

**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, February 13, 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, Michael Sprague, Jim Finnegan, Steven Purcell, Karen Schmidt and Mayor Stephen F. Stockton.

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

Absent: City Manager, Tom Hamilton.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Council Proceedings of February 28, 2005

The Council proceedings of February 28, 2005 have been reviewed and certified as correct and complete by the City Clerk.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Crawford that the reading of the minutes of the previous Council Meeting of February 28, 2005 be dispensed with and the minutes approved as printed.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Bills and Payroll

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

Respectfully,

Brian J. Barnes
Director of Finance

Tom Hamilton
City Manager

(ON FILE IN CLERK'S OFFICE)

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

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, Sprague, 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 ninth partial payment to Peace Meal in the amount of \$624 on a contract amount of \$7,500 of which \$5,613 will have been paid to date for work certified as 75% complete for the John M. Scott Home Delivered Meals. Completion date - May 2006.
2. The ninth partial payment to Peace Meal in the amount of \$2,082 on a contract amount of \$25,000 of which \$18,738 will have been paid to date for work certified as 75% complete for the Peace Meals. Completion date - April 2006.
3. The seventh partial payment to Gaye Beck in the amount of \$18,397.66 on a contract amount of \$100,000 of which \$76,080.96 will have been paid to date for work certified as 76% complete for the Facade Program. Completion date - April 2006.
4. The eighth partial payment to Devyn Corporation in the amount of \$20,000 on a contract amount of \$100,000 of which \$96,080.96 will have been paid to date for work certified as 96% complete for the Facade Program. Completion date - April 2006.
5. The second 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 \$7,500 will have been paid to date for work certified as 16% complete for the McLean County Economic Development. Completion date - December 2008.
6. The sixth partial payment to New World Systems in the amount of \$4,976.64 on a contract amount of \$671,523 of which \$424,315.95 will have been paid to date for work certified as 63% complete for the Police & Fire Computer Aided Dispatch System. Completion date - July 2006.
7. The tenth partial payment to PJ Hoerr, Inc. in the amount of \$549,200.05 on a contract amount of \$11,259,717.51 of which \$5,068,735.24 will have been paid to date for work certified as 45% complete for the Renovation of the Bloomington Center for the Performing Arts. Completion date - June 2006.
8. The twenty-first partial payment to Hammond Beeby Rupert Ainge, Inc. in the amount of \$30,155.08 on a contract amount of \$1,993,750 of which \$1,794,375 will have been paid to date for work certified as 90% complete for the Phase 3 & 4 - Renovation of the Bloomington Center for the Performing Arts. Completion date - August 2006.
9. The seventh partial payment to Terracon in the amount of \$708.63 on as needed basis of which \$9,782.58 will have been paid to date for work certified as ongoing for the Inspection Services for the Renovation of the Bloomington Center for the Performing Arts. Completion date - As needed.
10. The second partial payment to Central Illinois Arena Management Inc. in the amount of \$123,297.70 on a contract amount of \$1,007,697.83 of which \$291,151.82 will have been paid to date for work certified as 29% complete for the Professional Services. Completion date - April 2006.

11. The thirty-fourth partial payment to Brisbin, Brook, Beynon Architects in the amount of \$23,392.90 on a contract amount of \$1,421,000 of which \$1,345,937.49 will have been paid to date for work certified as 95% complete for the Arena Architects. Completion date - April 2006.
12. The first partial payment to WM Masters, Inc. in the amount of \$94,700 on a contract amount of \$153,160 of which \$94,700 will have been paid to date for work certified as 62% complete for the Structured Cabling for US Cellular Coliseum. Completion date - March 2006.
13. The sixth partial payment to Rowe Construction, Inc. in the amount of \$84,166.84 on a contract amount of \$1,250,603.92 of which \$853,346.68 will have been paid to date for work certified as 68% complete for the US Cellular Coliseum Infrastructure Improvements. Completion date - September 2006.
14. The second partial payment to Farnsworth Group in the amount of \$3,793.89 on a contract amount of \$32,562 of which \$6,354.89 will have been paid to date for work certified as 20% complete for the Norfolk Southern Railroad Crossing Negotiations for ML King Drive at White Oak, Hamilton at Commerce, and Hershey at Hamilton. Completion date - June 2006.
15. The third partial payment to Farnsworth Group in the amount of \$14,274.50 on a contract amount of \$168,400 of which \$41,438.18 will have been paid to date for work certified as 25% complete for the Lincoln Street - Bunn to Morrissey. Completion date - June 2006.
16. The seventh partial payment to Foth & Van Dyke/Daily Division in the amount of \$28,963.29 on a contract amount of \$339,497 of which \$159,058.10 will have been paid to date for work certified as 47% complete for the Mitsubishi Motorway Study Design and Specifications. Completion date - March 2006.
17. The second partial payment to PJ Hoerr, Inc. in the amount of \$112,799.60 on a contract amount of \$2,234,000 of which \$405,662.48 will have been paid to date for work certified as 19% complete for the Holiday Pool Renovation. Completion date - July 2006.
18. The second partial payment to Farnsworth Group in the amount of \$24,854.60 on a contract amount of \$189,500 of which \$37,699.62 will have been paid to date for work certified as 20% complete for the Constitution Trail - Grove to Hamilton. Completion date - September 2006.
19. The first partial payment to Farnsworth Group in the amount of \$2,800 on a contract amount of \$15,000 of which \$2,800 will have been paid to date for work certified as 19% complete for the Ozone Pilot Study for Taste and Odor Compound Elimination. Completion date - October 2006.

20. The first partial payment to Consoer Townsend & Associates in the amount of \$926.37 on a contract amount of \$25,000 of which \$926.37 will have been paid to date for work certified as 4% complete for the Ion Exchange Study. Completion date - December 2006.
21. The first partial payment to Consoer Townsend & Associates in the amount of \$3,081.04 on a contract amount of \$53,580 of which \$3,081.04 will have been paid to date for work certified as 6% complete for the Master Plan Update of Water Treatment Plant. Completion date - December 2006.
22. The ninth partial payment to Clark Dietz, Inc. in the amount of \$142.50 on a contract amount of \$22,000 of which \$9,748.18 will have been paid to date for work certified as 44% complete for the Water Department Emergency Response Plan. Completion date - December 2006.
23. The fourth partial payment to Clark Dietz in the amount of \$1,748.87 on a contract amount of \$32,000 of which \$12,341.81 will have been paid to date for work certified as 39% complete for the James Place Water Main. Completion date - October 2006.
24. The first partial payment to Farnsworth Group in the amount of \$9,473.31 on a contract amount of \$256,000 of which \$9,473.31 will have been paid to date for work certified as 4% complete for the Kickapoo and Brokaw Road Force Main Surveys. Completion date - November 2006.
25. The third partial payment to Paul & Karen Nord in the amount of \$443,199.94 on a contract amount of \$538,700.15 of which \$531,973.24 will have been paid to date for work certified as 99% complete for the West Washington Street Trunk Sewer Extension. Completion date - June 2006.

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

Respectfully,

Tom Hamilton
City Manager

Alderman Schmidt noted the Facade Grant Program payments, (Payments 3 and 4). She questioned if there were outstanding facade grant programs. She also questioned the funding for the Cultural District, (quarter cent sales tax). She questioned the dollars available, (Payments 7, 8 and 9).

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

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, Sprague, 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 Approve Payment of \$151,597.75 to The Links at Ireland Grove, LLC for the Cost of Oversizing the Water Main

Council approved an Annexation Agreement on November 22, 2004 with Willis Bowser, Eloise Miller, Wesley Erps, John Henderson and Sanctuary of Bloomington-Normal L.L.C. (The Links at Ireland Grove LLC.) The agreement provides for the City to pay for the cost of oversizing the water main in or paralleling Ireland Grove Road from an 8 inch pipe to a 16 inch pipe. The City has received an invoice as follows:

16" Water Main Cost	\$256,575.00
8" Water Main Cost	- <u>\$104,977.25</u>
Total due =	\$151,597.25

Staff has reviewed the invoice and finds it to be reasonable. There is \$150,000 in Water Depreciation Funds budgeted to pay this expense. Staff therefore recommends that Council approve the payment of \$151,597.25 to The Links at Ireland Grove LLC. with payment to be made from Water Depreciation Funds (X50200-72540).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Craig Cummings
Director of Water

Tom Hamilton
City Manager

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

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, Sprague, 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 Landscaping the I-55 Water Tower

The final landscaping at the I-55 Water Tower has been completed. The tower was constructed satisfactorily and when inspected by the Illinois Environmental Protection Agency, (IEPA) for approval of an IEPA loan, it was determined that final landscaping would need to be completed for the project to be certified as complete. This work has been completed and the invoice has been received.

Staff has reviewed this invoice and finds it to be reasonable. Staff respectfully requests that the payment to F & W Lawn Care and Landscaping be approved in the amount of \$11,125.18 with payment to be made with Water Department, Operations and Maintenance Funds, Distribution Division, Other Repair and Maintenance, (5010-X50120-70590).

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

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

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, Sprague, 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 Accela, Inc. for Administration Training for the City's Permitting System

The City uses Permits Plus, from Accela Inc., to issue all City permits. Two Information Services staff members are in need of five days of administrative level training for this software. There are two options to obtain this training. Accela holds this training at their corporate offices in San Diego, CA or will send trainers to Bloomington for on-site training.

Staff would like to have Accela provide this training on-site. Inquiries have been sent to other Permits Plus customers in the region and two other agencies (Madison County, IL and the Village of Paletine, IL) have committed to attending training in Bloomington. The total cost for the on-site training is \$9,000 plus travel expenses. With the two additional attendees, the cost of the on-site training is \$2,250 each (\$4,500 total) for the two City staff members plus travel costs for the Accela trainer. The cost for two staff members to travel to San Diego is \$5,000 total for training plus travel costs for each employee. Staff will invoice the other attending agencies \$2,250 each to recoup half of the \$9,000 total training costs.

Staff respectfully requests that Council approve the payment to Accela, Inc., for \$9,000, and that the Purchasing Agent be authorized to issue a purchase order for same. Payment will be made from funds budgeted in the Information Services Training account (G11610-70790). Accela travel expenses will be paid from the Information Services Travel account (G11610-70770).

Respectfully,

Scott Sprouls
Director of Information Services

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Crawford that the payment be approved and the Purchasing Agent authorized to issue a Purchase Order for same.

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

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

Nays: None.

Motion carried.

The following was presented:

February 13, 2006

1551

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Rejection of Recycle Containers Bid

Sealed bids were received at the office of the City Clerk on December 20, 2005 for recycle containers. Busch Systems from Ontario Canada was the sole bidder. Single bids are typically not opened, however a number of the bids received and opened contained "no bids". Recycle containers purchased in July, 2004 were supplied by Ameri-Kart at a purchase price of \$3.23 per container.

Busch Systems sole bid of \$5.63 per container is \$2.40 (174%) higher than the July, 2004 purchase price per container from Ameri-Kart. It is unknown at this time why Ameri-Kart or other vendors did not submit bids for these containers. Staff recommends rejecting the Busch Systems bid of \$5.63 per recycle container and rebidding recycle containers in April, 2006.

By rejecting the Busch Systems bid, staff will have the opportunity to contact Ameri-Kart and other vendors to inquire about why bids were not submitted, verify contact information, add other potential bidders to the mailing list, and discuss possible reasons for the large increase in prices. Thus, staff respectfully recommends that the Busch Systems bid be rejected and that staff be authorized to rebid recycle containers in April, 2006.

Respectfully,

Brian Brakebill
Director of Public Service

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Crawford that the Busch Systems bid be rejected, and staff be authorized to let rebids for recycle containers in April of 2006.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Waive the Formal Bidding Process and Authorize Contracts with Conley Group, Inc. for Testing Services for Promotional Exams for Police Department

The Board of Fire and Police Commissioners oversees the hiring and promotional processes for police officers and fire fighters. The Conley Group, Inc., has supplied its expertise in designing written tests and other components of the examination process for entry level police officers as well as promotions to the ranks of sergeant and lieutenant. The expertise of the Conley Group as well as Dr. Patrick Conley's familiarity with the Police Department is valued by the Fire and Police Commissioners in assisting them in their duty to fill vacancies in the Police Department with the most qualified individuals.

The Conley Group has sent proposed contracts to the City. This agreement relates to the testing to be administered to persons seeking to be promoted to the position of sergeant or lieutenant. The contract provides that the cost of testing for two promotional procedures would be \$12,000.

The Commissioners as well as staff believe these prices are reasonable and request that the Mayor be authorized to sign both letters of understanding on behalf of the City.

Respectfully,

J. Todd Greenburg
Corporation Counsel

Roger Aikin
Chief of Police

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 14

A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND AUTHORIZING THE APPROVAL OF CONTRACTS WITH THE CONLEY GROUP, INC. FOR TESTING SERVICES FOR PROMOTIONAL EXAMS FOR THE POLICE DEPARTMENT IN THE AMOUNT OF \$12,000

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

1. That the bidding process be waived and authorizing the approval of contracts with the Conley Group, Inc. For Testing Services for Promotional Exams for the Police Department in the amount of \$12,000.

ADOPTED this 13th day of February, 2006.

APPROVED this 14th day of February, 2006.

February 13, 2006

1553

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

March 5, 2006

Ms. Tracy Covert
City Clerk
305 S. East Street
Bloomington, IL 61702

Dear Ms. Covert:

This letter is a reiteration of the specifics of the Conley Group's services, deliverables, costs and other relevant information concerning the City of Bloomington's Police promotional processes for the job of sergeant and lieutenant.

Total Project Cost

The total cost for the two promotional procedures is \$12,000.00 with \$6,000.00 being paid upon the acceptance and/or the signing of this agreement. The total cost is based on the following steps:

I. Promotional Process – Sergeant and Lieutenant

A. Test Development

1. Job Analyses – The Conley Group will conduct analyses for the sergeant and lieutenant ranks.

These analyses will identify both the important tasks and the important knowledges, skills and abilities (KSAs) for both ranks. The task and KSA information will provide the basis for the test components that will make up both the sergeants and lieutenants promotional processes.

2. The Conley Group will construct a written examination consisting of short answer essay and multiple choice questions for both the sergeant and lieutenant tests.

The Conley Group will construct two separate written examinations – one for sergeant and one for lieutenant. Both tests will consist of items based on job analysis information, Bloomington Police Department policies and procedures, any relevant union contracts, and any other relevant

job related material. These tests will become the property of the City of Bloomington after the testing process.

3. The Conley Group will also construct two assessment exercises that will focus on judgmental and procedural issues needed by sergeants and lieutenants immediately upon promotion.

The Conley Group will ensure that the exercises are based on tasks and other requirements found in the job analysis data as well as information gleaned from command personnel in the Department.

The assessment exercises are proprietary in nature in that each of the assessment exercises may come from components of other exercises constructed by the Conley Group. This precludes the Conley Group from relinquishing the total copyright to the materials making up these exercises. We have, however, made a long term testing commitment to the City of use modified versions of these procedures.

4. If desired, provide an overview of the testing process to members of the Police and Fire Board.

A concern is that the board members will not have a full understanding of the testing process and the manner in which this process has safe guards for candidates. For example, there have occasions where police and fire board members in other jurisdictions wanted to sit in the room where the videotaping of the oral interview was being held. We had to deny access due to the potential for a biasing effect to the board member's presence.

B. Test Implementation

1. As noted in our initial set of assumptions, the City of Bloomington will be required to provide specific information for each of the two of the Phase 2 components.
 - a. Collate and deliver candidate lists,
 - b. Provide suitable testing sites,
 - c. Arrange test dates and times that are mutually agreeable,
 - d. Identify a liaison person who will assist in the gathering data, etc.
2. All testing materials will be controlled by the Conley Group before and during the testing process.

This is a security issue. If the City's decision makers wish to review one or more components, we will provide opportunities for a supervised test review session. That is, the Group will give single copies of components to decision makers. These reviewing officials will conduct the review and return the copy to the Group member who will not leave the test unattended.

3. The Conley Group and a designated City official will be responsible for the actual testing sessions.

Here, our concern is that the process will be interrupted in some way to disadvantage some number of candidates. If this happens, this will mean the exclusion of the candidate, proctor, or any other person who interferes with the overall process.

C. Test Scoring and List Generation

The Conley Group will be responsible for the scoring of all components of the sergeant and lieutenant tests. We will also generate a list that will equally weight each of the components. (This equal weighting system has been accepted by us and virtually all other testing professionals.) Turn around times for promotional tests will be about two weeks.

III. Responsibilities

- A. The City of Bloomington will be responsible for notifications and registering applicants. The Conley Group will be provided with rosters of all persons registered for the sergeant's and lieutenant's promotional processes.
- B. The Conley Group will be aided by Bloomington personnel to administer each component of the promotional process.
- C. The City of Bloomington will provide adequate facilities to administer the exams and assessment exercises.
- D. The Conley Group will be responsible for the scoring of all components of the sergeant and lieutenant processes.
- E. The sergeant's and lieutenant's processes will be administered approximately 180 days after their announcement.
- F. The Conley Group will provide the City of Bloomington with a rank order list resulting from both the sergeant and lieutenant processes. Any additional adjustments to the promotional lists based on Police and Fire Commission interviews, Police Chief points, or any other processes are the sole responsibility of the City.
- G. A liaison person will be identified by the City. This person will assist us in gathering information, planning the various steps, etc.
- I. Any litigation resulting from the use of the tests requiring the testimony of Dr. Patrick Conley will be compensated at \$175 per hour plus expenses.

In summary, this document identifies the tasks to be performed, the deliverables, and the costs associated with the promotional processes.

If this letter represents our agreed upon testing requirements, please have the authorized individual initial each page and sign in the space provided below. We ask that the original be returned to us.

Yours truly,

The Conley Group

Patrick R. Conley, Ph.D.
President

I, Stephen F. Stockton, Mayor, an authorized official of the City of Bloomington agree to the stipulations state above.

Alderman Gibson questioned the promotional process for Police Lt. and Sgt. Todd Greenburg, Corporation Counsel, addressed the Council. The process is different for each rank. Both groups must take a written examination. There is an oral interview for Police Sgt. and an assessment center for Police Lt. Points are given for merit and seniority. Individuals are placed in rank order. The promotional lists are established by the Board of Fire and Police Commission.

Alderman Sprague stated that when the process is completed individuals are placed rank order. Mr. Greenburg added that the Police Sgt.'s promotional process allowed the Police Chief to choose from the top three (3) candidates. The Police Chief is allowed his choice from the Police Lt.'s promotional list. He added that in the Fire Department all promotions are done in rank order. Individuals can select a one time by.

Mr. Greenburg added that the written examination must be job related and neutral. A testing agency is hired for their expertise.

Motion by Alderman Finnegan, seconded by Alderman Crawford that the formal bidding process be waived, the contract with the Conley Group, Inc. in the amount of \$12,000 for Testing Services for Promotional Exams for the Police Department be approved, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, Sprague, 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 Additional Parking Gates Purchase for the Parking Deck at the US Cellular Coliseum

On October 25, 2004, Council approved the purchase of an automated parking access and security system to allow staff to remotely manage various activities from City Hall. The goal was to incorporate multiple City owned parking facilities into one centralized automated system. Since the inception of this project, new gates have successfully been added to the Market Street Parking Garage. The time has come to incorporate the new parking deck at the US Cellular Coliseum to the system. This will allow the parking deck facility at the US Cellular Coliseum to be used for a multiple functions such as reserve and public parking similar to the Market Street Parking Deck.

Security Parking, Inc., was selected to provide the ScanNet Parking Access System including the initial installation of the automated parking access and security system, maintenance and monitoring of parking gate equipment, and installation of the software package. Security Parking, Inc., has provided staff with a quote in the amount of \$99,353 to add the US Cellular Coliseum parking deck to the system. The cost breakdown follows:

Eight parking gates and related equipment	\$63,303.00
Smart Pass Cards (200 cards)	\$ 4,200.00
Web Server	\$ 2,000.00
Installation	<u>\$29,850.00</u>
Total	\$99,353.00

Staff respectfully recommends that Security Parking, Inc. be selected to continue the centralization of the parking access and security system by adding the U.S. Cellular Coliseum to the existing City parking deck infrastructure and authorize the purchasing agent to issue purchase orders for the same. The funds for this procurement are budgeted in F54400-72620, West Side Parking Facility Fund - Other Capital Improvements.

Respectfully,

Kim Nicholson
Purchasing Agent

Tim Ervin
Supervisor of Financial Services

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 15**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF ADDITIONAL PARKING GATES FOR THE
PARKING DECK AT THE US CELLULAR COLISEUM
AT A PURCHASE PRICE OF \$99,353**

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 Additional Parking Gates Purchase for the Parking Deck at the US Cellular Coliseum at a Purchase Price of \$99,353.

ADOPTED this 13th day of February, 2006.

APPROVED this 14th day of February, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Schmidt noted that a security system was being purchased for a parking deck. She questioned the Downtown's parking garages and placing cameras in same. Mayor Stockton expressed his opinion that there were other areas of the Downtown that could benefit from security cameras. Alderman Sprague recommended that Downtown security (cameras) be broken down at the Council's Budget Work Session, (scheduled for March 20, 2006).

Motion by Alderman Finnegan, seconded by Alderman Crawford that the formal bidding process be waived, the additional Parking Security System be purchased from Security Parking, Inc. in the amount of \$99,353, the Purchasing Agent be authorized to issue a Purchase Order for same, and the Resolution be adopted.

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

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

Nays: None.

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

To: Honorable Mayor and Members of the City Council
 From: Staff
 Subject: Analysis of Bids - Painting of O'Neil Park Swimming Pool

On Tuesday, January 24, 2006, at 10:30 a.m., bids were publicly opened and read for the painting of the O'Neil Park swimming pool for the Parks and Recreation Department. In order to keep a good surface on the pools they are painted every four (4) years. A bid bond was submitted by each of the bidders. The bids were as follows:

FIRM	BID PRICE
Plastall Service Company, Inc. (New Albany, IN)	\$15,678*
Commercial and Industrial Coatings, Inc. (Bloomington, IL)	19,842
George Young & Sons (Peoria, IL)	34,825

*Low and recommended bid

The Plastall Service Company has painted City pools in the past and have always done an excellent job. Staff respectfully requests that the Council approve the low bid of \$15,678 submitted by Plastall Service Company and authorize the Purchasing Agent to issue a purchase order for same. A total of \$18,000 was budgeted in the O'Neil Pool operating budget, account G14122-70590 (Other Property Maintenance) for this work.

Respectfully,

Jerry Armstrong,
 Asst. Director Parks & Recreation

Tom Hamilton
 City Manager

Motion by Alderman Finnegan, seconded by Alderman Crawford that the bid be awarded to Plastall Service Company in the amount of \$15,678, 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, Sprague, Matejka and Purcell.

Nays: None.

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

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Analysis of Bids - Large Scale Rotary Mower for the Parks & Recreation Department

On Thursday, January 17, 2006, at 11:00 a.m., bids were publicly opened and read for a sixteen (16) foot wide rotary mower for the Parks and Recreation Department. This unit is used for mowing the large open areas in City parks. TriState Company did not submit a bid guarantee with their bid. The bids were as follows:

FIRM	TRADE-IN	NET BID PRICE
Birkey's Farm Store (Urbana, IL)	\$7,000	\$57,500*
TriState Company (Bettendorf, IA)	500	84,250

*Low and recommended bid

The low bid submitted by Birkey's is for a Jacobsen HR-9016 and this mower meets the specification with one small exception. The specification requested rear wheel weights, and Jacobsen was unable to provide them. Staff believes that this variation is minor in nature and should be waived. The department has not had this particular mower but have numerous Jacobsen mowers that have performed well in the past.

The Parks and Recreation Department was given permission to bid this mower early in order for it to be available for the start of the mowing season in early April. There is \$55,000 budgeted in the Fixed Asset Replacement Fund, account F14110-72140 for this purchase.

Staff respectfully requests that the Council approve the low bid of \$57,500 submitted by Birkey's Farm Store and authorize the Purchasing Agent to issue a purchase order for same.

Respectfully,

Jerry Armstrong,
Asst. Director of Parks & Recreation

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Crawford that the bid be awarded to Birkey's Farm Store, in the amount of \$57,500, 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, Sprague, 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 #9 to the Contract with P.J. Hoerr, Inc. for the Renovation of the Bloomington Center for the Performing Arts

P.J. Hoerr, Inc. has requested the following change orders to their contract for work associated with the renovation of the Bloomington Center for the Performing Arts. These change orders were reviewed by staff, who found them to be acceptable. The total amount of these change orders is \$61,308.57.

#57 Provide 24 transfer grilles at third floor ceiling	2,240.00
#82 Provide power connection across Locust Street	15,269.00
#84 Provide steel light fixtures in lieu of stainless fixtures	-24,788.00
#94 Provide revisions at Dining Hall ceiling to accommodate conflict with existing overhead structure	9,547.00
#101 Provide repairs to existing north masonry stage wall	5,645.57
#102 Provide new ceilings in rooms 124, 125 & 126	10,299.00
#103 Provide catwalk revision for full access to auditorium lights	28,776.00
#104 Provide revised grab bar in room 224A	116.00
#105 Provide new steel cage ladder & platforms for roof access	<u>14,204.00</u>
	61,308.57

Total this Change Order	61,308.57
Revised contract	<u>11,259,717.51</u>
New Total Amount	11,321,026.08

This work is outside the existing contract of P.J. Hoerr. Changes are being requested to provide transfer grilles in the third floor ceilings to guard against the fire suppression system from freezing. New power feed lines are needed from north of Locust Street to the site as Ameren IP has revised their feed location. A price reduction from stainless steel to regular steel light fixtures was approved. Duct and light fixture revisions were needed at the Dining Room ceiling to accommodate a conflict with the existing overhead structure. Repairs to the existing north masonry wall was needed. New ceilings in rooms 124, 125 were needed, as the original had to

be removed for duct replacement and room 126 needed new grid and metal panels under the black iron duct as per code.

Swing hinges on one side of catwalks 3, 4 and 5 were needed to provide access to the auditorium house lights in the ceiling troughs. A revised grab bar in toilet 224A was needed to accommodate window conflict created by revised bathroom configuration between plumbing and structure below. A new steel rung caged ladder with platforms was needed in the north/west corner of the existing fly tower for safety purposes for access to the west grid and roof hatch. 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:	\$332,826.08
Contingency Balance:	\$267,173.92

Staff respectfully recommends that Council approve this change order to the contract with P.J. Hoerr, Inc. in the amount of \$61,308.57. Payment for this work will be paid from account X21100-72620 of the Cultural District budget.

Respectfully,

C. Bruce Marquis
Executive Director

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 16

A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE AMOUNT OF \$61,308.57 IN THE CONTRACT BETWEEN THE CITY OF BLOOMINGTON AND P.J. HOERR, INC. FOR THE RENOVATION OF THE 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 Center for the Performing Arts; and

WHEREAS, for the reasons set forth in a staff report dated February 13, 2006 it was necessary to perform the following work;

Provide transfer grilles in the third floor ceilings to guard against the fire suppression system from freezing. New power feed lines are needed from north of Locust Street to the site as Ameren IP has revised their feed location. A price reduction from stainless steel to regular steel light fixtures was approved. Duct and light fixture revisions were needed at the Dining Room ceiling to accommodate a conflict with the existing overhead structure. Repairs to the existing north masonry wall was needed. New ceilings in rooms 124, 125 were needed, as the original

had to be removed for duct replacement and room 126 needed new grid and metal panels under the black iron duct as per code.

Swing hinges on one side of catwalks 3, 4 and 5 were needed to provide access to the auditorium house lights in the ceiling troughs. A revised grab bar in toilet 224A was needed to accommodate window conflict created by revised bathroom configuration between plumbing and structure below. A new steel rung caged ladder with platforms was needed in the north west corner of the existing fly tower for safety purposes for access to the west grid and roof hatch; and

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the February 13, 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 \$61,308.57 in the contract between the City of Bloomington and P.J. Hoerr, Inc. for the Renovation of the Center for the Performing Arts be approved.

ADOPTED this 13th day of February, 2006.

APPROVED this 14th day of February, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Finnegan questioned this \$61,000 change order. Bruce Marquis, Cultural District's Executive Director, addressed the Council. He noted that Dave Young, Facilities Manager, was on site six (6) days a week. The majority of the building was over eighty (80) years old. There were no blueprints of the structure. There was additional deterioration and unknown conditions. Dave Young, Facilities Manager, addressed the Council. He informed them that an additional \$60,000 change order would be coming before them. A contingency fund was established to address unforeseen conditions. Change orders also address safety issues.

Alderman Sprague expressed his appreciation for the change to the lighting. He restated that another \$60,000 change order would be brought before the Council. Mr.

Young noted that some items were under discussion/revision. Alderman Sprague restated that there was a contingency fund.

Motion by Alderman Finnegan, seconded by Alderman Crawford that the Change Order to the Contract with P.J. Hoerr, Inc. for the Renovation of the Bloomington Center for the Performing Arts in the amount of \$61,308.57 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, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Purchase of Wireless Networking Infrastructure for US Cellular Coliseum and City Council Chambers

Staff has been researching wireless networking options for City facilities for some time. In September 2005, Technical Design Services, Inc. (TDSi) was hired as a consultant to assist staff with evaluation of current wireless technologies and assist in the eventual release and evaluation of a Request for Proposal (RFP) to install an enterprise-capable wireless networking system for the City. As the US Cellular Coliseum nears completion, there are two critical applications that require a wireless network (Ticketing and Food and Beverage POS). As might be expected, there are also many applications throughout City departments that would benefit from a wireless network. With Council's approval, the recommendation that follows will be able to provide secure wireless access from any point in the City's existing wired network.

With the assistance of TDSi, staff has been evaluating options available in today's market from many different vendors. Although some are subtle, there are many differences in how companies approach the design of their wireless technology. With Council's prior approval, staff has also been upgrading the wire-based networking hardware throughout much of the City network and will be installing new networking hardware in the US Cellular Coliseum as it nears completion.

In deciding which technology to recommend, staff factored the ongoing wired network upgrades, a desire for a consistent management interface for the entire City network, a requirement to apply the most secure self-healing wireless technology currently available and a desire to obtain a system with the potential to scale and grow as the demand for wireless connectivity increases.

Staff has ultimately decided to recommend Cisco System's Airespace wireless networking system.

An RFP was released on January 5, 2006 with responses being received from four companies by the January 20th deadline. The project scope is for a system that would provide the necessary wireless connectivity in the US Cellular Coliseum, and also to provide connectivity to City Council chambers. The wireless connectivity in Council Chambers is seen as a pilot for eventual spread to other City offices as needed. An itemized parts list of the required Cisco hardware was included. This list, however, was an estimate as it was impossible to perform the required site survey in the yet to be completed US Cellular Coliseum. Once the survey is completed, it is possible the amount and type of access points and antennas will need to be adjusted. Results of the responses are listed below:

Company	Location	Price
AOS	St. Louis, MO	\$67,348.20
Sentinel Technologies	Springfield, IL	\$58,471.90 ** Recommen ded Vendor
SDI, Inc.	Chicago, IL	\$69,004.63
Verizon Select Services	Bloomington, IL	\$72,013.00

The consultant has evaluated each of the responses in detail and found pricing and methodology consistent. References were favorable for all responding companies. Staff, along with TDSi, is comfortable with the ability of all responding vendors to execute the scope of this project.

Therefore, staff respectfully requests Council approval for a contract with Sentinel Technologies to provide hardware, design, implementation, testing and training in the amount of \$58,471.90 for an enterprise-based wireless networking system and that the Mayor and City Clerk be authorized to execute the necessary documents. Funds for this system will come from the US Cellular Coliseum (F56200-72120) and Pepsi Ice Center (X40750-72120) Fixed Asset Accounts. Eighty-five percent from F56200-72120 and fifteen percent from X40750-72120.

Respectfully,

Scott Sprouls
Director of Information Services

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Crawford that the contract with Sentinel Technologies to provide hardware, design, implementation, testing, and training be approved in the amount of \$58,471.90, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, Sprague, 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 the Center for the Performing Arts

Staff respectfully requests approval of five contracts to engage persons and/or groups represented by ICM Artists, Ltd., Rena Shagan Associates, Drepung Loseling Monastery, Inc., International Creative Management, Inc. and Art Fegan Entertainment, Inc. to perform services in the Center for the Performing Arts on dates agreed by staff. Base expenses for these four contracts will be \$91,100. 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 selections of these individuals and/or groups was coordinated with the Cultural Commission and the Cultural District Programming Advisory Committee. Staff and community advisors agree that these visiting professionals would attract broad, positive community involvement and contribute to the public service mission of the Cultural District and the Center for the Performing Arts.

Staff respectfully recommends accepting the contracts for these 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

(CONTRACTS ON FILE IN THE CITY CLERK'S OFFICE)

Motion by Alderman Finnegan, seconded by Alderman Crawford that the contracts from ICM Artists, Ltd., Rena Shagan Associates, Drepung Loseling Monastery, Inc., International Creative Management, Inc. and Art Fegan Entertainment, Inc. be approved

in an amount not to exceed \$91,100, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Financial Support Agreement for the Bloomington/Normal Airport Authority's Small Community Air Service Development Pilot Program

Some time ago, the Airport Authority was awarded a federal grant for \$850,000 through the Small Community Airport Service Development Pilot Program. This grant is contingent upon a local matching fund commitment of \$1,000,000. At the time this grant was being sought, the City, Town of Normal, Airport Authority, and local business community pledged funds to meet the local match.

The proposed Agreement will formalize that pledge. The Airport Authority has requested that the City provide up to \$200,000 to support the efforts of securing additional service to the Central Illinois Regional Airport. Upon approval of this Agreement, the City's commitment would be in place for 24 months. The Town of Normal has all ready approved this Agreement.

Staff respectfully recommends that Council approve the Agreement in an amount not to exceed \$200,000 and authorize the Mayor and City Clerk to execute the necessary documents.

Respectfully,

Tom Hamilton
City Manager

**FINANCIAL SUPPORT AGREEMENT FOR THE BLOOMINGTON NORMAL
AIRPORT AUTHORITY'S SMALL COMMUNITY AIR SERVICE DEVELOPMENT
PILOT PROGRAM**

THIS AGREEMENT made and entered into this ___day of February, 2006, by and between the Bloomington Normal Airport Authority of McLean County, Illinois (hereinafter referred to as "AIRPORT" and the City of Bloomington hereinafter referred to as "Community Partner".

WITNESSETH:

WHEREAS, the Airport has applied and received by U.S. DOT Order 2004-8-30 a grant valued at \$850,000.00 through their Small Community Air Service Development Pilot Program, Docket-OST-2004-17343; and

WHEREAS, these funds are intended to help secure new low-fare west bound air service from the Central Illinois Regional Airport, with said new service aimed at enhancing the competitive position of the airport as well as improving/strengthening the quality of life and business activities throughout the Central Illinois Region; and

WHEREAS, the receipt and use of these funds require the Airport to provide a local matching funding commitment of \$1,000,000.00; and

WHEREAS, the Community Partner desires to provide a share of this local funding share.

WHEREAS, the Community Partner desires to assist the Airport in contracting with a west bound air service provider.

NOW, THEREFORE, FOR AND IN CONSIDERATION OF THE MUTUAL CONVENANTS HEREIN SET FORTH, THE UNDERSIGNED PARTIES AGREE AS FOLLOW:

1. The Airport requests, and the Community Partner agrees to provide funding to develop a west bound air carrier, which funds may be used to support the Airport's Small Community Air Service Development Pilot Program.
2. The Airport will complete all required documentation and comply with all rules, regulations and conditions contained in the Small Community Air Service Development Pilot Program.
3. The Community Partner shall have no program and/or administrative responsibility to the U.S. Department of Transportation regarding the Small Community Air Service Development Pilot Program.
4. The Airport shall use the proceeds to develop a west bound air carrier, which Community Partner funds may be used in conjunction with both Airport and Grant funds, to provide financial incentives and risk abatements to help establish new low-fare west bound service from Airport.
5. The Airport shall secure an agreement with an airline to provide financial incentives and risk abatements in return for new west bound service within a reasonable amount of time.

6. The Community Partner agrees to commit up to \$200,000.00 dollars in support of developing a west bound air carrier service, which funds may be applied to the Airport's Small Community Air Service Development Pilot Program. With this commitment remaining in effect for up to 24 months from the date the Airport first secures this new service.
7. The Airport and the Community Partner agree that if the committed funding support is not entirely used with the aforementioned 24 month period the contribution commitment shall expire.
8. The Airport shall provide a quarterly accounting to the to the Community Partner indicating the actual cost of the west bound air service development program for the previous quarter along with a running balance of total program expenses.
9. The Small Community Air Service Development Pilot Program expenses and any other expenses in developing a west bound carrier service provider shall be shared in equal proportions between each Community Partner.
10. The Community Partner agrees to direct payments to the Airport on a quarterly basis within thirty (30) days of receipt of program invoice, with said payments reducing the value of the funding commitment by a like amount.
11. The Airport shall not disclose the name, identity, of value of the funding Commitment from the Community Partner without the written authorization of the Community Partner.
12. Any provision of this agreement that is in violation of any Illinois state or Federal law, or in violation of any municipal ordinance of the municipality, shall be void, the invalidity of any provision shall render only that provision void and the remaining provisions shall remain in full force and effect.
13. The Airport shall not receive any incentives from the Community Partners for their participation in the Small Community Air Service Development Pilot Program or for their support of the airports efforts to develop a west bound air service provider.
14. The Community Partners shall not receive any incentives as a result of their participation in the Small Community Air Service Development Pilot Program or for their support of the airports efforts to develop a westbound air service provider.
15. The Community Partner authorizes the Airport to release this agreement to the U.S. Department of Transportation for the sole purpose of allowing the DOT to verify the amount of the funding commitment to the Airport in support the Small Community Air Service Development Program.

IN WITNESS WHEREOF, the undersigned parties have affixed their signatures on the date and year first written above.

Paul Harmon
Chairman
Bloomington Normal Airport Authority

Stephen F. Stockton
Mayor
City of Bloomington

3/16/07

02/14/07

Witnessed by: Barbara Allsup

Witnessed by: Tracey Covert

Alderman Crawford noted that this item would provide the Airport Authority with \$200,000. He questioned if the Town of Normal would also match these dollars. He questioned if all parties to the agreement would be providing match funding.

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

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

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

Nays: None.

Motion carried.

Carl Olson, Bloomington Normal Airport Authority's, (BNAA), Executive Director, addressed the Council. The BNAA had competed for a grant to secure new west bound service. The BNAA had to secure a \$1 million local share. The City's funds would help to secure this local share. The BNAA would cover the lion's share, (pay the balance). The BNAA must be successful in securing the local match. These dollars must be secured.

Alderman Crawford questioned how close the BNAA was to its goal. Mr. Olson noted that the BNAA was over half way. He noted that the airline industry was currently losing money. These dollars would provide a safety net for the airlines and abate the risk for the introductory period. At the end of the program, there would be a single sustaining carrier which would provide a low fare west bound service.

Alderman Purcell questioned how the BNAA would entice an airline to come to the community. Mr. Olson informed the Council that if at the end of the program the dollars were not spent, then the City's funds would be returned. The grant would be audited quarterly. Alderman Purcell noted that if the City turned down this request, then another community might pick up this service. He questioned if a west bound service would be viable. Mr. Olson stated that there were great prospects for success.

Mayor Stockton believed that a west bound service would attract customers. Alderman Huette questioned this idea. He also questioned if the BNAA had participated in other programs with success. Mr. Olson expressed his belief that the BNAA had prepared

a good proposal. A number of things were still in place. Central Illinois was a viable target market.

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

Motion carried.

Motion by Alderman Finnegan, seconded by Alderman Crawford that the Agreement with the Bloomington/Normal Airport Authority be approved in an amount not to exceed \$200,000, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, Sprague, 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 Agreement with Consoer Townsend Envirodyne Engineers for a Study of the Metering at the Water Treatment Plant

Staff proposes a study to determine the metering needs for the Water Treatment Plant. With various additions over the years to the Water Treatment Plant and the age of certain equipment, staff can not accurately determine what volumes of water which have been pumped through certain processes in the plant or the overall output of the facility.

This study will investigate the type of meters being used and their locations in the treatment process. Following this, a 24 hour metering test will be run to determine which meters are registering within industry standards. The study will present the results of the accuracy testing as well as any recommendations for upgrading metering or installing meters where none exist today. The costs of the actual meters will be proposed at a future date once the study is completed and staff has determined the future order of work.

Consoer Townsend Envirodyne Engineers (CTE) is part of a group of consulting engineering firms that were asked to submit qualifications for water treatment plant work at the beginning of FY 05/06. Staff then solicited a specific proposal for this work from CTE. CTE has extensive

knowledge of the Water Treatment Plant as they are the designers of the water treatment plant expansions and high service pumping systems.

Staff has reviewed the proposal which has been determined to be in order. Therefore, staff respectfully recommends that this Agreement with CTE for professional services be approved in the amount of \$38,400, and the Mayor and City Clerk be authorized to execute the necessary documents. Funds for this project will be paid for with funds from the Water Department/Depreciation Fund, Consultant Services (Account # X50200-70050).

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

January 16, 2006

Mr. Craig M. Cummings
Director of Water
City of Bloomington
603 W. Division Street
P.O. Box 3157
Bloomington, IL 61702-3157

REFERENCE: Studying of Metering at the Water Treatment Plant

Dear Mr. Cummings:

Per your request, we are hereby presenting this Proposal to perform a study of the metering needs at the Water Treatment Plant. Our scope of work will be divided into two phases as follows:

Phase 1 – Investigations Phase

We will utilize M.E. Simpson Co., Inc. to access all of the meters as follows:

Endress Hauser Pro line mag meters are installed at:

- Low Service at both lakes – 2 meters total
- Claricones – 4 meters total
- New plant filters – 6 meters total
- Reclaim – 1 meter total
- Sludge pits – 1 meter total

Flow tube with DP cells at:

High service – 1 meter total
Old plant filters – 12 meters total
Backwash at both plants – 2 meters total

Specifically, M.E. Simpson Co., Inc. will inspect each meter setting as well as flow monitoring test sites to determine if tests can be made, if not, they will make recommendations to correct setting so testing can be performed. This would include sketches, drawings, photos, etc, of site and turned into the City so improvements can be made. This site assessment must be done prior to any testing so that test corps can be installed, or existing corps can be examine to determine the ability to be used for testing. These inspections are particularly important to be able to determine of a meter can be tested or not. CTE will accompany M.E. Simpson personnel while the are inspecting all of the meters.

Phase 2 – 24-hour Master Meeting Testing

M.E. Simpson Co., Inc. will schedule the testing with the City during normal working hours. Exceptions to testing times will be made on a case-by-case basis, depending on the severity of loss of water service due to the testing procedure. All of the meters listed in Phase 1 above will be tested.

The Project Team will document all flow testing results.

Meter Test flow data will be documented and results given to the City.

For Pilot style testing, graphs of the flow tests will be included as part of the Flow Data to show flow and time characteristics at the tests sites.

This will include graphs of the piper traverse to show flow characteristics of the pipe at the test location.

The Project Team will report daily to the assigned water department personnel and go over the progress who tests will be conducted the current day.

It may be necessary to conduct parts of the testing program during “off hours” such as night. This may be required due to usage patterns or other issues. The Project Team will give 24-hour notice of intent to conduct tests that may require after hours or nighttime work. This is so the City can plan for the area to be accessed, give notification to the Police department, as well as other Public Works Divisions as to the activity that will take place.

Turbine Meters that are found to be stopped, broken, or inaccurate will be repaired by M.E. Simpson Company and calibrated back to AWWA standards.

Major parts such as chambers, turbine assemblies and registers are extra.

All turbine meters are tested at four flow rates.

All turbine meters are tested and repaired, as required, in place and all repair work is covered by a six-month warranty.

Venturi style meters, “Mag” meters, and Orifice Plate style meters can be flow tested at different flow rates and test periods or a 24 hour flow test can be conducted to show diurnal flows. This will be discussed with the utility at the time of inspection and the merits of each test type considered.

Test sites located in confined spaces shall be tested using accepted confined space entry procedures.

Any valves that fail or break during operation to isolate the water meter for testing will be repaired or replaced at the expense of the owner. M.E. Simpson Company cannot be held responsible for possible valve failures during the testing procedure.

Again, CTE will accompany M.E. Simpson personnel while they are testing all of the meters.

Based on the results of the M.E. Simpson Co., Inc. findings, CTE will prepare a report with recommendations for additional metering if it is required or different types of metering, etc. The goal will be so that the plant personnel will be able to determine exactly how much water they are putting out daily.

We propose to perform these engineering services for a fee equal to two and thirty-five hundredths (2.35) times the “salary costs of engineering and technical personnel” expended in performing the work, the term “salary costs of engineering and technical personnel” shall mean the actual wages paid to those members of staff who are classified as officers, engineers, technicians, draftsman and field party personnel and who perform services under this Agreement plus employees’ benefits, which include state and federal taxes, social security, employment and retirement benefits as defined in the American Society of Civil Engineers (ASCE) Manual No. 45. The costs of M.E. Simpson Co., Inc., will be passed on to you without any markup.

Our fee will not exceed the following amounts without further authorization:

Phase 1

CTE	\$ 2,880
M.E. Simpson - \$1,100/day not to exceed 3 days -	<u>\$ 3,300</u>
Total	\$ 6,180

Phase 2

CTE	\$14,400
M.E. Simpson - \$1,600/day not to exceed 15 days -	<u>\$24,000</u>
Total	\$38,400

Should you have any questions concerning the above, do not hesitate to contact us. If the proposal is satisfactory, kindly execute in the space provided below and return one copy to us. We look forward to working with you.

February 13, 2006

1575

Very truly yours,

Consoer Townsend Envirodyne Engineers, Inc.

Michael H. Winegard, P.E.
Vice President

ACCEPTED FOR:

CITY OF BLOOMINGTON, ILLINOIS

By: Stephen F. Stockton
Mayor

February 16, 2006

Motion by Alderman Finnegan, seconded by Alderman Crawford that the Agreement with CTE for a Meter Study at the Water Treatment Plant be approved in the amount of \$38,400 and the Mayor and City Clerk be authorized to execute the necessary documents.

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, Sprague, 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 Agreement with Consoer Townsend Envirodyne Engineers for the Design of a Water Treatment Plant Sludge Lagoon Decant Water Diversion Structure

Staff proposes a project to construct a Water Treatment Plant Sludge Lagoon decant water diversion structure to divert water from the sludge lagoons when the water quality does not meet department standards. Specifically, at times when taste and odor compounds in the water removed from the reservoirs are high, these compounds tend to be concentrated in the sludge

removed during the treatment process. This sludge is then routinely removed from the treatment process and stored in lagoons near the Plant. When the water level at the lagoons is high enough, the water is recycled to the Water Treatment Plant. If that water is laden with taste and odor compounds, it can introduce high levels of these compounds into the treatment plant and possibly add to a taste and odor problem.

In March 2005, the Water Department enlisted the services of the Farnsworth Group, Inc., to submit an application for the reinstatement of the National Pollutant Discharge Elimination System (NPDES) permit which would allow the Water Department to discharge water from the sludge lagoons to the Money Creek, as it had done for many years, when the quality of the water was less than department standards. While the permit application is being reviewed, the department proposes to construct a structure to facilitate the diversion of the water from the sludge lagoons into Money Creek and not be recycled to the Water Treatment Plant.

Consoer Townsend Envirodyne Engineers (CTE) is part of a group of consulting engineering firms that were asked to submit qualifications for water treatment plant work at the beginning of FY 05/06. Staff then solicited a specific proposal for this work from CTE. CTE has extensive knowledge of the Water Treatment Plant as they are the designers of the water treatment plant expansions and high service pumping systems.

Staff has reviewed the proposal has determined that it is in order. Therefore, staff respectfully recommends that this Agreement with CTE for professional services be approved in the amount of \$20,000, and the Mayor and City Clerk be authorized to execute the necessary documents. Funds for this project will be paid for with funds from the Water Department/Depreciation Fund, Consultant Services (Account # X50200-70050).

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

January 16, 2006

Mr. Craig M. Cummings
Director of Water
City of Bloomington
603 W. Division Street
P.O. Box 3157
Bloomington, IL 61702-3157

Reference: Sludge Lagoons

Dear Mr. Cummings:

Per your request, we are hereby presenting this Proposal for the design of modifications to the sludge lagoons. It is our understanding that the City would like to be able to pump 100 percent of the water coming into the lagoons to Money Creek at times when the quality dictates it. It is also our understanding that another firm is currently applying for an NPDES permit so that this can be done.

Our design will investigate the current routing of the wastewater and how it flows through the three lagoons to see if modifications should be made. We will design piping and valving so that the flow to the pump station can be intercepted and diverted to Money Creek. Erosion control will be provided along with a platform or other means such that samples can be obtained. We will investigate as to whether a dosing pump should be provided to lower the pH and this will be included if it is warranted. Plans and specifications will be prepared so that the project can be bid.

We propose to perform these engineering services for a fee equal to two and thirty-five hundredths (2.35) times the "salary costs of engineering and technical personnel" expended in performing the work, the term "salary costs of engineering and technical personnel" shall mean the actual wages paid to those members of staff who are classified as officers, engineers, technicians, draftsman and field party personnel and who perform services under this Agreement plus employees' benefits, which include state and federal taxes, social security, employment and retirement benefits as defined in the American Society of Civil Engineers (ASCE) Manual No. 45. Our fee will not exceed \$20,000.00 without further authorization. This fee is based on the City's survey crew performing any required survey.

Should you have any questions concerning the above, do not hesitate to contact us. If the proposal is satisfactory, kindly execute in the space provided below and return one copy to us. We look forward to working with you.

Very truly yours,

CONSOER TOWNSEND ENVIRODYNE ENGINEERS, INC.

Michael H. Winegard, P.E.
Vice President

ACCEPTED FOR:

CITY OF BLOOMINGTON, ILLINOIS

By: Stephen F. Stockton
Mayor

February 16, 2006

Motion by Alderman Finnegan, seconded by Alderman Crawford that the Agreement with CTE for the Design of the Water Treatment Plant Sludge Lagoon Decant Diversion Structure the amount of \$20,000 be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Request for Approval of Aerial Orthophotography and GIS Mapping Services with the McLean County Regional Planning Commission

On March 26, 2001, Council approved an Intergovernmental Agreement with the City of Bloomington Township, County of McLean, McLean County Emergency Telephone Systems Board, and the Town of Normal for development and maintenance of a county wide Geographic Information System (GIS). Article XI of the agreement makes provision for Optional Projects such as periodic updates of Aerial Mapping.

The McLean County Regional Planning Commission issued a Request for Proposals (RFP) for the "McLean County, Illinois Digital Orthophotography and Digital Planimetric Project" in October 2005. After reviewing the written proposals, conducting interviews, and checking references, the selection committee (which included City staff) has selected Pinnacle Mapping Technologies, Inc. from Indianapolis, Indiana to enter into an Agreement for Professional Services.

Under this agreement the City will get new digital color aerial orthophotography for the urban area as well as Lake Bloomington, Lake Evergreen and their watershed areas. From the photography the consultant will also provide updates to some GIS data. In addition a LiDAR flight will be done to obtain ground surface topography in the same areas as the orthophotography. This information is used by the Engineering and Water Departments for drainage work, preliminary designs, and planning purposes. A project similar to this was done in 1995, but the scope was more limited and the costs similar. New aerial orthophotography was also flown in 2001, but no GIS updates or topographic information was acquired.

The cost for the project have been divided into geographic areas. The Town of Normal, McLean County, and Bloomington Normal Water Reclamation District will pay for their respective areas. The cost for the City is divided between the urban area and the lake watershed areas. The cost for the urban area will be \$112,011.54. The cost for the lake areas will be \$163,460.45. Line items have been added to the 2006-07 Capital Improvements Budget to pay for the City's share of this agreement.

Staff respectfully recommends that Council concur in the award of the "McLean County, Illinois Digital Orthophotography and Digital Planimetric Project" to Pinnacle Mapping Technologies, Inc. and authorize payment to McLean County Regional Planning Commission for the City's share of the cost as the work progresses.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Craig Cummings
Director of Water

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Crawford that the project be awarded to Pinnacle Mapping Technologies, the City's share of the project be approved in the amount of \$275,471.99, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Ordinance Amending Chapter 29 to Prohibit Engine Braking in Certain Areas of the City

Patrons of motels close to Brock Drive and Truckers Lane have complained to the managers of those establishments about the noise of large trucks which use compression or engine braking. This proposed Ordinance would prohibit that practice in those areas after appropriate signs have been posted, except in emergency situations. The fine would be fifty dollars (\$50) for a first

offense, one hundred dollars (\$100) for a second offense, and five hundred dollars (\$500) for a third or subsequent offense. Staff respectfully recommends that Council pass this Ordinance.

Respectfully,

J. Todd Greenburg
Corporation Counsel

Roger Aikin
Chief of Police

Tom Hamilton
City Manager

ORDINANCE NO. 2006 - 07

AN ORDINANCE ADDING SECTION 71A TO CHAPTER 29 OF THE BLOOMINGTON CITY CODE, PROHIBITING THE USE OF COMPRESSION BRAKING OR ENGINE BRAKING IN CERTAIN AREAS

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

Section One: That Chapter 29 of the Bloomington City Code, 1960, as amended, be further amended by addition the following Section 71A:

Section 71A. COMPRESSION AND ENGINE BRAKING PROHIBITED IN CERTAIN AREAS

Where prohibited by signs, no person shall employ the use of an engine braking system which uses engine exhaust (commonly referred to as compression braking or engine braking) to slow the vehicle, except in the case of an emergency, at the following locations:

Brock Drive - from Market Street to south end

I-55/I-74 Ramps onto Market Street

Trucker's Lane - from Market Street to north end.

Section Two: That Section 156 of Chapter 29 of the Bloomington City Code, 1960, as amended, is further amended by adding the following language in an appropriate place:

OFFENSE	FINE		
	<u>1st</u>	<u>2nd</u>	<u>3rd & Subsequent</u>
Prohibited Compression or Engine Braking - Sec. 71A	\$50.00	\$100.00	\$500.00

Section Three: That 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 become effective ten days after the date of its passage and approval.

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

PASSED this 13th day of February, 2006.

APPROVED this 14th day of February, 2006.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Purcell questioned how the City would police this item. He questioned enforcement – would there be periodic patrols. Todd Greenburg, Corporation Counsel, addressed the Council. This text amendment would be policed through the City’s civilians. They must be willing to testify in court. A police officer must witness the offense in order to write the ticket.

Mayor Stockton expressed his opinion that this text amendment would be of benefit. The City would install signage. He acknowledged that this ordinance would be difficult to enforce.

Motion by Alderman Finnegan, seconded by Alderman Crawford 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, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Case PS-02-06 Petition submitted by Deneen Brothers Farms, LLC, requesting approval of the Preliminary Plan for the Empire Business Park Subdivision, a 123.19 acre tract commonly located north of Illinois Route 9, west of Towanda Barnes Road, and south of Kirkwood Road (Ward # 3)

BACKGROUND INFORMATION:

Adjacent Zoning

north: S-2 Public Lands & Institutions District
& R-1C Single Family District
south: S-5 Airport District
east: R-3B High Density Multiple Family
Residence District & B-1 Highway Business
District
west: S-2 Public Lands & Institutions District
and R-1B Single Family District

Adjacent Land Uses

north: school, park & single family
dwellings
south: airport
east: agriculture & apartments

west: cemetery, funeral home &
family dwellings

Proposed Comprehensive Plan recommends: Regional Highway Commercial use for this tract.

The property in question is a 123.19 acre tract that is to be subdivided into 36 lots and five outlots and are zoned as follows:

- Lots 25-28 and Outlot 38 are zoned C-2 Neighborhood Shopping District;
- The north 150 feet of Lots 1-3 & 24 are zoned B-2 General Business Service District;
- The remaining southern portion of Lots 1-3 & 24 and the balance of this property to the south are zoned B-1 Highway Business District.

At some point in time these lots with two zoning district classifications should be rezoned into one business zoning district.

Outlots 37 and 38 will be “wet-bottom” storm water detention basins owned and maintained by a property owners’ association. Outlots 39 through 41 will serve as sites for project signs and will be owned and maintained by a property owners’ association. All of the proposed streets will be public and dedicated to the City. All sewers and water mains will be installed in public easements and dedicated to the City.

The petitioner is requesting a waiver of the minimum street right of way width for Cornelius Road, the east-west collector street, so that it can be constructed within a 70 foot right of way instead of the 90 foot right of way required by the Subdivision Code. Cornelius Road to the east of this subdivision and Carlene Drive to the west were constructed within a 60 foot public right of way.

The plan has space indicated along the north side of Cornelius Road from Airport Road to the east boundary of this subdivision for an eight foot wide, six inch thick Portland Cement Concrete pedestrian/bicycling trail "by City of Bloomington." The developer, however, is required to pay for a four foot wide, four inch thick Portland Cement Concrete sidewalk in this case with the City paying for the extra width and thickness for the pedestrian/ bicycling trail.

The review of this Preliminary Plan by the Development Committee resulted in the following comments and recommendations:

1. Note # 2 on the Cover Sheet should state that Lots 25-28 and Outlot 38 are currently zoned C-2 Neighborhood Shopping District.
2. Note #5 on the Cover Sheet should impose on the Developer a 100 percent fee in lieu of providing on site storm water detention on any portion of Lots 1-4 and 12 that drain to the existing Eagle Creek Detention Basins without passing through the proposed detention basins on Outlots 37 & 38.
3. Insert a Note # 9 on the Cover Sheet to read as follows: "A 15 foot wide driveway constructed of Portland Cement Concrete with a minimum thickness of six inches (or a two inch bituminous concrete surface on an eight inch base of crushed gravel or crushed stone) shall be constructed by the developer to provide a hard surface access for City maintenance vehicles to travel from public streets back to the sanitary sewer manholes located in public utility easements along side and rear lot lines with developer providing an agreement to hold the City harmless for any liability for damages to this subdivision resulting from maintenance of such sanitary sewers by the City of Bloomington, IL."
4. On Sheets 1, 2 and 7, "Carlene Drive" to the east of this subdivision site should be labeled "Cornelius Road."
5. Insert a Note # 10 on the Cover Sheet to read as follows: "The Developer is required to pay for a four foot wide, four inch thick Portland Cement Concrete sidewalk along the north side of Cornelius Road from Airport Road to the east boundary of this subdivision with the City paying for the extra width and thickness for the pedestrian/ bicycling trail."
6. On Sheet 7 of 8, 5' no access strips should be delineated for at least 50' north, east and west of the Cornelius Road-Hall's Ferry Road intersection.

On January 24, 2006, the petitioner's engineer submitted to the City Planner a revised Preliminary Plan for the Empire Business Park Subdivision which complies with these six comments and recommendations (see attached January 24, 2006 letter from Donald L. Adams, P.E., Farnsworth Group). The attached "Review of Development Proposal for Consistency with Local and Regional Comprehensive Plans" signed on January 13, 2006, by Mr. Paul Russell, AICP, McLean County Regional Planning Commission Executive Director, assigns the following project rating to this proposed preliminary plan:

“C”- “Provides minimal features or acceptable alternatives, with 0 to 5 optional features. Favorable recommendation is possible.”

PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission held a public hearing on this petition on January 25, 2005 and recommends the same. At the January 25th public hearing, Mr. Kenneth Emmons, City Planner, noted that staff is recommended that the Planning Commission pass a motion to recommend Council approval of a revised Preliminary Plan for the Empire Business Park Subdivision in Case PS-02-06 reflecting the revisions cited herein by the Development Committee and with the minimum street right of way width waiver for Cornelius Road, so that it can be constructed within a 70 foot right of way instead of the 90 foot right of way required by the Subdivision Code.

Mr. William C. Wetzel, Attorney at Law, Suite 400, 115 West Jefferson Street, and Mr. Neil Finlen, P.E. Farnsworth Group Inc. 2709 McGraw Drive, presented arguments in favor of this petition at this hearing. Mr. Wetzel explained that this Preliminary Plan had been drawn pursuant to a previous Annexation Agreement. He acknowledged that the lots in two zoning districts will be addressed in a future rezoning request to better line up with actual lot occupations. He noted that the comments and recommendations cited by staff are acceptable to the petitioner.

Commissioner Rackauskas asked why the waiver for road right-of-way was requested. Mr. Finlen explained that the right-of-way is a sixty foot width going to the west of this tract and a sixty foot width going to the east. He stated there is room for the three lanes and a trail running along the north side, is sufficient and better for continuity. Commissioners inquired whether there would be transitional landscaping between this tract and the residential area to the north. Mr. Finlen replied in the affirmative and noted the existing portion of berm would be extended further eastward to the northeast corner of this tract.

Addressing storm water drainage, Mr. Finlen stated that the construction of detention basins on this tract and an agreement with the Airport to further restrict flow from basins on Airport property would greatly improve the situation for high-flow events. He noted that Mr. Carl Olson, Manager of the Central Illinois Regional Airport, was also in attendance. Mr. Finlen related that he had spoken with Mr. Gary Stone, 1201 Broad Creek Road, about drainage. He stated that Mr. Stone now owns a lot situated adjacent to the creek and that the original owner had constructed this house with a walkout basement. He noted that high flow rainfall events in 2002 and on July 9, 2003 left Mr. Stone's basement flooded.

Mr. Finlen noted that the proposed new storm water detention basins on Outlots 37 & 38 should help alleviate this creek flooding situation, and that the developer intends to begin construction from the northeast corner and have the basins go in first to assist the drainage situation during the construction phase. Mr. Finlen stated that these will be wet-bottom basins that are maintained by the home owners association. Mr. Finlen stated that the plan for the berm next to the residential lots south of Kirkwood Road is to add four foot to the height of the berm (for a total of six feet) and have landscaping. Mr. Finlen stated that access to the Empire Business Park Subdivision

would be limited with two roads south (on to Route 9) and one road to the west (on to Airport Road.)

Other testimony was presented at the January 25, 2006 public hearing by the following persons:

- Mr. Robert Brandt, 3311 Kirkwood Road.
- Mr. Robert Milner, 1201 Nicki Drive.
- Mr. Gary Stone, 1201 Broad Creek Road.
- Mr. Alton Angus, 3315 Kirkwood Road.
- Mr. Kevin Rodgers, 3317 Kirkwood Road.

Mr. Brandt inquired whether the slope of the berm would remain the same. Mr. Finlen replied that it would. Mr. Brandt related that storm water flows along the berm toward the east, and he had to re-grade his rear yard after some heavy rainfall.

Mr. Milner inquired regarding the types of businesses that would be located in this subdivision near Central Catholic High School. Mr. Wetzel stated that the lots would have to be marketed in order to see what type of land use is developed. Mr. Emmons noted that the Zoning Code allows certain uses for these zoning districts and that in this case, the Annexation Agreement added further restrictions but would still include retail, business and professional services and office uses.

Mr. Stone related that three days after he closed on his house in May of 2002, he had a flooded basement. He said his basement flooded again with at least one foot of water in 2003 while he was on vacation. It took almost two years to get the berm installed, and he has stagnant water pooling in his rear yard which becomes a breeding ground for insects. He expressed concern that the developer should build these storm water detention basins early in the subdivision process so as to help the drainage situation during the construction phase. He stated that he had spoken with Mr. Doug Grovesteen, Director of Engineering, who had indicated that the City has in its upcoming budget, the paving (with concrete) of the creek channel leading northeast through the Golden Eagle and Sapphire Lake Subdivisions which is expected to decrease the "backing up" of water in the creek channel.

Mr. Wetzel stated that the petitioner's intent is to submit a petition right away to seek the rezoning to align with lot occupation. Mr. Wetzel noted that he was not requesting any delay of Commission action on this Case PS-02-06. It was his hope that there would be construction on the commercial lots this year, but added that the market would decide how fast the build out would be.

Mr. Angus expressed concern about flooding on the north side of the berm and that the construction of Hall's Ferry Road might cause additional flooding. He noted that storm water does flow from west to east along the north side of the berm and could be a six foot wide stream of water at times along the back of the yards. Commissioner Baughan observed that this new development may not solve the flooding situation but does not appear likely to add to it. Commissioner Rackauskas suggested that the developer of the residential area be consulted as to whether the drainage could be better engineered for those lots, perhaps by installing drainage tile.

Mr. Finlen noted that the extension of pavement for Hall's Ferry Road (18" fall of slope) may take some of the storm water on southwards.

Mr. Rodgers indicated that he supported having the berm to handle 'high flow' situations and noted that the backyards do dry out. Mr. Finlen noted that the berm would be completed when the detention basins were constructed.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission closed the public hearing on this petition on January 25, 2006, and passed a motion by a vote of 7 to 0 recommending Council approval of a revised Preliminary Plan for the Empire Business Park Subdivision in Case PS-02-06, reflecting the revisions cited herein by the Development Committee and with a minimum street right of way width waiver for Cornelius Road, so that it can be constructed within a 70 foot right of way instead of the 90 foot right of way required by the Subdivision Code.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission's recommendation for approval of Case PS-02-06.

Respectfully submitted,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

PETITION FOR APPROVAL OF PRELIMINARY PLAN FOR A SUBDIVISION

State of Illinois)
)ss.
County of McLean)

To: The Honorable Mayor and City Council of the City of Bloomington, Illinois.

Now comes DENEEN BROTHERS FARMS, LLC, hereinafter referred to as your Petitioner respectfully representing and requesting as follows:

1. That your petitioner is interested as Owner in the premises hereinafter in Exhibit "A" attached hereto and made a part hereof to be known by this reference;
2. That your Petitioner seeks approval of the Preliminary Plan for a subdivision of said premises to be known and described as Empire Business Park Subdivision which Preliminary Plan is attached hereto and made a part hereof;
3. That your Petitioner also seeks approval of the following exemptions or variations from the provisions of Chapter 24, of the Bloomington City Code:

Cornelius Drive to be constructed in a 70" right-of-way in lieu of 90" right-of-way (approved by prior agreement.)

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

Respectfully submitted,

Deneen Brothers Farms, LLC

By: William C. Wetzel, Its Attorney

ORDINANCE NO. 2006 - 08

**AN ORDINANCE APPROVING THE PRELIMINARY PLAN OF THE
EMPIRE BUSINESS PARK SUBDIVISION**

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

WHEREAS, said Petition requests the following exemptions or variations from the provisions of the Bloomington City Code, 1960, as amended: Cornelius Drive to be constructed in a 70" right-of-way in lieu of 90" right-of-way (approved by prior agreement); and

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

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

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

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

PASSED this 13th day of February, 2006.

APPROVED this 14th day of February, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A
LEGAL DESCRIPTION

All that part of 355.15 Acres off the West Side of Section 31, Township 24 North, Range 3 East of the Third Principal Meridian, McLean County, Illinois, per "Survey of 355.15 Acres off the West Side of Section 31" as shown in Plat Book 12, page 120, in the McLean County Recorder's Office, lying south of and adjacent to the South Lines of Golden Eagle South Subdivision and Golden Eagle South Subdivision First Addition, both in the City of Bloomington, McLean County, Illinois, per plat recorded March 15, 1999 as Document No. 99-7564 in said Recorder's Office and, per plat recorded July 7, 1999 as Document No. 99-21172 in said Recorder's Office, respectively, and lying south and east of the property approved for Cornelius Road and McGraw Park per City of Bloomington Ordinance 2002-90 approved October 28, 2002, except from the above the following:

- (1) Right-of-way conveyed to the Illinois Department of Transportation as shown by plat recorded March 24, 1995 as Document No. 95-5258 in the McLean County Recorder's Office, McLean County, Illinois.
- (2) A parcel of land conveyed to the City of Bloomington, Illinois, for a portion of Airport Road and Cornelius Drive Right-of-Way per Document No. 2003-40630 Recorded on August 12, 2003 in the McLean County Recorder's Office, McLean County, Illinois.

This property contains 123.19 acres, more or less.

Motion by Alderman Finnegan, seconded by Alderman Crawford that the revised Preliminary Plan 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, Sprague, 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 Pinehurst Development, Inc. for Approval of a Final Plat of Fourth Addition to Fox Hollow Subdivision

A Petition has been received from Pinehurst Development, Inc. requesting approval of the Final Plat for the Fourth Addition to Fox Hollow Subdivision. This subdivision is commonly located north of Fox Creek Road, west of Interstate 55 and 74. Staff reviewed the Final Plat and found it to be generally in conformance with the approved Preliminary Plan dated June 11, 2001.

The Final Plat submitted for review did not include the same utility easement locations as the construction plans approved Sept. 15, 2003. There should be a twenty (20) foot wide easement centered over the lot line between lots 106 and 107, a ten (10) foot wide easement centered over the lot line between lots 104 and 105, and a ten (10) foot wide easement centered over the lot line between lots 110 and 111. The Developer's engineer for the is revising the Final Plat to show the corrected utility easements.

Per the Annexation Agreement, there are tap-on fees due for this development. Additionally, a performance guarantee needs to be posted for the completion of all public improvements in the subdivision.

Staff respectfully recommends that Council approve this Petition for the Final Plat of the Fourth Addition to Fox Hollow Subdivision subject to the Petitioner paying the required tap on fees, the posting of a guarantee for unfinished public improvements, and submitting a corrected plat, prior to recording.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

PETITION FOR APPROVAL OF FINAL PLAT

State of Illinois)
)ss.
County of McLean)

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

Now comes Pinehurst Development, Inc. hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold or lesser estate thereinof the premises hereinafter legally described in Exhibit "A" which is attached hereto and made a part hereof by this reference, of is a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That your petitioner seeks approval of the Final Plat for the subdivision of said premises to be known and described as "Fourth Addition to Fox Hollow Subdivision, Bloomington, Illinois", 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: N/A;
4. That your Petitioner hereby dedicates to the public, all public rights-of-way and easements shown on said Final Plat.

WHEREFORE, your petitioner respectfully prays that said Final Plat for the "Fourth Addition to Fox Hollow Subdivision, Bloomington, Illinois submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,
Pinehurst Development, Inc.

By: William C. Wetzel, Its Attorney

ORDINANCE NO. 2006 - 09

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE
FOURTH ADDITION TO FOX HOLLOW SUBDIVISION BLOOMINGTON, ILLINOIS**

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

WHEREAS, said Petition requests the following exemptions or variations from the provisions of the Bloomington City Code-1960, as amended: N/A; and

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

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

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

1. That the Final Plat of the Fourth Addition to Fox Hollow 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 13th day of February, 2006.

APPROVED this 14th day of February, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Part of Section 18, Township 23 North, Range 2 East of the 3rd Principal Meridian in McLean County, Illinois more Particularly Described as Follows:

Beginning at the Southeast Corner of Lot 36 in the Second Addition to Fox Hollow Subdivision Thence North 38°- 27'- 40" West 110.00 Feet Along the Northeasterly Line of Said Lot 36;

Thence North 51°-32'-20" East 19.17 Feet Along the Southerly Right of Way of Grey Fox Trail; Thence North 38°-27'-40" West 170.00 Feet Along the Extension of the Northeasterly Line of Lot 35 in the Second Addition to Fox Hollow Subdivision to the Northeast Corner of Said Lot 35; Thence North 51°-32'-20" East 285.73 Feet; Thence North 32°-35'-15" West 154.24 Feet; Thence North 13°-47'-17" East 185.97 Feet; Thence 234.58 Feet Along A 250 Foot Radius Curve Concave Southwesterly (The Chord of Said Curve Bears South 49°-19'-50" East 226.07 Feet); Thence South 22°-26'-57" East 103.42 Feet; Thence 91.34 Feet Along A 160 Foot Radius Curve Concave Westerly (The Chord of Said Curve Bears South 6°-05'-39" East 90.11 Feet; Thence South 60°-48'-21" East 131.92 Feet) to the Northwesterly Line of Lot 135 of the Resubdivision of Lot 56 First Addition to Fox Hollow Subdivision; Thence South 51°-32'-20" West 439.02 Feet Along Northwesterly Line of Said Lot 135 of the Resubdivision of Lot 56 First Addition to Fox Hollow Subdivision to the Point of Beginning. Said Property Contains 3.74 Acres (1.512 HECTARES) More or Less.

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

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, Sprague, 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 Nova Enterprises, Requesting Approval of a Final Plat for Towanda Barnes Business Park, Seventeenth Addition

A petition has been received from Nova Enterprises, requesting Council approval of a Final Plat for Towanda Barnes Business Park, Seventeenth Addition. This subdivision is located west of Towanda Barnes Road, south of Oakland Avenue and north of Ireland Grove Road. The Final

February 13, 2006

1595

Plat is in conformance with the Preliminary Plan approved on June 10, 1996. The public improvements have been finished, therefore, no performance guarantee is required for this addition, and per the agreement, there are no tap on fees due from the subdivision.

As all items are in order, staff respectfully recommends that Council approve the Petition and adopt an Ordinance approving the Final Plat for the Towanda Barnes Business Park, Seventeenth Addition.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

PETITION FOR APPROVAL OF FINAL PLAT

State of Illinois)
)ss.
County of McLean)

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

Now comes Nova Enterprises, an Illinois Partnership, hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold or lesser estate thereinof the premises hereinafter legally described in Exhibit "A" which is attached hereto and made a part hereof by this reference;
2. That your petitioner seeks approval of the Final Plat for the subdivision of said premises to be known and described as Seventeenth Addition to Towanda-Barnes Business Park, Bloomington, Illinois, which Final Plat is attached hereto and made apart hereof;
3. That your petitioner also seeks approval of the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code, 1960: none.

WHEREFORE, your petitioner respectfully prays that said Final Plat for the Seventeenth Addition to Towanda-Barnes Business Park Bloomington, Illinois, subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

By: Nova Enterprises, an Illinois Partnership

John Albee

Gene Shrader

Glenn E. Benckendorf
Managing Partners

ORDINANCE NO. 2006 - 10

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE
TOWANDA BARNES BUSINESS PARK, 17TH ADDITION 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 Towanda Barnes Business Park, 17th Addition Subdivision, legally described in Exhibit "A" attached hereto and made a part hereof by this reference; and

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

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

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

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

1. That the Final Plat of the Towanda Barnes Business Park, 17th Addition Subdivision and any and all requested exemptions and/or variations be, and the same is hereby approved.
2. That this Ordinance shall be in full force and effective as of the time of its passage this 13th day of February, 2006.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

A part of the Northeast Quarter of Section 7, Township 23 North, Range 3 East of the Third Principal Meridian, in the City of Bloomington, McLean County, Illinois, described as follows:

Beginning at the Southeast Corner of Lot 26 in the Thirteenth Addition to Towanda Barnes Business Park in the City of Bloomington, Illinois, according to the Plat recorded as Document No. 2004-42700 in the McLean County Recorder's Office. From said Point of Beginning, thence west 350.00 feet along the South Line of said Lot 26 and the South Line of Olympia Drive as dedicated in said Thirteenth Addition to the Southwest Corner of said Olympia Drive; thence south 342.57 feet along the Southerly Extension of the West Right-of-Way Line of said Olympia Drive which forms an angle to the right of 89°-42'-15" with the last described course to a Point of Curvature; thence southeasterly 133.52 feet along the arc of a curve concave to the northeast with a radius of 85.00 feet and the 120.21 foot chord of said arc forms an angle to the right of 135°-00'-00" with the last described course to a Point of Tangency; thence east 318.00 feet along the Westerly Extension of the North Line of Lot 32 in the Sixteenth Addition to Towanda Barnes Business Park in said City, according to the Plat recorded as Document No. 2005-19138 in said Recorder's Office which forms an angle to the right of 135°-00'-00" with the last described chord to the Northwest Corner of said Lot 32; thence north 60.00 feet along the West Line of Wicker Road as dedicated in said Sixteenth Addition which forms an angle to the right of 90°-00'-00" with the last described course to the Northwest Corner of said Wicker Road; thence west 53.00 feet along the Westerly Extension of the North Right-of-Way Line of said Wicker Road which forms an angle to the right of 90°-00'-00" with the last described course to the Southerly Extension of the East Line of said Lot 26; thence north 365.76 feet along said Southerly Extension which forms an angle to the right of 270°-00'-00" with the last described course to the Point of Beginning, containing 3.466 acres, more or less.

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

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, Sprague, 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-02-06 Petition submitted by Bloomington Normal Airport Authority of McLean County, Illinois requesting the rezoning of land commonly located south of Illinois Route 9 East/Empire Street; and west of Carnahan Drive; from S-5, Airport District to B-1, Highway Business District, and consisting of approximately 2.684 acres (Ward #4)

BACKGROUND INFORMATION:

Adjacent Zoning

north: C-1 - Office District
south: S-5 - Airport District
east: S-5 - Airport District
west: S-5 - Airport District

Adjacent Land Uses

north: office buildings
south: airport
east: airport
west: airport

Comprehensive Plan recommends: "Government/Institutional " use for this property.

The Bloomington Normal Airport Authority of McLean County is requesting B-1 Highway Business zoning for this 2.68 acres in order to allow for a financial institution to be constructed on this corner. Banking services are allowed in the S-5 Airport District only when located within airport passenger terminals. They are a permitted use in the B-1, Highway Business District.

PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission held a public hearing on this petition on January 25, 2006 and recommends the same. At this hearing, Mr. Kenneth Emmons, City Planner, noted that City staff recommended that the Planning Commission pass a motion to recommend Council approval of this petition in Case Z-02-06 as presented in the public interest. Mr. William C. Wetzel, Attorney at Law, Suite 400, 115 West Jefferson Street, presented arguments at this public hearing in favor of this petition on behalf of the Bloomington Normal Airport Authority. Mr. Carl Olsen, Manager of the Central Illinois Regional Airport, was also present at this hearing to answer questions. No testimony was presented in opposition to this petition.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission closed the public hearing on this petition on January 25, 2006 and passed a motion by a vote of 6 to 0 recommending Council approval of this petition. in Case Z-02-06 as presented.

STAFF RECOMMENDATION:

Staff respectfully recommends Council approval of the petition in Case Z-02-06 as presented in the public interest.

Respectfully submitted,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

PETITION FOR ZONING MAP AMENDMENT

State of Illinois)
) ss.
County of McLean)

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

Now comes Bloomington Normal Airport Authority of McLean County, hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A, which is attached hereto and made a part hereof by this reference;
2. That said premises legally described in Exhibit "A" presently has a zoning classification of S-5 Airport District under the provisions of Chapter 44 of the Bloomington City Code, 1960;
3. That the present zoning on said premises is inappropriate due to error in original zoning, technological changes altering the impact or effect of the existing land uses, or the area in question having changed such that said present zoning is no longer contributing to the public welfare;
4. That your petitioner hereby request that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended to reclassify said premises into the B-1 Highway Business District;
5. That said requested zoning classification is more compatible with existing uses and/or zoning of adjacent property than the present zoning of said premises; and
6. That said requested zoning classification is more suitable for said premises and the benefits realized by the general public in approving this petition will exceed the hardships imposed on your petitioner by the present zoning of said premises.

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

Respectfully submitted,

Bloomington Normal Airport Authority of
McLean County, Illinois

By: William C. Wetzel, Its Attorney

ORDINANCE NO. 2006 - 11

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

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

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

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

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

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

PASSED this 13th day of February, 2006.

APPROVED this 14th day of February, 2006.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

A part of the Northeast Quarter of Section 1, Township 23 North, Range 2 East of the Third Principal Meridian, Bloomington, McLean County, Illinois, more particularly described as follows: Beginning at the Northeast Corner of the Lease Agreement Area as shown in Exhibit

“A”, according to the Lease recorded as Document No. 86-19693 in the McLean County Recorder’s Office. From said Point of Beginning, thence south 237.86 feet along the East Line of said Lease Agreement Area; thence east 465.61 feet along a line which forms an angle to the right of 89°-43’-37” with the last described course; thence northeast 70.00 feet along a line which forms an angle to the right of 167°-38’-15” with the last described course; thence northerly 174.41 feet along the arc of a curve concave to the east with a radius of 908-78 feet and the 174.14 foot chord of said arc forms an angle to the right of 95°-29’-53” with the last described course to the South Right-of-Way Line of S.B.I. Route 9 (F.A. Route 10); thence southwest 7.94 feet along said South Right-of-Way Line which forms an angle to the right of 49°-36’-41” with the last described chord to a point which is 150.46 feet right of Station 231+20.5 on the Transit Line for said Route; thence west 60.00 feet along said South Right-of-Way Line which forms an angle to the right of 227°-15’-11” with the last described course to a point which is 150.46 feet right of Station 230+60.5 on said Transit Line; thence northwest 101.88 feet along said South Right-of-Way Line which forms an angle to the right of 212°-58’-55” with the last described course to a point which is 95 feet right of Station 229+75.04 on said Transit Line; thence west 242.89 feet along said South Right-of-Way Line which forms an angle to the right of 147°-01’-05” with the last described course to a Point of Curvature which is 95 feet right of Station 227+32.15 on said Transit Line; thence westerly 118.30 feet along said South Right-of-Way Line being the arc of a curve concave to the north with a radius of 23,013.32 feet and the 118.30 foot chord or said arc forms an angle to the right of 180°-09’-51” with the last described course to the Point of Beginning, containing 2.684 acres, more or less.

Motion by Alderman Finnegan, seconded by Alderman Crawford that the Rezoning be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition submitted by Bloomington Normal Airport Authority of McLean County, Illinois requesting approval of the Final Plat of the CIRA Commercial Subdivision, which is commonly located north of Illinois Route 9 (East Empire Street) and west of Carnahan Drive, consisting of approximately 2.684 acres. (Ward # 3) Case FS-01-06

BACKGROUND INFORMATION:Adjacent Zoning

north: C-1 - Office District
south: S-5 - Airport District
east: S-5 - Airport District
west: S-5 - Airport District

Adjacent Land Uses

north: office buildings
south: airport
east: airport
west: airport

Comprehensive Plan recommends: "Government/Institutional " use for this property.

The petitioner is proposing to subdivide this property into two lots for a business development and is requesting a waiver of the requirement that the proposed subdivision include all contiguous property that is in the same common ownership or unified control. That requirement would make it necessary to include all of the abutting Airport Authority owned land in this plat for a two lot subdivision. Carnahan Drive is now and will remain a private street.

PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission held a public hearing on this petition on January 25, 2006 and recommends the same. At this hearing, Mr. Kenneth Emmons, City Planner, noted that the City staff recommended that the Planning Commission pass a motion to recommend Council approval of this petition in Case FS-01-06 as presented. Mr. William C. Wetzel, Attorney at Law, Suite 400, 115 West Jefferson Street, presented arguments at this public hearing in favor of this petition on behalf of the Bloomington Normal Airport Authority. Mr. Carl Olsen, Manager of the Central Illinois Regional Airport, was also present at this hearing to answer questions. No testimony was presented in opposition to this petition.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission closed the public hearing on this petition on January 25, 2006 and passed a motion by a vote of 6 to 0 recommending Council approval of this petition. in Case FS-01-06 as presented.

STAFF RECOMMENDATION:

The City staff recommends City Council approval of the petition in FS-01-06 as presented.

Respectfully submitted,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

PETITION FOR APPROVAL OF FINAL PLAT

State of Illinois)
)ss.
County of McLean)

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

Now comes Bloomington Normal Airport Authority of McLean County, Illinois, hereinafter referred to as your petitioners, respectfully representing and requesting as follows:

1. That your petitioner is interested as owner of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit "A" which is attached hereto and made a part hereof by this reference;
2. That your petitioner seeks approval of the Final Plat for the subdivision of said premises to be known and described as CIRA Commercial 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:

Waiver of requirement that the proposed subdivision include all contiguous property in common ownership or unified control; and

Requirement of filing and approval of preliminary plan.

4. That your Petitioner hereby dedicates to the public, all public rights of way and easements shown on said Final Plat.

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

Respectfully submitted,

Bloomington Normal Airport
Authority of McLean County,
Illinois

By: William C. Wetzel, Its Attorney

ORDINANCE NO. 2006 - 12

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE
CIRA COMMERCIAL SUBDIVISION BLOOMINGTON, ILLINOIS**

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

WHEREAS, said Petition requests the following exemptions or variations from the provisions of the Bloomington City Code-1960, as amended:

Waiver of the requirement that the proposes subdivision include all contiguous property in common ownership or unified control;

Requirement of filing and approval 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 requirements of the Bloomington City Code except for said requested exemptions and/or variations; and

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

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

1. That the Final Plat of the CIRA Commercial Subdivision, Bloomington, Illinois and any and all requested exemptions and/or variations be, and the same is hereby approved.

2. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 13th day of February, 2006.

APPROVED this 14th day of February, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

A part of the Northeast Quarter of Section 1, Township 23 North, Range 2 East of the Third Principal Meridian, Bloomington, McLean County, Illinois, more particularly described as follows: Beginning at the Northeast Corner of the Lease Agreement Area as shown in Exhibit "A", according to the Lease recorded as Document No. 86-19693 in the McLean County Recorder's Office. From said Point of Beginning, thence south 237.86 feet along the East Line of said Lease Agreement Area; thence east 465.61 feet along a line which forms an angle to the right of $89^{\circ}-43'-37''$ with the last described course; thence northeast 70.00 feet along a line which forms an angle to the right of $167^{\circ}-38'-15''$ with the last described course; thence northerly 174.41 feet along the arc of a curve concave to the east with a radius of 908-78 feet and the 174.14 foot chord of said arc forms an angle to the right of $95^{\circ}-29'-53''$ with the last described course to the South Right-of-Way Line of S.B.I. Route 9 (F.A. Route 10); thence southwest 7.94 feet along said South Right-of-Way Line which forms an angle to the right of $49^{\circ}-36'-41''$ with the last described chord to a point which is 150.46 feet right of Station 231+20.5 on the Transit Line for said Route; thence west 60.00 feet along said South Right-of-Way Line which forms an angle to the right of $227^{\circ}-15'-11''$ with the last described course to a point which is 150.46 feet right of Station 230+60.5 on said Transit Line; thence northwest 101.88 feet along said South Right-of-Way Line which forms an angle to the right of $212^{\circ}-58'-55''$ with the last described course to a point which is 95 feet right of Station 229+75.04 on said Transit Line; thence west 242.89 feet along said South Right-of-Way Line which forms an angle to the right of $147^{\circ}-01'-05''$ with the last described course to a Point of Curvature which is 95 feet right of Station 227+32.15 on said Transit Line; thence westerly 118.30 feet along said South Right-of-Way Line being the arc of a curve concave to the north with a radius of 23,013.32 feet and the 118.30 foot chord or said arc forms an angle to the right of $180^{\circ}-09'-51''$ with the last described course to the Point of Beginning, containing 2.684 acres, more or less.

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Ordinance Amending Chapters 6 and 38 to Allow Sidewalk Cafes in the B-3 Zoning District

A number of food establishments in the Downtown have expressed an interest in allowing sidewalk cafes. City Ordinance currently does not allow restaurants to put tables and chairs out on the public sidewalk adjacent to their businesses. Several municipalities, including the Town of Normal and the City of Champaign allow the use of the sidewalks for this purpose.

Staff reviewed the Ordinances adopted by Normal and Champaign and sought input from the Downtown Bloomington Association, (DBA), the McLean County Health Department and the Liquor Commission. The DBA strongly favored such an Ordinance, the Liquor Commission did not object, and the Health Department did not object, provided that no food be prepared outdoors.

The proposed Ordinance amends the City Code in the following respects: it adds Division 3 to Article IX of Chapter 38 to allow for sidewalk cafes, amends Division 2 of Article IX of Chapter 38 to exempt sidewalk cafes from the requirements of that section, and amends Chapter 6 to allow serving and consumption of alcohol on public property.

The provisions for sidewalk cafes borrow heavily from the Ordinances passed by Normal and Champaign. The proposed Ordinance establishes permit systems for sidewalk cafes. After review and approval of the Director of the Engineering, the permits will be issued through the City Clerk's office. There is an annual fee of ~~\$50.00~~ \$100.00 for the permit.

The permits are only available to food service establishments, as they are defined for purposes of Food and Beverage tax, and only food service establishments located within the B-3 zoning district. The permit is limited to sidewalks only and may only be issued for the area of sidewalk immediately adjacent to the establishment requesting the permit. The business must offer table service at all times in the sidewalk cafe area. The Ordinance requires a minimum of four feet of sidewalk be left clear to allow walking space for the public. Other provisions include restrictions on amplified music, a limit on the type and size of furniture that may be placed within the sidewalk cafe area and a requirement that all furniture be removed nightly.

Many of the establishments that will request sidewalk cafe permits serve alcoholic beverages and they will want to provide liquor service outdoors. City Code currently prohibits the consumption or possession of open alcohol on public property. Exceptions have been made for the two golf courses and the Center for Performing Arts and similar exception must be made for sidewalk cafes.

Chapter 6 is being amended to add a new license classification, an "O" license that will allow premises with "R" (restaurant) licenses to serve alcohol within a sidewalk cafe permit area. The "O" license will not be available to premises holding "T" (tavern) licenses. There will be no

charge for the "O" license, but the license must be applied for and the application will be heard and approved by the Liquor Commission. The sale of alcohol will only be allowed until twelve o'clock midnight.

Staff believes sidewalk cafes will contribute to the overall growth and development of the Downtown and respectfully recommends Council approval.

Respectfully,

Hannah R. Eisner
Deputy Corporation Counsel

Tom Hamilton
City Manager

ORDINANCE NO. 2006 - 06

**AN ORDINANCE AMENDING BLOOMINGTON CITY CODE
CHAPTERS 6 AND 38**

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

SECTION 1. That Bloomington City Code Chapter 6, Section 7A, be amended by adding the following paragraph to read as follows (additions are indicated by underlining; deletions are indicated by strikeouts):

Class "O" (Outdoor) - authorizes the retail sale of alcoholic liquor by any person holding a Class R license upon a sidewalk designated in a sidewalk cafe permit adjacent to the licensed premises during the hours of 10:00 a.m. to 12:00 o'clock midnight, Monday through Saturday, and 12:00 noon to 12:00 o'clock midnight on Sunday, provided that a valid sidewalk cafe permit has been issued, pursuant to Article IX of Chapter 38. During the times when alcoholic liquor may be served under the Class O license, the licensee shall: (1) Not allow or permit any customer, employee or other person to remove alcoholic liquor from the area designated in the sidewalk cafe permit or the service premises of the licensee. (2) Not serve, allow or permit any person to be served, be in possession of, or consume alcoholic liquor in the area designated in the sidewalk cafe permit unless that person is utilizing the seating which has been provided in accordance with the site plan approved with the sidewalk cafe permit. (3) Comply with all requirements set forth in Article IX of Chapter 38. (4) Provide table service, which shall include food service, in the sidewalk cafe area during the hours when alcoholic liquor is permitted to be served. The sidewalk cafe area shall be subject to all provisions of this chapter as though the sidewalk cafe area was part of the licensee's service premises during the times permitted by this section for alcoholic liquor sales. Prior to the issuance of a Class O license the licensee shall provide proof of dram shop insurance. The policy shall name the City of Bloomington as an additional insured, and will indemnify and hold it harmless from any action, proceeding or claim of liability asserted against it as a result of the operation of a sidewalk cafe. Failure by the licensee to maintain the insurance required by this section shall result in the revocation of the license.

SECTION 2. That Bloomington City Code Chapter 6, Section 7B(a) shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

(a) The annual license fee for each of the classes of licenses listed below shall be the product of the base fee as determined hereafter, times the class factor indicated below. The base fee as of July 1, 1982 shall be \$1,000.00.

<u>License</u>	<u>Class Factor</u>	
CA	1.760	
PA	.960	except to the holder of RA or TA, then 0.00
RA	1.760	
TA	1.760	

FA	1.760	
CB	.660	
PB	.730	except to the holder of RB, TB or FB, then .170; and except to the holder of RA or TA, then 0.00
RB	.660	
TB	.660	
FB	.660	
S	.450	except to the holder of CA and CB, then 0.00
MA	.960	
MB	.660	
GPA	.960	
GPB	.730	
<u>O</u>	<u>.000</u>	

SECTION 3. That Bloomington City Code Chapter 6, Section 26(d)(3) shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

(3) possession of all types of alcohol is permitted on a sidewalk designated in a sidewalk cafe permit adjacent to a licensed premise with an O license during the time allowed by the O license or as otherwise provided as a condition on the license or order of the Liquor Commission.

SECTION 4. That Bloomington City Code Chapter 38, Section 1662.(b) shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

(b) Exception. Persons with sidewalk cafe permits as provided in Division 3 of this Article or who are registered as solicitors as provided in Chapter 33 Section 2 of this Code shall not be required to obtain a vendor's license.

SECTION 5. That Bloomington City Code Chapter 38, Section 166.9 shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

SEC. 166.9 MARKING OF VEHICLES.

Any motor vehicle used by licensee's to make sales by going from place to place within the City of Bloomington shall be conspicuously and permanently marked with the following information:

(a) the name and license number of the person owing or operating such vehicle;

(b) words, lettering, pictures or designs allowing persons to readily identify such vehicle and its use;

(c) the admonition to motorists to be watchful for children in the area of such vehicle;
and

(d) which parked and in use shall have in operation flashing amber lights visible from the front and rear of such vehicle.

SECTION 6. That Bloomington City Code Chapter 38, Division 3 shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

DIVISION 3

SIDEWALK CAFE

Sec. 167.1 DEFINITIONS.

The following words and phrases shall have the meanings respectively ascribed to them when used in this article:

(1) Food service establishment shall mean any business that provides prepared food for immediate consumption, as defined in Chapter 39, Section 325 of the Bloomington City Code.

(2) Sidewalk cafe shall mean a use of public sidewalk by a food service establishment for the serving of food and beverages on the sidewalk immediately adjacent to the food service establishment, which use will be characterized by the sidewalk use of tables, and chairs and umbrellas.

(3) Permit area shall mean the sidewalk area designated on the permit specifying the area of operation of the sidewalk cafe.

(4) Permittee shall mean the person or entity operating a food service establishment who has received a permit allowing for the operation of a sidewalk cafe.

Sec. 167.2 PERMITS REQUIRED, FEE.

(a) It shall be unlawful for any person to operate a sidewalk cafe without a sidewalk cafe permit.

(b) The sidewalk cafe permit shall allow a food service establishment located in the B-3 Central Business District of the City to operate a sidewalk cafe subject to the requirements of this Code.

(c) Subject to the requirements of the Code, the permit holder shall, as part of the right granted pursuant to the permit, be entitled to remove or exclude persons from the permit area during hours of business operation and such permittee is authorized to give notice to any

such person to prevent such entry. No cover charge nor minimum purchase may be required for admittance to a sidewalk cafe area in the public right-of-way.

(d) The fee for a sidewalk cafe permit shall be \$100.00 per year.

(e) The sidewalk cafe permit shall expire annually on December 31 of each year and an application must be made for a sidewalk cafe permit each year.

Sec. 167.3 APPLICATION.

Application for a sidewalk cafe permit shall be made on forms supplied by the City Clerk, and submitted to the Director of Engineering, together with the required fee, and shall, at minimum, include the following:

(a) The name, address, and telephone number of the owner of the property and the food service establishment related to the permit.

(b) A drawing or sketch which will include the dimensions of the proposed permit area and which shows the location and type of the tables, chairs, trash receptacles and other equipment proposed to be used, location of ingress and egress, the curb line and any existing public or utility-owned equipment facilities in or adjacent to the area proposed which are visible to the eye, including but not limited to parking meters, trees, manhole covers and utility poles or openings.

(c) A statement as to whether the applicant intends to serve alcoholic beverages and if yes, a copy of a valid Class R liquor license.

(d) An operations plan specifying the proposed dates, days and hours of operation of the sidewalk cafe, the hours of operation of the adjacent food service establishment, scheduled maintenance of the permit area, maximum seating capacity, and method of providing security and maintenance.

(e) An original of a certificate of insurance listing the required coverage amounts and policy periods of the permittee's general liability policies.

(f) An executed waiver of liability in a form approved by the City Attorney.

(g) Any other information related to the requirements of this chapter that the Director of Engineering may require.

Sec. 167.4 REVIEW OF APPLICATIONS.

(a) The Director of Engineering shall review the application for a sidewalk cafe permit and determine whether to issue the permit. No permit shall be issued pursuant to this article unless the Director of Engineering has determined the following:

(1) There are no outstanding fines, fees, taxes or other charges due and owed to the City by the applicant or the owners of the real property on which the establishment is located.

(2) The applicant has supplied all of the information required on or by the application, and any additional information requested by the Director of Engineering.

(3) All of the requirements of this article have been met.

(b)The Director of Engineering may impose conditions upon the issuance of a sidewalk cafe permit in order to protect the use of adjacent right-of-way for its intended purpose, to prevent congestion of vehicular or pedestrian traffic flow and to otherwise carry out the purpose and intent of this article and this Code.

(c)The Director of Engineering may deny an application for a sidewalk permit if the operation of a sidewalk cafe in the location described in the permit would not be compatible with the use of surrounding property or that it is not in the interest of public safety or would otherwise unreasonably interfere with public use of the sidewalk, provided that the presence of another sidewalk cafe in close proximity to the proposed location shall not be cause to deny the permit unless there are public safety concerns.

(d)The Director of Engineering shall not issue a sidewalk cafe permit to any person who has had a sidewalk cafe permit revoked for nay o the reasons stated in Section 167.10.

Sec. 167.5 REGULATIONS.

(a)A sidewalk cafe is permitted only on sidewalks. The permit area shall be limited to the area immediately adjacent to the establishment requesting the permit, or on sidewalks contiguous to the sidewalk adjacent to the establishment.

(b)No permit shall be issued for sidewalks abutting Madison Street and East Street between Locust Street on the north and Kentucky Alley on the south.

(c)No permit will be allowed if seats or equipment in the sidewalk cafe result in the need for additional restrooms or additional parking and unless such additional restrooms or parking are provided, except that no alcoholic beverages may be sold or consumed after twelve o'clock (12:00) midnight.

(d) The hours when service is permitted at the sidewalk cafe shall be during business hours of the permittee provided however that alcoholic beverages may only be served or consumed within the permit area between the hours of ten o'clock a.m. and twelve o'clock midnight Monday through Saturday and twelve o'clock noon and twelve o'clock midnight on Sunday.

(e) Any person making use of a sidewalk cafe shall do so in a reasonable manner with due regard for the health and safety of persons and property. No permittee shall make any physical alteration to public property without the written permission of the Director of Engineering. A permittee shall owe a duty to the City of Bloomington and third persons to maintain the permit area in a clean, safe and sanitary condition.

(f) The permittee shall keep the permit area free of litter, cans, bottles and spills at all times. The permittee shall promptly collect and dispose of all litter, trash and other waste materials associated with the sidewalk cafe, including material in the adjacent public right-of-way or property originating from the sidewalk cafe. The permittee shall dispose of any such waste in their own trash containers only.

(g) No cooking or food preparation shall be permitted at any time within the permit area.

(h) Upon the expiration or other termination of a sidewalk cafe use permit, the permittee shall immediately remove all tables, chairs, furnishings, equipment and other items of personal property from the permit area. Any such items remaining upon the public right-of-way may be removed and disposed of by the City of Bloomington at the sole cost and expense of the permittee.

(i) No live entertainment or sound amplification equipment shall be allowed at any time within the permit area. This provision shall not prohibit ambient background music. For purposes of this provision, "ambient background music" shall mean quiet music that is played at minimal volume such that it is not audible from adjoining property or public rights of way.

(j) Only the following types of furniture or other equipment may be located in a sidewalk cafe:

(1) Tables and chairs.

(2) Umbrellas.

(3) Waste receptacles.

(4) Busing carts.

(5) Temporary railings or landscaping used to demarcate the boundaries of the permit area.

Said furniture and other equipment shall be portable, shall not be chained, bolted or otherwise secured together as a unit, shall not be affixed to the surface of the permit area, and shall be removed on a nightly basis.

(k) The maximum allowable dimension for tables shall be forty-eight (48) inches in diameter, forty-eight (48) inches in width or length, and thirty (30) inches in height.

(l) Tables shall be freestanding with detached chairs or seating, unless it is determined that another design meets the intent of these regulations and a specific exception is permitted in writing by the Director of Engineering.

(m) Umbrellas shall have a maximum diameter of eight (8) feet, a weighted base and be fabric covered.

(n) No signs, banners, sandwich boards or other like advertising, except for advertising permitted by the Sign Code, shall be located in the permit area.

(o) Tables, chairs, umbrellas, and other permissible equipment shall be located in the sidewalk cafe area so that there remains open, at all times, a longitudinal walking space, the location of which shall be determined by the Director of Engineering or designee, of a minimum of four (4) feet in width, with a cross-slope not to exceed Americans with Disability Act (ADA) requirements.

(p) The placement of portable heaters must be reviewed and approved by the City's Fire Inspector.

(q) The Director of Engineering may promulgate administrative rules which relate to the requirements contained in this article. Such rules shall be attached to the permit and be followed by the permittee.

Sec. 167.6 TEMPORARY NATURE OF USE.

(a) The use of a public sidewalk as a sidewalk cafe shall be subject to temporary suspension or termination at any time by the City in the interest of the public health, safety and welfare. To the extent that a permit area is needed by the City for the purposes for which it was dedicated, or any other public purpose, the City may immediately terminate the revocable use permit by sending written notice to the permittee and assume full possession and control of the permit area. The permittee shall remove all furniture from the right-of-way within the time specified by the notice. If the furniture is not removed by the permittee, the City shall be authorized to remove all furniture and other objects of permittee from the permit area.

(b) If such furniture is not removed by the permittee within seven (7) days after removal by the City, the property shall be presumed abandoned and subject to disposal according to law.

Sec. 167.7 PUBLIC PROPERTY.

The provisions of this section shall apply only to the locating of sidewalk cafes on public property or public right-of-way and shall not apply to any private property.

Sec. 167.8 INDEMNIFICATION; PAYMENT FOR CLEANING OR DAMAGES.

(a) As an express condition of the issuance of the permit, each permittee shall agree in writing to indemnify and hold harmless the City against all claims, liability, loss, injury, death or

damage whatsoever in connection with or arising out of the use of the sidewalk cafe by anyone, except where the claim is the result of the sole negligence of the City.

(b) As an express condition of the issuance of the permit, the permittee shall agree to, within seven (7) days after the billing date, pay to the City all costs associated with damage to the pavement or other City-owned facilities located in or adjacent to the permit area caused by operation of the food service establishment, or the cleaning of or trash removal from the permit area or adjacent premises occasioned by the failure of the permittee to clean or remove such trash.

(c)The Director of Engineering is authorized to execute the agreements required in subsections (a) and (b) above after the form thereof has been approved by the City Attorney.

Sec. 167.9 INSURANCE REQUIREMENTS.

All persons, prior to receiving a permit, shall procure and maintain for the duration of the permit, public liability and property damage insurance pertaining to the permit area in a minimum amount of one million dollars (\$1,000,000.00) per person and one million dollars (\$1,000,000.00) in the aggregate per occurrence and property damage in a minimum amount of one million dollars (\$1,000,000.00), which shall name the City of Bloomington, its officers and employees as additional insureds and the same shall provide that the policy shall not terminate or be canceled prior to the expiration date without thirty (30) days advance written notice to the City. Proof of such insurance, issued by an insurance company licensed to do business in the State of Illinois in the form of a certificate of insurance, shall be attached to the application.

Sec. 167.10 REVOCATION AND SUSPENSION.

Any sidewalk cafe permit may be revoked or suspended for a period not to exceed thirty (30) days by the City Manager if the City Manager shall find after a hearing that:

(a)The Permittee has failed to operate the sidewalk cafe in accordance with the regulations set forth in Section 167.5 or any condition imposed on the issuance of the permit by the Director of Engineering.

(b) The Permittee has failed to operate the sidewalk cafe in compliance with all codes pertaining to health and safety applicable within the City of Bloomington, including but not limited to, Building, Plumbing, Electrical and Fire Codes, Zoning Ordinances, McLean County Health Ordinances and orders of the McLean County Health Department.

(c)The Permittee has failed to operate the sidewalk cafe in compliance with all codes and state laws pertaining to the sale, serving and consumption of alcohol within the City of Bloomington including any conditions placed on a license issued to Permittee for the sale of alcohol and any order of the Bloomington Liquor Commission.

SECTION 7. Except as provided herein, the Bloomington City Code, as amended, shall remain in full force and effect.

SECTION 8. The City Clerk shall be, and she is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 9. 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 10. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 13th day of February, 2006.

APPROVED this 14th day of February, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Purcell questioned how the City would police this item.

Todd Greenburg, Corporation Counsel, introduced this item. A sidewalk café would be limited to the area immediately adjacent and no wider than the building. Alcohol sales would be permitted until midnight.

Hannah Eisner, Deputy Corporation Counsel, addressed the Council. The sidewalk café was tied to an establishment's existing "R" Restaurant liquor license. Alcohol service/sales must cease at midnight. Sidewalk cafés must also offer food service.

Alderman Finnegan noted that alcohol would be served and consumed on the sidewalk. Ms. Eisner noted that the sidewalk would become a part of the licensed premise. Alcohol service would be allowed on the sidewalk. Customers must be seated and served by the establishment's employees. The Liquor Commission would grant the class "O" outdoor liquor license. Mayor Stockton added that patrons would not be allowed to walk out of the area. Ms. Eisner restated that the intention of this license classification was for dining purposes. The hours of service were fixed by the City Code.

Alderman Crawford noted that the establishments must monitor their outdoor area. He noted that usually a sidewalk café is marked off with some type of boundary.

Mr. Greenburg read from the second Addendum to the Council Agenda which listed the hours of service, (Section 167.5(d)): Monday through Saturday – 10:00 a.m. until midnight; Sunday – 12 noon until midnight.

Alderman Sprague questioned if the Liquor Commission addressed patrons moving from the inside of an establishment to the sidewalk café. Patrons may be served when seated. He noted that there would be a barrier such as a removal fence. He questioned what would be/would not be permitted.

Motion by Alderman Matejka, seconded by Alderman Schmidt that the Text Amendment be approved and the Ordinance be passed.

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

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

Nays: Alderman Huette.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: An Ordinance Amending the Composition of the Bloomington Fire Department

The designation of officers in the City's Fire Department is regulated by City Ordinance. The proposed Ordinance amends the composition of the Fire Department by increasing the number of assistant fire chiefs from 3 to 6, and by reducing the number of Captains from 13 to 12.

The Board of Fire and Police Commissioners has overseen the compiling of an Assistant Chief eligibility list. The list should be certified in the very near future, after the application period for veterans' points, the final component of the process, has expired. Staff respectfully recommends that Council pass the Ordinance to amend the Composition of the Bloomington Fire Department.

Respectfully,

Keith Ranney
Fire Chief

J. Todd Greenburg
Corporation Counsel

Tom Hamilton
City Manager

Alderman Huette noted that the Fire Department had increased the number of Asst. Chiefs from three (3) to six (6). This was a factor which drove the need for this text amendment. Todd Greenburg, Corporation Counsel, addressed the Council. He stated that the position of Deputy Chief was an appointment by the Fire Chief. The promotional ranks within the Police and Fire Departments are approved by the Board of Fire & Police Commission. A person serving in the position of Deputy Chief can hold the rank of Fire

Cpt. An individual at this rank would be allowed to test for the rank of Asst. Chief. Individuals can be removed from the position of Deputy Chief.

Mr. Greenburg noted that the current Training Officer was on the Asst. Chief Promotional List. When the new list is approved, promotions will be done based upon highest score. There were vacancies in the Fire Department which needed to be filled. The department needed two (2) shift commanders. The department wanted to cover the shift commander positions plus additional positions. Alderman Huette noted that the department was not able to carry out its functions. Mr. Greenburg stated that the department needed two (2) shift commanders. This position is filled by individuals with the rank of Asst. Chief. There are two (2) Deputy Fire Chief positions: Administration and Operations. The department operated with three (3) twenty-four (24) hour shifts. Each shift is on twenty-four (24) hours and off forty-eight (48).

Mayor Stockton questioned who would be subject to the Board of Fire and Police Commission's authority. Mr. Greenburg noted the two (2) shift commander vacancies. He restated that in the Fire Department's promotions must be done in rank order. A Deputy Chief can hold the rank of Fire Cpt.

Mayor Stockton questioned the impact if this ordinance is passed. Mr. Greenburg restated that the Fire Chief would appoint individuals to the position of Deputy Chief. He restated that there was position and rank.

Alderman Sprague noted that this text amendment would give the Fire Chief the right to appoint the Deputy Chiefs. Mr. Greenburg informed the Council that the Fire Chief would make appointments to the following positions: Deputy Chief (2); Training Officer, and Public Education Officer. Alderman Sprague questioned the difference between Asst. Chief and Deputy Chief. He also questioned who appointed individuals to the rank of Asst. Chief. Mr. Greenburg stated the Board of Fire and Police Commission. He added that currently there is a Fire Cpt. serving as an Asst. Chief.

Alderman Schmidt requested background information regarding the proposed text amendment. Mayor Stockton questioned how this proposed ordinance would play in. Alderman Sprague requested additional time to digest the information. Mayor Stockton requested that information be provided well in advance.

Motion by Alderman Matejka, seconded by Alderman Huette that the item be laid over until the February 27, 2006 Council meeting.

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

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

Nays: None.

Motion carried.

MAYOR'S DISCUSSION: Mayor Stockton requested a water status update. Craig Cummings, Director of Water, addressed the Council. Both reservoirs, (Lake Bloomington and Lake Evergreen) were gaining. Lake Bloomington is up six to ten feet, (6 – 10'). This is a gain of over five feet, (5') from mid-October until today. He expressed his belief that the recovery will continue. Lake Evergreen was down five feet (5'). The City was pumping from the Mackinaw. Mayor Stockton responded that this was good news.

CITY MANAGER'S DISCUSSION: None.

ALDERMEN'S DISCUSSION: Alderman Sprague addressed the Bloomington Junior High School/Linden Street issue. City staff did an outstanding job. He questioned the voting period. Alderman Crawford responded there would be a two (2) week period. The Neighborhood Traffic Calming Committee would meet on March 8, 2006.

Alderman Matejka expressed his appreciation for the US Cellular Coliseum's bookings.

He also noted the Public Service Department's new signs – Slow Down to Get Around. This public outreach program reminds all to be careful when driving on the City's streets. Mayor Stockton noted that safety was a priority at the City.

Alderman Schmidt questioned the next steps in the smoke free discussion. Alderman Sprague recommended that the question be placed on the Council's February 27, 2006 meeting. Mayor Stockton noted that there would be a meeting with individuals on both sides of the issue. He added there was reluctance to move towards the center by both parties. There was a House Bill which was expected to move forward. He expressed his opinion that the City should move forward and not wait for the State of Illinois. Alderman Schmidt questioned if the City would work with the Town of Normal. Mayor Stockton stated that Normal was willing to move ahead with a total ban. He offered to contact the groups to see if there was any movement. Alderman Schmidt noted the ban and questioned if the City would allow businesses to opt back in. She encouraged the Council to be more creative on this topic. She did not want to see a movement for a referendum.

Alderman Sprague noted that a number of restaurants that also have bars. He described them as two (2) establishments in one (1). The City would create an unfair playing field. Mayor Stockton expressed his opinion that it would be confusing for competitors. This topic might appear on the Council's next meeting agenda. Todd Greenburg, Corporation Counsel, addressed the Council. He noted that a referendum could appear on the November 6, 2006 General Election.

Alderman Purcell thanked the Fire Department staff for their quick response to a call on Seminary Street. He also acknowledged the Public Service Department's crews which were patching potholes.

February 13, 2006

1621

Motion by Alderman Sprague, seconded by Alderman Finnegan, that the meeting be adjourned. Time: 8:51 p.m.

Motion carried.

**Tracey Covert
City Clerk**

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