

**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 May 22, 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, Kevin Huette, 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.

Mayor Stockton noted the individuals present who were opposed to the smoking ban. They had brought placards into City Hall. He believed that there was a restriction against same. Todd Greenburg, Corporation Counsel, addressed the Council. He noted that in the past, all signs have been left in the foyer area. City staff was unaware that there would be a protest this evening and no one was posted at the door to collect the signs.

Motion by Alderman Finnegan, seconded by Commissioner Schmidt that the sign restriction be waived.

Motion carried.

The following was presented:

Presentation of Certificate of Achievement for Excellence in Financial Reporting Plaques to Brian Barnes, Finance Director. These certificates were presented by the GFOA, (Government Finance Officers Association) for the Fiscal Year ending April 30, 2005. Mr. Barnes addressed the Council. He noted why these certificates were significant. A third party had verified that the City was in compliance with the financial rules and regulations. These plaques were important to the City. When bonds are issued, verification of these certificates was generally the first question asked. These certificates limit the paperwork and assist in the bonding process. The City received plaques for the City itself, and the Police and Fire Pension Funds. These plaques were a testimony to City staff and documented the support of the Council.

The following was presented:

To: Honorable Mayor and Members of the City Council  
From: Staff  
Subject: Bills and Payroll

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

Respectfully,

Brian J. Barnes  
Director of Finance

Tom Hamilton  
City Manager

(ON FILE IN CLERK'S OFFICE)

**Motion by Alderman Finnegan, seconded by Alderman Huette 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, Huette, 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 sixth partial payment to Felmley Dickerson in the amount of \$404,651.32 on a contract amount of \$2,669,586 of which \$1,445,978.21 will have been paid to date for work certified as 54% complete for the Library Expansion. Completion date - November 2006.
2. The twelfth and final payment to Peace Meal in the amount of \$2,098 on a contract amount of \$25,000 of which \$25,000 will have been paid to date for work certified as 100% complete for the Peace Meals. Completion date - April 2006.

3. The twelfth and final payment to Peace Meal in the amount of \$639 on a contract amount of \$7,500 of which \$7,500 will have been paid to date for work certified as 100% complete for the John M. Scott Home Delivered Meals. Completion date - May 2006.
4. The fifth partial payment to Economic Development Council of Bloomington/Normal in the amount of \$3,750 on a contract amount of \$45,000 per year of which \$18,750 will have been paid to date for work certified as 41% complete for the McLean County Economic Development. Completion date - December 2008.
5. The first partial payment to Laskowski Plumbing, Inc. in the amount of \$33,003 on a contract amount of \$73,340 of which \$33,003 will have been paid to date for work certified as 45% complete for the Boiler Replacement for Station Number 1. Completion date - June 2006.
6. The twenty-fifth partial payment to Turner Construction Company in the amount of \$6,518 on a contract amount of \$187,824 of which \$181,306 will have been paid to date for work certified as 96.53% complete for the Project Management Services for the Bloomington Center for the Performing Arts. Completion date - June 2006.
7. The ninth partial payment to Rowe Construction Co. in the amount of \$55,850 on a contract amount of \$1,250,603.92 of which \$937,396.68 will have been paid to date for work certified as 75% complete for the US Cellular Coliseum Infrastructure Improvements. Completion date - September 2006.
8. The twenty-fifth partial payment to Johnston Contractors, Inc. in the amount of \$150,219.72 on a contract amount of \$3,512,780 of which \$3,383,207.05 will have been paid to date for work certified as 96% complete for the Design/Build of the US Cellular Coliseum. Completion date - April 2006.
9. The eleventh partial payment to Felmley Dickerson in the amount of \$82,275.30 on a contract amount of \$756,133 of which \$661,255.20 will have been paid to date for work certified as 87% complete for the Design/Build - Miscellaneous Metals of the US Cellular Coliseum. Completion date - April 2006.
10. The twelfth partial payment to Felmley Dickerson in the amount of \$72,381.60 on a contract amount of \$676,351 of which \$607,959.90 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 - December 2006.
11. The ninth partial payment to Associated Constructors, Co., Inc. in the amount of \$37,719 on a contract amount of \$1,100,655 of which \$981,589.50 will have been paid to date for work certified as 89% complete for the Design/Build of the US Cellular Coliseum. Completion date - December 2006.

12. The tenth partial payment to Commercial Floor Covering in the amount of \$21,874 on a contract amount of \$303,502 of which \$262,938.50 will have been paid to date for work certified as 87% complete for the Design/Build of the US Cellular Coliseum. Completion date - April 2006.
13. The eighth partial payment to Kone, Inc. in the amount of \$189 on a contract amount of \$171,035 of which \$152,853.30 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.
14. The twenty-first partial payment to Mid-Illinois Mechanical Inc. in the amount of \$12,071 on a contract amount of \$3,543,600 of which \$3,171,582.69 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.
15. The sixteenth partial payment to Johnston Contractors, Inc. in the amount of \$597.13 on a contract amount of \$371,005 of which \$357,385.21 will have been paid to date for work certified as 95% complete for the Design/Build for the US Cellular Coliseum - Parking Deck. Completion date - April 2006.
16. The fourth partial payment to Otto Baum, Co., Inc. in the amount of \$6,404.40 on a contract amount of \$41,116 of which \$37,004.40 will have been paid to date for work certified as 90% complete for the Design/Build for the US Cellular Coliseum - Parking Deck. Completion date - April 2006.
17. The ninth partial payment to Area Erectors, Inc. in the amount of \$7,578 on a contract amount of \$150,175 of which \$135,157.50 will have been paid to date for work certified as 90% complete for the Design/Build for the US Cellular Coliseum - Parking Garage. Completion date - April 2006.
18. The second partial payment to Associated Constructors Co., Inc. in the amount of \$3,177 on a contract amount of \$43,030 of which \$38,727 will have been paid to date for work certified as 90% complete for the Design/Build for the US Cellular Coliseum - Parking Garage. Completion date - April 2006.
19. The fourth partial payment to Du-Mont Company in the amount of \$2,745 on a contract amount of \$18,000 of which \$16,200 will have been paid to date for work certified as 90% complete for the Design/Build for the US Cellular Coliseum - Parking Garage. Completion date - April 2006.
20. The fourteenth partial payment to New World Systems in the amount of \$13,292.21 on a contract amount of \$671,523 of which \$465,817.06 will have been paid to date for work certified as 69% complete for the Police and Fire Computer Aided Dispatch System. Completion date - July 2006.

21. The fifteenth partial payment to New World Systems in the amount of \$1,161.32 on a contract amount of \$671,523 of which \$466,978.38 will have been paid to date for work certified as 70% complete for the Police and Fire Computer Aided Dispatch System. Completion date - July 2006.
22. The seventh partial payment to Rowe Construction in the amount of \$21,182.64 on a contract amount of \$745,000 of which \$705,038.51 will have been paid to date for work certified as 94.6% complete for the 2005-2006 General Resurfacing. Completion date - October 2006.
23. The first partial payment to GM Sipes Construction Company in the amount of \$28,925 on a contract amount of \$250,000 of which \$28,925 will have been paid to date for work certified as 12% complete for the 2005-2006 Rigid Pavement Patching Program. Completion date - June 2006.
24. The ninth partial payment to Terracon Consultants, N.E. Inc. (Dept. 1277) in the amount of \$1,579.75 on a per ton and hour contract of which \$95,089.75 will have been paid to date for work certified ongoing for the 2005-2006 Asphalt and Portland Concrete Plant Inspection and Lab Testing. Completion date – July 2006.
25. The eighth and final payment to JG Stewart Contractors in the amount of \$5,193.23 on a contract amount of \$180,000 of which \$125,569.94 will have been paid to date for work certified as 100% complete for the 2005-2006 Sidewalk Replacement and Handicap Ramp Program. Completion date - May 2006.
26. The second partial payment to Laesch Electric, Inc. in the amount of \$6,774 on a contract amount of \$118,963.11 of which \$44,230 will have been paid to date for work certified as 37% complete for the Airport Rd. at College Ave. Traffic Signals. Completion date - September 2006.
27. The eighteenth partial payment to Stark Excavating, Inc. in the amount of \$159,000 on a contract amount of \$3,020,979.10 of which \$3,018,000 will have been paid to date for work certified as 99% complete for the E. Washington Street - Clayton to Colton. Completion date - June 2006.
28. The twelfth partial payment to Clark Dietz, Inc. in the amount of \$18,161.71 on a contract amount of \$330,000 of which \$267,016.22 will have been paid to date for work certified as 81% complete for the Hamilton Road - Timberlake to Main Street. Completion date - December 2006.
29. The first partial payment to Illinois Department of Transportation in the amount of \$189,774.01 on a contract amount of \$1,349,664.01 of which \$189,774.01 will have been paid to date for work certified as 14% complete for the Hamilton Road - Greenwood to Timberlake. Completion date - August 2007.

30. The sixth partial payment to Farnsworth Group in the amount of \$3,021 on a contract amount of \$20,450 of which \$20,109.75 will have been paid to date for work certified as 98% complete for the Fox Creek Road Improvements - Danbury to Railroad Bridge. Completion date - June 2006.
31. The second partial payment to Illinois Department of Transportation in the amount of \$105,311.24 on a contract amount of \$456,176.04 of which \$284,826.51 will have been paid to date for work certified as 62% complete for the Fell Avenue Bridge. Completion date - November 2006.
32. The fifth partial payment to Farnsworth Group in the amount of \$33,125.15 on a contract amount of \$268,000 of which \$79,724.24 will have been paid to date for work certified as 30% complete for the Kickapoo Force Main Design, Property Surveys and Brokaw Road Surveys. Completion date - November 2006.
33. The first partial payment to Deneen Brothers Farms, LLC in the amount of \$92,929.72 on a contract amount of \$312,132 of which \$92,929.72 will have been paid to date for work certified as 30% complete for the St. Patrick's Church of Merna Sanitary Sewer. Completion date - August 2006.
34. The ninth partial payment to Clark Dietz, Inc. in the amount of \$1,679.96 on a contract amount of \$44,000 of which \$39,180.59 will have been paid to date for work certified as 89% complete for the Sugar Creek Headwater Study. Completion date - July 2006.
35. The fourth partial payment to Clark Dietz, Inc. in the amount of \$32,266.73 on a contract amount of \$140,000 of which \$39,967.43 will have been paid to date for work certified as 29% complete for the Locust - Colton CSO Study. Completion date - January 2007.
36. The second partial payment to Gildner Plumbing, Inc. In the amount of \$88,080 on a contract amount of \$563,312 of which \$111,020 will have been paid to date for work certified as 20% complete for the Division Street CSO Elimination and Sewer Separation. Completion date - July 2006.

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

Respectfully,

Tom Hamilton  
City Manager

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

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

**Ayes: Aldermen Crawford, Huette, 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 April, 2006

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

The Audit of these accounts took place on Monday, May 22, 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 Finnegan, seconded by Alderman Huette that the audit of the bills and payroll for the Township for the month of April, 2006 be made a matter of record.**

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

**Ayes: Aldermen Crawford, Huette, 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 April, 2006.
2. Monthly Receipt & Expenditure Report, April, 2006.

Respectfully,

Tracey Covert  
City Clerk

Tom Hamilton  
City Manager

(REPORTS ON FILE IN CLERK'S OFFICE)

**Motion by Alderman Finnegan, seconded by Alderman Huette 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, Huette, 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: Payment to Mid Central Community Action Inc. for the Clean Up and Demolition of the Beich Candy Factory Site

An invoice has been received from Mid Central Community Action for \$203,711.57. This invoice is for the demolition and clean up of the Beich Candy Factory site following a fire. In the fiscal year 2005-2006 budget, the City budgeted \$200,000 in the capital improvement program for the demolition of the Beich Candy Factory. The City's funds were part of a



\$400,000 grant that was provided to Community Action for the demolition and redevelopment of the Beich Candy Company site. The other \$200,000 is being provided by State Farm.

It is staff's understanding that State Farm's funds will be used to cover additional clean up costs and infrastructure for the redevelopment project. Staff respectfully recommends that Council approve the payment to Mid Central Community Action in the amount of \$200,000 for the demolition and clean up of the Beich Candy Factory.

Respectfully submitted,

Tom Hamilton  
City Manager

**Motion by Alderman Finnegan, seconded by Alderman Huette that the payment be approved.**

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

**Ayes: Aldermen Crawford, Huette, 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 Felmley Dickerson Co. for Emergency Filling of Sidewalk Vault

On Monday, April 10, 2006, a pickup truck attempting to parallel park on the east side of the 200 block of North Lee Street dropped a wheel into a sink hole. The investigation revealed that the sidewalk adjacent to the building at 411 W. Washington Street was over the top of what appeared to be an old coal vault on the City right-of-way. As a matter of public safety, it was necessary to immediately fill the vault. Felmley Dickerson Co. was working in the area on the Streetscape Project and were engaged to construct a block wall and fill the vault with flowable fill. An invoice has been submitted for time and materials for this work in the amount of \$7,959. Staff has reviewed the bill and found it to be in order.

Staff respectfully requests that Council approve the payment in the amount of \$7,959 to Felmley Dickerson Co. for the filling of the vault. Payment for this work will be made with Capital Improvement Funds (X40100-72560).

Respectfully,

Douglas G. Grovesteen  
Director of Engineering

Tom Hamilton  
City Manager

**Motion by Alderman Finnegan, seconded by Alderman Huette that the payment be approved.**

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

**Ayes: Aldermen Crawford, Huette, 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: Payment for Renewal of Software Maintenance Agreement for Bentley Inc. CADD, Civil Engineering, and Training Software

Bentley Systems Inc., the City's engineering software provider, has submitted an invoice in the amount of \$19,270 for the renewal of the software maintenance agreement. This is a recurring renewal for the maintenance of the software that the Engineering, PACE and Water Departments use for Engineering and Design of the City's infrastructure.

This suite of programs is used for architecture sanitary and storm sewer, roadway, water and watershed modeling, and includes training. The invoice will be appropriately allocated to those users in each department.

Staff respectfully requests that Council approve the payment of \$19,270 to Bentley Systems, Inc. with payment to be made with funds as follows: 1.) Engineering Department G16210-71010 (\$13,990); 2.) Water Administration X50110-71010 (\$2,400); and 3.) Water Purification X50130-71010 (\$2,880).

Respectfully,

Douglas G. Grovesteen  
Director of Engineering

Tom Hamilton  
City Manager

**Motion by Alderman Finnegan, seconded by Alderman Huette that the payment be approved.**

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

**Ayes: Aldermen Crawford, Huette, 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: Payment for Tire Amnesty Day

The City held the fifth Tire Amnesty Day on April 28, 2006. A request for quotes was sent to the following companies operating in and around the City to receive tires collected by Public Service staff during Tire Amnesty Day:

Don Owen Tire  
 Clay Dooley Tire  
 Armando Tire  
 Fred Groves  
 Terry Winn Tire  
 Davis Tire and Auto  
 Tommy House Tire  
 Kirk C&D Recycling.

In the request for quotes, staff requested the following information: 1.) name and address of the individual or company, 2.) location of the drop-off facility, 3.) where, how and when the tires would be removed from the facility, 4.) plans for the used tires, and 5.) cost to the City to drop off tires mounted on rims and unmounted tires.

The following two companies provided a quote to receive tires, have an acceptable area to receive the tires, are located within the specified 5 mile radius of City Hall, and an adequate plan to recycle the tires in a timely manner.

<u>Company</u>	<u>Tires mounted on rims</u>	<u>Unmounted tires</u>
Don Owen Tire Service	\$6.00 each	\$1.50 each
Kirk C & D Recycling	\$4.50 each	\$1.50 each

The City of Bloomington used Kirk C & D recycling for tire disposal.

It was unknown how many tires would be set out for collection on Tire Amnesty Day. Based on the City's history of Tire Amnesty Days, staff anticipated that the City's cost to dispose of these tires would be less than \$5,000 and would not need council approval prior to Tire Amnesty Day.

More tires were set out for collection than anticipated and the final cost for Tire Amnesty Day was actually \$6,625.50. \$6,000 was budgeted for tire disposal in Refuse Account 1001-16130-70990 and there are adequate additional funds in this account for this purchased service.

Additionally, staff will apply for a grant from the Solid Waste Technical Committee (SWTC) in the amount of \$6,625.50. The City has been fortunate in the past four years to receive a total reimbursement of tire disposal costs associated with the tire amnesty day from the SWTC.

Staff respectfully requests that Council approve the payment to Kirk C & D Recycling in the amount of \$6,625.50 for receiving the tires collected during Tire Amnesty Day.

Respectfully,

Brian Brakebill  
Director of Public Service

Tom Hamilton  
City Manager

**Motion by Alderman Finnegan, seconded by Alderman Huette that the payment be approved.**

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

**Ayes: Aldermen Crawford, Huette, 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 Encase Computer Forensics Software and Training

In an effort to provide for services in the area of computer forensics, the Police Department staff requested a quote from Guidance Software, the sole source provider in the area, for their EnCase

suite of computer software and training. The department currently use EnCase software, the recognized leader in computer forensics and the Law Enforcement standard in this area.

Guidance Software submitted a quote in the amount of \$11,025 for the software and necessary training. Staff respectfully requests that the formal bid process be waived and that a purchase order be issued for the purchase of this software and training. Funds for this purchase are budgeted in the Police General Funds budget G15110-70790

Respectfully,

Roger J. Aikin  
Chief of Police

Tom Hamilton  
City Manager

**RESOLUTION NO. 2006 - 74**

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND  
AUTHORIZING THE PURCHASE OF COMPUTER FORENSICS SOFTWARE AND  
TRAINING FROM GUIDANCE SOFTWARE AT A PURCHASE PRICE OF \$11,025**

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 Computer Forensics Software and Training from Guidance Software at a Purchase Price of \$11,025.

ADOPTED this 22<sup>nd</sup> day of May, 2006.

APPROVED this 23<sup>rd</sup> day of May, 2006.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Motion by Alderman Finnegan, seconded by Alderman Huette that the formal bid process be waived, the EnCase Computer Forensics Software and Training be purchased from Guidance Software in the amount of \$11,025, 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, Huette, 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 Quality Assurance Consultation Package

Staff respectfully requests permission to purchase a comprehensive quality assurance consultation package from Priority Dispatch, Salt Lake City, UT. Staff has already purchased software and training from Priority Dispatch for mandated emergency medical dispatch services.

This package assures that the Communications Center follows proper protocol, standard operating procedures, and frees the City of liability. Priority Dispatch will only provide such freedom of liability as long as their quality assurance consultation package is used. The purchase price of this package is \$10,500. Funds for this amount have been budgeted in line item G15518-70220.

Respectfully,

Roger J. Aikin  
Chief of Police

Tom Hamilton  
City Manager

**RESOLUTION NO. 2006 - 75**

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND  
AUTHORIZING THE PURCHASE OF A COMPREHENSIVE QUALITY ASSURANCE  
CONSULTATION PACKAGE FROM PRIORITY DISPATCH AT A PURCHASE  
PRICE OF \$10,500**

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

1. That the bidding process be waived and the Purchasing Agent be authorized to Purchase a Comprehensive Quality Assurance Consultation Package from Priority Dispatch at a Purchase Price of \$10,500.

ADOPTED this 22<sup>nd</sup> day of May, 2006.

APPROVED this 23<sup>rd</sup> day of May, 2006.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Motion by Alderman Finnegan, seconded by Alderman Huette that the formal bid process be waived, the Comprehensive Quality Assurance Consultation Package be purchased from Priority Dispatch in the amount of \$10,500, 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, Huette, Schmidt, Finnegan, Gibson, Hanson, Matejka and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Waive the Formal Bidding Process and Approve Professional Services for the Miller Park Playground Renovation

The 2006-07 Parks and Recreation Capital Improvement Budget contains a project for the renovation of the Miller Park Playground area in Miller Park. Miller Park has been the “flagship” park of our community for over one hundred (100) years and has seen many changes and improvements over these years. The playground area and miniature golf are now in need of some major renovations in order to keep this park at the level the community expects.

During the last month staff has received proposals from two design firms for architectural services for this project. After several discussions with both firms, staff believes that Ratio Architects, Inc. will provide the best services for this project.

Staff respectfully requests that Council waive the formal bidding process and approve a contract with Ratio Architects, Inc. in the amount of \$135,240 with reimbursables not to exceed four percent (4%). There are funds available in the Capital Improvement Fund, account X40100-72570 to complete this project.

Respectfully,

Dean Kohn  
Director Parks & Recreation

Tom Hamilton  
City Manager

**RESOLUTION NO. 2006 - 76**

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND APPROVING A CONTRACT WITH RATIO ARCHITECTS, INC. FOR THE RENOVATION OF THE MILLER PARK PLAYGROUND IN THE AMOUNT OF \$135,240, WITH REIMBURSABLES NOT TO EXCEED FOUR PERCENT (4%)**

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

1. That the bidding process be waived and approving a Contract with Ratio Architects, Inc. for the Renovation of the Miller Park Playground in the amount of \$135,240, with reimbursables not to exceed four percent (4%).

ADOPTED this 22<sup>nd</sup> day of May, 2006.

APPROVED this 23<sup>rd</sup> day of May, 2006.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Motion by Alderman Finnegan, seconded by Alderman Huette that the formal bid process be waived, the contract with Ratio Architects, Inc. for the Renovation of the Miller Park Playground be approved in the amount of \$135,240, with reimbursables not to exceed**



**four percent (4%), the Mayor and City Clerk authorized to execute the necessary documents, and the Resolution adopted.**

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

**Ayes: Aldermen Crawford, Huette, 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 an Inflatable Shell

Staff has researched options for shelters/backdrops for concerts and other activities where the mobile stage is not desirable, or logistically inappropriate. Staff has found an inflatable shell that will work, and is acoustically sound so that the music will project toward the audience. Additionally, it provides some protection from the sun and wind. This shell can also be used at special events in the park, and is very attractive and eye catching.

The inflatable shell is a sole source item distributed by Wenger Corporation. Staff has spoken to other entities who have purchased the shell, and found that they are pleased with the product and highly recommend it. Staff respectfully requests that Council waive the formal bidding process, accept the quote of \$5,700 from Wenger Corporation for an Inflatable Shell, and authorize the Purchasing Agent to issue a purchase order for same.

A total of \$7,500 was budgeted in the Fixed Asset Replacement Fund, account #14112-72140 for the purchase of this unit.

Respectfully,

Dean Kohn  
Director Parks and Recreation

Tom Hamilton  
City Manager

**RESOLUTION NO. 2006 - 76****A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND  
AUTHORIZING THE PURCHASE OF AN INFLATABLE SHELL FROM WENGER  
CORPORATION IN THE AMOUNT OF \$5,700**

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 an Inflatable Shell from Wenger Corporation in the amount of \$5,700.

ADOPTED this 22<sup>nd</sup> day of May, 2006.

APPROVED this 23<sup>rd</sup> day of May, 2006.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Motion by Alderman Finnegan, seconded by Alderman Huette that the formal bid process be waived, the Inflatable Shell purchased from Wenger Corporation in the amount of \$5,700, 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, Huette, 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 Five (5) Trucks Using State of Illinois Joint Purchasing Contract

There are five medium/heavy duty trucks budgeted for purchase in the FY 06/07 budget. Staff is ordering these trucks early this year due to an anticipated increase in the purchase price. The Environmental Protection Agency (EPA) has a new emissions mandate on medium and heavy duty diesel engines which will go into effect January 1, 2007. This mandate has required the engine manufactures to redesign the systems to reduce the tail pipe emissions. By doing so, the engine manufactures will be charging an additional \$5,000 to \$10,000 per engine, which will be passed on to the purchasers.

In order to purchase these trucks prior to the pending increase, the order for the trucks must be in the dealer's possession prior to the end of May. Prairie International, Springfield holds the State of Illinois Joint Purchasing Contract for these trucks.

The Public Service Department has budgeted to replace a 1995 and 1996 IH LoPro Dump trucks and a 1995 IH Sewer Vactor for the Streets and Sewer Division. The purchase price for the LoPro Dump trucks is \$130,383 each, for a total purchase price of \$260,766. The old units will be sold after the new ones are put into service.

The purchase price for the replacement sewer Vactor is \$282,455. Prairie International, in cooperation with the Vactor dealer, Coe Equipment Springfield, will allow \$40,000 in trade in value for the old unit, for a net purchase price of \$242,455. Funds are available in the Equipment Replacement Fund F52300-72130 for the purchase of the two LoPro Dump trucks and F55300-72130 for the replacement Vactor.

The Parks and Recreation Department has budgeted to replace a 1991 IH Aerial Bucket Truck for forestry. The purchase price for this truck is \$116,229. The old truck will be sold when the new one is put into service. Funds are available in the Equipment Replacement Fund F52300-72130 for this purchase.

The Water Department has budgeted to purchase a new Tandem Dump truck to add to their fleet. The purchase price for this unit is \$83,672. Funds are available in the Equipment Replacement Fund F50120-72130 for this purchase.

Staff respectfully recommends that Council waive the formal bidding process and authorized the purchase the five trucks from Prairie International Springfield, from the State of Illinois Joint Purchasing Contract in the total amount of \$703,122.

Respectfully,

Daniel Augstin  
Supt. of Equip. Maintenance

Kim Nicholson  
Purchasing Agent

Tom Hamilton  
City Manager

**RESOLUTION NO. 2006 - 78****A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND  
AUTHORIZING THE PURCHASE OF FIVE (5) TRUCKS FROM PRAIRIE  
INTERNATIONAL SPRINGFIELD, THROUGH THE STATE OF ILLINOIS JOINT  
PURCHASING CONTRACT AT A PURCHASE PRICE OF \$703,122**

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 Five (5) Trucks from Prairie International Springfield, through the State of Illinois Joint Purchasing Contract at a Purchase Price of \$703,122.

ADOPTED this 22<sup>nd</sup> day of May, 2006.

APPROVED this 23<sup>rd</sup> day of May, 2006.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Alderman Schmidt noted that five (5) trucks were being purchased. She questioned the purchase price for an individual truck. The Council memorandum stated the cost as \$130,383 each, for a total purchase price of \$260,766. The total cost for the Public Service dump truck was \$260,766. Two (2) dump trucks would be purchased. Dan Augstin, Supt. Equipment Maintenance, addressed the Council. He noted that these dump trucks would have on board air compressors. He understood the question regarding the price. He had checked the figures and everything was in order.**

**Alderman Huette questioned how these dump trucks would compare to tandem trucks. Mr. Augstin noted that tandem trucks could not plow snow, spread salt, and/or have on board air compressors.**

**Motion by Alderman Finnegan, seconded by Alderman Huette that the formal bidding process be waived, the purchase of the five (5) trucks from Prairie International Springfield, through the State of Illinois Joint Purchasing Contract in the amount of \$703,122 be approved, the Purchasing Agent be authorized to issue a Purchase Order for the same, and the Resolution adopted.**

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

**Ayes: Aldermen Crawford, Huette, 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 Purchase of Replacement Radio Batteries and Chargers

On March 27, 2006, Council approved the purchase of 260 Motorola Impres Smart Energy System Li-Ion portable radio batteries, and 126 Motorola Impres Smart Energy System battery chargers from Barbeck Communications Group Inc., at a cost of \$20,876.

The Model numbers for the batteries and chargers were inadvertently switched on the Council memo as well as the purchase order. The vendor provided 386 batteries and no chargers. 126 batteries were returned and 126 chargers ordered, resulting in an additional charge of \$252. The increased cost accounts for a \$2 per unit difference in the cost of the charger over the cost of the battery. This makes the total purchase price \$21,128. Funds for this purchase were budgeted in the Police General Fund, G15110, line 71990 Other Supplies. (2005/2006 budget year).

Staff respectfully requests that Council approve the change order in the amount of \$252 for the additional cost for the purchase of the 126 single unit battery chargers from Barbeck Communications.

Respectfully,

Roger J. Aikin  
Chief of Police

Tom Hamilton  
City Manager

**Motion by Alderman Finnegan, seconded by Alderman Huette that the Change Order be approved.**

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

**Ayes: Aldermen Crawford, Huette, 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 #2 for the Renovation at Prairie Vista Golf Course - Hole #18

During reconstruction of the 18th fairway it was necessary to disconnect and reinstall the electrical components of the well that provides irrigation water to fill the lakes along this hole. It was discovered that the disconnect was worn out and in need of replacement. The additional cost for this replacement is \$200.

Due to the weather, staff was forced to delay the renovation project until this spring. It was the agreement with the Bruce Company to perform the finish grading prior to sodding of the fairway, and finish grading prior to the seeding of the rough areas. During this process The Bruce Company was instructed to perform additional grading on this project. They have requested a change order to their contract in the amount of \$3,500 for this additional grading.

Staff respectfully requests that Council approve the change order in the amount of \$3,700 to the contract with The Bruce Company for the additional finish grading. This brings the total cost of their contract to \$229,753.25. There are sufficient funds in the 2003 road bond issue, account X40154-72570 to cover these additional costs.

Respectfully,

Dean Kohn  
Director Parks & Recreation

Tom Hamilton  
City Manager

**Motion by Alderman Finnegan, seconded by Alderman Huette that the Change Order be approved.**

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

**Ayes: Aldermen Crawford, Huette, 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 #12 to the Contract with P.J. Hoerr, Inc. for the Renovation of the Bloomington Center for the Performing Arts

P.J. Hoerr, Inc. has requested the following change orders to their contract for work associated with the renovation of the Bloomington Center for the Performing Arts (BCPA). These change orders were reviewed by staff, and found to be acceptable. The total amount of these change orders is \$28,059.58

#125 Provide additional sprinkler heads in piano enclosure	1,719.58
#126 Provide additional electrical receptacles in balcony lounges	2,520.00
#127 Provide brackets for light fixtures in auditorium ceiling light cover	3,709.00
#128 Eliminate ½” plywood underlayment at stage floor	-5,600.00
#129 Provide upgrade of lighting control board	278.00
#130 Provide new wall around door opening #410	1,631.00
#131 Provide plumbing replacement to portion of third floor	9,218.00
#133 Provide credit for deleted roof drains	- 448.00
#135 Provide four access panels for third floor ceiling	519.00
#136 Provide speaker cluster winch rigging	<u>14,513.00</u>
	28,059.58

Total this Change Order	28,059.58
Revised contract	<u>11,451,640.26</u>
New Total Amount	11,479,699.84

This work is outside the existing contract of P.J. Hoerr. Additional sprinkler heads were needed for the enclosed piano storage room. Additional electrical receptacles were needed in balcony lounges 302, 303 & 304. A revised bracket was needed to mount the indirect lighting fixtures in the auditorium ceiling coves. The plywood underlayment was eliminated at the stage floor area. The lighting control board needed upgraded to meet the needs of the presenting contracts. It was necessary to replace an unstable wall structure surrounding door #410. Additional replacement plumbing in six locations on the third floor were needed. Two new roof drains were eliminated, opting to use existing drains. Four access panels in the third floor ceiling were needed to gain access to spaces above those areas. The winch rigging system needed to be changed for the three auditorium speaker clusters for safety purposes.

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

Contingency Fund:	\$600,000.00
Total Change Orders to date:	\$491,499.84
Contingency Balance:	\$108,500.16

Staff respectfully recommends that Council approve this change order to the contract with P.J. Hoerr, Inc. in the amount of \$28,059.58. Payment for this work will come from account X21100-72620 of the Cultural District budget.

Respectfully,

C. Bruce Marquis  
Executive Director

Tom Hamilton  
City Manager

### **RESOLUTION NO. 2006 - 79**

#### **A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE AMOUNT OF \$28,059.58 IN THE CONTRACT BETWEEN THE CITY OF BLOOMINGTON AND P.J. HOERR, INC. FOR THE RENOVATION OF THE BLOOMINGTON CENTER FOR THE PERFORMING ARTS**

WHEREAS, the City of Bloomington has previously entered into a contract with P.J. Hoerr, Inc. for the Renovation of the Bloomington Center for the Performing Arts; and

WHEREAS, for the reasons set forth in a staff report dated May 22, 2006 the following work was necessary: 1.) Additional sprinkler heads were needed for the enclosed piano storage room. 2.) Additional electrical receptacles were needed in balcony lounges 302, 303 & 304. 3.) A revised bracket was needed to mount the indirect lighting fixtures in the auditorium ceiling coves. 4.) The plywood underlayment was eliminated at the stage floor area. 5.) The lighting control board needed upgraded to meet the needs of the presenting contracts. 6.) It was necessary to replace an unstable wall structure surrounding door #410. 7.) Additional replacement plumbing in six locations on the third floor were needed. 8.) Two new roof drains were eliminated, opting to use existing drains. 9.) Four access panels in the third floor ceiling were needed to gain access to spaces above those areas. 10.) The winch rigging system needed to be changed for the three auditorium speaker clusters for safety purposes;

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the May 22, 2006 memo was in the best interest of the citizens of the City of Bloomington.

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

That a change order in the amount of \$28,059.58 in the contract between the City of Bloomington and P.J. Hoerr, Inc. for the Renovation of the Bloomington Center for the Performing Arts be approved.

APPROVED this 22<sup>nd</sup> day of May, 2006.

ADOPTED this 23<sup>rd</sup> day of May, 2006.



Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Motion by Alderman Finnegan, seconded by Alderman Huette that the Change Order to the contract with P.J. Hoerr for the Renovation of the Bloomington Center for the Performing Arts in the amount of \$28,059.58 be approved, and the Resolution adopted.**

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

**Ayes: Aldermen Crawford, Huette, 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: Scheduled Replacement of Water Billing Server Hardware

Staff respectfully requests Council approval to replace two fully depreciated network servers scheduled and budgeted for in fiscal year 2006-2007. These servers support the Water Department billing operations, have been in service for over five years, and are in need of replacement to support upcoming versions of the billing software. These servers would be purchased directly from the Hewlett Packard Western States Contracting Alliance as previously authorized by Council.

Replacement Costs-2 servers	HP WSCA	\$16,983.02
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Staff respectfully requests that Council authorize the Purchasing Agent to issue a purchase order in the amount of \$16,983.02 to HP Western States Contracting Alliance for the Water Billing Server Hardware. Payment for this purchase will be made with funds budgeted in the Water Department Equipment Fixed Asset account (F50110-72120).

Respectfully,

Scott Sprouls  
Director of Information Services

Tom Hamilton  
City Manager

**Motion by Alderman Finnegan, seconded by Alderman Huette that the Water Billing Server Hardware be purchased from HP Western States Contracting Alliance in the amount of \$16,983.02, 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, Huette, 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: Professional Services Contracts for Bloomington Center for the Performing Arts

Staff respectfully requests approval of a contract to engage persons and/or groups represented by The Brad Simon Organization, Inc. to perform services in the Bloomington Center for the Performing Arts (BCPA) on dates agreed by staff. Base expenses for the contract will be \$5,800.

Staff further respectfully advises Council that contract provisions prohibit public announcements of any persons/groups and/or dates of services until said contracts have been executed by both parties.

The selection of this group was coordinated with the Cultural Commission and the Cultural District's Programming Advisory Committee. Staff and community advisors agree that the visiting professionals would attract broad, positive community involvement and contribute to the public service mission of the Cultural District and the BCPA.

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

Respectfully,

C. Bruce Marquis  
Executive Director, Cultural District

Tom Hamilton  
City Manager

(CONTRACT ON FILE IN CLERK'S OFFICE)

**Motion by Alderman Finnegan, seconded by Alderman Huette that the contract from The Brad Simon Organization, Inc. be accepted in an amount not to exceed \$5,800 and that 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, Huette, Schmidt, Finnegan, Gibson, Hanson, Matejka and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Agreement for a Safety Net at the R.T. Dunn Ballfields

In 1988 the City and National Guard Armory entered into an agreement for the lease of approximately 5 acres of land to develop two (2) softball fields for both recreation and competitive leagues. In the last 20 plus years the City has had little to no problems with the armory or surrounding businesses. The City has installed a parking lot, scoreboard, irrigation, and ball field lights. Most businesses surrounding the property were storage yards for construction companies or abandoned property. All of these properties were of ideal use to allow this program.

The area around the softball fields is zoned B-1 which allows many uses for this land, one of which is apartments. In 2004, apartments were constructed along the south and east property line of the softball fields. Since the occupancy of these units, several complaints have been received of damage to tenant's vehicles by softballs and at least one close call of a child. Staff has worked with the property management company on many occasions to try and resolve this matter.

The apartment management company has requested quotes to install a safety net that will extend the length of the property on the east boundary to protect the residents and their property. The

cost of this project is approximately \$26,100. Staff respectfully requests that Council approve an agreement with Central Illinois Properties to share in the cost of this project. The City's share will not exceed \$13,050. There are funds available in the capital improvement account X40100-72570.

Respectfully,

Dean Kohn  
Director Parks & Recreation

Tom Hamilton  
City Manager

**Motion by Alderman Finnegan, seconded by Alderman Huette that the agreement with Central Illinois Properties for sharing the cost of a safety net at R.T. Dunn Ballfields be approved in an amount not to exceed \$13,050, 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, Huette, 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: Suspension of Chapter 6 Section 26(d) to Allow Possession of Open Alcohol on Public Property for the WGLT Event June 10, 2006

WGLT is sponsoring an outdoor summer concert in downtown Bloomington on Saturday, June 10, 2006. This will be the fourth year of an annual event. Each year, the organizers offer beer to attendees and have once again requested that the City allow people who attend the event to have the freedom to move about freely within the designated event area.

The event area would include all of Jefferson Street between Main Street and the north/south alley between Center Street and Madison Street and all of Center Street between Washington Street and east/west alley between Jefferson Street and Monroe Street.

Beer would be sold under the auspices of the an existing liquor license holder with a secondary license for the event. Only beer purchased from the event vendor would be allowed to be consumed within the designated event area. Outdoor consumption would be allowed between 2:00 o'clock p.m. and 10:30 o'clock p.m.

The event organizers met with staff, including representatives from the police, legal and administrative departments, the Liquor Commissioner and Uniquely Bloomington to review this plan. Given the nature of the event, the type of crowd it attracts, and the high degree of involvement by staff, all concerned believed that this plan could work without problems.

Staff prepared an Ordinance suspending Chapter 6 Section 26(d) of the City code as needed for this event. This Ordinance makes the suspension effective one hour before and one hour after the sales begin and end. This is to allow the organizers time to set up and take down. Staff respectfully recommends that Council pass this Ordinance

Respectfully,

Hannah R. Eisner  
Deputy Corporation Counsel

Tom Hamilton  
City Manager

**ORDINANCE NO. 2006 - 52****AN ORDINANCE SUSPENDING PORTIONS OF SECTION 26(D) OF CHAPTER 6 OF THE BLOOMINGTON CITY CODE TO ALLOW POSSESSION OF OPEN ALCOHOL ON PUBLIC PROPERTY DURING THE WGLT OUTDOOR CONCERT IN DOWNTOWN BLOOMINGTON**

WHEREAS, WGLT will hold an outdoor concert in downtown Bloomington on June 10, 2006; and

WHEREAS, WGLT requested permission to allow sales and consumption of beer during the concert on Jefferson Street between Main Street and the north/south alley between Center Street and Madison Street and on Center Street between Washington Street and the east/west alley between Jefferson Street and Monroe Street; and

WHEREAS, to allow possession of an open container of alcohol on a public street, Section 26(d) of Chapter 6 of the Bloomington City Code, which prohibits the possession of open containers of alcohol on public streets, must be suspended.

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

Section 1: That Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, is suspended on the following dates during the following hours: June 10, 2006 between 2:00 o'clock p.m. and 10:30 o'clock p.m. for Jefferson Street between Main Street and the north/south alley between Center Street and Madison Street and on Center Street between Washington Street and the east/west alley between Jefferson Street and Monroe Street. This suspension shall be effective only as to persons inside the designated area and for alcohol purchased from an event vendor.

Section 2: Except for the dates, times and location set forth in Section 1 of this Ordinance, Section 26(d) of Chapter 6 of the Bloomington City Code, 1969, as amended, shall remain in full force and effect. Nothing in this ordinance shall be interpreted as repealing said Section 26(d).

Section 3: This Ordinance shall be effective on the date of its passage and approval.

Section 4: This Ordinance is adopted pursuant to the home rule authority granted the City of Bloomington by Article VII, Section 6 of the 1960 Illinois Constitution.

PASSED this 22<sup>nd</sup> day of May, 2006.

APPROVED this 23<sup>rd</sup> day of May, 2006.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Motion by Alderman Finnegan, seconded by Alderman Huette that the Text Amendment be approved and the Ordinance passed.**

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

**Ayes: Aldermen Crawford, Huette, 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: Text Amendment Revising Chapter 29, Traffic Code

On a periodic basis, staff reviews the traffic control devices and parking regulations for City streets. The proposed Ordinance makes various changes in Chapter 29 permitting the City to post signs making various changes in the traffic and parking regulations on City streets. Staff respectfully recommends that Council approve the Text Amendment and that the Ordinance be passed

Respectfully,

J. Todd Greenburg  
Corporation Counsel

Doug Grovesteen  
Director of Engineering

Tom Hamilton  
City Manager

**ORDINANCE NO. 2006 - 53**

**AN ORDINANCE ADDING BLOOMINGTON CITY CODE CHAPTER 29  
BY MAKING PERIODIC REVISIONS THERETO**

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

SECTION 1. Bloomington City Code Chapter 29, Section 133 shall be and the same is hereby amended by deleting the following:

Graham from Hinshaw to White Oak:	6 tons
Hinshaw from Forrest to Locust:	6 tons
Springfield from Lake to Morris:	6 tons

SECTION 2. Bloomington City Code Chapter 29, Section 141, under the heading Left Turn Permitted on Arrow Only shall be and the same is hereby amended by deleting the following:

Empire, eastbound and westbound at Hershey  
Empire, eastbound and westbound at Mt. Vernon/Prospect

SECTION 3. Bloomington City Code Chapter 29, Section 144 shall be and the same is hereby amended by adding the following:

Meijer Entrance - College

SECTION 4. Bloomington City Code Chapter 29, Section 145(d), shall be and the same is hereby amended by adding the following:

Bancroft Stops for Slayton  
Challis Stops for Slayton  
DeGarmo Stops for Gailey  
DeGarmo Stops for Stone Mountain  
Gailey Stops for Stevenson  
Gailey Stops for Radbourne  
Low (Southbound) Stops for Taylor  
Powell Stops for Stone Mountain  
Stone Mountain Stops for Radbourne

SECTION 5. Bloomington City Code Chapter 29, Section 147, under the heading 15 Minute Time Limit: At All Times - Sunday through Saturday shall be and the same is hereby amended by adding the following:

Front on the south side Lee to Madison

SECTION 6. Bloomington City Code Chapter 29, Section 149, shall be and the same is hereby amended by adding and correcting the following:



Cabintown on both sides to and including the cul-de-sac exception on the west side from the cul-de-sac to a point ~~400'~~ 385' south  
Chestnut on the south side from Eugene to a point 50' west  
Franklin on the east side from Emerson to a point 60' north  
Grove on the north side from Gridley to ~~70'~~ 115' east  
Heartland on the ~~both sides~~ North side from Hershey to the east end, including cul-de-sac  
Heartland on the south side from Hershey to a point 475' east  
Heartland on the south side from 725' east of Hershey to cul-de-sac  
Jackson on the north side from Clinton to a point 150' east  
Kreitzer on the east side between the two drives to 406 S. Kreitzer  
Main on the east side from Union to a point 60' north  
Main on the east side from 75' to 125' south of Union  
Main on the east side from 70' to 120' north of University  
Maple on the west side from Oakland to a point 40' south

SECTION 7. Bloomington City Code Chapter 29, Section 152, under the heading AT ALL TIMES shall be and the same is hereby amended by adding the following:

US 51 southbound from Washington to Olive

SECTION 8. Bloomington City Code Chapter 29, Section 153(a) shall be and the same is hereby amended by deleting the following:

Jackson on the south side in front of 808 W. Jackson

SECTION 9. Bloomington City Code Chapter 29, Section 153(a), shall be and the same is hereby amended by adding the following:

Lee on the east side in front of 522 S. Lee  
Lee on the east side from 20' to 40' north of the north line of Mill  
Washington on the south side from 20' to 40' west of the west right of way line of East

SECTION 10. Bloomington City Code Chapter 29, Section 153.1(a) shall be and the same is hereby amended by correcting the following:

Beich - ~~Cabintown~~ Fox Creek to south city limits (past Beich's Plant)  
~~Dinsmore~~ Brown - Washington to Market  
Fox Creek - ~~Oakland~~ Veterans to west corporate limits  
Springfield - ~~Beich~~ Fox Creek to Morris

SECTION 11. Bloomington City Code Chapter 29, Section 154(b) under the heading Monday through Friday - 2 Hour Time Limit - 7:00 a.m. to 6:00 p.m. be and the same is hereby deleting the following:

Lee on the east side from Washington to Front

SECTION 12. Bloomington City Code Chapter 29, Section 154(b) under the heading 30 Minute Time Limit - 7:00 a.m. to 6:00 p.m. shall be and the same is hereby amended by adding the following:

Main on the west side the first space north of Monroe

SECTION 13. Bloomington City Code Chapter 29, Section 156.5 shall be and the same is hereby amended by correcting the following:

College, ~~Hershey~~ Veterans to Airport - 35 m.p.h.

Martin Luther King, Jr., ~~130' west of Park Place~~ White Oak to Cottage - 35 m.p.h.

SECTION 14. Bloomington City Code Chapter 29, Section 156.5 shall be and the same is hereby amended by deleting the following:

College, 500' east of Susan to Hershey - 45 m.p.h.

Martin Luther King Jr., 130' west of Park Place to White Oak - 40 m.p.h.

SECTION 15. Bloomington City Code Chapter 29, Section 192.1(a), shall be and the same is hereby amended by adding the following:

Front, on both sides from Lee to Mason. Vehicles displaying permits issued pursuant to Section 192.2 of this Chapter are exempt from towing.

Grove, on the south side from Lee to Mason. Vehicles displaying permits issued pursuant to Section 192.2 of this Chapter are exempt from towing.

Lee, on the west side, from Front to Grove in the south half of the block. Vehicles displaying permits issued pursuant to Section 192.2 of this Chapter are exempt from towing.

Mason, on both sides, from Front to Grove. Vehicles displaying permits issued pursuant to Section 192.2 of this Chapter are exempt from towing.

SECTION 16. Bloomington City Code Chapter 29, Section 201(d), shall be and the same is hereby amended by adding and correcting the following:

Broadmoor - Oakland to Lincoln

Hinshaw - Forrest to Locust

Graham - White Oak to Hinshaw

Washington - Mercer to State

SECTION 17. Except as provided herein, the Bloomington City Code, 1960, as amended, shall remain in full force and effect.

SECTION 18. The City Clerk shall be, and she is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 19. This Ordinance is enacted pursuant to the authority granted to the City as a home rule unit by Article VII, Section 6 of the 1970 Illinois Constitution.

SECTION 20. This Ordinance shall take effect ten (10) days after passage and approval.

PASSED this 22<sup>nd</sup> day of May, 2006.

APPROVED this 23<sup>rd</sup> day of May, 2006.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Motion by Alderman Finnegan, seconded by Alderman Huette that the Text Amendment be approved and the Ordinance passed.**

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

**Ayes: Aldermen Crawford, Huette, 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: Text Amendment to Chapter 2 Section 63 - Revision for Fire Department Hiring Process

Staff proposes a Text Amendment to Section 63 of Chapter 2 of the City Code to increase the eligible applicant pool of firefighters in order to staff fire station #5 that is scheduled to open in the spring of 2008. The staffing will include 18 new positions. To process these numbers, it is necessary to expand the number of applicants processed and ultimately put on the eligibility list. This proposed change will not increase the number hired.

In addition, this revision establishes the ability to form an alternate hiring list for the fire department, as is already in place for the police department. While it is staff's intention to use

the traditional eligibility list, if it were necessary, staff would have the option of hiring experienced firefighter/paramedics that could begin work immediately. Staff respectfully requests that Council approve the Text Amendment and that the Ordinance be passed.

Respectfully,

Keith A. Ranney  
Fire Chief

Tom Hamilton  
City Manager

**ORDINANCE NO. 2006 - 54****AN ORDINANCE AMENDING SECTION 63 OF  
CHAPTER 2 OF THE CITY CODE, AUTHORIZING AN ALTERNATIVE  
METHOD OF HIRING FIREFIGHTERS****BE IT ORDAINED BY THE CITY COUNCIL OF THE  
CITY OF BLOOMINGTON, ILLINOIS:**

Section One: That subsection (d)(1) of Section 63 of Chapter 2 of the Bloomington City Code, 1960, as amended, be further amended as follows (additions are indicated by underlines; deletions are indicated by strikeouts):

(1) Fire Department. The interim Register of Eligibles for the Fire Department will distinguish between the ~~25~~ 50 candidates who have obtained the highest combined scores for all tests administered by the Board prior to background investigation and oral interviews, and all other candidates. The Board shall then proceed to conduct background investigations and oral interviews with such ~~25~~ 50 candidates and prepare a Register of Eligibles placing such ~~25~~ 50 candidates in rank order. After ~~20~~ 40 appointments have been made from the Register of Eligibles, the Board shall proceed to conduct background investigations and oral interviews on the next 20 remaining candidates who have obtained the highest combined scores for all tests administered by the Board prior to background investigation and oral interviews and shall prepare a new Register of Eligibles based on such additional testing. The rank order of the new Register of Eligibles shall not give priority to those candidates on the first Register unless the total combined scores of such candidates justify such priority. The procedure shall continue to be followed after every 20 appointments until no candidates remain to be hired from a Register of Eligibles or until the expiration of two years from the date the original Register of Eligibles was approved by the Board, whichever occurs first.

Section Two: That subsection (g) of Section 63 of Chapter 2 of the Bloomington City Code, 1960, as amended, be further amended as follows (additions are indicated by underlines; deletions are indicated by strikeouts):

(g) Alternative Method of Hiring Entry-Level Police Officers and Firefighters. When a vacancy exists in the Police or Fire Departments, the City Manager, at his discretion, may authorize the Chief of Police or the Fire Chief to appoint a person to the position of police officer or firefighter, without regard to whether such person is on the Register of Eligibles established by the Board of Fire and Police Commissioners for original appointment as a police officer or firefighter, if the appointee meets the following qualifications:

(1) he or she has previous post-probationary status as a police officer or firefighter in the United States of America;

(2) he or she is currently in good standing in the Police or Fire Department in which the person serves or left the Police or Fire Department in good standing; and

(3) he or she has substantially equivalent skills and abilities as a City of Bloomington post- probationary police officer or firefighter, as determined by the Chief of Police or Fire Chief.

The Chief of Police or Fire Chief may require applicants to submit themselves to such examination as he or she deems necessary to determine fitness for duties as a police officer or firefighter.

The Chief of Police or Fire Chief shall present the qualifications of any person selected for appointment for the approval of and for appointment by the Board of Fire and Police Commissioners.

No person shall be entitled to appointment as a matter of right under this subsection.

Section Three: Except as provided for herein, the Bloomington City Code, 1960, as amended, shall remain in full force and effect.

Section Four: That the City Clerk be, and she is hereby authorized to publish this ordinance in pamphlet form as provided by law.

Section Five: That this ordinance shall be effective ten days after the date of its publication in pamphlet form.

Section Six: That this ordinance is adopted pursuant to the home rule authority of the City of Bloomington conferred by Article VII, Section 6 of the 1970 Illinois Constitution.

PASSED this 22<sup>nd</sup> day of May, 2006.

APPROVED this 23<sup>rd</sup> day of May, 2006.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Motion by Alderman Finnegan, seconded by Alderman Huette that the Text Amendment be approved and the Ordinance passed.**

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

**Ayes: Aldermen Crawford, Huette, 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 Jean Snyder Requesting Approval of an Easement Vacation Plat for Lot 2 in Beltline Subdivision

A Petition has been received from Jean Snyder requesting approval of an Easement Vacation Plat for Lot 2 in Beltline Subdivision. The request is to vacate the existing utility easement within the vacated Eldorado Road Right of Way, with the exception of areas covering existing utilities. All relevant private utility companies have reviewed the Plat and granted their approval of the easement vacation, with the exception of NICOR, which shall be received prior to recording the plat. Staff has reviewed the Plat and find no conflicts with existing or proposed public utilities and drainage ways.

Staff respectfully recommends that Council approve the Petition and adopt an Ordinance approving the Easement Vacation Plat for Lot 2 of Beltline Subdivision, pending receipt of NICOR approval of the easement vacation.

Respectfully,

Douglas G. Grovesteen  
Director of Engineering

Tom Hamilton  
City Manager

**PETITION FOR APPROVAL OF UTILITY EASEMENT VACATION 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 Jean Snyder hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

- 1. That your petitioner is the owner of the freehold estate of the premises hereinafter described in Exhibit A attached hereto and made a part hereof by reference;
- 2. That your petitioner seeks approval of the Utility Easement Vacation Plat for the premises described in Exhibit A in Beltline Subdivision, Bloomington, Illinois, submitted herewith be approved with the exemptions or variations as requested herein.

WHEREFORE, your petitioner prays that the Utility Easement Vacation Plat for the premises described in Exhibit A in Beltline Subdivision, Bloomington, Illinois, submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

Mercer Turner, as her attorney

SUBSCRIBED AND SWORN to before me this 8<sup>th</sup> day of May, 2006.

Shelly R. Devore  
Notary Public



**ORDINANCE NO. 2006 - 55**

**AN ORDINANCE APPROVING THE UTILITY EASEMENT VACATION PLAT**

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

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

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

1. That the Utility Easement Vacation Plat 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 22<sup>nd</sup> day of May, 2006.

APPROVED this 23<sup>rd</sup> day of May, 2006.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**EXHIBIT A**

All that part of the easement reserved to the City of Bloomington, Illinois, and all public and quasi-public utilities across the full width of Vacated Eldorado Road Right-of-Way as contained in Ordinance No. 1983-36, recorded July 15, 1983, as Document No. 83-8356 in the McLean County Recorder's Office, except the following:

EXCEPTION NO. 1:

Any portion of said Easement which lies west of the East Line of the Sanitary Sewer Easement granted to Bloomington and Normal Water Reclamation District of McLean County, Illinois, according to Document No. 95-8306 recorded May 4, 1995, in said Recorder's Office.

**EXCEPTION NO. 2:**

Any portion of said Easement which lies within the East Half of said Vacated Eldorado Road lying north of the Westerly Extension of the North Line of Lot 7 in the Fourth Addition to Beltline Subdivision in the City of Bloomington, Illinois, according to the Plat recorded as Document No. 834797 in said Recorder's Office.

**EXCEPTION NO. 3:**

Any portion of said Easement which lies within the Southwesterly 15 Feet of the Northeasterly 17.5 Feet of said Vacated Eldorado Road lying south of the Westerly Extension of the North Line of Lot 7 in the Fourth Addition to Beltline Subdivision in the City of Bloomington, Illinois, according to the Plat recorded as Document No. 83-4797 in said Recorder's Office.

**EXCEPTION NO 4:**

Any portion of said Easement which lies within a strip of land 10 feet in width lying 5 feet on each side of the following described Centerline: Beginning at the point of intersection of the Southwest Line of Lot 7 in the Fourth Addition to Beltline Subdivision in the City of Bloomington, Illinois, according to the Plat recorded as Document No. 83-4797 in said Recorder's Office, with the Centerline of the 10 Foot Wide Water Main Easement, which extends across the Northwest Portion of said Lot 7, said Point lying 107.6 feet southeast of the Point of Curvature on said Southwest Line. From said Point of Beginning, thence southwest 2.5 feet perpendicular to said Southwest Line. Said Strip is bounded on the northeast by said Southwest Line and on the Southwest by the Northeasterly Line of said Exception No. 3.

**EXCEPTION NO. 5:**

Any portion of said Easement which lies within a strip of land 10 feet in width lying 5 feet on each side of the following described Centerline: Beginning at the Westernmost Corner of Lot 7 in the Fourth Addition to Beltline Subdivision in the City of Bloomington, Illinois, according to the Plat recorded as Document No. 83-4797 in said Recorder's Office. From said Point of Beginning, thence southwest to a point on the Northeasterly Line of Lot 2 in Beltline Subdivision in the City of Bloomington, Illinois, according to the Plat recorded as Document No. 77-1390 in said Recorder's Office, said Point being the Intersection of said Northeasterly Line with the Center line of the 10-Foot Wide Utility Easement, which extends across the North Portion of said Lot 2 and said Point lying 148 feet (Chord Distance) southeast of the Northernmost Corner of said Lot 2. Said Strip is bounded on the north by the Southwesterly Line of said Exception No. 3 and on the south side by the Northeasterly Line of said Lot 2.

PIN 21-02-252-001

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

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

**Ayes: Aldermen Crawford, Huette, 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: Approval of Final Plat of Angler's Manor Subdivision

The City received a donation of property in 1986 for what is now Angler's Lake. A plat for a two lot subdivision called Angler's Manor subdivision was prepared. One lot was the lake property, that was to be conveyed to the City, and the other contained the Angler's Manor Apartments. Council approved the final plat for the subdivision on December 22, 1986. The City took possession of the lake and began developing the nature preserve there today.

It was recently brought to the attention of staff that the plat of the subdivision and the deed transferring the property to the City were never recorded. Copies of the documents are on file, but the originals are missing. The owner is selling the apartment building and discovered the problem in preparation for the sale. The sale can not take place without the plat being recorded.

The plat as originally submitted can still be recorded. There have been no changes in the area or the use of the property that would require the plat to be revised. Fortunately, Farnsworth Group prepared the original plat and can produce the necessary mylar and copies for recording. The original Ordinance passed in 1986 is no longer available to record. The McLean County Recorder will not accept the plat for recording without an Ordinance.

The owner has submitted a new Petition for approval of the Final Plat and an Ordinance. Staff respectfully recommends that Council approve the Petition for the Final Plat and that the Ordinance be passed. The failure to record the plat was most certainly an oversight and was not due to any concern on the City's part. Staff clearly intended to accept the donation of the property, as indicated by our actions, and recording the plat will allow for the establishment of clear title to the land as well as facilitate the sale of the apartments.

Respectfully,

Hannah R. Eisner  
Deputy Corporation Counsel

Tom Hamilton  
City Manager

**PETITION FOR APPROVAL OF FINAL PLAT  
WITH WAIVER OF PRELIMINARY PLAN**

STATE OF ILLINOIS            )  
                                          ) ss.  
COUNTY OF McLEAN        )

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

Now comes the City of Bloomington 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 described in Exhibit A attached hereto and made a part hereof by this reference;
2. That your Petitioner seeks approval of the Final Plat for the subdivision to be known and described as Angler’s Manor 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 Preliminary Plan;
4. That your Petitioner hereby dedicates to the public, all public right-of-way and easements shown on said Final Plat.

WHEREFORE, your Petitioner prays that the Final Plat for the Angler’s Manor Subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

By: Karen Michel  
Asst. Vice President

**ORDINANCE NO. 2006 - 56**

**AN ORDINANCE APPROVING THE FINAL PLAT  
OF THE ANGLER'S MANOR 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 Angler's Manor 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 Chapter 24 of the Bloomington City Code - 1960, as amended: Section 3.5.6 Wavier of 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 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 and Planned Unit Development Code, Chapter 24 of the Bloomington City Code - 1960, as amended.

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

1. That the Final plat of the Angler's Manor 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 22<sup>nd</sup> day of May, 2006.

APPROVED this 23<sup>rd</sup> day of May, 2006.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**EXHIBIT A**

A part of the Northeast Quarter of the Southeast Quarter of Section 10, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as: Beginning at a point on the West Line of the Northeast Quarter of said Southeast Quarter, said point being 810 feet south of the Northwest Corner of the Northeast Quarter of said Southeast Quarter, which point also lies on the East Line of Meadowbrook Subdivision in the City of Bloomington, Illinois. From said Point of Beginning, thence south 506.95 feet along the West Line of the Northeast Quarter of said Southeast Quarter to a point in an existing east/west fence which marks the South Line of the Northeast Quarter of said Southeast Quarter, which point lies 3.7 feet north of the true Southwest Corner of the Northeast Quarter of said Southeast Quarter; thence east 1270.6 feet along said fence to a point which is on the West Line of the East 2 Acres of the Northeast Quarter of the Southeast Quarter of said Section 10, and which point is also on the West Line of Mercer Avenue, 3.96 feet north of the true South Line of the Northeast Quarter of said Southeast Quarter; thence North 330 feet along said West Right of Way Line which forms an angle to the right of 87°-58' with the last described course; thence west 580 feet along a line which forms an angle to the right of 92°-02' with the last described course; thence north 194.20 feet along a line which forms an angle to the left of 92°-02' with the last described course; thence west 687.43 feet along a line which forms an angle to the right of 90°-36' with the last described course to the Point of Beginning, in McLean County, Illinois, containing 12.542 acres. PIN: 21-10-426-019

**Motion by Alderman Finnegan, seconded by Alderman Huette 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, Huette, 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: Case Z-11-06 Petition submitted by RAB2 Corporation and PARK Developers, Inc., requesting annexation and rezoning of 0.245 of an acre of vacant land located at 3915 Baywood Road from A-Agriculture District to R-1C High Density Single Family Residence District, (Ward #3)

**BACKGROUND INFORMATION:**

Adjacent Zoning

north: R-1C Single Family Residence District  
 south: A- Agriculture District (County zoning)  
 east: A- Agriculture District (County zoning)  
 west: R-1C Single Family Residence District

Adjacent Land Uses

north: vacant single family lots  
 south: vacant/agriculture  
 east: vacant/agriculture (park site)  
 west: vacant single family lots

Comprehensive Plan recommends: “Conservation/Recreation use” for the property in question & “Low/Medium Density Residential” use for the residential neighborhood to the north and west.

The property in question is an 88’ x 120’ (10,560 sq. ft.) tract of vacant land that was included as part of a larger Lot 139, the 13.2 acre neighborhood park site to be dedicated to the City, as shown on the Preliminary Plan for the Eagle View South Subdivision. This Preliminary Plan was approved by Council on October 24, 2005. This park site (including the subject tract) would be zoned S-2 Public Lands and Institutions District when it is annexed to the City in accordance with the Annexation Agreement, also approved October 24, 2005. Because this park site has approximately 530 feet of frontage along Baywood Road, the City would be responsible for paying 50 percent (50%) of the cost for the construction of Baywood for that distance abutting this park site.

The petitioners have requested approval for one more R-1C single family residential lot for this 88’ x 120’ subject tract. This request is made as a negotiated consideration to eliminate the amount the City would be obligated to pay of such 50 percent (50%) construction cost. Sufficient acreage will remain in the balance of the park site to comply with the public park dedication requirement for the Eagle View South Subdivision.

The approval of this zoning map amendment would be consistent with the City’s Comprehensive Plan which recommends: “Low/Medium Density Residential” use for the residential neighborhood to the north and west. The southeastern 7,560 square feet (plus or minus) of this 88’ x 120’ subject tract is located within the limits of the 60 LDN Noise Contour for the Central Illinois Regional Airport.

Any residential use constructed on this tract would have to be constructed with the following sound insulation materials in order to address the goal of achieving a day/night average maximum interior noise level of 45 dBa, and to meet or exceed the following Sound Transmission Class (STC) ratings:

- (a) exterior walls shall meet a STC rating of at least 30;
- (b) exterior doors shall include a storm door or meet a STC rating of at least 28;
- (c) exterior windows shall meet a STC rating of at least 28;
- (d) basement windows shall be insulated glass or have window well covers;
- (e) a minimum of R-30 insulation shall be provided in the attic with soffit wind baffles or the roof shall meet a STC rating of 39;
- (f) fireplaces shall be provided with a well-fitted damper or fireplace doors if a damper is not allowed by City Code; and
- (g) central air conditioning shall be provided.

Many of the homes constructed today already meet these sound insulation construction criteria.

PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission held a public hearing on this petition on May 10, 2006 and recommends the same. Mr. Kenneth Emmons, City Planner, recommended that the Planning Commission pass a motion to recommend Council approval of the Annexation and Rezoning of the subject property from A- Agriculture District to R-1C, High Density Single Family Residence District.

Mr. Neil Finlen, P.E., Farnsworth Group, Inc. 2709 McGraw Drive, presented arguments in favor of this petition at this public hearing. He testified that the City's share of the cost for the construction of Baywood Road abutting the park site is about \$40,000. By allowing one additional lot as the future site for a single family dwelling is an equivalent tradeoff as consideration. He acknowledged that the developer is prepared to comply with these sound insulation construction criteria.

Mr. Paul Krueger, 18007 U.S. Highway 150, testified that he was not present to speak in favor of or in opposition to this petition. He argued that RAB2 Corporation and PARK Developers, Inc. are the real winners if this petition were approved because it would add one more residential lot to sell, thereby increasing profits. He argued that the City does not win because the disgruntled future homeowners residing on this lot will be complaining to the City about the noise from the proposed "Eastside Highway" more so than about aircraft noise generated by flight operations at the Central Illinois Regional Airport. He referred to this proposed highway as a primary reason for complaints about noise in the future.

No other persons testified at this public hearing.

PLANNING COMMISSION RECOMMENDATION:

After consideration of this petition and the testimony presented, the Planning Commission passed a motion by a vote of 9 to 0, recommending Council approval of the petition in Case Z-11-06 as presented.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission's recommendation for Council approval of this petition in Case Z-11-06.

Respectfully submitted,

Kenneth Emmons  
City Planner

Tom Hamilton  
City Manager



**PETITION FOR ANNEXATION AND REZONING TO THE CITY OF BLOOMINGTON, McLEAN COUNTY, ILLINIOS**

State of Illinois )  
 )ss  
County of McLean )

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

NOW COME RAB2 Corporation and PARK Developers, Inc. hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the premises legally described in Exhibit A attached hereto and made a part hereof.
2. That said premises presently has a zoning classification of A-Agricultural under the provisions of the McLean County Zoning Ordinance.
3. That your petitioner hereby requests that the Honorable Mayor and City Council of the City of Bloomington, McLean County, Illinois annex said property to the City.
4. That the premises which is described above is contiguous to the City of Bloomington.
5. That the premises would be zoned as R1C-High Density Single Family.

WHEREFORE, your petitioner respectfully prays that said premises be annexed to the City of Bloomington, McLean County, Illinois.

Respectfully submitted:

RAB2 Corporation and PARK Developers, Inc.,

By: Mercer Turner, their Attorney

SUBSCRIBED AND SWORN to before me  
this 13<sup>th</sup> day of April, 2006

Tonya L. Rohmoser  
Notary Public

**ORDINANCE NO. 2006 - 57****AN ORDINANCE ANNEXING AND REZONING CERTAIN TERRITORY AS  
HEREINAFTER DESCRIBED TO THE CITY OF BLOOMINGTON, McLEAN  
COUNTY, ILLINOIS**

WHEREAS, there was heretofore been entered into a certain Annexation Agreement between the City of Bloomington and RAB2 Corporation and PARK Developers, Inc., which Agreement is attached hereto and made a part hereof by this reference as Exhibit A; and

WHEREAS, the City Council of the City of Bloomington, after proper notices were given, conducted a Public Hearing on said Annexation Agreement; and

WHEREAS, the City Council of the City of Bloomington has determined that said premises are contiguous to the corporate limits of the City of Bloomington and are not within the confines of any other municipality of the State of Illinois, and that the Owner has given all notices required to be given by *65 ILCS 5/7-1-1*; and

WHEREAS, the City Council of the City of Bloomington has considered the question of annexation and has determined that said Annexation Agreement is proper and in due form according to the statutes of the State of Illinois as in such case made and provided. Said City Council has further determined that the proposed zoning, as established in the aforesaid Agreement, follows the general comprehensive plan and development theme heretofore established by the corporate authorities of the City of Bloomington and should be placed in effect as to said land upon the annexation of same, as all by Statute specifically provided.

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

SECTION ONE: That the City Council of the City of Bloomington, Illinois, determines that the territory described in the attached Exhibit B is not within the confines of any municipality of the State of Illinois, but is however, contiguous to the City of Bloomington.

SECTION TWO: That the property hereinabove described is by this Ordinance hereby annexed to and does by said Ordinance become a part of the incorporated City of Bloomington, McLean County, Illinois and that the boundary of said City is hereby changed to include the property hereinabove described.

SECTION THREE: That the Annexation Agreement, hereinabove referred to and hereto attached be and the same hereby is ratified, affirmed, and incorporated into this Ordinance.

SECTION FOUR: The Exhibit B premises be hereby zoned as follows under Chapter 44 of the Bloomington City Code, to-wit: RIC-High Density Single Family.

SECTION FIVE: That this Ordinance shall be in full force from the date of its passage.

PASSED this 22<sup>nd</sup> day of May, 2006.

APPROVED this 23<sup>rd</sup> day of May, 2006.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

## **EXHIBIT A**

### **ANNEXATION AGREEMENT**

THIS AGREEMENT is made and entered into by and between the City of Bloomington, McLean County, Illinois, herein referred to as "CITY," ARK VI LLC an Illinois Limited Liability Corporation, herein referred to as "OWNER A" and Kraft Farms, LLC an Illinois Limited Liability Corporation herein collectively referred to as "OWNER B".

WHEREAS, OWNER B is the record owner in fee simple of the real estate which is legally described in Exhibit A and Exhibit B hereto.

WHEREAS, OWNER A is the contract buyer of the real estate described in Exhibit B hereto.

WHEREAS, OWNERS are desirous of having the PREMISES (both Exhibits A and B) annexed to the CITY and the CITY is desirous of annexing said property.

WHEREAS, the OWNERS and CITY are desirous of having the PREMISES zoned into the R-1C - High Density Single-Family Residence District; B-1 - Highway Business District, S-2 - Public Lands and Institutions District, and R-2 - Mixed Residence District.

THEREFORE, IT IS AGREED BY THE CITY AND OWNERS AS FOLLOWS:

1. Upon the submission of a properly executed Petition or Petitions to Annex, the CITY agrees to annex the PREMISES or any portion thereof contiguous to the CITY in one or more installments.
2. Upon submission of a properly executed Petition to Rezone, the CITY shall zone the PREMISES as follows: up to 35.18 acres to the R-1C High Density Single Family Residential District; up to 11.9 acres to the R-2 Mixed Residence District, up to 13.2 acres to the S-2 Public Lands and Institutions District and the balance of the premises to the B-1 Highway Business District. That portion of the premises that is within the 60 LDN airport noise contour shall be

zoned into the S-3 airport noise impact district as an overlay zone. OWNER A may develop approximately 11.9 acres of the R-2 Mixed Residence District parcel into a cluster subdivision under the bulk regulations for single family attached housing.

3. The OWNER agrees that upon the annexation of the PREMISES to the CITY, the OWNERS shall petition for annexation of the PREMISES to the Bloomington-Normal Airport Authority District and the Bloomington-Normal Water Reclamation District.

4. OWNER agrees to submit a preliminary subdivision or plans in substantial conformity with Exhibit C, which is attached hereto and made a part hereof. The CITY agrees to approve one or more preliminary subdivision plans for the intended subdivision of the PREMISES, with said subdivision to be known as the Eagle View South Subdivision or some other name mutually agreeable to the parties hereto, which shall be developed in phases. Each phase may have a separate subdivision name. The initial preliminary, subdivision plans will be submitted to the CITY in substantial compliance with the CITY'S Subdivision Code as it exists on the date of the initial filing of this Agreement with the City Clerk. Each initial preliminary plan shall be effective for up to three years in compliance with the CITY'S Subdivision Code. The CITY agrees to approve the final subdivision plats of each phase of a preliminary plan provided they are in substantial compliance with the approved preliminary plan and this Agreement. Should OWNERS request a major amendment in the preliminary plan, the applicable Subdivision Code of the CITY shall be the one in existence on the date the major amendment is requested and shall only apply to the area affected by the amendment.

5. The CITY shall allow the OWNERS to construct up to ten model homes on the PREMISES for presentation and sale purposes. The location of the model homes may change from time to time and place to place as the OWNERS may desire and as the development or sales occur within the proposed subdivision. A model home may not be constructed unless the lot is pinned, water and sanitary sewer mains are extended to the lot, access to it is provided for by a compacted gravel or other hard surface and a grading plan for the lot has been accepted by the CITY'S staff. Notwithstanding the foregoing, no conveyance of title or certificate of occupancy for any model home shall take place until a final subdivision plat is of record for the real estate on which said model home is located and until access is available from a paved street.

6. This Agreement shall be enforceable for a period of 20 years from the date of the passage of the annexation ordinance contemplated by this Agreement. This Agreement is binding upon the parties hereto, and their heirs, successors, and assigns.

7. The OWNERS agree to make provisions in the development of the PREMISES so that storm water shall not be permitted to drain from the PREMISES other than in compliance with the design and construction standards for storm sewers, drainage ways, and storm detention/retention facilities, as provided by the CITY'S Code and Regulations. Both wet bottom storm water detention facilities, after completion, shall be owned and maintained by the property owner or association or a homeowner's association. A portion of the storm water detention is already provided in the Eagle View Subdivision.

8. The OWNERS shall have the right to construct landscaped berms on the PREMISES. The OWNERS may construct development or subdivision identification signs in any boulevard entrance or landscaped berm. The OWNERS shall be allowed to locate an entrance sign within a boulevard entrance. The entrance sign location shall be subject to approval by the Director of Engineering for the CITY, and the OWNERS shall provide a hold harmless agreement to the City indemnifying the CITY from any liability for damages to said entrance sign.
9. The OWNER A shall satisfy the park land dedication requirements by making a dedication of the real estate as depicted on Exhibit C hereto.
10. The OWNERS shall construct the water mains for the PREMISES in accordance with City Code within the proposed subdivision. CITY shall pay the reasonable cost for any water main over sizing it may request. The OWNERS shall construct sanitary sewers in accordance with City Code within the proposed subdivision.
11. The OWNERS shall have a water main tap on fee payment of \$25.00 per front foot of frontage for the water main along Towanda Barnes Road.
12. The OWNERS shall dedicate Right of Way for Towanda Barnes Road. The land to be dedicated shall be the land previously dedicated for public road purposes by Document No. 82 - 3818.
13. The OWNERS shall obtain all permits required by the McLean County Highway Department for street access and utility access under Towanda Barnes Road.
14. The CITY shall trade the OWNERS the north 200 feet of Outlot 507 of Eagle View Estates Subdivision for an equal area to the south in the proposed park.
15. The OWNERS shall dedicate park land in accordance with the City municipal code. The City shall reimburse the OWNERS for any additional park land requested by the CITY at the rate of \$30,000.00 per acre.
16. The OWNERS shall have adjacent substandard street improvement obligations for G.R. Road in compliance with the CITY'S Subdivision Code. The interior roads shall be constructed by OWNER A for the real estate described in Exhibit B which shall provide access to the proposed city park. The CITY agrees to reimburse OWNER A ½ of the cost of the road which is adjacent to the proposed city park.

This agreement is made on the dates indicated below.

Date: December 21, 2005

City of Bloomington

By: Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

Date: December, 21, 2005

ARK VI, LLC

By: Victor E. Armstrong  
Its member

Date: December 7, 2005

Kraft Farms, LLC

By: Daniel J. Green  
Its member

#### EXHIBIT A

##### Description of Property Eagle View South (East Portion)

A part of Lot 4 in Barnes Subdivision of Section 29, Township 24 North, Range 3 East of the Third Principal Meridian per plat recorded in Plat Book 6, Page 3, McLean County, Illinois, a part of the former Right-of-Way of the Illinois Central Gulf Railroad Company's Abandoned Bloomington District in the South Half of the Southwest Quarter of said Section 29, and a part of the Original Town of Barnes in the Southwest Quarter of said Section 29, described as follows: Beginning at the Intersection of the North Line of the 12-foot wide Alley Right-of-Way in said Original Town with the Northerly Extension of the East Line of Lot 13 in said Original Town. From said Point of Beginning, thence north along said Northerly Extension to a point lying 925 feet normally distant south of the North Line of said Lot 4; thence east along a line which is parallel with said North Line to the East Line of said Lot 4; thence south along said East Line to the South Line of the North 150 Feet of the South 183 Feet of the South Half of said Southwest Quarter; thence west along said South Line, being a line 33 feet normally distant north of and parallel with the South Line of the South Half of said Southwest Quarter to the East Line of the West 965 Feet of the South Half of said Southwest Quarter; thence north along said East Line to the South Right-of-Way Line of Main Street in said Original Town of Barnes; thence east along said South Right-of-Way Line to the Southerly Extension of the West Line of Lot 20 in said Original Town; thence north along said Southerly Extension and said West Line and the Northerly Extension of said West Line to the North Line of said 12-foot wide Alley Right-of-Way in said Original Town; thence west along said North Line to the Point of Beginning, containing 36.55 acres, more or Less.

Note:

Included within the foregoing property description are portions of the 12- foot wide Alley right-of-way, the 46-foot wide Main Street Right-of-Way and all of the 37.50-foot wide East Street Right-of-Way in the Original Town of Barnes. Said Alley and said Streets apparently have not been vacated.

## EXHIBIT B

### Description of Property Eagle View South (West Portion)

A part of Lot 4 in Barnes Subdivision of Section 29, Township 24 North, Range 3 East of the Third Principal Meridian per plat recorded in Plat Book 6, page 3, McLean County, Illinois, and a part of the Original Town of Barnes in the Southwest Quarter of said Section 29, McLean County, Illinois, more particularly described as follows: Beginning at the Northwest Corner of said Lot 4. From said Point of Beginning, thence east along the North Line of said Lot 4 to the Northeast Corner thereof; thence south along the East Line of said Lot 4 to a point lying 925 feet normally distant south of the North Line of said Lot 4; thence west along a line parallel with said North Line to the Northerly Extension of the East Line of Lot 13 in said Original Town of Barnes; thence south along said Northerly Extension and said East Line to the Southeast Corner of said Lot 13, said Southeast Corner being on the North Right-of-Way Line of Main Street in said Original Town of Barnes; thence west along said North Right-of-Way Line to the Southwest Corner of Lot 1 in said Original Town, said Corner being on the East Right-of-Way Line of West Street in said Original Town and also the East Right-of-Way Line of Towanda Barnes Road (County Highway 29) lying 33 feet east of the West Line of said Lot 4; thence north along said East Right-of-Way Line, being the West Line of said Lot 1 and the Northerly Extension thereof, to the North Line of the 12 foot wide Alley Right-of-Way in said Original Town; thence west along the Westerly Extension of said North Line to the West Line of said Lot 4; thence north along said West Line which is also the West Line of the Southwest Quarter of said Section 29 to the Point of Beginning, containing 65.61 acres, more or less.

#### Note:

Included within the foregoing property description are portions of the 12 foot wide alley right-of-way and the 50 foot wide Center Street right-of-way in the Original Town of Barnes. Also included is that portion of Towanda Barnes Road right-of-way dedicated as an easement for public road purposes according to Document No. 82-3818 which lies north of the Westerly Extension of the North Line of said 12 foot wide alley right-of-way. Said alley and said Center Street apparently have not been vacated.

PIN 15-29-301-003

(EAGLEVIEW SOUTH SUBDIVISION REZONING MAP ON FILE IN CLERK'S OFFICE)

**EXHIBIT B**

Description of Property  
Eagle View South  
(Purchase Area No. 2)

A part of Lot 4 in Barnes Subdivision of Section 29, Township 24 North, Range 3 East of the Third Principal Meridian, per Plat recorded in Plat Book 6, Page 3, McLean County, Illinois, more particularly described as follows: Commencing at the Northwest Corner of said Lot 4, thence south 940.34 feet along the West Line of said Lot 4, which line is also the West Line of the Southwest Quarter of said Section 29, to the Southwest Corner of a Tract of Land conveyed to ARK VI, LLC by Deed recorded as Document No. 2006-2373 in the McLean County Recorder's Office; thence east 806.97 feet along the South Line of said Tract which forms an angle to the right of 91°-29'-50" with the last described course to an East Line of said Tract; thence north 15.02 feet along said East Line which forms an angle to the right of 88°-30'-10" with the last described course to a South Line of said Tract; thence east 102.51 feet along said South Line which forms an angle to the right of 271°-29'-50" with the last described course to the Southeast Corner of said Tract, being the Point of Beginning. From said Point of Beginning, thence continuing east 88.00 feet along the Easterly Extension of the last described course; thence north 121.09 feet along a line which forms an angle to the right of 90°-00'-00" with the last described course to a South Line of said Tract; thence west 88.00 feet along said South Line which forms an angle to the right of 90°-00'-00" with the last described course to an East Line of said Tract; thence south 121.09 feet along said East Line which forms an angle to the right of 90°-00'-00" with the last described course to the Point of Beginning, containing 0.245 acre, more or less.

PIN 15-29-301-003

**Motion by Alderman Finnegan, seconded by Alderman Huette that the Annexation and Rezoning be approved and the Ordinance be passed.**

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

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

**Nays: None.**

**Motion carried.**

**MAYOR'S DISCUSSION: None.**

**CITY MANAGER'S DISCUSSION: Tom Hamilton, City Manager, informed the Council that there would be a Towing Work Session on Monday, June 12, 2006.**



In addition, he, Roger Aikin, Police Chief, and Keith Ranney, Fire Chief, were planning a Work Session on Disaster Recovery. He noted that there were things that the City needed to do. The City would need to respond quickly in the event of an emergency. There were details to address and an ordinance needed to be passed. City staff was considering July 10, 2006 prior to the Council meeting. He believed that the Council would find this topic very interesting.

Alderman Schmidt expressed her interest in a Work Session on the Rental Inspection Program in August or September, 2006.

**ALDERMEN'S DISCUSSION:** Alderman Matejka thanked Tom Hamilton, City Manager, for agreeing to hold a Work Session on the towing issue. City staff was addressing towing and towing issues.

Alderman Schmidt attended a program on homelessness last week at Second Presbyterian Church. She had also spoken with Todd Greenburg, Corporation Counsel, regarding the past offender housing ordinance. Mr. Greenburg addressed the Council. A draft ordinance would be completed within the next thirty (30) days. He had been soliciting opinions from interested parties. He had received a variety of suggestions, regarding supervision, curfews, location (i.e. distance from schools, etc.), City licensing/inspections, and penalties. Mayor Stockton stated that it was important to note zoning restrictions. He directed Mr. Greenburg to send the draft ordinance to the Council.

Alderman Purcell requested that the Council revisit the smoking ordinance amendments at a future date.

Alderman Gibson also requested a Work Session on the smoking ban. He addressed a business' rights to operate. He cited taverns and pubs, bowling alleys, and truck stops as examples. He added his belief that the City and the businesses would see a loss of revenue. He requested that the City study these concerns and amend its ordinance. He requested that this item be placed on a future Council agenda.

Mr. Hamilton questioned if the Council had directed him to schedule a Work Session to amend the ordinance that had recently been passed. Alderman Gibson requested that the first Work Session scheduled address an amendment to the smoking ban ordinance. Mr. Hamilton restated that staff needed direction from the Council. Alderman Gibson restated his interest in amending the ordinance which had passed recently. Mr. Hamilton noted that the purpose of a Work Session was to lay items on the table.

Mayor Stockton stated that he did not want to see this issue hang out there. It could be placed on a future meeting agenda. Alderman Gibson stated his opinion that there was not enough concern for affected business owners and their employees. Mayor Stockton questioned the need for a Work Session.

Alderman Finnegan questioned if this issue could be combined with the Towing Work Session.

Alderman Matejka noted that this issue had begun with a Work Session. He questioned what was different or if there was new information. He had processed this issue to the best of his ability. Alderman Gibson noted that the City had adopted a comprehensive ban. The Town of Normal does not have taverns. Alderman Matejka questioned if there was new information. Amendments had been offered and all of them had been defeated. Alderman Gibson did not believe that this issue would go away. An amendment to the ordinance will have to be addressed. The City needed to measure the impact of this ordinance. He had performed an informal poll and the majority of those contacted were opposed to the recently passed ordinance.

Mayor Stockton acknowledged that Alderman Gibson had the right to propose a motion.

Alderman Finnegan agreed that there had not been a discussion of the impact of this ordinance upon taverns. He also agreed that Alderman Gibson had raised the issue. Mayor Stockton questioned private clubs, churches, and outdoor patios. He acknowledged private property rights. He believed that there would be an economic impact. He agreed that the Council's action had impacted freedom of choice. He added that new information would have to be presented. He did not want the Council's creditability questioned. He also questioned when to reconsider, now or to wait until a later date.

Motion by Alderman Gibson to consider an amendment to Ordinance No. 2006 – 51, An Ordinance Amending Chapter 41 of Bloomington City Code, Regulating Smoking in Public Places in the City of Bloomington within the next two (2) months. Motion died due to the lack of a second.

Alderman Finnegan encouraged the Council to consider the tavern issue. He questioned if the Council's action was what the Council intended. The purpose of any subsequent meeting would be to decide whether there was interest in an amendment to this ordinance.

Mayor Stockton noted that the Council could be polled regarding an interest in revisiting this issue in the next couple of months. Alderman Finnegan responded affirmatively. He believed that the Council should at least consider the request.

Alderman Hanson agreed that the Council could reconsider the issue. The Council had four (4) weeks to think about the issue. He did not want this issue to linger. He added his belief that the state will act and there would be a state wide ban. He did not see any gain from an additional Work Session. However, he was open to a discussion.

Alderman Matejka encouraged the Council to be cautious. He cited the defeated amendments. He did not see the need to revisit this issue. He believed that there was a minority interest in an amendment. At issue was the Council's creditability.

Alderman Gibson did not see an amendment to the smoking ban as a compromise. Alderman Matejka restated that the amendments did not pass. The Council did not

compromise. The opportunity was there. The Council passed a tight ordinance. Alderman Gibson expressed his belief that the Council did not fully understand what had transpired.

Alderman Schmidt acknowledged that the amendments presented a confusing set of questions for the Council. She was concern about bringing the issue up again.

Alderman Purcell stated his willingness to compromise. Taverns and restaurants might offer separate rooms. He also addressed truck stops. An ordinance could be amended.

Alderman Crawford cited his nine (9) year tenure on the Council. He acknowledged that there were some votes he wished he could take back. The Council had voted based upon the constituents' feedback. He believed reconsideration would set a terrible precedent.

Alderman Huette noted that the Council's intention was not to create a hardship. If the Council receives evidence of financial hardship, then it would be appropriate to revisit this issue. An examination could be conducted at a later date. Alderman Gibson did not want to what to see if people were hurt by this ordinance. Alderman Huette expressed his belief that the economic impact would not be significant. The potential for harm line could be addressed at smoking and nonsmoking. He did not want the City to create an unlevel playing field.

Mayor Stockton expressed his support for those Council members who believed that the City should hold off on this issue. Five (5) Council members would have to support placing an amendment on a Council agenda.

Alderman Hanson noted that four (4) weeks had passed before the Council took action of this item. He believed that the Council had made a good decision. The Council did not intend harm. He addressed the idea of a compromise and a Council discussion. He cited outdoor places. He believed that a minority was interested in an amendment. The overall vote would not change.

Alderman Gibson believed that things were left undone. All businesses would be regulated. Alderman Hanson noted that the City was not the first to mandate smoke free. Other cities have already done so. Alderman Gibson noted that tobacco was a legal product which was heavily taxed. Alderman Hanson stated that this issue should only be reopened if there was new information.

Mayor Stockton believed that the Council did not want to reconsider this issue at this time. The item will not be placed on a Council agenda.

Alderman Purcell believed that there was new information. There were patrons who wanted to visit certain businesses and smoke. Mayor Stockton noted that any Alderman could provide language to amend this ordinance. Todd Greenburg, Corporation

**Counsel, addressed the Council. No action could be taken tonight, (compliance with Open Meetings Act). The Council could make a motion to amend the ordinance at a future Council meeting.**

**Motion by Alderman Gibson, seconded by Alderman Purcell that an amendment to Ordinance No. 2006 – 51, An Ordinance Amending Chapter 41 of Bloomington City Code, Regulating Smoking in Public Places in the City of Bloomington, to consider an exemption for taverns be placed on the Council’s July10, 2006 Meeting Agenda.**

**Ayes: Aldermen Purcell, Schmidt, Finnegan, and Gibson.**

**Nays: Aldermen Matejka, Hanson, Huette, and Crawford, and Mayor Stockton.**

**Mayor Stockton stated that the Council would not revisit this issue in the near future. The Council could readdress same if it discovers a grievous error.**

**Motion by Alderman Matejka, seconded by Alderman Schmidt, that the meeting be adjourned. Time: 8:25 p.m.**

**Motion carried.**

**Tracey Covert  
City Clerk**