Purcell facilitate the conversation.

Mr. Danda expressed his willingness to try. He expressed his concern that there were individuals who were against a liquor license. Mayor Stockton recommended that Mr. Hermes be included in the conversation.

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

Motion carried.

Motion by Alderman Matejka, seconded by Alderman Schmidt that the item be laid over until the Council's August 28, 2006 meeting.

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

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

Nays: None.

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

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition submitted by Mid Central Community Action requesting the rezoning of 4.923 acres located south of West Washington Street, west of the Union Pacific Railroad, and north of West Grove Street, from the M-2 General Manufacturing District to R-1C Single Family Residence District (Case Z-14-06) (Ward # 2)

BACKGROUND INFORMATION:**Adjacent Zoning**

north: M-2 General Manufacturing District
 south: R-1C High Density Single Family Residence District
 east: R-2 Mixed Residence District & M-2 General Manufacturing District
 west: R-1B Medium Density Single Family Residence District

Adjacent Land Uses

north: railroad, warehouse storage
 south: single family dwellings, parking lot
 east: railroad, Sprint Communications Building, single family dwellings
 west: vacant lot, single family dwellings

Comprehensive Plan recommends: “low to medium density residential” use for this property.

Mid Central Community Action is the present owner and developer of the tract of vacant land that previously was the site of the Beich Candy Co. plant that was recently destroyed by fire. The petitioner is requesting this zoning map amendment so that this tract can be subdivided into 23 lots to be sold to moderate income households for the construction of affordable single family dwellings thereon (see Case PS-05-06). This proposed land use would be more compatible with the existing low to medium density residential use to the south, west and southeast than if this tract were developed for the industrial uses that are permitted in the M-2 General Manufacturing District. This requested zoning map amendment is consistent with the City’s Comprehensive Plan.

PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission held a public hearing on this petition on July 12, 2006 and recommends the same. Mr. Kenneth Emmons, City Planner, recommended at this public hearing that the Planning Commission pass a motion recommending Council approval of this petition. Mr. Frank Miles, Attorney at Law, 202 N. Center St., (representing Mid Central Community Action) presented arguments in favor of this petition at this public hearing.

No other persons testified at this public hearing on Case Z-14-06.

PLANNING COMMISSION RECOMMENDATION:

After consideration of this petition and the testimony presented at this hearing, the Planning Commission passed a motion on July 12, 2006, by a vote of 7 to 0, recommending Council approval of this petition in Case Z-14-06 as presented.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission’s recommendation for Council approval of this petition in Case Z-14-06.

Respectfully submitted,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

PETITION FOR ZONING MAP AMENDMENT

State of Illinois)
) ss.
County of McLean)

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

Now comes Mid Central Community Action, hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioner are the owner of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A, which is attached hereto and made a part hereof by this reference, or are a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That said premises legally described in Exhibit “A” presently has a zoning classification of M-2 General Manufacturing District under the provisions of Chapter 44 of the Bloomington City Code, 1960;
3. That the present zoning on said premises is inappropriate due to error in original zoning, technological changes altering the impact or effect of the existing land uses, or the area in question having changed such that said present zoning is no longer contributing to the public welfare;

4. That your petitioner hereby request that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended to reclassify said premises into the R-1C High Density Single Family Residence District zoning district classification;
5. That said requested zoning classification is more compatible with existing uses and/or zoning of adjacent property than the present zoning of said premises; and
6. That said requested zoning classification is more suitable for said premises and the benefits realized by the general public in approving this petition will exceed the hardships imposed on your petitioner by the present zoning of said premises.

WHEREFORE, your petitioner respectfully pray that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended by changing the zoning classification of the above-described premises from M-2 General Manufacturing District to R-1C High Density Single Family Residence District.

Respectfully submitted,

By: Mid Central Community Action

John Burrill
Executive Director

ORDINANCE NO. 2006 - 83**AN ORDINANCE REZONING
101 SOUTH LUMBER STREET, BLOOMINGTON, ILLINOIS
FROM M-2, GENERAL MANUFACTURING DISTRICT TO R-1C HIGH DENSITY
SINGLE FAMILY RESIDENCE DISTRICT**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for rezoning of certain premises hereinafter described in Exhibit "A"; and

WHEREAS, the Bloomington Planning Commission, after proper notice was given, conducted a public hearing on said Petition; and

WHEREAS, the City Council of said City has the power to pass this Ordinance and rezone said premises.

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

1. That the premises hereinafter described in Exhibit "A" shall be and the same are hereby rezoned from M-2 General Manufacturing District to R-1C High Density Single Family District.
2. The Official Zoning Map of said City shall be amended to reflect this change in zoning classification.
3. This Ordinance shall take effect immediately upon passage and approval.

PASSED and APPROVED this 24th day of July, 2006.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

A Part of Lots 5 and 6 and the unnamed street between said Lots 5 and 6 and a part of the Depot Grounds lot, all in county Clerk's Subdivision of Lot 12 in the south half of Section 5, Township 23 North, Range 2 East of the Third Principal Meridian as recorded in Plat Book 6 on Page 9 in the Mclean County Recorder's Office, Mclean County, Illinois, and a part of Lumber Street In the City of Bloomington, Illinois, as shown in said Plat Book 6 on Page 9, more particularly described as follows: commencing at the northwest corner of the southeast Quarter of said Section 5, thence South 885.00 feet along the west line of said southeast Quarter to the northwest corner of said Lot 6, said northwest corner also being the Point of Beginning. from said Point of Beginning, thence continuing South 173.00 Feet along said west line being the southerly continuation of the last described course to the north right of way line of Grove Street in the City of Bloomington, Illinois, as shown on the Plat of Citizens Addition, Bloomington, Illinois; thence East 20.00 Feet along said north right of way line which forms an angle to the right of 86°-20'-17" with the last described course; thence south 124.68 feet along said north right of way line which forms an angle to the right of 273°-39'-43" with the last described course; thence east 583.84 feet along said north right of way line and the easterly extension thereof which form an angle to the right of 86°-22'-25" with the last described course to the southeast right of way line of said Lumber Street, said southeast right of way line also being the northwest right of way line of the Union Pacific Railroad; thence northeast 260.11 feet along said southeast right of way line which forms an angle to the right of 119°-04'-22" with the last described course; thence northwest 134.02 feet along a line which forms an angle to the right of 77°-16'-18" with the last described course; thence northwest 83.31 Feet along a line which forms an angle to the right of 203°-12'-40" with the last described course; thence north 96.59 feet along a line which forms an angle to the right of 230°-26'-40" with the last described course to a point on the northwest line of said Depot Grounds Lot, said northwest line also being the south right of way line of the Union Pacific Railroad; thence southwesterly 533.39 feet along said northwest line, the northwest line of said Lot 5 and the north line of said Lot 6, said lines also being said south right of way line, and said lines also being the Arc of a Curve Concave to the northwest with a radius of 1,960.08 feet and the 531.74 foot Chord of said Arc forms an angle to the right of 77°-13'-15" with the last described course to the Point of Beginning, containing 4.923 acres, more or less.

Tom Hamilton, City Manager, introduced Mid Central Community Action's, (MCCA), Petitions for Rezoning and Preliminary Plan as these two (2) items were interrelated. The Petitioner has requested R – 1C, Single Family Residence District zoning. This request is consistent with the Comprehensive Plan. The Planning Commission unanimously approved both Petitions.

The Preliminary Plan showed twenty-three (23) single family homes. He noted the irregular shape of this tract of land. The utilities were adequate to serve the subdivision. Residents would have access to a sidewalk which would connect to Constitution Trail. A fence would be installed to separate the property from the railroad track. The fence would be maintained by the homeowners. This subdivision would provide another level of affordable housing, (\$110,000 range). Purchasers of homes must meet HUD's, (Housing and Urban Development), income eligibility standards.

Alderman Purcell questioned the fence height and its proximity to the railroad. Mr. Hamilton replied six feet, (6'). George Drye, Director of Engineering, addressed the Council. He added that it would be a chain link fence. The minimum rear yard setback was twenty-five feet, (25'). There was an additional twenty-five to thirty feet, (25 – 30'), to the railroad tracks. The railroad was located at the north side of the property.

Alderman Matejka noted the slow speed of the trains at this point due to switching. He estimated that Cargill had two (2) trains per day on this track. Mr. Drye concurred that this was not a busy track.

Alderman Matejka cited the Beich factory fire. He noted the six inch (6") water main and questioned if it would be adequate. He noted that the infrastructure was older and questioned its ability to adequately serve this development. Craig Cummings, Director of Water, addressed the Council. He stated that the fire protection would be better than what was in place at the time of the Beich fire. He added that there were a number of issues the day of that fire. New construction would be in compliance with today's building codes/standards. Water mains would be extended from existing water lines from the southwest. No immediate replacements were planned. The Water Department would perform fire flow tests.

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

Motion carried.

Gary Stevens, 1612 Iowa, addressed the Council. He questioned the percentage of the lot price which addressed infrastructure. John Burrill, MCCA's Executive Director, addressed the Council. The total investment for this development was \$2.5 million. He estimated infrastructure costs at \$400,000. Mr. Hamilton estimated the infrastructure per lot cost at \$20,000. This subdivision would offer four (4) different models of home. These homes would be offered within a price range. Household income could not exceed eighty percent, (80%), of median income.

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

Motion carried.

Motion by Alderman Hanson, seconded by Alderman Crawford that the Rezoning 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 Mid Central Community Action requesting approval of the Preliminary Plan for Trailside Subdivision, which is commonly located south of West Washington Street, west of the Union Pacific Railroad, and north of West Grove Street, consisting of approximately 4.923 acres (Case PS-05-06) (Ward #2)

BACKGROUND INFORMATION:**Adjacent Zoning**

north: M-2 - General Manufacturing District
 south: R-1C - High Density Single Family Residence District
 east: R-2 Mixed Residence District & M-2 General Manufacturing District
 west: R-1B - Medium Density Single Family Residence District

Adjacent Land Uses

north: railroad, warehouse storage
 south: single family dwellings, parking lot
 east: railroad, Sprint Communications building, & single family dwellings
 west: vacant lot, single family dwellings

Comprehensive Plan recommends: “low to medium density residential” use for this property.

The property in question is the subject of a petition for a zoning map amendment in Case Z-14-06 to rezone this 4.923 acre tract from M-2, General Manufacturing District to R-1C, Single Family Residence District. Mid Central Community Action is proposing to subdivide this tract into 23 lots to be sold to low to moderate income households for the construction of affordable single family dwellings thereon.

Outlot 24 will be developed as a dry bottom storm water detention basin to be dedicated to the City for maintenance. The petitioner will install an under drain system and a low flow storm sewer for this proposed detention basin. Lumber Street north of West Grove Street is to be vacated, and a new cul-de-sac street to be known as “Trailside Court” will be constructed from West Grove Street northerly and westerly ending with a circular turnaround. The old six inch City water main that is presently located within this Lumber Street right-of-way will be abandoned, and a new water main will be installed along Trailside Court to furnish potable water to these lots.

The Lumber Street pavement and curb and gutter that is no longer needed will be removed. The City will permit the abandonment of the Old Orchard 36 inch brick combination sewer under this property provided the petitioner diverts the flow into the existing 54 inch relief sewer.

The petitioner is requesting the following waivers of City Code and City public improvement standards:

1. Waiver of Section 4.02 G of the Manual of Practice to permit more than 15 lots on a cul-de-sac;
2. Waiver of Section 8.03 H of the Manual of Practice to permit six inch water mains;
3. Waiver of City Code, Chapter 44, Section 6.80, to permit Lots 7 - 11, 14 - 15, 19 - 20, and 23 to be a minimum of 5,500 square feet in area in the R-1C zoning district;
4. Waiver of City Code, Chapter 44, Section 6.80, to permit Lots 7 - 23 to have a 20 foot minimum front yard set back in the R-1C zoning district;
5. Waiver of Section 4.03 of the Manual of Practice to permit a 50 foot minimum right-of-way width for Trailside Court.

The following summary provides the staff's evaluation of the basis for these requested waivers:

Waiver #1: This plan proposes 18 lots along a cul-de-sac street, three more than allowed by the Code. Considering the dimensions and irregular shape of this tract and the detention basin location at the lowest elevation, this is the best way to provide vehicular access to these 18 lots.

Waiver #2: This plan proposes six inch water mains instead of the eight inch minimum required by Code because the surrounding neighborhood is presently served by six inch water mains.

Waiver #3: Considering the limited dimensions and irregular shape of this tract, these lots will all be at least 5,500 square feet in area but will not meet the 6,600 square feet minimum lot area requirement for the R-1C zoning district. The Zoning Code permits single family dwellings to be constructed on lots that do not meet minimum lot area and width requirements if the building setback requirements are met.

Waiver #4: Considering the limited dimensions and irregular shape of this tract, these lots will have a 20 foot minimum front yard building setback instead of the 25 feet that is required by the Zoning Code, which will allow for deeper rear yards on these lots.

Waiver #5: Considering the limited dimensions of the tract, Trailside Court will have a 50 foot minimum right-of-way width instead of the 60 feet that is required. West Grove Street currently has a 50 foot right-of-way width.

In order to facilitate the petitioner's plans to sell lots to low and moderate income households for the construction of affordable homes, the City (in a separate redevelopment agreement that is being negotiated with staff) is being asked to waive all adjacent street obligations for West Grove Street, except for the replacement of the north sidewalk where it is adjacent to the proposed subdivision. Such redevelopment agreement would also commit the City to the waiver of water and sewer tap-on fees, subdivision inspection fees, excavation permit fees, curb cut/driveway permit fees, erosion control permit fees, HVAC permit fees, plumbing permit fees, electrical permit fees, and building permit fees for these lots.

Mid Central Community Action should also request the waiver of City Code, Chapter 24, Sections 24-7.2 and 24-7.3, requiring the dedication of land for public park or the payment of a fee in lieu thereof. This would waive the required dedication of 0.5382 of an acre for park land or the payment of a fee in lieu thereof for its fair market value.

Other redevelopment details that should be noted include the following:

- Petitioner shall install a six foot high chain link fence on the north property line of this development to separate this property from the Union Pacific Railroad to the north, with such fence being owned and maintained by the owners of the adjacent lots.
- Petitioner shall construct five foot wide sidewalks to provide pedestrian access from Trailside Court to Constitution Trail to the north and to West Grove Street to the west.

PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission held a public hearing on this petition on July 12, 2006 and recommends the same. Mr. Kenneth Emmons, City Planner, recommended at this public hearing that the Planning Commission pass a motion to recommend Council approval of the Preliminary Plan for the Trailside Subdivision in Case PS-05-06 , with the revisions to the “Notes” and with the “Waivers” cited in a July 5, 2006 report to the Planning Commission.

The following persons presented testimony in favor of the petition at this public hearing:

- Mr. Frank Miles, Attorney at Law, 202 N. Center Street
- Ms. Teresa M. Vogt, 104 Packard
- Mr. John Burrill, Executive Director of Mid Central Community Action, 1615 North Linden Avenue.

Mr. Frank Miles (representing Mid Central Community Action) presented arguments in favor of this petition at this public hearing. Mr. Miles stated that he has had a long association with Mid Central Community Action and characterized it as the premier organization for helping the needs of low-income people. He reviewed the history of the subject site, saying that the old Beich candy factory building had been donated to the petitioner and a plan had been put forth to renovate it into a center for human service agencies. He noted that the economic costs proved to be too burdensome and the building continued to sit vacant for another couple of years while sufficient funding was sought. He stated that plans were irrevocably changed about a year ago when the building was destroyed by fire, and he noted that there was a cost of \$200,000 to finish the demolition and clear the site. Mid Central Community Action considered construction of a new services building or redevelopment as residential use, but ultimately, “affordable housing” was favored as their choice of action.

Mr. Miles reviewed the following requested waivers: 1.) 18 lots on a cul-de-sac. Mr. Miles noted that the City had preferred a cul-de-sac and stated that having a detention basin at the low point of the site required additional lots to take access on to the cul-de-sac rather than be located on Grove Street. 2.) He stated that the site is being served with a six inch water main and there is no point in connecting eight inch main to receive it. 3.) Right of way width is to be 50 feet

instead of 60 feet. He noted that the street would be built to City standards but that 50 foot right-of-ways are typical for the area. He noted portions of Grove Street, Olive Street, and Packard Street as examples. 4.) 20 foot front yard setbacks instead of 25 foot, noting that the street is not a heavy traffic street and that this change would allow deeper, more usable rear yards. 5.) Allowing lot sizes of at least 5,500 instead of 6,600 square feet, noting that these would still be comparable to the existing lots directly to the south.

Mr. Miles repeated that the effort is to provide affordable housing, and observed that Mid-Central Community Action is a charitable organization that would receive no profit from the development. He noted that there would be some grants, the City would waive some fees, some of the labor would be volunteer and financial incentives would be sought from lenders. He said the development would serve those who have a household income of no more than 80% of the community's median income. Mr. Miles related that the target price of the houses would be \$110,000 to \$120,000.

Ms. Teresa M. Vogt commented that everybody has a right to live someplace, noting that homeowners own their homes, not the whole neighborhood. She favored the project, characterizing it as an attempt to help give people a start in home ownership.

The following persons presented testimony in opposition to this Preliminary Plan for the Trailside Subdivision:

- Mr. Brad Taylor, 1306 W. Grove Street
- Mr. Dan Cochran, 1307 W. Grove
- Mr. Dale Cochran, 7025 N 1300 East Road, Shirley, Illinois.
- Mr. Scott Mounce, 1214 W. Grove Street
- Mr. Richard Nordine, 1411 W. Grove Street
- Mr. Sam Kelch, 1301 W. Grove Street

Mr. Taylor testified that he believed that this entire project had many problems and expressed his opinion that the petitioners were seeking greater density of dwellings in order to receive a greater profit. He also stated his opinion that an eight inch water main is necessary for fire suppression. He requested that the street exiting the development be disconnected from West Grove Street entirely, and that traffic be forced southward toward Olive Street. He would like to see only a row of lots extended along the north side of West Grove Street, two lots on the south side just west of Lumber, and the remainder of the tract be used for a neighborhood park.

Mr. Doug Grovesteen, Director of Engineering, noted that the water needs for fire suppression for this proposed residential area would be much less than that for a factory site. He noted that there are "miles and miles" of six inch diameter water mains in the community as it had been the minimum standard up until the 1980's. He noted that this is an in-fill project and the surrounding neighborhood features six inch water mains. He reported that replacement projects are triggered when there is a problem with the integrity of the water main and such projects are reviewed and prioritized by the City.

Commissioner Shaw clarified that although the right-of-way width would be 50 feet, the actual street pavement would be a standard 30 foot width. Mr. Grovesteen concurred, and observed that the additional traffic generation would be a fairly modest 400 vehicle trips per day.

Mr. Dan Cochran testified that he favored the idea of redirecting the development's traffic from West Grove Street onto Olive Street.

Mr. Dale Cochran, former owner of 1305 West Grove Street, testified that he believed that some of this tract involved railroad-owned property. He believed that the extension of a six inch water main would adversely affect the water pressure for the adjacent neighborhood. He recalled that the water pressure, used to fight the Beich factory building fire, as being inadequate and noted that there had been two inoperable fire hydrants. He stated that he had tallied the dwelling unit density in the area and found it to be three homes per acre. He favored 15 lots instead of the 23 lots proposed for this development. He indicated that he was interested in buying the property and establishing a business on the site to sell white rock to concrete manufacturers.

Mr. Mounce inquired whether only income-eligible persons could buy homes in the proposed development. Mr. Burrill replied that the effort was to sell to income-eligible persons. Mr. Mounce noted that there are properties with significantly larger lots located in the vicinity of this tract.

Mr. Nordine testified that he also believed that allowing an extension of a six inch water main would adversely affect the area's water pressure. He would like to see the streets and sewers be improved. He commented that if this development had a positive influence on the value of neighboring properties then the residents' tax bills would increase.

Mr. Grovesteen observed that there is no problem with the water pressure as measured in the street. He said the homeowner is responsible for the condition of the water service line to the house and sometimes the 5/8" piping is limed up such that the flow is narrowed affecting water pressure.

Mr. John Burrill, Executive Director of Mid Central Community Action, testified that different types of homes would be offered and that no designs had been selected. However, he noted the intent to feature houses with basements and two-car attached garages. There would be two (2) phases of development, twelve (12) homes in the first phase and then eleven (11) homes in the second, with at least four models to choose from. He stated that the income eligibility for a family of four would be those with incomes less than \$58,800, noting the figure would be less for smaller households.

He reiterated that the organization is not-for-profit. He noted that they are not in debt for the project and could walk away from it with a "clean slate." It is part of their mission to help families just starting out to get into a home of their own.

Mr. Kelch urged that no waivers be granted and that the petitioner be required to build strictly according to Code. He presented a petition signed by 65 people in the neighborhood who were against this property being developed for housing unless all City Codes are complied with. He

noted his preference for a lesser number of houses being built on the subject tract. He noted his concern that the drainage of the site be adequately addressed. He noted his belief that a \$115,000 home price was not "low income" and a \$60,000 annual income was also not low income.

Chairperson Cain inquired whether the organization held any meetings with the neighbors. Mr. Burrill responded that there had been a meeting in late 2004 prior to the fire. He noted that there had been a meeting to discuss three preliminary drafts for residential development in late 2005. Commenting about reducing the number of lots even further, Mr. Burrill explained that infrastructure costs are distributed over the number of lots to be sold and decreasing the total makes each individual lot more expensive.

Mr. Miles noted that the petitioners could have requested R-2 zoning and proposed attached housing at greater density than 23 lots. He stated that the current plan is a compromise with the neighborhood to provide only detached single family homes.

PLANNING COMMISSION RECOMMENDATION:

Planning Commissioners commented that this plan was favorably aligned with the recent Comprehensive Plan's goals for in-fill development and provision of affordable housing. After consideration to this petition and the testimony presented at this hearing, the Planning Commission passed a motion by a vote of 7 to 0, recommending Council approval of this petition in Case PS-05-06, with the revisions to the "Notes" and with the "Waivers" printed on the Cover Sheet of said Plan as recommended by staff and cited herein as follows:

Notes:

4. Lots 7 - 11, 14 - 15, 19 - 20, and 23 shall be developed as R-1C Single Family lots with waivers to permit minimum lot size to be 5,500 square feet and to permit Lots 7 - 23 to have 20 foot minimum front yard set backs.

10. Developer shall install a six (6) foot high chain link fence on the north property line of this development to separate this subdivision from the Union Pacific Railroad track to the north, with such fence being owned and maintained by the owners of the adjacent lots.

Waivers:

1. Waiver of Section 4.02 G of the Manual of Practice to permit more than 15 lots on a cul-de-sac;
2. Waiver of Section 8.03 H of the Manual of Practice to permit six (6) inch water mains;
3. Waiver of City Code, Chapter 44, Section 6.80, to permit Lots 7 - 11, 14 - 15, 19 - 20, and 23 to be a minimum of 5,500 square feet in area in the R-1C zoning district;
4. Waiver of City Code, Chapter 44, Section 6.80, to permit Lots 7 - 23 to have a 20 foot minimum front yard set back in the R-1C zoning district;
5. Waiver of Section 4.03 of the Manual of Practice to permit a 50 foot minimum right-of-way width for Trailside Court.

6. Waiver of City Code, Chapter 24, Sections 24-7.2 and 24-7.3 requiring the dedication of land for public park or the payment of a fee in lieu thereof.
7. Waiver of all adjacent street obligations for West Grove Street, except for the replacement of the north sidewalk where it is adjacent to the proposed subdivision.
8. Waiver of subdivision inspection fees.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission's recommendation for Council approval of this petition in Case PS-05-06.

Respectfully submitted,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

PETITION FOR APPROVAL OF PRELIMINARY PLAN FOR A SUBDIVISION

State of Illinois)
)ss.
County of McLean)

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

Now comes Mid Central Community Action hereinafter referred to as your Petitioner respectfully representing and requesting as follows:

1. That your petitioner is interested as co-owner with City of Bloomington in the premises hereinafter in Exhibit A attached hereto and made a part hereof to be known by this reference;
2. That your Petitioner seeks approval of the Preliminary Plan for a subdivision of said premises to be known and described as Trailside Subdivision which Preliminary Plan 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: all those listed on the Preliminary Plan.

WHEREFORE, your Petitioner prays that the Preliminary Plan for the Trailside Subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

Mid Central Community Action

By: John Burrill
Executive Director

ORDINANCE NO. 2006 - 84

AN ORDINANCE APPROVING THE PRELIMINARY PLAN OF THE TRAILSIDE SUBDIVISION

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

WHEREAS, said Petition requests the following exemptions or variations from the provisions of the Bloomington City Code, 1960, as amended: all those listed in the Preliminary Plan, and;

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

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 Preliminary Plan of the Trailside 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 the time of its passage on this 24th day of July, 2006.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

A part of Lots 5 and 6 and the unnamed street between said Lots 5 and 6 and a part of the Depot Grounds Lot, all in County Clerk's Subdivision of Lot 12 in the South Half of Section 5, Township 23 North, Range 2 East of the Third Principal Meridian as recorded in Plat Book 6 on

Page 9 in the McLean County Recorder's Office, McLean County, Illinois, and a part of Lumber Street in the City of Bloomington, Illinois, as shown in said Plat Book 6 on Page 9, more particularly described as follows: Commencing at the Northwest Corner of the Southeast Quarter of said Section 5, thence south 885.00 feet along the West Line of said Southeast Quarter to the Northwest Corner of said Lot 6, said Northwest Corner also being the Point of Beginning. From said Point of Beginning, thence continuing south 173.00 feet along said West Line being the southerly continuation of the last described course to the north right of way line of Grove Street in the City of Bloomington, Illinois, as shown on the Plat of Citizens Addition, Bloomington, Illinois; thence east 20.00 feet along said north right of way line which forms an angle to the right of 86°-20'-17" with the last described course; thence south 124.68 feet along said north right of way line which forms an angle to the right of 273°-39'-43" with the last described course; thence east 583.84 feet along said north right of way line and the easterly extension thereof which form an angle to the right of 86°-22'-25" with the last described course to the southeast right of way line of said Lumber Street, said southeast right of way line also being the northwest right of way line of the Union Pacific Railroad; thence northeast 260.11 feet along said southeast right of way line which forms an angle to the right of 119°-04'-22" with the last described course; thence northwest 134.02 feet along a line which forms an angle to the right of 77°-16'-18" with the last described course; thence northwest 83.31 feet along a line which forms an angle to the right of 203°-12'-40" with the last described course; thence north 96.59 feet along a line which forms an angle to the right of 230°-26'-40" with the last described course to a point on the northwest line of said Depot Grounds Lot, said northwest line also being the south right of way line of the Union Pacific Railroad; thence southwesterly 533.39 feet along said northwest line, the northwest line of said Lot 5 and the north line of said Lot 6, said lines also being said south right of way line, and said lines also being the arc of a curve concave to the northwest with a radius of 1,960.08 feet and the 531.74 foot chord of said arc forms an angle to the right of 77°-13'-15" with the last described course to the Point of Beginning, containing 4.923 acres, more or less.

Alderman Matejka noted that there had been two (2) neighborhood meetings. Mid Central Community Action actively participated in these meetings. There had been good dialogue.

Mayor Stockton noted the need for affordable housing in the community.

Motion by Alderman Matejka, seconded by Alderman Schmidt that the revised Preliminary Plan 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: Analysis of Request for Proposals for Towing Under 10,000 Gross Vehicle Weight

Request for Proposals, (RFP) for Towing under 10,000 GVW were due in the City Clerk's office on June 30, 2006 at 2:00 PM. There were five sealed envelopes submitted for staff review for consideration. Proposals were opened on July 5, 2006, the results are as follows:

	Joe's Towing	Wink's	Brown's	Baird's	Accurate
Franchise Fee FY 06/07	\$42,250.00	No Proposal	No Proposal	No Proposal	\$0.00
Franchise Fee FY 06/07	\$42,250.00	No Proposal	No Proposal	No Proposal	\$0.00
Franchise Fee FY 06/07	\$42,250.00	No Proposal	No Proposal	No Proposal	\$0.00
Winching	\$50.00 per incident	No Proposal	No Proposal	No Proposal	\$85.00 per incident
Towing to and from BPD Gun Range (one way)	\$50.00	No Proposal	No Proposal	No Proposal	\$85.00
Mileage Outside the City	\$2.00 per mile	No Proposal	No Proposal	No Proposal	\$3.50

The proposal from Joe's Towing and Recovery met all the requirements of the RFP and it exceeded the suggested minimum franchise fee of \$23,725, by submitting a franchise fee of \$42,250. By addendum, the City requested a list of published general public rates the towing companies charge the public which was also received in Joe's proposal.

On July 11, 2006 Towing Officer Fred Martin and Director of Fleet Management Dan Augstin conducted a site inspection of Joe's Towing facility at 2233 Springfield Road, to ensure that the facility met the requirements of the RFP.

The RFP is for a one (1) year contract with two (2) annual renewals by Council approval for a possible total of three (3) years at the rates indicated in the above table. Staff recommendation to Council for the annual renewal of the contact will be determined on towing agency performance and contract compliance.

In fairness to the towing contractor, staff requests to prorate the annual franchise fee for FY 06/07 because the earliest the contract would take effect would be August 1, 2006. The prorated amount would be \$31,687.

Staff respectfully recommends accepting the proposal from Joe's Towing and Recovery for towing under 10,000 GVW effective August 1, 2006 and the Franchise Fee for FY 06/07 to be adjusted to \$31,687.

Respectfully,

Daniel Augstin
Director of Fleet Management

Kim Nicholson
Purchasing Agent

Tom Hamilton
City Manager

Tom Hamilton, City Manager, introduced this item. City staff issued a Request for Proposal, (RFP), following the direction given by Council in 2006. Council instructed staff to request a single vendor/single contract. This RFP was opened on July 5, 2006. Site visits were conducted. Joe's Towing met the RFP's requirements which included a franchise fee. The RFP included the option for a one (1) year agreement with the option for two (2) single year renewals for a maximum term of three (3) years. Staff also recommended that the franchise fee be prorated during the first year. Finally, staff respectfully recommends that the RFP be awarded to Joe's Towing.

Alderman Schmidt questioned the renewals. Mr. Hamilton noted that City staff would evaluate responsiveness, customer service, equipment, and facility maintenance. City staff would also develop a log to track complaints.

Mayor Stockton noted that during the Work Session the Council discussed a rotation system. He noted that the Police Department did not support this type of system. He described City staff's feedback as informal guidance. The Council did not take an official vote.

Mr. Hamilton restated that City staff pursued a single vendor approach. Alderman Finnegan noted that the timing was critical. The Council needed to seriously consider what was feasible. He questioned if it was possible for the City to work with multiple towing vendors and own a single storage lot. Mr. Hamilton restated that the City would have to own the tow lot.

Alderman Matejka questioned the rate structure, a comparison of Joe's versus Brown's. Dan Augstin, Director – Fleet Management, addressed the Council. The rates had been provided. The public rates must be posted. He added that the rates for both companies were in line with each other.

Mayor Stockton questioned voluntary tows. Mr. Hamilton noted that this question went beyond the City's contract. He described Joe's prices as competitive. Todd Greenburg, Corporation Counsel, addressed the Council. He informed them that all towing companies are required to file their rates with the City Clerk's Office. He added that these rates are not regulated by the City. Mayor Stockton expressed his concern that Joe's might increase its public rates.

Alderman Matejka added his concerns regarding rates. Joe's could charge private citizens any amount. Mayor Stockton noted that the rate charged must match the rate on file in the Clerk's Office. Alderman Matejka restated that there might be a discrepancy between the City's rate and the rate charged to private citizens.

Alderman Schmidt expressed her belief that the RFP was a noncompetitive situation. She noted the number of companies that did not submit an RFP. Mr. Hamilton informed the Council that only two (2) companies, Joe's and Brown's, could meet the RFP's requirements.

Mr. Augstin informed the Council that Joe's rates were also posted in the company's lobby. Mr. Hamilton noted that generally the agreement was for the fiscal year. During the first year of the agreement, the term would be August 1, 2006 through April 30, 2007.

Alderman Purcell noted that citizens have the right to call any towing company. He stressed that citizens would be given this opportunity. Mayor Stockton added that the smaller companies were urged to work together. The goal was to develop a transparent rotation system. He noted that there were two (2) systems: voluntary and involuntary. He believed that there was room for creativity. City staff had recommended a three (3) year agreement, the first year plus two (2) renewal years based upon performance.

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

Motion carried.

Shawn Hall, Accurate Towing, 8 Berner Ave., addressed the Council. He expressed his concern regarding the additional costs. Mayor Stockton noted the effort and complexity to submit an RFP. In addition, there would need to be a tracking system for the vehicles. Mr. Hall stated that he had spoken with various Police Departments regarding tow ins. For nonvoluntary tows, the dispatch center performs the data entry including the tow company.

Mayor Stockton noted that the earliest possible implementation for a rotation system would be fiscal year 2007/2008. The Council can either accept or reject the RFP. If the Council chose to reject the RFP, there must be reasons for this action. He noted that information was presented to the Council at the Work Session.

Alderman Finnegan noted that there was one (1) vendor present this evening who supported the idea of a rotation system. The plan must be reasonable. It might be a possibility as some future date. He expressed an interest in the feasibility of a rotation system which would also require a City owned tow lot.

Alderman Crawford expressed his opinion that a rotation system appeared to be fairer. Mr. Hall questioned input.

Mayor Stockton stated that there simply was not enough time to perform a study. The RFP time frame had been reduced from five (5) to three (3) years.

Alderman Hanson added that in the essence of time, the duration was shortened. There were formalities and logistics involved. Mayor Stockton restated that there was room on both sides, (City and vendors), for creative thinking.

Alderman Finnegan questioned the wants and needs of both sides, (City and vendors). Mayor Stockton noted that the Council held a Work Session on this issue, (towing).

Mr. Hall noted that Joe's currently held the contract with the Town of Normal. Mr. Hamilton informed the Council that Normal would be issuing an RFP for a single towing vendor.

Alderman Schmidt acknowledged Mr. Hall's frustration. The City had stated that it would look at the rotation system idea.

Mayor Stockton stated that the dialogue needed to remain open.

Bruce Pettigo, Joe's Towing, 2233 Springfield Rd., addressed the Council. Joe's stood behind its RFP. He reviewed the rates which had been included in the RFP. In addition, the firm's rates were posted in their lobby. He offered to post the rates for trucks. The stated rates would be honored during the first year of the agreement. Joe's would work with the Police Department to work out any adjustments. Joe's could handle the additional work, they had the staff and the equipment. Joe's planned to develop a good working relationship with the City. He welcomed the Council to tour the facility.

Mayor Stockton expressed his concern regarding customer service. He added the sensitivity of the rate structure. He noted that it would be difficult for Joe's to offer a rate which was lower than the one being given to the City.

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

Motion carried.

Alderman Matejka described the process as extremely frustrating. He wanted the two (2) systems, single vendor vs. rotation, compared. He wanted to see the City be given a choice. There needed to be a fair examination of the two (2) systems. There also needed to be a dialogue between the vendors, the Police Department, City staff, and the citizens. He wanted to see valid proposals which would include costs, consequences, advantages, and disadvantages. All of the questions which had been raised had not been answered. He recommended that City staff use the remaining fiscal year to come up with a mechanism.

Mayor Stockton stated that every party involved could have done a better job. Everyone involved needed to do some creative thinking and be open to new ideas. He encouraged all of the parties involved to come together in the coming year.

Motion by Alderman Finnegan, seconded by Alderman Matejka that the proposal for Towing of Vehicles under 10,000 GVW be awarded to Joe's Towing and Recovery Service effective August 1, 2006, the Franchise Fee for FY 06/07 to be adjusted to \$31,687, 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:

Bruce Marquis, Cultural District's Executive Director, presented the one (1) bid for sign plan for Bloomington Center for the Performing Arts, (BCPA). The bid was submitted by ASI Modulex, Chicago, IL. The vendor's proposal met the specifications. The bid bond was included. The cost was \$16,063.92 which was under the amount budgeted. Mr. Marquis respectfully requested that the bid be awarded to ASI Modulex.

Motion by Alderman Matejka, seconded by Alderman Crawford that the bid for a sign plan for the BCPA be awarded to ASI Modulex in the amount of \$16,063.92 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.

MAYOR'S DISCUSSION: Mayor Stockton informed the Council that he had recently attended three (3) events over the weekends. These events involved State Farm, the Downtown Bloomington Association, (DBA), US Cellular Coliseum, (USCC), and the City. On Saturday, July 15, 2009, the USCC was the last stop for the CARS Road Trip '06 which was presented by State Farm. The City was one (1) of the forty (40) locations selected to host the Disney movie CARS characters. The event was open to the public and

was free. The estimated attendance was between 7,000 – 8,000. The children who attended appeared to be excited. The DBA was actively involved in this event.

Over the weekend of July 22nd, the Interstate Center hosted the Rocking Rods. This event drew a number of car customizers from Hollywood, CA. Cars were on display and those attending seemed to be having a fun time.

In addition, the Nothing But the Blues Festival was also held this same weekend. He estimated Saturday night's attendance at 4,000. He described it as the best blues festival in the Midwest.

CITY MANAGER'S DISCUSSION: Tom Hamilton, City Manager, addressed the Council. He reminded them that the National Night Out event would be held on Tuesday, August 1, 2006 at 6:00 p.m. at Miller Park.

ALDERMEN'S DISCUSSION: Alderman Finnegan presented information regarding the Irish Heritage Society. A picnic had been held at Funk's Grove. Alderman Matejka was the guest speaker. His topic was the mass Irish grave for railroad workers at Funk's Grove. He offered his appreciation to Alderman Matejka.

Alderman Matejka thanked City staff for their efforts at the Not in Our Town event which was held on July 13, 2006.

Alderman Purcell mirrored Aldermen Finnegan and Matejka's comments.

Motion by Alderman Finnegan, seconded by Alderman Matejka, that the meeting be adjourned. Time: 9:32 p.m.

Motion carried.

Tracey Covert
City Clerk