

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

Mayor Stockton recognized Boy Scout Troup 20 from St. Mary’s School which was in attendance at this evening’s meeting.

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 Sprague, 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 eighth partial payment to Terracon in the amount of \$771.25 on an as needed basis of which \$10,553.83 will have been paid to date for work certified as ongoing for the Inspection Services for the Renovation of the Center for the Performing Arts. Completion date - Ongoing.
2. The twenty second partial payment to Turner Construction Company in the amount of \$6,518 on a contract amount of \$187,824 of which \$161,752 will have been paid to date for work certified as 86.12% complete for the Project Management Services for the Center for the Performing Arts. Completion date - June 2006.
3. The fifth partial payment to Felmley Dickerson Co. in the amount of \$12,297.60 on a contract amount of \$168,008 of which \$130,480.20 will have been paid to date for work certified as 78% complete for the Police and Fire Computer Aided Dispatch System. Completion date - December 2006.
4. The seventh partial payment to New World Systems in the amount of \$6,656.99 on a contract amount of \$671,523 of which \$430,972.94 will have been paid to date for work certified as 64% complete for the Police and Fire Computer Aided Dispatch System. Completion date - July 2006.
5. The third partial payment to Felmley Dickerson Co. in the amount of \$139,289.20 on a contract amount of \$2,669,586 of which \$416,443.80 will have been paid to date for work certified as 16% complete for the Library Expansion. Completion date - November 2006.
6. The third partial payment to Barco Corporation in the amount of \$79,322.52 on a contract amount of \$848,914 of which \$519,883.42 will have been paid to date for work certified as 61% complete for the Signs, Electronic Display, Marquee for Arena. Completion date - December 2006.

7. The twenty second partial payment to Johnston Contractors, Inc. in the amount of \$274,991.11 on a contract amount of \$3,436,274 of which \$2,645,785.06 will have been paid to date for work certified as 85% complete for Design/Build of the US Cellular Coliseum. Completion date - April 2006.
8. The seventeenth partial payment to Stark Excavating, Inc. in the amount of \$45,671.40 on a contract amount of \$3,597,507 of which \$3,178,599.30 will have been paid to date for work certified as 88% complete for Design/Build of the US Cellular Coliseum. Completion date - April 2006.
9. The ninth partial payment to Hoerr, Inc. in the amount of \$12,604.81 on a contract amount of \$790,137 of which \$711,123.29 will have been paid to date for work certified as 90% complete for Design/Build of the US Cellular Coliseum. Completion date - April 2006.
10. The ninth partial payment to Merrill Iron & Steel, Inc. in the amount of \$37,553 on a contract amount of \$795,654 of which \$764,278.10 will have been paid to date for work certified as 96% complete for Design/Build of the US Cellular Coliseum. Completion date - April 2006.
11. The ninth partial payment to Felmley Dickerson in the amount of \$49,563.90 on a contract amount of \$727,589 of which \$472,567.50 will have been paid to date for work certified as 65% complete for Design/Build - Misc. Metals of the US Cellular Coliseum. Completion date - April 2006.
12. The tenth partial payment to Felmley Dickerson in the amount of \$188,556.30 on a contract amount of \$668,927 of which \$373,968 will have been paid to date for work certified as 56% complete for Design/Build - General Trades of the US Cellular Coliseum. Completion date - April 2006.
13. The seventh partial payment to Henson Robinson Co., in the amount of \$48,639.60 on a contract amount of \$999,051 of which \$886,906.80 will have been paid to date for work certified as 89% complete for Design/Build of the US Cellular Coliseum. Completion date - April 2006.
14. The seventh partial payment to Kelly Glass in the amount of \$20,431 on a contract amount of \$305,418 of which \$243,901 will have been paid to date for work certified as 80% complete for Design/Build of the US Cellular Coliseum. Completion date - April 2006.
15. The seventh partial payment to Associated Constructors Co., Inc., in the amount of \$292,036.50 on a contract amount of \$1,088,745 of which \$818,055.90 will have been paid to date for work certified as 75% complete for Design/Build of the US Cellular Coliseum. Completion date - April 2006.

16. The seventh partial payment to Commercial Floor Covering in the amount of \$17,394 on a contract amount of \$289,262 of which \$209,352.50 will have been paid to date for work certified as 72% complete for Design/Build of the US Cellular Coliseum. Completion date - April 2006.
17. The first partial payment to Irwin Seating Co., in the amount of \$328,715 on a contract amount of \$695,068 of which \$328,715 will have been paid to date for work certified as 47% complete for Design/Build of the US Cellular Coliseum. Completion date - April 2006.
18. The sixth partial payment to Kone, Inc. in the amount of \$17,981.10 on a contract amount of \$169,627 of which \$149,366.70 will have been paid to date for work certified as 88% complete for Design/Build of the US Cellular Coliseum. Completion date - April 2006.
19. The tenth partial payment to Automatic Fire Sprinkler, LLC., in the amount of \$26,815.50 on a contract amount of \$363,649 of which \$240,678 will have been paid to date for work certified as 66% complete for Design/Build of the US Cellular Coliseum. Completion date - April 2006.
20. The fourteenth partial payment to G.A. Rich & Sons, Inc. in the amount of \$343,368.90 on a contract amount of \$1,342,383 of which \$1,054,461.60 will have been paid to date for work certified as 79% complete for Design/Build of the US Cellular Coliseum. Completion date - April 2006.
21. The eighteenth partial payment to Mid-Illinois Mechanical, Inc. in the amount of \$785,485 on a contract amount of \$3,542,655 of which \$2,892,731.69 will have been paid to date for work certified as 82% complete for Design/Build of the US Cellular Coliseum. Completion date - April 2006.
22. The thirteenth partial payment to D & H Electric in the amount of \$195,093.45 on a contract amount of \$2,913,077 of which \$1,929,825.45 will have been paid to date for work certified as 66% complete for Design/Build of the US Cellular Coliseum. Completion date - April 2006.
23. The thirteenth partial payment to Johnston Contractors, Inc. in the amount of \$12,303.46 on a contract amount of \$371,005 of which \$331,871.79 will have been paid to date for work certified as 88% complete for Design/Build of the US Cellular Coliseum Parking Deck. Completion date - April 2006.
24. The sixth partial payment to Felmley Dickerson in the amount of \$3,143.70 on a contract amount of \$15,200 of which \$11,079 will have been paid to date for work certified as 73% complete for Design/Build of the US Cellular Coliseum Parking Deck - Doors, Frames and Hardware. Completion date - April 2006.

25. The sixth partial payment to Area Erectors, Inc. in the amount of \$29,349 on a contract amount of \$150,175 of which \$100,552.50 will have been paid to date for work certified as 67% complete for Design/Build of the US Cellular Coliseum Parking Garage. Completion date - April 2006.
26. The first partial payment to Associated Constructors, Co., Inc. in the amount of \$35,550 on a contract amount of \$43,030 of which \$35,550 will have been paid to date for work certified as 83% complete for Design/Build of the US Cellular Coliseum Parking Garage. Completion date - April 2006.
27. The seventh partial payment to D & H Electric & Heating Co. in the amount of \$3,082.27 on a contract amount of \$113,160 of which \$92,632.72 will have been paid to date for work certified as 82% complete for Design/Build of the US Cellular Coliseum Parking Garage. Completion date - April 2006.
28. The third partial payment to The Bruce Company of Wisconsin, Inc. in the amount of \$16,844.03 on a contract amount of \$222,553.25 of which \$181,128.92 will have been paid to date for work certified as 81% complete for the Prairie Vista Golf Course. Completion date - June 2006.
29. The seventh partial payment to Rowe Construction Co. in the amount of \$24,850 on a contract amount of \$1,250,603.92 of which \$878,196.68 will have been paid to date for work certified as 70% complete for the US Cellular Coliseum Infrastructure Improvements. Completion date - September 2006.
30. The twenty-fifth partial payment to Clark Dietz, Inc. in the amount of \$1,374.80 on a contract amount of \$366,591.65 of which \$345,002.78 will have been paid to date for work certified as 94% complete for the Hamilton Road - Greenwood to Timberlake Lane. Completion date - March 2006.
31. The ninth partial payment to Clark Dietz, Inc. in the amount of \$41,669.09 on a contract amount of \$330,000 of which \$165,370.35 will have been paid to date for work certified as 50% complete for the Hamilton Road - Timberlake to Main Street. Completion date - December 2006.
32. The fourth partial payment to Farnsworth Group in the amount of \$4,509.82 on a contract amount of \$168,400 of which \$45,948 will have been paid to date for work certified as 27% complete for the Lincoln Street - Bunn to Morrissey. Completion date - June 2006.
33. The third partial payment to Farnsworth Group in the amount of \$931.25 on a contract amount of \$32,562 of which \$7,286.14 will have been paid to date for work certified as 22% complete for the Norfolk Southern Railroad Crossing Negotiations. Completion date - June 2006.

34. The third partial payment to Farnsworth Group in the amount of \$10,021.88 on a contract amount of \$189,500 of which \$47,721.50 will have been paid to date for work certified as 25% complete for the Constitution Trail - Grove to Hamilton. Completion date - September 2006.
35. The first partial payment to Clark Dietz, Inc. in the amount of \$1,567.98 on a contract amount of \$140,000 of which \$7,701.37 will have been paid to date for work certified as 6% complete for the Locust - Colton CSO Study. Completion date - January 2007.
36. The sixth partial payment to Clark Dietz, Inc. in the amount of \$1,198.45 on a contract amount of \$44,000 of which \$32,282.82 will have been paid to date for work certified as 73% complete for the Sugar Creek Headwater Study. Completion date - April 2006.
37. The tenth partial payment to Clark Dietz, Inc. in the amount of \$810 on a contract amount of \$22,000 of which \$10,558.18 will have been paid to date for work certified as 48% complete for the Water Department Emergency Response Plan. Completion date - December 2006.
38. The second partial payment to Farnsworth Group in the amount of \$145 on a contract amount of \$15,000 of which \$2,945 will have been paid to date for work certified as 20% complete for the Ozone Pilot Study for Taste and Odor Compound Elimination. Completion date - October 2006.
39. The fifth partial payment to Clark Dietz, Inc. in the amount of \$3,449.03 on a contract amount of \$32,000 of which \$15,790.84 will have been paid to date for work certified as 49% complete for the James Place Water Main. Completion date - October 2006.
40. The third partial payment to Central Illinois Arena Management, Inc., in the amount of \$207,239.47 on a contract amount of \$1,007,697.83 of which \$498,391.29 will have been paid to date for work certified as 49% complete for the Professional Services for the US Cellular Coliseum. Completion date - April 2006.

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

Respectfully,

Tom Hamilton
City Manager

Motion by Alderman Sprague, 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: Audit of the Accounts for the Township Supervisor of General Assistance Fund and General Town Fund for the Month of January, 2006

Audit of the Accounts for the Township Supervisor of General Assistance Fund and General Town Fund for the month of January, 2006 were presented for Audit by the Township Supervisor.

The Audit of these accounts took place on Monday, February 27, 2006 at 6:30 p.m. in the Conference Room of Bloomington City Hall and should, at this time, be made a matter of record.

Respectfully,

Tracey Covert
City Clerk

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Reports

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

1. Motor Fuel Tax Allotment for the month of January, 2006.
2. Monthly Receipt & Expenditure Report, January, 2006.
3. Analysis of 2005 Traffic Accident Statistics.
4. Police Department 2005 Annual Report.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

(REPORTS ON FILE IN CLERK'S OFFICE)

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Members of the City Council

From: Stephen Stockton, Mayor

Subject: Appointment(s) and Reappointment(s) to Various Boards and Commissions

I ask that you concur with the following reappointment to the Bloomington/Normal Transit Board:

February 27, 2006

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Earl Anderson, 25 Pembroke Circle, Bloomington. His term will expire 2/28/2009.

Respectfully,

Stephen F. Stockton
Mayor

Motion by Alderman Sprague, seconded by Alderman Crawford that the reappointment 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 Pay Stark Excavating, Inc. for Emergency Sewer Repair

It was discovered that a manhole on a 15 inch combination sewer had collapsed in the intersection of Locust Street (IL Rt 9) and East Street. It was determined that there was an urgent need for repairs to protect the public safety. Due to the depth of the sewer and the scope of the work, the Public Service Department requested that the Engineering Department retain a contractor to make the repairs. Stark Excavating, Inc. replaced the manhole and repaired the pavement. Stark Excavating, Inc., has submitted a time and materials bill for the work in the amount of \$10,109. Staff has reviewed the bill and finds it to be in order.

Staff respectfully requests that Council approve a payment in the amount of \$10,109 to Stark Excavating, Inc. for the repair of the manhole and pavement with payment to be made with Sewer Depreciation Funds (X52200-72550).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

Motion by Alderman Sprague, 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 Purchase Upgrade for T2 Parking Violation System

In March 2002, Council approved the purchase of the T2 Parking Violation System to maintain and monitor parking violations issued by the parking attendants and Police Department. The Finance Department has budgeted \$41,845.35 to upgrade this system in FY 2006/07.

Staff was recently notified by the T2 Account Representative that the company has extended a discount to current users of T2 Parking Violations Software. The purpose of this discount is to encourage current users of the software to upgrade their software on a timely basis. The credits will not only apply to the initial software upgrade, but the \$6,270.96 discount will be applied to lower our annual maintenance cost from \$11,700 to \$5,429.04 for a period of three years. Overall, the discount will save the City \$18,812.88 over the three year period. The initial cost of the software upgrade is itemized below.

Software Upgrade	\$11,700.00
Credits to Upgrade Early	(\$6,270.96)
Implementation & Training	\$13,745.00
Web Server	<u>\$ 5,000.00</u>
Total	\$24,174.04

In order to take advantage of the multi-year discount, the City must issue a Purchase Order to T2 Systems, Inc. by the end of February 2006. Staff respectfully recommends that Council approve the payment in the amount of \$24,174.04, in order to take advantage of the discounts offered by T2 Systems, Inc. This procurement is not budgeted in the current fiscal year, however, funds will be taken from F54200-72120.

Respectfully,

Kim Nicholson
Purchasing Agent

Tim Ervin
Supervisor of Financial Services

Tom Hamilton
City Manager

Motion by Alderman Sprague, seconded by Alderman Crawford that the payment to T2 Systems, Inc. in the amount of \$24,174.04 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:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Waive the Formal Bidding Process and Purchase Medical Dispatch Training and Software for Telecommunicators

The State of Illinois has mandated that all dispatch centers provide Emergency Medical Dispatch Services, (EMD). The McLean County Emergency Telephone Services Board, (ETSB) and local medical control has approved the use of the National Academy of Emergency Dispatch, (NAED) protocol to meet those EMD requirements.

Priority Medical Dispatch is the only training provider approved that can certify the City's Telecommunicators to be NAED medical certified dispatchers. This training will meet the requirements of the State and local ETSB for certified medical dispatch training and the City's obligation as required in the intergovernmental agreement. This is outlined in the ICC 725 Standards Applicable to 911 Services, Title 83, Chapter 1, Sub Title F, Part 725, Section 725.505, Section J, Paragraph 2.

Staff respectfully requests that the formal bidding process be waived and the medical dispatch training and software purchased from Priority Dispatch. A quote of \$24,446 was received for Priority Dispatch Medical Software and \$11,400 for the Priority Dispatch medical training. The combined total for these purchases is \$35,846. Funds for this purchase have been budgeted in line item G15110-70790.

Respectfully,

Roger J. Aikin
Chief of Police

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 17

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF PRIORITY DISPATCH MEDICAL SOFTWARE
AND TRAINING BE PURCHASED FROM PRIORITY DISPATCH IN THE AMOUNT
OF \$35,846**

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 Priority Dispatch Medical Software and Training be purchased from Priority Dispatch in the amount of \$35,846.

ADOPTED this 27th day of February, 2006.

APPROVED this 28th day of February, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Purcell questioned if this expense had been contained in the City's original budget for this fiscal year. Tom Hamilton, City Manager, responded affirmatively. It was contained in the Police Department's budget.

Motion by Alderman Sprague, seconded by Alderman Crawford that the formal bidding process be waived, the Priority Dispatch Medical Software and Training be purchased from Priority Dispatch in the amount of \$35,846, the Purchasing Agent authorized to issue a Purchase Order for same, and the Resolution adopted.

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, 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 Eight (8) New Pickup Trucks Using the State of Illinois Joint Purchasing Contract

Funds are budgeted to purchase five (5) new mid size extended cab pickup trucks, four (4) for the Water Department, and one (1) for PACE Facility Management Division. Only one (1) of these vehicles are to replace a current vehicle, a 1995 Escort in the Water Department.

Bob Riding Inc., Taylorville, IL holds the contract for these trucks. The price for each vehicle is \$15,875 for a total purchase price of \$79,375. The 1995 Escort will be sold when the new trucks arrive. Funds are available in the Equipment Replacement Fund, F15480-72130 for the PACE truck and 50120-72130 and 72130-72130 for the Water trucks.

Additionally, funds have been budgeted to purchase three (3) new full size extended cab pickup trucks, one (1) for the Fire Department and two (2) for the Engineering Department. These trucks are replacement vehicles. Finish Line Ford, Peoria, IL is the holder of this contract. The purchase price for each vehicle is \$16,290.67 for a total purchase price of \$48,872.

The two old trucks from Engineering, a 1995 Chevrolet Astro Van and 1995 GMC extended cab pickup truck will be sold when the new trucks are delivered. The old truck in the Fire Department, a 1997 Ford Ranger will be retained by the Vehicle Maintenance Facility and used as a pool/loaner vehicle for departmental use when a vehicle is in the Vehicle Maintenance Facility for preventive maintenance or repairs. Funds are available in the Equipment Replacement Fund, F16210-72130 and 16230-72130 for the purchase of the Engineering trucks and F15120-72130 for the Fire vehicle.

Staff respectfully requests that Council waive the formal bidding process; approve the purchase of five (5) midsize trucks from Bob Ridding, Inc. in the amount of \$82,375; three (3) full sized pick up trucks from Finish Line Ford in the amount of \$48,872; the Purchasing Agent authorized to issue a Purchase Order for same; staff authorized to sell the three (3) surplus vehicles by sealed bid or Internet auction, and the Resolution adopted.

Respectfully,

Daniel Augstin
Supt. of Equip. Maintenance

Kim Nicholson
Purchasing Agent

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 18

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF FIVE (5) MIDSIZE TRUCKS FROM BOB
RIDGING, INC. IN THE AMOUNT OF \$82,375, AND THREE (3) FULL SIZED PICK
UP TRUCKS FROM FINISH LINE FORD IN THE AMOUNT OF \$48,872**

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

1. That the bidding process be waived and the Purchasing Agent be authorized to Purchase five (5) midsize trucks from Bob Ridding, Inc. in the amount of \$82,375 and three (3) full sized pick up trucks from Finish Line Ford in the amount of \$48,872.

ADOPTED this 27th day of February, 2006.

APPROVED this 28th day of February, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Gibson questioned the process used. Tom Hamilton, City Manager, addressed the Council. Local governments can purchase items off the state's contracts. The state accepts bids for various items statewide. Generally, the prices are lower than what the City can obtain by bidding on the same items.

Motion by Alderman Sprague, seconded by Alderman Crawford that the formal bidding process be waived; the purchase of five (5) midsize trucks from Bob Ridding, Inc. in the amount of \$82,375; and three (3) full sized pick up trucks from Finish Line Ford in the amount of \$48,872 be approved; the Purchasing Agent authorized to issue a Purchase Order for same; staff authorized to sell the three (3) surplus vehicles by sealed bid or Internet auction, 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 Four Marked Police Cars Using the State of Illinois Joint Purchasing Contract

The Police Department has budgeted to purchase four new Chevrolet Impala Marked Police Cars. Two (2) of the cars will be additions to the fleet. Two are replacements; (1) was totaled early in the fiscal year, and the other will replace a unit with a worn out engine.

Miles Chevrolet, Decatur, IL currently holds the State of Illinois Joint Purchasing Contract for these vehicles. The price for each vehicle is \$17,903.13 for a total of \$71,612.52. The vehicle with the worn out engine will be sold by sealed bid or Internet auction when the new ones arrive and are put into service. Funds are available in F15110-72100 for this purchase.

Staff respectfully requests that Council waive the formal bidding process, authorize the purchase of four (4) Chevrolet Impala Marked Police Cars from Miles Chevrolet, Decatur, IL in the amount of \$71,612.52, the Purchasing Agent authorized to issue a Purchase Order for same, and the Resolution adopted.

Respectfully,

Daniel E. Augstin
Supt. of Equip. Maintenance

Kim Nicholson
Purchasing Agent

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 19

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF FOUR (4) CHEVROLET IMPALA MARKED
POLICE CARS BE PURCHASED FROM MILES CHEVROLET, DECATUR IN THE
AMOUNT OF \$71,612.52**

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

1. That the bidding process be waived and the Purchasing Agent be authorized to Purchase four (4) Chevrolet Impala Marked Police Cars be purchased from Miles Chevrolet, Decatur in the amount of \$71,612.52.

ADOPTED this 27th day of February, 2006.

APPROVED this 28th day of February, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Sprague, seconded by Alderman Crawford that the formal bidding process be waived; the four (4) Chevrolet Impala Marked Police Cars be purchased from Miles Chevrolet, Decatur in the amount of \$71,612.52; the Purchasing Agent be authorized to issue a Purchase Order for the same, staff be authorized to sell the surplus vehicle by sealed bid or Internet Auction, 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: Analysis of Request for Proposals for Architectural and Engineering Services for the design of Fire Station #5

City staff solicited Requests for Proposal (RFP) for Architectural and Engineering Services for the design of a new fire station to be located on the City's southwest side at 2602 Points Road.

Eleven (11) proposals were received, of which five (5) companies were interviewed. Based on the interviews, staff selected Apace Design, Peoria for this work. Staff is satisfied that Apace Design understands the City's needs and are confident in the firm's ability to provide quality work.

Staff then negotiated the specifics and price for these services. Apace Design has agreed to design the 12,000 square foot project, projected at \$2,250,000 for a fee of \$214,950. This figure includes most, if not all of the reimbursables that accompany this type of proposal. Staff believes that this is a fair price and that Apace Design has met all of the requirements and will provide a good product. Staff respectfully requests that the Architectural and Engineering Services for the design of Fire Station #5 be awarded to Apace Design and further that the Mayor and City Clerk be authorized to execute the necessary documents. Funds for this project are available in account X40100-72510.

Respectfully,

Keith A. Ranney
Fire Chief

Bob Floyd
Facilities Manager

Tom Hamilton
City Manager

(CONTRACT ON FILE IN THE CLERK'S OFFICE)

Motion by Alderman Sprague, seconded by Alderman Crawford that the Architectural and Engineering Services for the design of Fire Station #5 project be awarded to Apace Design in the amount of \$214,950, 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: Analysis of Bids - Printing of Brochure

On Tuesday, February 14 at 10:30 a.m. bids were opened in the City Clerk's office for printing of 16,000 copies of the 2006 Summer Activity Brochure for the Parks and Recreation Department. Eight printers responded to the bid:

FIRM	BID PRICE
Action Printing, Wisconsin	\$ 8,728.00
Action Printing (alt. Bid for 64 pages)	\$ 8,095.00 **
Ron Smith Printing, Bloomington	\$ 9,600.00
Printec Press, Champaign	\$ 9,723.00
BOPI, Bloomington	\$10,977.00
Illinois Graphics, Bloomington	\$11,798.00
OSP, Bloomington	\$15,532.00
Curtis 1000	No bid
** Low & Recommended Bid	

Action Printing is the low bidder and has printed the brochure in the past. They have an even lower price if the number of pages in the brochure is increased 64. Staff have submitted more programs than planned so the additional four pages will be used. Staff respectfully request that the bid be awarded to Action Printing in the amount of \$8,095, and the Purchasing Agent be authorized to issue a purchase order for same. There are sufficient funds available in account G14112-70740 for this project. \$11,000 was budgeted.

Respectfully,

Dean Kohn
Director, Parks and Recreation

Tom Hamilton
City Manager

Motion by Alderman Sprague, seconded by Alderman Crawford that the bid be awarded to Action Printing in the amount of \$8,095 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 27, 2006

1641

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Change Order for Motorola Communications Equipment

The Emergency Telephone Systems Board (ETSB) has informed the City that it is necessary for the City to add two additional STARCOM consolettes to the Radio system for the Communications Center. This is required due to the Town of Normal and McLean County switching to the STARCOM Radio System. These additional pieces of equipment are needed to increase the availability of radio frequencies when the center must function as a backup to the METCOM system. As such, approval by the Illinois Commerce Commission (ICC) is dependent upon this equipment being purchased.

These consolettes will be purchased from Motorola and added to the original contract resulting in an addition of \$21,364.23 to the original contract price of \$489,886. This additional expense brings the total contract price to \$511,250.23. Funds for the original purchase were budgeted in F15118-72120. Staff respectfully requests that Council approve the Change Order in the amount of \$21,364.23, the Purchasing Agent authorized to issue a Purchase Order for same and the Resolution adopted.

Respectfully,

Roger J. Aikin
Chief of Police

Tom Hamilton
City Manager

RESOLUTION NO. 2006 – 20A

A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE AMOUNT OF \$21,364.23 IN THE CONTRACT BETWEEN THE CITY OF BLOOMINGTON AND MOTOROLA FOR TWO STARCOM CONSOLETTES

WHEREAS, the City of Bloomington has previously entered into a contract with Motorola for STARCOM Consolettes; and

WHEREAS, for the reasons set forth in a staff report dated February 27, 2006 it was necessary to add two additional STARCOM consolettes to the Radio system for the Communications Center. This is required due to the Town of Normal and McLean County switching to the STARCOM Radio System; and

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the February 27, 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 \$21,364.23 in the contract between the City of Bloomington and Motorola for two STARCOM Consolettes be approved.

ADOPTED this 27th day of February, 2006.

APPROVED this 28th day of February, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Jesse Magenheimer, 2501 E. Washington questioned this item. He specifically cited the fee and if it included the radio console, software and programming. Jeff Sanders, Asst. Police Chief, addressed the Council. He did not have this information with him.

Motion by Alderman Sprague, seconded by Alderman Crawford that the Change Order for the addition of two (2) STARCOM Consolettes in the amount of \$21,364.23 be approved, the Purchasing Agent authorized to issue a Purchase Order for same, and the Resolution adopted.

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, 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 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 order to their contract for work associated with the renovation of the Bloomington Center for the Performing Arts. This change order was reviewed by staff, who found it to be acceptable. The total amount of this change orders is \$4,118.

Change order #111 provides for the fiber optic raceway extension from the administration building located at 107 E. Chestnut Street to the Bloomington Center for the Performing Arts building located at 110 E. Mulberry Street. This work provides for a 2" raceway from the present hand hole in the alley west of the administration building to a new hand hole in the alley west of the Performance Center and a 4" conduit from the new hand hole into the Performance Center.

This project is being coordinated between the Cultural District, Finance and the Information Systems Departments. The work will take place at the same time the directional boring is being done under Locust Street for the electrical feed to the Performance Center.

Staff respectfully recommends that Council approve this change order to the contract with P.J. Hoerr, Inc. in the amount of \$4,118 for the fiber optic raceway extension, and that the Mayor and City Clerk be authorized to execute the necessary documents. Payment for this work will come from account X21100-71340 of the Cultural District budget.

Respectfully,

C. Bruce Marquis
Executive Director

Tom Hamilton
City Manager

Motion by Alderman Sprague, seconded by Alderman Crawford that the Change Order be approved in the amount of \$4,118, 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: Change Order #10 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 \$116,900.25.

#55 Disposal of unsuitable soils at north parking lot	36,994.94
#73 Relocate storm line around structural beam	2,284.00
#107 Provide underpin support of north brick wall at crawl space	1,480.00
#108 Provide repairs to existing exterior structure at top of stairwell	735.84
#110 Provide revised routing and materials of cable pass	8,704.00
#112 Provide owner requested upgrade of audio system	61,383.72
#114 Provide new plaster ceiling in elevator vestibule 325	2,090.00
#115 Provide revised exhaust controls for dressing rooms	<u>3,227.75</u>
	116,900.25

Total this Change Order	116,900.25
Revised contract	<u>11,437,926.33</u>
New Total Amount	11,437,926.33

This work is outside the existing contract of P.J. Hoerr. During the excavation of the north parking lot, some soil was contaminated but classified as “non-special” waste and could be disposed of at the landfill. It was necessary to relocate the north east roof drain around the new head block beam. Support for outer wythes of the north brick wall was needed. Repairs to the northwest stair tower was needed to provide a good substrate to attach the new roof. It was necessary to reroute the cable pass from the control room to the sub-stage area. The auditorium audio system needed to be upgraded in order to accommodate the needs of tenants and visiting artists. A lowered plaster finish ceiling at the elevator landing was needed. Revised exhaust controls for the dressing rooms was needed.

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:	\$449,726.33
Contingency Balance:	\$150,273.67

Staff respectfully recommends that Council approve this change order to the contract with P.J. Hoerr, Inc. in the amount of \$116,900.25, and the Resolution be adopted. Payment for this work will come from account X21100-72620 of the Cultural District budget.

Respectfully,

C. Bruce Marquis
Executive Director

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 21

**A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE
AMOUNT OF \$116,900.25 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 27, 2006 it was necessary to perform the following work:

During the excavation of the north parking lot, some soil was contaminated but classified as “non-special” waste and could be disposed of at the landfill. It was necessary to relocate the north east roof drain around the new head block beam. Support for outer wythes of the north brick wall was needed. Repairs to the northwest stair tower was needed to provide a good substrate to attach the new roof. It was necessary to reroute the cable pass from the control room to the sub-stage area. The auditorium audio system needed to be upgraded in order to accommodate the needs of tenants and visiting artists. A lowered plaster finish ceiling at the elevator landing was needed. Revised exhaust controls for the dressing rooms was needed.

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the February 27, 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 \$116,900.25 in the contract between the City of Bloomington and P.J. Hoerr, Inc., for renovation of the Center for the Performing Arts be approved.

ADOPTED this 27th day of February, 2006.

APPROVED this 28th day of February, 2006.

Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

Motion by Alderman Sprague, seconded by Alderman Crawford that the Change Order to the contract with P.J. Hoerr for the Renovation of the Bloomington Center for the Performing Arts in the amount of \$116,900.25 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: Members of the City Council

From: Liquor Commission

Subject: Application of Game Time Food & Beverage #14, Inc., d/b/a Game Time Food & Beverage #14, located at 101 S. Madison St., for an RAS liquor license, which will allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to hear the application of Game Time Food & Beverage #14, Inc., d/b/a Game Time Food & Beverage #14, located at 101 S. Madison St., requesting an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Stephen Stockton, Rich Buchanan, Marabeth Clapp, Steve Petersen, and Mark Gibson; Hannah Eisner, Deputy Corporation Counsel, Lt. Timothy Stanesa, Police Department, and Tracey Covert, City Clerk; Brian Klassman, President, Bill Rayner, Vice President Business Development, and Applicant representatives, and John Butler, Chief Operating Officer, Central Illinois Arena Management.

Commissioner Stockton requested that the Applicant explain their business plan. Brian Klassman, President and Applicant representative, addressed the Commission. Mr. Klassman had been in the food and beverage business for twenty-nine (29) years. He expressed his excitement regarding this building. Game Time Food & Beverage, (GTFB), represents the management team for BIAM Concessions. GTFB currently services a number of civic centers and airports. GTFB concentrates on food and beverage service. GTFB is selling an experience. Food is GTFB's main business. Alcohol was a compliment to the food.

Commissioner Stockton questioned the food offerings as GTFB had applied for an R, restaurant, license. Mr. Klassman noted that there would be a full service restaurant located within the facility. The VIP area would offer six to eight (6 - 8) customized sandwiches. These items would only be available within this area. GTFB planned to use Echo Valley meats. GTFB would also offer a new Black Angus hot dog which has been named the steak dog.

Commissioner Gibson noted that the restaurant was located on the building's west end. Mr. Klassman added that it would offer 120 seats. There would be a bar and wait staff. It would offer a sports theme. The retractable seats would also be served by wait staff with handheld ordering devices. The VIP area was the club seats. John Butler, Chief Operating Officer, Central Illinois Arena Management, (CIA), addressed the Commission. There were 800 club seat holders. The retractable seats would be open during hockey and football games. Mr. Klassman added that cappuccinos and pastries would also be offered. The desserts would be made from scratch. Mr. Butler informed the Commission that the restaurant would be open to the general public. Commissioner Stockton questioned if the restaurant would be open when no event was being held at the arena. Mr. Butler stated that CIA would work with the City's Parks & Recreation staff to be open at key times. It would not be open on a full-time basis. Commissioner Stockton questioned if the restaurant would be open after an event ended. Mr. Klassman noted that closing time would be forty-five (45) minutes to an hour after an event ends.

Commissioner Gibson questioned other facilities served by GTFB. Mr. Klassman noted GTFB's clients were located in Texas, North Carolina and Iowa. He presented the Commission with a binder which included letters of recommendation from the Abilene Regional Airport, Cedar Rapids Kernels, the Genessee Theatre, the Hickory Crawdads, McAllen Miller International Airport and the City of McAllen.

Commissioner Gibson questioned the largest facility served by GTFB. Mr. Klassman noted that the US Cellular Coliseum would be comparable to other facilities served. The largest held 15,000 people.

Commissioner Clapp questioned the training. Mr. Klassman informed the Commission that GTFB has adopted TIPS (Training for Intervention Procedures by Servers of Alcohol). BASSETT is also offered. Employees also receive training in sanitation, etc.

Hannah Eisner, Deputy Corporation Counsel, addressed the Commission. She had met with Mr. Klassman regarding alcohol sales at the US Cellular Coliseum. The facility will offer a restaurant, private suites, club seats and traditional concession sales. Certain events held at the building will offer designated areas for families. These areas will not offer alcohol sales during events such as hockey and football games. Mr. Butler noted that sales will be based upon the event. Ms. Eisner noted that the entire premise should be covered by the license or the Commission could place restrictions upon the license.

Commissioner Gibson questioned who was responsible for the alcohol service. He also questioned upon leaving the premise who would be the responsible party - GTFB or CIA. Mr. Klassman noted the GTFB would be responsible for the alcohol sales. Mr. Butler added that

CIA would be responsible for the exits. Commissioner Gibson questioned the private suites and alcohol sales. He also questioned how this area would be policed. Mr. Klassman informed the Commission that beverage orders are placed upon arrival at the facility. A staff member is assigned to three (3) suites. There are also two (2) managers assigned to the suites. These individuals have gone through TIPS and BASSETT training. Commissioner Gibson expressed his opinion that the person within the suites would control the flow.

Commissioner Buchanan cited a mixed age group. Mr. Klassman noted that the suite holder acts as the responsible party and must signed an agreement with GTFB. Failure to comply with the terms of the agreement means that GTFB would no longer provide beverage service. He added that GTFB had had no problems to date. GTFB staff was constantly in and out of the suites.

Commissioner Clapp recommended that the staff assigned to the suites request identification. She added that signage should be posted. Commissioner Stockton noted that GTFB must enforce the City's liquor code. If there is a violation, then GTFB would be fined. Multiple violations could result in the revocation of the liquor license.

Commissioner Buchanan noted the importance of the suites. He acknowledged the likelihood that underage persons would be present. The servers must confirm whether underage persons are present within the suite. GTFB needed a means to identify those individuals who are underage.

Bill Rayner, Vice President Business Development, GTFB, addressed the Commission. He compared this facility to a hotel. Commissioner Stockton agreed that the situation was similar. Mr. Rayner noted that the suites only hold fourteen (14) people. There were twenty-six (26) suites. Mr. Klassman added that there would be backstage catering. He affirmed that entertainers do request alcohol.

Commissioner Gibson questioned if the sales would be cash transactions. Mr. Klassman responded affirmatively. GTFB accepts cash or credit card.

Commissioner Clapp questioned how GTFB would insure that alcoholic beverages would not be passed to underage patrons. Mr. Rayner informed the Commission that GTFB limits sales to two (2) per person. All GTFB staff undergoes TIPS and BASSETT training. Mr. Klassman added that there were only three (3) locations where mixed drinks could be purchased: 1.) the restaurant; 2.) VIP - Room 2206 and 3.) party deck - Room 3408. Mr. Butler informed the Commission that Room 3408 would host private parties for fifty (50) people or more.

Commissioner Petersen question precautions. Mr. Klassman noted that GTFB cards hard all of the time. Company policy is to request identification of anyone who appears to be under thirty (30). GTFB can use wristbands if necessary for certain events. Commissioner Petersen questioned if the availability of alcohol would be the same regardless of event. Mr. Klassman responded negatively. Alcohol sales were based upon the event.

Commissioner Gibson noted that GTFB has a track record. The Commission needs to define the premise. He noted that there would be permanent concession areas. He questioned the type of beverages that would be offered on the main concourse. (There were six stationary areas on this

concourse.) Mr. Klassman noted that the setup would be based upon the event size. Commissioner Gibson noted that suites were a new idea for the City.

Commissioner Clapp questioned the lease terms for the suites. Mr. Butler noted that there were one (1), three (3), five (5), seven (7), and ten (10) year leases. There were also two (2) group suites which would be available on a per event basis. These suites have a capacity of forty (40). Commissioner Clapp suggested that these two (2) suites would require special scrutiny. Mr. Rayner informed the Commission that a bartender would be present in these suites.

Commissioner Gibson noted that there would not be a kiosk offering hard liquor. Mr. Butler noted that there would be coffee carts. Mr. Klassman added that these carts offer coffee with Bailey's, Tia Maria, etc. Commissioner Buchanan noted that there would be a record of all transactions with a list of items. Mr. Butler responded affirmatively. This information must be provided to the City.

Commissioner Buchanan noted that the Commission could not address every scenario. The City was building a relationship with CIA and GTFB. These parties must be able to address any concerns which are raised.

Commissioner Gibson raised two (2) questions: 1.) was there a formula for the number of security staff/ushers per event. Mr. Butler responded affirmatively. The second question involved passing alcohol to another person who appears to be underage and who would be responsible for approaching these individuals. Mr. Butler stated that CIA would have security staff. These individuals would walk the facility. Identification would be check for those in the private area. He reminded the Commission that CIA had plenty of experience. He cited the Peoria Civic Center.

Commissioner Gibson addressed the suite situation. He questioned if individuals would order ahead. Mr. Klassman noted that food may be ordered in advance. The responsible person must be present to order any alcoholic beverages. Mr. Rayner noted that GTFB teaches its staff alcohol awareness. GTFB performs internal stings with the assistance of an outside security firm.

Commissioner Stockton informed the Applicant that the licensed premise must be made available to the Commission and the City's Police Department. Mr. Butler questioned the outdoor patios located on the suite level rooftop. They would be used as the outdoor smoking area. He questioned if patrons would be allowed to take their drink along with them. These patios would be secure areas. Commissioner Stockton noted that they could be included. However, the City reserved the right to modify the premise.

Commissioner Buchanan noted a minor point. He requested that the application be modified to state that no alcohol sales would be allowed prior to 12 noon. Commissioner Petersen noted that the US Cellular Coliseum was new to the community. He questioned what the City would do if the liquor license was not successful. The City might have to scale back or eliminate the license. Mr. Klassman noted GTFB's business experience. GTFB believed in being proactive. Mr. Rayner had opened the Mark at the Quad Cities. Mr. Rayner will open the US Cellular

Coliseum. He requested that the Commission allow GTFB to earn their trust. He expressed his belief that the City would hear good things about GTFB.

Alderman Steven Purcell, 407 W. Emerson, addressed the Commission. He had a few questions and comments. He was pleased to hear how alcohol sales would be handled in the suites. He noted GTFB's policy regarding carding. He expressed his concern regarding underage consumption at the facility. He questioned the Center of Hope Church, 502 W. Front St., located across the street from the facility.

Ms. Eisner noted that state law and the City's code both address this issue. There is a 100' distance requirement when the primary business is alcohol sales. She noted that this restriction would not apply to the US Cellular Coliseum. Alcohol would not be the primary business. She added that the Lee St. right-of-way was sixty feet (60'). It was not an issue for this application. She informed the Commission that she had been contacted by the church on a variety of topics. The most recent was delivery trucks due to the location of the loading docks. Mr. Klassman noted that most food and beverage orders are delivered in the early morning. Ms. Eisner noted that notices of the liquor hearing were mailed to all addresses within 500'.

Alderman Buchanan questioned the Commission's comfort level. He noted from personal experience at various ballparks unpleasant encounters with intoxicated patrons. It can be difficult to enjoy one's self. Mr. Klassman noted GTFB's philosophy which was food. Alcohol sales are not pushed. GTFB's forte was culinary with a focus on high volume food sales. Mr. Rayner noted that the US Cellular Coliseum was not major league ballpark.

Commissioner Stockton questioned if there would be POS (Point of Sale) terminals in the club seat areas. Mr. Butler responded affirmatively. Mr. Klassman added that the club seats would be served by wait staff. Commissioner Stockton noted the working relationship between GTFB and CIA. They had worked together to assist the City with its goal for this facility which was to offer quality entertainment to the City's residents and guests. He expressed his interest in good and considerate liquor service. The premise should include the entire facility. This would include the rooftop terraces. However the premise would not include the Pepsi Ice Center. Ms. Eisner noted that the application did include the Pepsi Ice Center as CIA has no rights to use this facility.

Commissioner Stockton noted that the Commission may modify any license condition and/or the premise. A family area should be designated for all public events. The locations and its size could be expanded or contracted on a per event basis. Mr. Butler noted that this may be tied to the nature of the event. A family area would be guaranteed for all sporting events.

Commissioner Stockton added that hard liquor would only be available for sale at Room 2206, 3408 and the restaurant. Hard liquor may be consumed in the club seats, suites, retractable seating and backstage area. These areas should be appropriately signed. Mr. Butler noted that the US Cellular Coliseum would host private catered events. These events would involve the use of portable bars. These events would offer all types of alcohol. Ms. Eisner noted that license restrictions would not apply to private events.

Commissioner Stockton stated that GTFB would limit the alcohol servings per sale. GTFB would offer its' staff appropriate training. GTFB would employ additional security such as the use of wrist bands. GTFB would be held responsible for the management of intoxicated persons. Mr. Klassman expressed his opinion that one key was to control the sale of hard liquor. Commissioner Stockton reminded GTFB that this company would be responsible for policing the entire premise.

Commissioner Petersen questioned outside security. Mr. Butler noted that CIA's security staff would work with the City's Police Department.

Commissioner Stockton stated that alcohol sales must cease one (1) hour after an event ends. Alcohol sales may commence ninety (90) minutes prior to an event. Mr. Butler noted that suite holders may gain entrance to the facility a little earlier. Commissioner Stockton noted the possibility of additional hours for the restaurant.

Commissioner Stockton addressed parking. He expressed his concern regarding nearby churches and residential neighborhoods. Mr. Butler noted the number of public parking lots within the Downtown. There had been discussions regarding the operation of a shuttle service. CIA's goal was to make attending an event at the US Cellular Coliseum a pleasant experience.

Commissioner Gibson stated that GTFB had provided the City with a good plan. GTFB appeared to be well equipped to handle the job. He acknowledged that this application challenged the Commission. The City would put its trust in GTFB. Mr. Butler invited the Commission to audit GTFB's staff training.

Commissioner Stockton expressed his opinion that the Commission should have toured the facility. Mr. Butler informed the Commission that final installation for the food and beverage areas was scheduled for this week. He offered to provide a tour of the facility after March 1, 2006. He added his opinion that GTFB offered an impressive staff with tremendous experience.

Commissioner Buchanan questioned the pricing for alcoholic beverages. Mr. Klassman responded high end.

Based on the above, the Liquor Commission recommends to the City Council that an RAS liquor license for Game Time Food & Beverage #14, Inc., d/b/a Game Time Food & Beverage #14, located at 101 S. Madison St., be created, contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) that the premise include the arena building with the three (3) rooftop terraces, with the exception of the Pepsi Ice Center and its attendant areas; 2.) that a family-only area be available at all public events, the location and size (expansion/contraction) will be dependent upon event type; 3.) "A" beverages will only be available in the party area (Room 3408), private and party suites, club seat bars (Room 2206) and club seats, restaurant with bar area, and retractable seats; (it is understood that this condition does not apply to private events and that entertainers may be served in the backstage area), 4.) that appropriate signage be posted which addressed the following issues: suite lessee's responsibilities, identification required and checks for same, underage consumption, and alcoholic beverages cannot be removed from nor brought into the building; 5.) appropriate

restrictions to prevent liquor code violations including the following: limited servings per sale, staff training, patron monitoring, security, the use of wristbands when necessary, and service to intoxicated patrons; 6.) the understanding that the license holder is the responsible party in the event of liquor code violations which would include underage consumption; 7.) alcoholic beverage service would end one (1) hour after an event, and commence ninety (90) minutes prior to an event's scheduled time; 8.) the possibility for additional hours based upon the restaurant's operations; 9.) parking must be addressed with sensitivity towards nearby residents, businesses and churches; and 10.) the Commission reserves the right to modify the premise and these conditions.

Respectfully,

Stephen F. Stockton
Chairman of Liquor Commission

Alderman Schmidt questioned condition 7.) alcoholic beverage service would end one (1) hour after an event, and commence ninety (90) minutes prior to an event's scheduled time. She specifically cited industry standards. Mayor Stockton noted that there would be a restaurant and a club lounge within the facility. This condition would apply to all of the various events hosted there. The US Cellular Coliseum would not function as a late night bar.

Motion by Alderman Sprague, seconded by Alderman Crawford that an RAS liquor license for Game Time Food & Beverage #14, Inc., d/b/a Game Time Food & Beverage #14 located at 101 S. Madison St., be created, contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) that the premise include the arena building with the three (3) rooftop terraces, with the exception of the Pepsi Ice Center and its attendant areas; 2.) that a family-only area be available at all public events, the location and size (expansion/contraction) will be dependent upon event type; 3.) "A" beverages will only be available in the party area (Room 3408), private and party suites, club seat bars (Room 2206) and club seats, restaurant with bar area, and retractable seats; (it is understood that this condition does not apply to private events and that entertainers may be served in the backstage area), 4.) that appropriate signage be posted which addressed the following issues: suite lessee's responsibilities, identification required and checks for same, underage consumption, and alcoholic beverages cannot be removed from nor brought into the building; 5.) appropriate restrictions to prevent liquor code violations including the following: limited servings per sale, staff training, patron monitoring, security, the use of wristbands when necessary, and service to intoxicated patrons; 6.) the understanding that the license holder is the responsible party in the event of liquor code violations which would include underage consumption; 7.) alcoholic beverage service would end one (1) hour after an event, and commence ninety (90) minutes prior to an event's scheduled time; 8.) the possibility for additional hours based upon the restaurant's operations; 9.) parking must be addressed with sensitivity towards nearby residents, businesses and churches; and 10.) the Commission reserves the right to modify the premise and these conditions.

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: Members of the City Council

From: Liquor Commission

Subject: Application of Bandana's 3D, LLC, d/b/a Bandana's Bar-B-Q, located at 502 IAA Dr., for an RAS liquor license, which will allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to hear the application of Bandana's 3D, LLC d/b/a Bandana's Bar-B-Q, located at 502 IAA Dr., requesting an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Stephen Stockton, Rich Buchanan, Marabeth Clapp, Steve Petersen, and Mark Gibson; Hannah Eisner, Deputy Corporation Counsel, Lt. Timothy Stanesa, Police Department, and Tracey Covert, City Clerk; Doug Redmon, owner and Applicant representative.

Commissioner Stockton requested that the Applicant explain their business plan. Doug Redmon, owner and Applicant representative, addressed the Commission. The restaurant would be a franchise. Bandana's Bar-B-Q started in St. Louis in 1998. Currently there were twelve (12) locations. He cited the various locations within Missouri. There were restaurants in Illinois - Bellville and Fairview Heights. Bandana's Bar-B-Q was a family style restaurant. Most of the existing stores hold beer and wine licenses. He had applied for an all types of alcohol license, but planned to start with a beer and wine license. He noted that the existing bar would be used for take out orders and offer counter service. The facility would undergo a facelift which would offer a western theme. He was still debating about installing a to go door on the building's east side.

Commissioner Petersen questioned if customers could sit at the bar and not eat. Mr. Redmon responded affirmatively. However, most patrons come for the barbecue. Some also order beer. Bandana's Bar-B-Q offers six (6) types of meat. All are slow cooked. Six (6) sides were also offered. Bandana's offers table service. Commissioner Gibson questioned if Bandana's would offer catering service. Mr. Redmon acknowledged that catering was a large part of Bandana's Bar-B-Q's business. Generally, alcohol is not catered.

Commissioner Petersen questioned closing time. Mr. Redmon provided the following closing hours: weekdays - 9:00 p.m. and weekends - 10:00 p.m. Mr. Redmon would be on-site for six to seven (6 - 7) months. A general manager had been hired. Commissioner Buchanan questioned this person had experience. Mr. Redmon responded affirmatively.

Commissioner Clapp questioned training. Mr. Redmon noted that training was provided by the parent company. Each employee must be certified. The training includes checklists and tests. Commissioner Stockton questioned the number of liquor licenses held by Mr. Redmon. Mr. Redmon informed the Commission that this would be his first license. Commissioner Stockton informed the Applicant that if the business hours change, then the City might place limitations on the restaurant's bar area. Mr. Redmon noted that alcohol sales generally equal seven percent (7%) of total sales at Bandana's Bar-B-Q.

Commissioner Gibson questioned Bandana's planned opening date. Mr. Redmon responded mid April.

Commissioner Stockton welcomed Mr. Redmon to the community.

Based on the above, the Liquor Commission recommends to the City Council that an RAS liquor license for Bandana's 3D, LLC, d/b/a Bandana's Bar-B-Q located 502 IAA Dr., at be created, contingent upon compliance with all applicable health and safety codes.

Respectfully,

Stephen F. Stockton
Chairman of Liquor Commission

Motion by Alderman Sprague, seconded by Alderman Crawford that an RAS liquor license for Bandana's 3D, LLC, d/b/a Bandana's Bar-B-Q located at 502 IAA Dr., be created, contingent upon compliance with all applicable health and safety codes.

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

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

Nays: None.

Motion carried.

The following was presented:

February 27, 2006

1655

To: Members of the City Council

From: Liquor Commission

Subject: Application of Jasbir IV Enterprise Inc., d/b/a Buddy's Liquors, located at 2303 E. Washington St., Unit 3, for a PAS liquor license, which will allow the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week

January 10, 2006

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to hear the application of Jasbir IV Enterprise Inc., d/b/a Buddy's Liquors, located at 2303 E. Washington St., Unit 3, requesting a PAS liquor license which allows the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Stephen Stockton, Rich Buchanan, Marabeth Clapp, and Mark Gibson; Hannah Eisner, Deputy Corporation Counsel, Lt. Timothy Stanesa, Police Department, and Tracey Covert, City Clerk

Commissioner Stockton noted that the Applicant was not present.

Motion by Commissioner Buchanan, seconded by Commissioner Petersen that the application by Jasbir IV Enterprise Inc., d/b/a Buddy's Liquors, located at 2303 E. Washington St., Unit 3, requesting a PAS liquor license which allows the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week be laid over until the Commission's February 14, 2006 meeting.

Motion carried.

There being no further business the hearing recessed at 4:09 p.m.

February 14, 2006

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to hear the application of Jasbir IV Enterprise Inc. d/b/a Buddy's Liquors, located at 2303 E. Washington St., Unit 3, requesting a PAS liquor license which allows the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Stephen Stockton, Rich Buchanan, Marabeth Clapp, and Mark Gibson; Hannah Eisner, Deputy Corporation Counsel, Lt. Timothy Stanesa, Police Department, and Tracey Covert, City Clerk; Gurpal Nagra, owner and Applicant representative.

Commissioner Stockton requested that the Applicant explain their business plan. Gurpal Nagra, owner and Applicant representative, addressed the Commission. The Applicant currently owns and operates University Liquors in Normal. Commissioner Stockton noted that Buddy's was an existing business. He questioned if Mr. Nagra planned any changes. Mr. Nagra noted that it would be business as usual. The store would be cleaner and improvements to the merchandise

offered was planned. Mr. Nagra noted that Jasbir IV Enterprise, Inc. needed to apply for a food handler's permit with the McLean County Health Department. There were plans to carry specialty foods.

Mark Gibson arrived at 4:14 p.m.

Commissioner Stockton questioned Mr. Nagra's experience at University Liquors. Mr. Nagra noted that University Liquors would celebrate its' first anniversary on February 15, 2006. Business had increased during this time. University Liquors had successfully passed Normal's police audits. Commissioner Buchanan questioned Mr. Nagra. University Liquors had been subject to police audits during its first year of operations and was successful each time. Mr. Nagra responded affirmatively.

Based on the above, the Liquor Commission recommends to the City Council that a PAS liquor license for Jasbir IV Enterprise Inc., d/b/a Buddy's Liquors, located at 2303 E. Washington St., Unit 3, be created, contingent upon compliance with all applicable health and safety codes.

Respectfully,

Stephen F. Stockton
Chairman of Liquor Commission

Motion by Alderman Sprague, seconded by Alderman Crawford that a PAS liquor license for Jasbir IV Enterprise Inc., d/b/a Buddy's Liquors located at 2303 E. Washington St., Unit 3, be created, contingent upon compliance with all applicable health and safety codes.

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

Ayes: Aldermen Crawford, 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: Text Amendment to Chapter 2, Section 71(b) Bloomington-Normal Sister Cities Committee Membership

Staff respectfully recommends amending the number of members to the Bloomington-Normal Sister Cities Committee. The Town of Normal amended this portion of their ordinance in April 1989. Originally there were sixteen (16) members, eight (8) from each community. In 1989, Normal amended this number to twenty (20) members, ten (10) from each community. This amendment will align both community's ordinances and comply with current and past practices of this Committee.

City staff respectfully recommends that the Text Amendment be approved which would change the membership of the Bloomington-Normal Sister Cities Committee from sixteen (16) to twenty (20) members, ten (10) from each community.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

ORDINANCE NUMBER 2006 - 13**AN ORDINANCE AMENDING THE MEMBERSHIP OF THE BLOOMINGTON-NORMAL SISTER CITIES COMMITTEE****BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, ILLINOIS:**

Section One: That Section 71(b) of Chapter 2 of the Bloomington City Code, 1960, as amended, is further amended as follows:

Membership. The Sister Cities Committee shall consist of ~~sixteen (16)~~ **twenty (20)** members, ~~eight (8)~~ **ten (10)** of which shall be nominated by the Mayor of the City of Bloomington with the advice and consent of the City Council; ~~eight (8)~~ **ten (10)** of which are to be nominated by the Mayor of the Town of Normal with the advice and consent of the Normal Town Council. Each member shall serve a term of three (3) years and is not limited as to the number of terms. Terms of office shall expire on staggered-basis so that the terms of approximately one-third (1/3) of the officers shall expire each year. Members whose terms have expired shall remain in office until a successor has been duly appointed by the appropriate body.

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

Section Three: This ordinance is passed and approved pursuant to the home rule authority of the City of Bloomington conferred by Article VII, Section 6 of the 1970 Illinois Constitution.

Section Four: The City Clerk is authorized to publish this ordinance in pamphlet form as provided by law.

PASSED this 27th day of February, 2006.

APPROVED this 28th day of February, 2006.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Sprague, 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: Text Amendment to Chapter 2, Section 69(c) Administration

This Text Amendment to Chapter 2, Section 69(c) Administration is proposed in order to bring the City Code in line with actual staff activity and to clarify responsibility for fire code enforcement.

In August, 2004, the civilian fire inspectors and their duties were moved from the Bureau of Fire Prevention, to the Planning and Code Enforcement Department, (PACE). One of the greatest parts of the fire inspector's duties is the enforcement of the fire code as adopted by the City. The language in Chapter 2, Administration, exempts PACE from enforcing the fire code, giving the enforcement duties to the Bureau of Fire Prevention. The proposed language changes the enforcement duties from the Bureau of Fire Prevention to PACE, where the fire inspectors are now located.

Staff respectfully requests that Council approve this Text Amendment, and the Ordinance be passed.

Respectfully,

Mark R. Huber
Director, PACE

Tom Hamilton
City Manager

ORDINANCE NO. 2006 - 14**AN ORDINANCE AMENDING CHAPTER 2 SECTION 69(c)**

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

Section 1. That Chapter 2, Section 69(c) of the Bloomington City Code, 1960, be amended to read as follows (additions are indicated by underlining; deletions are indicated by strikeouts):

(c) Functions. The Director of Planning and Code Enforcement shall have charge over the enforcement of all Codes (~~except the Fire Code~~) related to the construction of new buildings and the rehabilitation of existing buildings including, but not limited to:

- (1) The Building Code;
- (2) The Plumbing Code;
- (3) The Electrical Code;
- (4) The HVAC Code;
- (5) The Housing Code; ~~and~~
- (6) The Property Maintenance Code; and
- (7) The Fire Code.

The Director shall also have charge over the administration of the Community Development Block Grant program as approved by the City Council, and shall be responsible for the supervision of the City Planner.

Section 2: Except as provided herein, the Bloomington City Code, 1960, as amended, shall remain in full force and effect.

Section 3: The City Clerk is authorized to publish this ordinance in pamphlet form as provided by law.

Section 4. This ordinance shall be effective as of the date of its passage and approval.

Section 5. This ordinance is passed and approved pursuant to the authority granted the City of Bloomington by Article VII, Section 6 of the 1970 Illinois Constitution.

PASSED this 27th day of February, 2006

APPROVED this 28th day of February, 2006.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Sprague, 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: Text Amendment to Chapter 6, Section 7B(c) License Fees

Staff respectfully recommends amending the language regarding the license fee for Catering Class "W". Currently, the fee is waived if the business establishment holds another classification of liquor license. Staff believes that the fee should apply to all businesses holding a catering license. The work involved to maintain, track and issue the license is the same. The fee is nominal at \$50.00 per year.

City staff respectfully recommends that the Text Amendment be approved, and the Ordinance passed.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

ORDINANCE NO. 2006 - 15**AN ORDINANCE AMENDING BLOOMINGTON CITY CODE CHAPTER 6 SECTION 7B**

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

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

(c) The annual license fee for a Class "W" license shall be Twenty Dollars (\$20.00) for an individual and Fifty Dollars (\$50.00) for two or more persons who will have a legal relationship between or among themselves for the purpose of providing catering services. ~~No fee shall be charged to any person having any other type of liquor license issued by the City of Bloomington.~~ These fees shall not be prorated except with the specific approval of the Liquor Commissioner.

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

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

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

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

PASSED this 27th day of February, 2006.

APPROVED this 28th day of February, 2006.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Sprague, 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: Text Amendment to Chapter 17, Section 1(a) 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 Fire 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

ORDINANCE NO. 2006 -16**AN ORDINANCE AMENDING SECTION 1 OF
CHAPTER 17 OF THE CITY CODE, ESTABLISHING
THE COMPOSITION OF THE FIRE DEPARTMENT****BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF BLOOMINGTON, ILLINOIS:**

Section One: That Section 1 of Chapter 17 of the Bloomington City Code, 1960, as amended, be further amended as follows (additions are indicated by underlines; deletions are indicated by strikeouts):

(a) There is hereby established an executive department of the municipal government of the City of Bloomington which shall be known as the Fire Department. The Fire Department shall consist of the Fire Chief, who shall be Director of the Department; a Deputy Chief of Operations; a Deputy Chief of Administration; ~~three (3)~~ six (6) Assistant Chiefs; ~~thirteen (13)~~ twelve (12) Captains; ten (10) Lieutenants; sixty-six (66) Firefighters; and such civilian employees as may be provided for in the City budget from time to time by the City Council. Included in such ranks are the Training Officer and the Public Education Officer. Nothing in this Section shall be interpreted as prohibiting an Assistant Chief from simultaneously serving in the capacity of a Deputy Chief, a Training Officer, or a Public Education Officer.

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

Section Three: The City Clerk is hereby authorized to publish this ordinance in pamphlet form as provided by law.

Section Four: This ordinance shall be effective as of the date of its passage and approval.

PASSED this 27th day of February, 2006.

APPROVED this 28th day of February, 2006

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Sprague, 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: Clarification of Chapter 23, Section 14(b), Boat License Fees

Staff has become aware that there is some confusion related to boat licensing at the Lake Bloomington reservoir. The purpose of this staff report to clarify this section of the Ordinance and does not change the boat license fees. In the 1998 Amendment to this Section of the Ordinance, the Class C and Class D boats (boats with various horsepower ratings and different fees) were combined into one class, Class C, contained in subsection (c) of Section 14 (b)(1). This amended subsection also defines licensing for outboard motors rated above or below 14 horsepower ("hp"). It is silent on the licensing of boats with inboard motors.

Staff therefore recommends that to clarify this section of the Bloomington City Code, that subsection (c) of Section 14 (b)(1) be further amended by removing the reference to an "outboard" motor and that subsection (c) only address motors up to 14 h.p., by deleting the reference to motors above 14 h.p. It is further recommended that Section 14 (b)(1) have a subsection (d) added to address the motors (inboard or outboard) over 14 h.p. and that the language in this subsection be consistent with the language of subsection (c).

Staff respectfully recommends that Council approve the amendment to Section 14 (b)(1), subsection (c) and the addition of subsection (d) of Chapter 23 of the Bloomington City Code, as amended, and the Ordinance passed.

Respectfully,

Craig M. Cummings
Water Director

Tom Hamilton
City Manager

ORDINANCE NO. 2006 - 18**AN ORDINANCE AMENDING BLOOMINGTON CITY CODE CHAPTER 23**

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

SECTION 1. That Bloomington City Code Chapter 23, Section 14(b)(1)(c) and (d), shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

(c)Class C- \$30.00 for each boat with ~~outboard~~ motor rated up to 14 h.p. ~~and \$45.00 for each boat with outboard motor rated above 14 h.p.~~

(d)Class D- ~~\$25.00~~ \$45.00 for each boat ~~or craft~~ with ~~inboard~~ motor rated ~~up to 40 h.p.~~ above 14 h.p.

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

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

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

SECTION 5. This Ordinance shall take effect ten (10) days after passage and approval.

PASSED this 27th day of February, 2006.

APPROVED this 28 day of February, 2006.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Sprague, 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: Text Amendment to Chapter 29 Increasing the Fine for Unauthorized Parking in Spaces Reserved for Persons with Disabilities from \$100 to \$250

Effective January 1, 2006, the State of Illinois increased the fine for unauthorized parking in a parking space reserved for persons with disabilities from a minimum of \$100 to a minimum of \$250. Although, in the opinion of the Corporation Counsel, this automatically changed the City's minimum fine as well, to avoid confusion staff proposes a Text Amendment and Ordinance that increases the fine set forth in the City Code from \$100 to \$250. Staff respectfully requests that Council approve the Text Amendment and that the Ordinance be passed.

Respectfully submitted,

J. Todd Greenburg
Corporation Counsel

Tom Hamilton
City Manager

ORDINANCE NUMBER 2006 - 19**AN ORDINANCE AMENDING SECTION 114(g) OF CHAPTER 29
OF THE CITY CODE, CHANGING THE PENALTY FOR PARKING IN A PARKING
SPACE RESERVED FOR PERSONS WITH DISABILITIES FROM
\$100.00 TO \$250.00**

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

Section One: That Section 114(g) of Chapter 29 of the Bloomington City Code, 1960, as amended, is further amended as follows (additions are indicated by underlines; deletions are indicated by strikeouts):

(g) Any person found guilty of violating the provisions of this Section shall be fined \$250.00 ~~\$100.00~~ in addition to any costs or charges connected with the removal, towing and/or storage of any motor vehicle authorized under this Section.

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

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

Section Four: That this ordinance shall be effective upon the date of its passage and approval.

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

PASSED this 27th day of February, 2006.

APPROVED this 28th day of February, 2006.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Gibson questioned the state requirement for handicapped parking violations. Todd Greenburg, Corporation Counsel, noted effective January 1, 2006 under state law the minimum fine was \$250.

Motion by Alderman Sprague, 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: Supplemental Resolution for Improvement by Municipality Under the Illinois Highway Code (MFT) and Payment to State of Illinois for Bike Trail Construction

On July 8, 2002, Council approved a City-State Agreement for the Illinois Department of Transportation (IDOT) project to replace the Fox Creek Road Bridge over Interstate 55/74. The agreement included a provision that the City would assume 100% of the cost to construct a ten foot wide bike trail on either side of the bridge, plus 15% for engineering expenses. The original estimate for the trail work in the agreement was \$8,000 plus \$1,200 for engineering. To pay for this work, the City adopted a Resolution appropriating \$9,500 in Motor Fuel Tax (MFT) funds (MFT No. 02-00326-00-BT).

The work is now completed and the City has received an invoice from IDOT for the following costs:

Bike Trail Construction	\$14,391.27
15% Engineering	<u>\$2,158.69</u>
Total Due	\$16,549.96

Staff has examined the bill and finds it to be in order. The increased costs are due solely to the inflation in the prices of asphalt and the relatively small quantity in the contract. To cover the additional cost, the City is required to adopt a Supplemental Resolution appropriating an additional \$7,049.96 in Motor Fuel Tax Funds.

Staff respectfully requests that Council adopt the Supplemental Resolution for an additional \$7,049.96 in Motor Fuel Tax Funds, the Mayor and City Clerk be authorized to execute the necessary documents, and approve payment to IDOT in the amount of \$16,549.96 of Motor Fuel Tax Funds (20300-72530).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

(RESOLUTION 2006-20 ON FILE IN THE CLERK'S OFFICE)

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

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

Ayes: Aldermen Crawford, 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: Agreement between Kentucky Data Link, Inc. and the City

Kentucky Data Link, Inc. wishes to install a telecommunication conduit system within the City right-of-way. The City has a standard agreement for use of the right-of-way and has entered into such agreements with other communication companies, like Sprint, MCI and AT&T. Kentucky Data Link, Inc. has agreed to enter into the City's standard form agreement. Staff respectfully recommends that Council approve the agreement authorizing Kentucky Data Link, Inc. to use of the City right-of-way for a telecommunication conduit system.

Respectfully,

Hannah R. Eisner
Deputy Corporation Counsel

Tom Hamilton
City Manager

**AN AGREEMENT BETWEEN KENTUCKY DATA LINK, INC.
AND THE CITY OF BLOOMINGTON, ILLINOIS**

Kentucky Data Link, Inc. (hereafter referred to as "Grantee"), is a corporation organized under the laws of the State of Kentucky and is authorized to do business in the State of Illinois, and the City of Bloomington (hereinafter referred to as "Grantor") is a municipal corporation organized under the laws of the State of Illinois.

SECTION 1. For the mutual benefit of each of the parties hereto, including the good and valuable consideration specified herein, the Grantee is hereby given the right, permission and authority upon the terms and subject to the conditions of this Agreement to install, maintain and use a telecommunications conduit system and all appurtenances thereto ("System") within, under and over, public right-of-way at the following locations:

A route beginning at the intersection of N. Roosevelt Avenue and W Market Street proceeding east on W. Market Street to a hand hole in an alley east of N. East Street. The route then proceeds south in the alley to E. Market Street; thence west on E. Market Street to a manhole on E. Market Street.

A route beginning at the intersection of N. Roosevelt Avenue and Monroe Street proceeding east on Monroe Street to 110 Monroe Street.

See Exhibit A.

SECTION 2. The location of said privileges shall be as shown on prints attached hereto, which by reference are made a part of this Agreement. Said System shall be installed, maintained and used in accordance with the Ordinances of the City of Bloomington and the regulations of the Director of Engineering and Water of the City.

SECTION 3. The privilege granted under this License Agreement may not be transferred to any other person or entity without the written consent of the Grantor except Grantee may assign the License Agreement to a legal entity which is a successor entity or a subsidiary or affiliate of Grantee without consent, if prior written notice is given. Such approval shall not be unreasonably withheld or delayed.

SECTION 4. The System hereafter installed shall be so placed and all work in connection with such installation shall be so performed as not to interfere unreasonably with ordinary travel on the highways of the City of Bloomington or with any municipally owned water or sewer pipes then in place. Grantee, after doing any excavating, shall leave the surface of the ground in the same condition as existed prior to such excavation, reasonable wear and tear and damage by the elements excepted. All sidewalks, parkways, or pavements disturbed by said Grantee shall be restored by it, and the surface to be restored shall be with the same type of material as that existing prior to its being disturbed, and in the event that any such sidewalk, parkway or pavement shall become uneven, unsettled, or otherwise require repairing because of such disturbance by the Grantee, the said Grantee, as soon as climatic conditions will permit, shall promptly upon receipt of notice from the City of Bloomington to do so, cause such

sidewalk, parkway or pavement to be repaired or restored to the standards required by the City at the time the work is performed.

SECTION 5. Upon the determination by Grantor's Director of Engineering and Water for good cause shown that it is necessary to relocate said System for municipal infrastructure purposes involving expenditures of municipal funds, the Grantee shall relocate the System and shall bear the sole expense of relocation.

SECTION 6. Grantee acknowledges that Grantor has enacted an ordinance imposing the telecommunications tax allowed by the Illinois Simplified Municipal Telecommunications Tax Act and that to the extent Grantee is a "Retailer" of "Telecommunications" as defined in the Illinois Tax Act, Grantee agrees to charge its customers (the "Taxpayer" under the Act) the municipal taxes as provided under the Act and remit to the appropriate governmental entity such collected taxes as required by the Act, including the filing of all appropriate returns.

SECTION 7. Grantee shall maintain primary general liability insurance coverage in the sum of Five Million Dollars (\$5,000,000), naming Grantor as an additional insured, at all times this Agreement is in effect and until such time as the System referred to in the Agreement is removed or abandoned and the public way is properly restored as herein required. Grantee shall provide Grantor with a certificate of insurance verifying such coverage.

SECTION 8. The permission and authority herein granted shall not be exercised and any work to the System shall not be done until a permit authorizing the same shall have been issued by the Grantor's Director of Engineering and Water and upon the faithful observance and performance of all of the conditions and provisions thereof and of this Agreement.

SECTION 9. The Grantee agrees to furnish the City of Bloomington a surety bond in the amount for \$20,000.00 written by a company authorized to do business in the State of Illinois. Grantee shall be required to keep such bond in effect until construction of the System is completed by Grantee. The said bond shall be conditioned upon the Grantee's performance during the construction period of its obligations pursuant to this Agreement. In the event the Grantee, after reasonable notice, fails to perform during the construction period pursuant to any term of this Agreement (including any applicable cure periods), then the City of Bloomington may in addition to other remedies recover on the surety bond. For the City of Bloomington to recover from the Grantee or surety company under this Section and except as otherwise provided herein, it is not necessary that the City of Bloomington first make any expenditure or perform any work or have any work performed by a private contractor(s). The City's Director of Engineering and Water is hereby authorized to determine what cost would be involved to perform such work, provided such cost is reasonable and can be documented, and may present said claim to the Grantee and/or surety company, which claim, with accompanying back-up documentation, shall be paid within a reasonable time.

SECTION 10. Except for negligence, gross negligence or willful or wanton conduct by the Grantor, its officers, employees or agents, the Grantee shall indemnify and hold the Grantor harmless from any and all damages and claims arising out of damage to the System caused in whole or in part by the Grantor, its officers, employees, and agents or by any other person(s)

whether or not they have a permit from the Grantor and whether or not they are associated with the Grantor in any direct or indirect manner. Grantee waives all claims, except for gross negligence or willful or wanton conduct by the Grantor, its officers, employees or agents, against the Grantor, whether arising directly, by subrogation, assignment, or otherwise, for any and all damages, direct or indirect, resulting from damage to the System structures done in whole or in part by the Grantor, its officers, employees and agents or by any other person(s) whether or not they have a permit from the Grantor and whether or not they are associated with the Grantor in any direct or indirect manner, provided however, that Grantor shall notify Grantee in advance of any construction activity Grantor plans to undertake in or around the System which notice shall give Grantee sufficient time to take measures to protect the System as necessary. Grantee shall have no obligation to release or hold Grantor harmless from claims related to damage to the System in the absence of such notice. As part of this indemnification provision, the Grantee shall, at its own expense, defend all suits and does agree to indemnify and save harmless, except for negligence, gross negligence or willful or wanton conduct by the Grantor, its officers, employees or agents, the Grantor and its officers and employees from and against any and all claims and liabilities of whatever nature arising from the granting of authority herein to the Grantee or imposed upon or assumed by it, or by reason of or in connection with any damage to life, limb, or property as a result of any of the installed System constructed under or by virtue of this Agreement, and shall save and keep harmless the Grantor from any and all damages, judgments, costs and expenses of every kind, that may arise by reason thereof. Notice in writing shall be promptly given to Grantee of any claim or suit against the Grantor and its officers and employees which, by the terms hereof, the Grantee shall be obligated to defend, or against which the Grantee has hereby agreed to save and keep harmless the Grantor. The Grantor shall furnish to the Grantee all information in its possession relating to said claim or suit, and cooperate with said Grantee in the defense of any said claim or suit. The Grantee agrees to provide notice in writing to the Legal Department of the Grantor of any claim or suit against the Grantee and/or its officers or employees which may directly affect the System or directly or indirectly affect this Agreement or the property referred to herein, whether or not the Grantor has been made a Defendant or Respondent to the legal action. The City Council of the Grantor may, if it so desires, assist in defending any such Claim or suit, at the City Council or Grantor's sole cost and expense, but Grantee shall have sole control of such defense and/or the settlement of any claims. The Grantee will not rely upon governmental immunity afforded to the Grantor and further agrees that it will pay the costs incurred by the Grantor for the necessary defense of any suit not only against the Grantor but also against its officers and employees resulting from the Agreement. The indemnification and waiver provided in this section shall be enforceable solely by the Grantor and shall not operate as an indemnification or waiver as to any third party.

SECTION 11. This Agreement may only be amended and/or modified in writing, with the consent of the parties. However, Grantee may add or delete locations to or from the System upon approval of Grantor's Director on Engineering and Water. An addendum will be executed any time there is a change in location.

SECTION 12. This Agreement shall remain in full force and effect for a period of twenty- five (25) years from the date executed by both of the parties, unless earlier terminated as provided herein. This Agreement may be terminated by Grantor, if, after at least thirty (30) days written notice to the Grantee, the Grantee fails to remedy an alleged breach of the Agreement

specified in such notice. If the alleged breach is incapable of being remedied within said thirty (30) days, this Agreement shall not be terminated provided that the Grantee has taken substantial steps to remedy the alleged breach within said thirty (30) days and is diligently proceeding with the completion of such cure.

SECTION 13. Upon termination of the privileges herein granted, the Grantee without cost or expense to the Grantor, shall either furnish a surety bond in an amount to be mutually agreed upon at the time and commence to remove the System herein authorized and restore the public way to a proper condition under the supervision of the City's Department of Engineering or abandon the System in place if Grantor so approves, which approval shall not be unreasonably withheld or delayed. Grantee shall remain liable to the Grantor under the provisions hereof until said System is removed or abandoned in place. In the event of the failure, neglect or refusal of said Grantee to remove the System where the Grantor has not allowed the Grantee to abandon the facilities, the Grantor will have the choice of either performing said work and charging the cost thereof to said Grantee or determining what the cost of said work shall be by a contractor, and billing the Grantee for said cost which will be promptly paid or the Grantor may proceed against the surety bond of the Grantee or pursue other remedies provided by law. If Grantee wishes to abandon the System in place notice shall be given to Grantor in writing of the intent to do so, such notice shall state the date on which the System shall be abandoned and identify which parts of the System will be abandoned in place. Grantee shall have no further responsibility to Grantor with respect to the System abandoned unless within 30 days of receipt of Grantee's notice Grantor directs Grantee to remove all or any part of the System. In such event Grantee shall remove the System as provided herein. All Grantee's right, title and interest in any part of the System abandoned in place shall pass to Grantor and Grantor may remove, use, lease and/or sell such System without liability to or consent from Grantee.

SECTION 14. Grantee shall take all necessary steps as to insure that the location of its fiber optic line and all other structures is on record with JULIE or such other State-wide One-Call Notice System as may be in place pursuant to the Illinois Underground Utility Facilities Damage Protection Act (220 ILCS 50/1 et seq.)

SECTION 15. Any notice provided for under this Agreement shall be sufficient if in writing and delivered personally to the following addresses or deposited in the United States Mail, postage pre-paid, certified mail, return receipt requested, or sent via commercial overnight courier, addressed as follows, or to such other addresses as the receiving party hereafter shall specify in writing:

If to the Grantor:

The City of Bloomington
Attn: Mayor and City Manager
109 E. Olive Street
Bloomington, IL 61701

If to the Grantee:

Kentucky Data Link, Inc.
1419 W. Lloyd Expressway
Evansville, IN 47710
Attn: President

With a copy to:

Kentucky Data Link, Inc.
8829 Bond Street
Overland Park, KS 66214
Attn: Legal

SECTION 16. This Agreement shall be in full force upon receipt by the City Clerk of a copy of this Agreement executed by an appropriately authorized manager or officer of Grantee, and attested by its Secretary or Assistant Secretary both under the Grantee's corporate seal and said execution of this Agreement shall be an unconditional acceptance of all provisions hereof
City of Bloomington

City of Bloomington

Kentucky Data Link, Inc.

By: Stephen F. Stockton

By:

Date: March 1, 2006

Date: January 30, 2006

Attest:

Attest:

Tracey Covert

(EXHIBIT A. MAP ON FILE IN CLERK'S OFFICE)

Motion by Alderman Sprague, seconded by Alderman Crawford that the Agreement with Kentucky Data Link, Inc. for use of the City's right of way 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 a Driveway Variance at 714 Heatherhill Road

A request has been received from Richard H. Taylor, owner of 714 Heatherhill Road, for a variance to construct a wider driveway than permitted by City Ordinance. The property is a single family lot. Per City Ordinance, a 20 foot wide driveway at the City right of way is allowed. The owner is requesting a 30 foot wide driveway at the City right of way.

Staff has reviewed the request and determined that the requested driveway variance should not have an adverse impact and respectfully recommends Council approval.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

Motion by Alderman Sprague, seconded by Alderman Crawford that the driveway variance 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 for Driveway Variance to Make a Wider Curb Cut at 511 South Mercer

A request has been received from Matthew and Tiffany Giordano, owners of 511 South Mercer Avenue, to make a second curb cut for a circular drive. The owner is requesting the circular drive for easier and safer egress/ingress to the property. The property is a single family home and has 59 feet of frontage. As per City Ordinance, up to two curb cuts of a maximum of 22 feet each are allowed if frontage is more than 100 feet.

Staff has reviewed the request and finds that the requested curb cut will not have an adverse impact on the traffic. Staff, therefore, respectfully recommends that Council approve the request for driveway variance for two curb cuts and a circular drive at 511 South Mercer.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

Motion by Alderman Sprague, seconded by Alderman Crawford that the driveway variance 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: Petition from Trinity Lutheran Church and Lutheran Senior Living of Illinois, Inc. Requesting Approval of a Final Plat for Luther Oaks Subdivision

A petition has been received from Trinity Lutheran Church and Lutheran Senior Living of Illinois, Inc. requesting Council approval of a Final Plat for Luther Oaks Subdivision. This subdivision is located south of Hamilton Road, west of Wittenburg Woods subdivision, north of Lutz Road and east of I-55/74 Veterans Parkway. The Final Plat is in conformance with the Preliminary Plan approved on September 12, 2005. The public improvements have not been finished, therefore, a performance guarantee is required and various tap on fees due from this subdivision.

As all items are in order, staff respectfully recommends that Council approve the Petition and adopt an Ordinance approving the Luther Oaks Subdivision, subject to the Petitioner posting the necessary performance bond and paying the tap on fees.

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 Trinity Lutheran Church and Lutheran Senior Living of Illinois, Inc. hereinafter referred to as your petitioners, respectfully representing and requesting as follows:

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

WHEREFORE, your Petitioner prays that the Final Plat for the Luther Oaks Subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

Trinity Lutheran Church

By: Vic Hurt

Lutheran Senior Living of Illinois,
Inc.

By: Roger Paulsberg

ORDINANCE NO. 2006 - 20

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE
LUTHER OAKS 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 Luther Oaks Subdivision, legally described in Exhibit A attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition requests the following exemptions or variations from the provisions of the Bloomington City Code-1960, as amended: all those shown on the Preliminary Subdivision Plan or otherwise authorized by annexation agreement of record; and

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

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

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

1. That the Final Plat of the Luther Oaks Subdivision and any and all requested exemptions and/or variations be, and the same is hereby approved.

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

PASSED this 27th day of February, 2006.

APPROVED this 1st day of March, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Legal Description

A part of the Southwest Quarter of Section 17, Township 23 North, Range 2 East of the 3rd Principal Meridian, McLean County, Illinois more particularly described as follows:

Commencing as a point of reference at a stone marking the Southeast corner of the Southwest $\frac{1}{4}$ of said Section 17, thence North 1°-34'-05" West (Assumed Bearing) 40.02 feet along the East line of the Southwest Quarter of Section 17 to the point of beginning.

From said point of beginning thence North 90°-00'-00" West 381.51 feet parallel with the South line of the East half of the Southwest $\frac{1}{4}$ of Section 17;

Thence North 1°-51'-29" West 241.98 feet;

Thence North 90°-00'-00" West 285.95 feet;

Thence North 1°-34'-05" West 504.27 feet;

Thence North 88°-25'-55" East 668.43 feet to the East line of the Southwest Quarter of Section 17;

Thence South 1°-34'-05" East 764.50 feet to the point of beginning.

Parcel contains 10.00 acres more or less.

Motion by Alderman Sprague, 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:

February 27, 2006

1681

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition from the Tornquist Family Foundation Requesting Approval of a Final Plat for Woodbury Estates Subdivision

A petition has been received from the Tornquist Family Foundation requesting Council approval of a Final Plat for Woodbury Estates Subdivision. This subdivision is located south of Miller Street and east of Hinshaw Avenue. The Final Plat is in conformance with the Preliminary Plan approved on June 14, 2004. The public improvements have not been finished, therefore, a performance guarantee is required and various 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 Woodbury Estates Subdivision, subject to the Petitioner posting the necessary performance bond and paying the tap on fees.

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 MAY AND CITY COUNCIL OF THE CITY OF BLOOMINGTON,
 McLEAN COUNTY, ILLINOIS.

Now comes the Tornquist Family Foundation, an Illinois not-for-profit corporation, hereinafter referred to as your Petitioner respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter described as Exhibit A.

2. That your petitioner seeks approval of the Final Plat for the subdivision of said premises to be known and described as Woodbury Estates Subdivision, City of Bloomington, McLean County, Illinois, which Final Plat is attached hereto and made a part hereof.

WHEREFORE, your petitioner prays that the Final Plat for the Woodbury Estates Subdivision submitted herewith be approved as requested herein.

Respectfully submitted,

John Tornquist, President of the
 Tornquist Family Foundation

ORDINANCE NO. 2006 - 21

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE WOODBURY ESTATES
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 Woodbury Estates Subdivision, legally described in Exhibit A attached hereto and made a part hereof by reference; and

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

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

1. That the Final Plat of the Woodbury Estates Subdivision 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 27th day of February.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Part of the NW 1/4 of Section 8, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Commencing at the southeast corner of the NW 1/4 of Section 8; thence N.89°-32'-49"W. 462.90 feet on the south line of the NW 1/4 of Section 8 to the west line of Parkview Subdivision; thence N.01°-16'-32"W. 463.68 feet on the west line of said Parkview Subdivision to the Point of Beginning; thence 5.88°-43'-28"W. 105.93 feet; thence N.80°-19'-06"W. 50.00 feet; thence northeasterly 52.59 feet on a non-tangential curve concave to the west having a radius of 275.00 feet, central angle of 10°-57'-26" and a chord of 52.51 feet bearing N.04°- 12'-11"E. from the last described course; thence N.01°-16'-32"W. 4.43 feet; thence N.80°-36'-23"W.

107.91 feet; thence S.25°-36'-26"W. 62.44 feet; thence N.65°-14'-51"W. 150.28 feet; thence N.24°-45'-09"E. 21.74 feet; thence N.65°-14'-51"W. 113.80 feet to a point on the easterly right of way line of the Union Pacific Railroad (formerly the Chicago and Alton Railroad) lying 60.00 feet easterly of the southbound main track centerline of said Union Pacific Railroad; thence N.24°-45'-09"E. 769.61 feet on said right of way line, parallel with and 60 feet easterly of the southbound main track centerline of the Union Pacific Railroad, to the north line of the S 1/2 of the NW 1/4 of Section 8; thence N.89°-58'-26"E. 44.81 feet on said north line of the S 1/2 of the NW 1/4 of Section 8 to the southerly right of way line of Miller Street; thence S.11°-32'-45"E. 25.51 feet on said right of way line of Miller Street; thence N.89°-58'-26"E. 125.00 feet on said right of way line to the northwest corner of Lot 21 in Parkview Subdivision; thence S.01°-16'-32"E. 828.64 feet on the west line of said Parkview Subdivision to the Point of Beginning containing 6.59 acres, more or less, with assumed bearings given for description purposes only.

Motion by Alderman Sprague, 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: Text Amendment to Chapter 17 - Changing Entry Level Fire Department Qualifications

Staff proposes a Text Amendment to Chapter 17 changing the entry level firefighter qualifications for the Bloomington Fire Department. This change upgrades the requirement for an in hand EMT-Paramedic license rather than that of EMT-Intermediate. This is the result of the intention to provide Emergency Medical Services and ambulance transportation at the Paramedic level by January 1, 2009.

The amendment change would be effective with the next hiring list, to be established March 3, 2007, and will not affect the hiring list currently in place. Revising the code at this time will allow changing the hiring materials and efforts, and would allow future candidates time to prepare for becoming members of the Fire Department by working on and establishing these qualifications in advance.

February 27, 2006

1685

Staff respectfully requests that Council pass this Ordinance.

Respectfully,

Keith A. Ranney
Fire Chief

Tom Hamilton
City Manager

ORDINANCE NO. 2006 - 17**AN ORDINANCE AMENDING BLOOMINGTON
CITY CODE CHAPTER 17 SECTION 35**

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

SECTION 1. That Bloomington City Code Chapter 17, Section 35(a), be amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

(a) No firefighter shall be hired for probationary appointment to the Bloomington Fire Department unless and until he or she shall have obtained certification from the State of Illinois as an Emergency Medical Technician/~~Intermediate~~ Paramedic, provided however any person placed on a Register of Eligibles established prior to March 2, 2007 may be hired for probationary appointment to the Bloomington Fire Department if he or she has obtained certification from the State of Illinois as an Emergency Medical Technician/Basic. Nothing in the preceding sentence shall be construed as disqualifying a candidate from being examined for placement on the Register of Eligibles prepared by the Board of Fire and Police Commissioners prior to obtaining the necessary certification.

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

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

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

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

PASSED this 27th day of February, 2006.

APPROVED this 28th day of February, 2006.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Matejka noted that he was not opposed to the proposed Text Amendment. He requested that the Fire Department and the Board of Fire and Police Commission be conscious of Lifeline's personnel. He hoped that the City would extend an opportunity beyond an application. Tom Hamilton, City Manager, addressed the Council. He noted that this process had already been communicated to Lifeline's administrative staff. Alderman Matejka questioned the legality of providing Lifeline's staff with a preference. He noted that these individual's had the necessary skills and knowledge of the community.

Alderman Sprague questioned if there were age restrictions. Mr. Hamilton responded affirmatively.

Todd Greenburg, Corporation Counsel, addressed the Council. The City must be consistent and must also comply with state law.

Alderman Sprague questioned if all new hires will hold an EMT – P license to be put on the City's ambulances. Keith Ranney, Fire Chief, addressed the Council. He noted that there was a bid process in the department which was based upon seniority. The next entry level Firefighter Eligibility List will require that an individual hold an EMT – P license at the time of employment. Eighteen, (18), paramedics would be needed to staff all of the City's ambulances.

Alderman Purcell noted that currently new Firefighters must possess and EMT – B license. Chief Ranney added that those with an EMT – B license were cross trained as Firefighters. This allowed these individuals to be blended into the department. The next round of new hires will possess an EMT – P license. These individuals must be prepared to serve in both functions.

Alderman Purcell questioned the difference in education between to the two (2) licenses. Chief Ranney noted that the difference between an EMT – I, (Intermediate), and an EMT – P was relatively small. It would be cost prohibitive for the City to assume this training. An EMT – P license was becoming a part of the professional fire service industry. An individual must make the investment to obtain this license prior to employment. An EMT – P would require two (2) years of education beyond high school.

An EMT – P requirement was pretty consistent throughout the collar counties. Downstate communities were also moving in this direction. All new hires would still attend Fire Academy. He added that the EMT – P license is acknowledged by the state. Fire Department personnel will be current on emergency medicine. He expressed his hope that the City would continue to hire locally. He added that City would also need to amend the Rules of the Board of Fire and Police Commission.

Alderman Huette expressed his support for Alderman Matejka's comments. He questioned this dual role and what the level of interest would be.

Motion by Alderman Matejka, seconded by Alderman Finnegan 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: Intergovernmental Agreement with the Town of Normal and McLean County Regarding Funding an Alignment Study for the East Side Roadway

On April 26, 2004, Council approved a joint Resolution in support of further study of long range transportation needs on the east and south sides of the Bloomington/Normal urban area. Federal high priority funds in the amount of \$800,000 have been appropriated to the County for a study to lay out the exact alignment of an east side roadway. It is projected that the study will take two years and cost approximately \$1,300,000.

The County has applied for a "Illinois Tomorrow" grant in the amount of \$150,000, but has not received a response as to whether grant will be approved. This agreement will obligate each of the three parties (County, City and Town) to split the local share, the share not paid by state or federal funds, in an amount not to exceed \$100,000 each.

Staff has reviewed the Intergovernmental Agreement and finds it to be in order. Staff respectfully requests that Council approve the Intergovernmental Agreement with the Town of Normal and McLean County regarding the funding of an alignment study for the East Side Roadway and further that the Mayor and City Clerk be authorized to execute the necessary documents.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

**INTERGOVERNMENT AGREEMENT
BETWEEN THE CITY OF BLOOMINGTON, THE TOWN OF NORMAL, AND
THE COUNTY OF MCLEAN**

WHEREAS, Article VII, Section 10 of the Illinois Constitution and the Illinois Intergovernmental Cooperation Act, 5 ILCS 220\1 1 etseq., permit and encourage local governments to enter into intergovernmental agreements to obtain or share services or to exercise combine or transfer powers and functions and;

WHEREAS, the Town of Normal is a municipal corporation, the City of Bloomington is a municipal corporation and the County of McLean is a body corporate and politic and;

WHEREAS, it is in the best interest of the public health, safety and welfare that a major road be planned for the unincorporated area of McLean County East of the Town of Normal and East of the City of Bloomington and;

WHEREAS, the planned major road will provide ready access from 1-55, US 51 and 1-74 to The Central Illinois Regional Airport and;

WHEREAS, the planned major road will improve traffic flow and contribute and assist in community development and;

WHEREAS, the Town of Normal, The City of Bloomington and the County of McLean deem it to be in the best interests of the citizens of all of McLean County to enter into an Intergovernmental Agreement to complete an alignment study which sets forth the location of the planned major road and;

WHEREAS, an alignment study which sets forth the location of the planned major road is expected to take approximately two years and cost approximately One million three hundred thousand dollars and;

WHEREAS, Federal high priority funds in the amount of \$800,000 of have been appropriated for a study to lay out the exact alignment of the East Side Highway and;

WHEREAS, the County has applied for an additional \$150,000 of Illinois Tomorrow funds to further supplement the cost of the study and;

WHEREAS, the County of McLean, the City of Bloomington and the Town of Normal hereby agree to associate for the purpose of conducting, funding, and implementing an East Side Roadway Alignment Study, now, therefore, the County of McLean, the City of Bloomington, and the Town of Normal hereby agree:

1. To split equally the local share, being the share not paid by state or federal funds, of the cost of the alignment study.

2. Any party may terminate this agreement if the federal money anticipated is not appropriated or made available for this study within two years of the date of the last party to sign this agreement. Any party may terminate this agreement if their proportionate share of the study exceeds One Hundred thousand dollars (100,000.00). This agreement may not be terminated after the study has been commissioned. This agreement shall be modified within six months of the completion of the study to correspond with the study. Termination by a party to this agreement must be in writing and delivered to the other parties 60 days prior to the date of termination.

APPROVED:

Mayor, Stephen F. Stockton
City of Bloomington
March 1, 2006

Mayor Christopher Koos
Town of Normal

Chairman Michael F. Sweeny
McLean County Board

ATTEST:

Tracey Covert
City Clerk

Wendy Briggs
Town Clerk

Peggy Ann Milton
County Clerk

Mayor Stockton introduced this item. He noted his support for this study. He requested that the Council suspend the rules to allow for public input. He requested that those who wished to address the Council kept their comments brief.

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

Motion carried.

Tim Bittner, 19580 E 1300 N Rd., addressed the Council. He expressed his opinion that this issue had caused confusion and raised questions. He noted the major differences in the opinions of the community leaders. He expressed his belief that the Villages of Towanda and Downs had been left out of the discussions. This project could take ten, (10), years or more which would leave property owners in limbo. He wanted a legal opinion regarding putting a moratorium in place. IDOT, (Illinois Department of Transportation), would have to give property owners a sixty, (60), day advance notice. After said notice, IDOT would have forty-five, (45), days to either purchase or use its powers of eminent domain. He questioned the impact of the proposed roadway upon the environment. Mr. Bittner presented materials to the Council, (City Clerk's Office was not provided with copies of same). Mr. Bittner questioned the 2006 proposed corridor. He noted that this roadway had been moved to the west. He questioned this action. He also questioned what kind of study would be done and what options would be explored. In addition, he

questioned the length of the moratorium and type of roadway. He expressed his opinion that the current study presented good strong options. He noted the expenditure for same.

Alderman Huette noted that at some point there would be the need for a major roadway. He understood the public's reluctance for same. He cited the time limit for this study and its goal to narrow the focus for the roadway to 300' width. Mr. Bittner questioned the need for the study when the roadway's location had been predetermined. The Town of Normal was more concerned about east/west traffic than north/south. He noted that Veterans Parkway and Towanda Barnes Rd., (TB), were two (2) miles apart. The proposed corridor would be within a half mile of TB. He added that development was already scheduled for land east of TB. Jack Mitchell, McLean County's Highway Director, and Paul Russell, McLean County Regional Planning Commission's Executive Director, has stated that the study would be focused on the corridor. Mr. Bittner expressed his opinion that the study should include a look at possible alternatives.

Alderman Finnegan expressed his concern regarding the location. He expressed his belief that this roadway should be located further east. Tom Hamilton, City Manager, addressed the Council. He noted that the original study mapped out a strip of land that was one and half, (1½), miles in width. The location was east of the Village of Downs. The proposed location was dismissed due to the cost, the bridges that would be needed, and the impact upon the environment. The proposed study would look at several options within a half mile area. This half mile would then be narrowed to a 300' strip. The goal of the study would be to find the most appropriate place taking into consideration the environment, existing right of ways and high power lines. The Town of Normal has already approved this agreement. This item was a funding agreement. The local share would provide access to federal dollars. Federal dollars would be funneled to McLean County.

Alderman Huette questioned the time frame for the study. Kevin Kothe, Design Engineer, addressed the Council. He responded that this project would take two (2) years. Mr. Hamilton noted that this would not be a simple study. He reminded the Council that the Mitsubishi Motorway study took over a year.

Alderman Schmidt questioned this item. She questioned if this development was the right thing to pursue. Mayor Stockton explained that this road would be an access highway. It would not be a by-pass. It would serve the Central Illinois Regional Airport. The study would clarify its location. \$800,000 in federal funds was available. Alderman Schmidt questioned the role of the Villages of Towanda and Downs. Mayor Stockton stated that the Town of Normal was working with Towanda. Mayor Swartz's, (Downs), interest was different. He was interested in separate interchanges on I74 and Towanda Barnes Rd.

Mr. Bittner informed the Council that a public hearing had been scheduled in Downs on March 7, 2006. He added that the consultants would be unaware of any development in the area.

Alderman Matejka noted the Economic Development Council's unanimous support for this project to move forward. Mayor Swartz was also in support of same. Mr. Hamilton noted that Mayor Swartz sat on the steering committee. He wanted to eliminate a cut through from Downs. Mayor Swartz believed Towanda Barnes Rd. could be used. This road may not be the best facility. The previous study looked at the area east of Downs. This road would have a north/south orientation and connect I55 and I74.

Mayor Stockton questioned the options if the 2,500 feet was not viable. Mr. Hamilton stated that the study would look at options within the primary area.

Melvin Jetter, 19906 E. 1300 N. Rd., addressed the Council. He addressed the issue of fairness. He was employed as a teacher. He saw his home as an investment. He believed that this project would mark his property. He added his belief that the furthest east alignment would be the least expensive. There were no wetlands in McLean County. He restated that he did not believe that he had been treated fairly. The City had not been willing to listen. A good citizen should not be treated differently than a developer.

Mr. Jetter described the intersection of IL Rt. 9 E. and Business I55, (Veterans Pkwy.), as the worst intersection in the City. He noted the eighteen (18) wheel truck traffic on the City's east side. He questioned if there would be an interchange at Ft. Jesse Rd. He noted that the City's Planning Commission had voted this item down. If the road alignment is approved, the road may not be built due to the need for federal funding. He noted that there might be two (2) subdivisions on either side of the road. The study would take two (2) years. He questioned what would happen if the project is not funded. He restated his belief that the road could be placed further east. There currently was a road on the map. The road's placement was shown in the planning documents. This project was not a part of the American dream. A citizen should be able to control what he/she owned.

Alderman Huette stated that he was unwilling to take away citizen's rights. Development would continue. The City needed to move ahead with the study. The road's alignment needed to be finalized. There had been a lot of speculation and uncertainty.

Mr. Jetter expressed his opinion that another Towanda Barnes Rd. was not possible. It would change the nature of the community. He believed that special interest were behind this project.

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

Motion carried.

Mr. Hamilton noted that the original study looked at options. Based upon development, there was a need for a controlled access north/south roadway. A location east of the Village of Downs/Kickapoo Creek would not be appropriate.

Alderman Schmidt noted that this study would only look at a 2,500 foot strip for the corridor. Mayor Stockton noted that due to development pressure it would be problematic to delay the study. Alderman Schmidt questioned if approving this item was the right thing to do. Mayor Stockton informed the Council that he had requested that the document be prepared by Mr. Hamilton. Mr. Hamilton had pulled the Executive Summary from the last study.

Alderman Matejka noted that the Council needed to plan ahead. The study needed to be done now. The process used would be open and transparent. He added his belief that the road would be good for the community. There would be activity around the interchanges. This road would not be a burden. It would generate sales tax dollars.

Alderman Sprague questioned the rationale or how to justify marking property for years. Mayor Stockton restated that the process would narrow down the possible alignment. He expressed his opinion that this should have been done sooner. Alderman Sprague noted that overall this project was not that bad. He acknowledged that property owners would be affected. Mr. Hamilton agreed that the City needed to provide an answer. This project needed to move ahead as quickly as possible.

Todd Greenburg, Corporation Counsel, addressed the Council. There was nothing in the agreement that approved a moratorium. That decision would be up to McLean County. Mr. Hamilton agreed that at this time a moratorium would not be imposed.

Motion by Alderman Matejka, seconded by Alderman Gibson that the Intergovernmental Agreement with the Town of Normal and McLean County for an alignment study for the East Side Roadway be approved in an amount not to exceed \$100,000, 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 Huette, Finnegan, Gibson, Sprague, Matejka and Purcell.

Nays: Aldermen Crawford and Schmidt.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: An Ordinance Expanding the Pool of Applicants from which Deputy Fire Chiefs and Assistant Police Chiefs may be Appointed and Standardizing Titles

Deputy Fire Chiefs and Assistant Police Chiefs are appointed by the Chiefs of those departments. Deputy Fire Chiefs are appointed from the ranks of Fire Captains and Assistant Fire Chiefs. Assistant Police Chiefs are appointed from the ranks of Police Sergeants and Lieutenants. This Ordinance expands the pool of applicants from which Deputy Fire Chiefs and Assistant Police Chiefs may be appointed. Additionally, it changes the title of Assistant Chiefs of Police to Deputy Chiefs of Police to standardize administrative titles across departments and reduce confusion.

Neither the Fire Chief nor the Police Chief must be a member of their departments prior to appointment by the City Manager. In the Fire Department, the Deputy Chiefs are the rank immediately below that of the Fire Chief. In the Police Department, the Assistant Chiefs are the rank immediately below that of the Police Chief. The proposed Ordinance permits the Fire Chief or the Police Chief, with the approval of the City Manager, to make an appointment to Deputy Fire Chief or Assistant Police Chief based on the criteria of merit and fitness. A Chief may thus appoint from outside the department or may appoint a lower ranking member of the department.

Merit and fitness should be the criteria which are used to determine the managers of the departments which deliver municipal services to the citizens of the City, especially for management positions which are so crucial to the public safety as the delivery of fire and police services.

Since mid November, staff met with representatives of both police bargaining units and the fire bargaining unit three times to identify and resolve union concerns. As a result, the original proposal was modified to include the following statements:

“Vacancies shall be posted internally and bids accepted from current Bloomington Fire Captains and Assistant Chiefs for five (5) business days prior to advertising and accepting applications from external candidates” and “Vacancies shall be posted internally and bids accepted from current Bloomington Police Sergeants and Lieutenants for 5 business days prior to advertising and accepting applications from external candidates”.

Additionally, staff provided documents to the three bargaining units detailing administrators’ expectations for those seeking appointment to a Deputy Chief position and resources available to assist them in meeting those expectations.

Staff respectfully recommends that Council approve the Text Amendment and the Ordinance be passed.

Respectfully submitted,

Todd Greenburg
Corporation Counsel

Roger Aikin
Chief of Police

Keith Ranney
Fire Chief

Tom Hamilton
City Manager

ORDINANCE NUMBER 2006-____

**AN ORDINANCE AMENDING CHAPTER 17 AND
CHAPTER 35 OF THE CITY CODE, EXPANDING THE POOL OF CANDIDATES
FROM WHICH ASSISTANT POLICE CHIEFS AND
DEPUTY FIRE CHIEFS MAY BE APPOINTED**

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

Section One: That Section 2A of Chapter 17 of the Bloomington City Code, 1960, as amended, is further amended as follows (additions are indicated by underlining; deletions are indicated by strikeouts):

Section 2A. DEPUTY FIRE CHIEFS.

A Deputy Chief of Operations and a Deputy Chief of Administration shall, with the approval of the City Manager, be appointed by the Fire Chief. Their appointments shall be made ~~from the ranks of Captain and Assistant Chief~~ and upon no other basis than that of merit and fitness, and the appointees need not be a member of the Fire Department at the time of appointment. ~~it being~~ It is expressly intended that he or she not be appointed by the Board of Fire and Police Commissioners. Deputy Fire Chiefs shall be and are officers of the City. Their duties shall consist of such administrative and operational duties as are assigned by the Fire Chief. Notwithstanding any other provisions of this Chapter, the Deputy Fire Chiefs shall be second in command only to the Fire Chief. In the event a person who is appointed Deputy Fire Chief by the Fire Chief had previously been appointed or promoted to a position within the fire service by the Board of Fire and Police Commissioners, a Deputy Fire Chief shall revert to such position in the event he or she resigns or is removed from the position of Deputy Fire Chief. A person appointed to the position of Deputy Fire Chief shall be eligible to seek placement on and promotion from any entry level or promotional lists established by the Board of Fire and Police Commissioners.

Section Two: That Section 11 of Chapter 35 of the Bloomington City Code, 1960, as amended, is further amended as follows (additions are indicated by underlining; deletions are indicated by strikeouts):

Sec. 11 ASSISTANT CHIEF DUTIES.

The Chief of Police shall, with approval of the City Manager, designate one person ~~from the ranks of Sergeant or Lieutenant~~ to serve as Assistant Chief of Police of Operations and one person ~~from the ranks of Sergeant or Lieutenant~~ to serve as Assistant Chief of Police of Administration. Their appointments shall be made upon no other basis than that of merit and fitness. Those persons need not be a member of the Department at the time of appointment and so designated, shall serve in said capacity at the pleasure of the Chief. ~~and, If appointed to such position from within the sworn ranks of the Bloomington Police Department, such person shall be considered as on furlough from the rank they held immediately prior to being designated as~~

Assistant Chief and said seniority in such rank continue to accrue during that assignment as Assistant Chief of Police. If the Chief removes ~~him/her~~ a person from that assignment as Assistant Chief, any person who was appointed to such position from within the sworn ranks of the Bloomington Police Department, ~~he/she~~ shall revert to and be established in the rank from which he/she was on furlough from and thereafter shall be entitled to all the benefits and emoluments of such rank.

The duties of the Assistant Chief of Operations and Assistant Chief of Administration shall consist of such duties assigned by the Chief of Police.

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

Section Four: The City Clerk is hereby authorized to publish this ordinance in pamphlet form as provided by law.

Section Five: This ordinance shall be effective upon passage and approval.

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

PASSED this ____ day of February, 2006.

APPROVED this ____ day of February, 2006.

APPROVED:

Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

Tom Hamilton, City Manager, introduced this item. The proposed ordinance would allow the Police Chief and/or Fire Chief to appoint Assistant/Deputy Chiefs from outside of the departments. This item had last appeared on the Council's November 14, 2005 meeting agenda. Three (3) meetings were held. An offer was made to amend the internal posting policy – vacancies would be posted internally for five (5) days before looking outside. A list would be developed of the expectations, education, and skills required. In turn, this list would be provided to all police and fire personnel. There was not a hundred percent, (100%), agreement between management and staff. The City's premise was to hire the best candidate. Generally the City would look internally first. There would not be a requirement to interview nor look at internal candidates. Management staff has begun

succession planning. Recently, a number of department heads had been hired from outside of the organization. This action would provide external candidates an opportunity.

Alderman Finnegan questioned if the Police and Fire Chiefs would confer with Mr. Hamilton. Mr. Hamilton responded affirmatively. This has been a standard practice. Alderman Finnegan expressed his belief that in most cases such action, (hiring externally), would not be necessary. Mr. Hamilton agreed that this should not become common place. He added that it might be prudent to look outside of the City.

Alderman Schmidt questioned if there would be a grievance procedure for a potential internal candidate. Mr. Hamilton responded negatively. Currently, there was not one. The department head should inform each candidate of his/her selection.

Alderman Purcell questioned the role of the Board of Fire & Police Commission, (BFPC). Mr. Hamilton stated that there was not a role for this Board. Alderman Purcell questioned if the Asst. Police Chief position would include the requirement for law enforcement experience. Mr. Hamilton restated that there would be a list which would include the type of education, skills, etc. He added that currently the Asst. Police and Deputy Fire Chiefs have police and fire backgrounds. The future might bring change. Alderman Purcell expressed his concern for the morale of line staff. Mr. Hamilton stated that those individuals who were interested in advancement should be developing a career within the department with their supervisor.

Mayor Stockton stated that the City needs to have a plan. This type of action would not be used often. He noted that there was a joint responsibility between employer and employee. Mr. Hamilton added that internal candidates would have an advantage.

Alderman Gibson questioned merit and fitness. He added that there was limited opportunity for advancement within these departments. Mr. Hamilton restated that there would be a general statement of qualifications. He acknowledged that everything to be considered would not be one hundred percent, (100%), objective.

Todd Greenburg, Corporation Counsel, addressed the Council. He noted that the original language mirrored the language for the Police and Fire Chiefs' positions.

Alderman Finnegan noted that there would not be any problems if this practice is strictly controlled. Mr. Hamilton restated that the City's job descriptions list the position's requirements. The text amendment provides clarifying language.

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

Motion carried.

Todd Keil, 13817 Deer Ridge Rd., addressed the Council. He informed them that he currently served as union President for the Police Patrol Officers. He acknowledged that

there had been several meetings. All of them were not productive. There were lingering issues. The best candidate should meet merit and fitness standards. He questioned professional loyalty. He noted his devotion to the community. He acknowledged that change could be good. He had requested definitions of terms listed on the documents received. If the City were to hire an external candidate, he requested that there be additional checks and balances. He questioned who would determine who was more qualified. Various options had been presented. State statutes were in effect which protected line officers. He expressed his concern that individuals would be hired with no supervisory and no law enforcement experience. He expressed his expectations that anyone might be hired. The BFPC was opposed to the text amendment, (no vote was taken by same). He encouraged the Council to make an informed decision about what was best for the community. Those currently serving the City were better prepared to lead. Current police officers should be the department's future leaders. He expressed his opposition to the proposed ordinance. He noted that the City Manager appoints the Police Chief. He did not see a reason to vote on this issue. He requested that this item be laid over or that the Council vote against same.

Mayor Stockton questioned if there would be any circumstances when the City should hire from the outside. Mr. Keil responded affirmatively. Mayor Stockton noted that the issue of checks and balances had been mentioned. This action would also take the approval of the City Manager. Mr. Keil restated his concern that these individuals must have law enforcement and supervisory experience.

Alderman Huette noted that he was not opposed to hiring the best person. Mr. Keil restated his interest in appropriate checks and balances. He also stressed his opposition to the proposed text amendment.

Alderman Matejka stated that he was not opposed to the proposed text amendment. Mayor Stockton suggested that perhaps the BFPC or the Council should concur with City staff's opinion to go outside.

Alderman Finnegan stated his comfort level with City Manager approval. He wanted the City to hire the best person. This individual must be loyal to and show the ability to work with the Chief.

Alderman Huette questioned if there were any differences between the two (2) departments. Mayor Stockton noted that there was a special hiring system for uniformed Police and Fire personnel. He encouraged all to be open to change.

Alderman Sprague questioned the rationale behind this change and state statutes. Mayor Stockton cited past patronage practices. Alderman Sprague questioned the wisdom to involve the Council. Mr. Greenburg informed the Council that the BFPC has never appointed an Asst. Police Chief or Deputy Fire Chief. The Police and Fire Chiefs consult with the City Manager. These individuals are bound by City ordinance, (City Code contains a chapter for each department). Alderman Sprague stated that the Council

entrust the day to day operations of the City in the hands of the City Manager. He questioned why not on this issue. He questioned what the issue was.

Mayor Stockton noted that the Council was being asked to respond to a request. Mr. Hamilton noted that this idea was not new. He cited other Central Illinois cities which have adopted this practice. He noted that the City of Peoria mandates a nationwide search.

Alderman Purcell stated that he was unhappy with the proposal. Alderman Sprague questioned if it was the ordinance or if there were other issues. Mr. Keil readdressed the Council. He had a Petition which had been signed by ninety percent, (90%), of the uniformed police personnel who were opposed to the proposed ordinance. He offered to provide the Council with a copy.

Dave Tally, 1011 Lake Fork Dr., addressed the Council. He informed them that he served as union President for Firefighters. He stated his main concern – that this practice might be used but not abused. Currently he was working his way up through the ranks. He noted that self preparation required. He requested that there be a list of accredited schools. He noted that job descriptions might change. He cited the new Deputy Chief position. State statutes address internal promotions. He acknowledged the City's home rule powers. He added that this issue must be one of balance. He questioned why the Council would consider this action at this time. He believed that there should be an identified need. He believed that promotion to Deputy Chief must be attainable by internal candidates.

Mr. Tally stated that there had been good discussions. Criteria must be put in place prior to the City looking for an external candidate. This action would mean a change to personnel and management theory here at the City. He stated his opposition to this item. He cited the need for checks and balances. He recommended that the union presidents become a part of the process, (recommendation). If the City brought in an external candidate, this individual would face an uphill battle. He/she would have neither trust nor respect. He cited his Katrina experience. He expressed his belief that Illinois firefighters were the most prepared and professional. He cited their strong work ethic.

Alderman Sprague noted that Mr. Tally was working his way up through the ranks. Mr. Tally informed the Council that he had sat for the Fire Lt. exam.

Alderman Huette questioned if the uniformed police and fire personnel assumed that the next individual hired would be from the outside. Passage of the ordinance would provide the possibility. Mr. Tally cited the training offered by the City. He added his belief that there would be no limits and no way to prevent hiring from the outside. Alderman Huette noted that the current system had worked well. Mr. Tally stated that fire personnel were emergency employees. He noted the limitations placed on same, (shifts and mobility).

John Curtis, 1502 N. Lee, addressed the Council. He was currently employed at Mitsubishi Motors. He had lived in Peoria. The City of Peoria has hired outside Chiefs.

He expressed his opinion that one of them was not qualified. An individual may or may not be qualified. This individual would not know the community or its needs. He did not believe that there was room for personality clashes in the police and/or fire service. He questioned morale issues within the Police Department.

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

Motion carried.

Alderman Matejka noted that he had heard something new. He believed that there was a potential role for the BFPC. Mayor Stockton believed that there had been a request for an independent party. Chief Aikin expressed his willingness to work with same. Alderman Matejka recommended that this item be laid over. The BFPC would be asked to address situations when it would be appropriate to hire from outside of the ranks. Mayor Stockton added that the BFPC would not participate in the interview process. Alderman Matejka restated that the BFPC would look at situations/reasons when the City should look outside.

Alderman Finnegan stated that when the City hires a new Police and/or Fire Chief, there was no role for the BFPC. Alderman Matejka expressed his opinion that the BFPC was the ears for the City. The Board receives feedback from the community and the rank personnel. He described this role as appropriate.

Alderman Schmidt questioned who would conduct the interviews.

Alderman Matejka noted that City staff would give assurances that there would be additional checks and balances.

Alderman Sprague questioned the City Manager's role. Alderman Matejka believed that the City Manager would have a strong role in the process.

Alderman Gibson questioned if this action was necessary. Todd Greenburg, Corporation Counsel, addressed the Council. Currently the City cannot go outside to fill these positions. Mr. Hamilton stated that currently when an opening occurs, the City accepts internal applications. Information is presented to the BFPC.

Alderman Matejka noted that the Council requested a recommendation. He was unsure about how the Council would vote. There had been a good dialog. The rank and file had questioned what they needed to do if aspiring for a promotion. There was a need for better communication within the Police and Fire Departments.

Jeff Sanders, Asst. Police Chief, requested clarification regarding a system of checks and balances. This option would be used as a last resort. There may be room to navigate. The basic philosophy would remain the same. Currently, it was not an issue. Any candidate would have to be qualified and motivated. Internal candidates would have the edge.

Alderman Purcell questioned Asst. Chief Sander's replacement. Asst. Chief Sanders noted that a response would be inappropriate.

Keith Ranney, Fire Chief, addressed the Council. The Fire Department's command staff pushed in-house staff to become qualified for promotion. Those who aspire to promotion have made this information known. The City had a good history of promotion from within. City staff had demonstrated this understanding. He cited his belief in succession planning. The BFPC could be used as a resource, participate in the interview process, and evaluate the candidates. The BFPC would be respectful to the Police and Fire Departments.

Alderman Gibson noted that the proposed text amendment would allow the City to go outside. Chief Ranney noted that City staff had done a review of the employees' age and tenure. Based upon retirement, this action may happen. This would give the City the ability to go outside if necessary. Alderman Gibson expressed his opinion that the City should train staff to fill these positions.

Alderman Huette noted that the Police and Fire Chiefs were in charge of their respective departments. The City needed to select the best qualified person for the position. Chief Ranney added that the City Manager should have significant input.

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

Motion carried.

Rob Coleman, 1207 N. Hinshaw, addressed the Council. He questioned how an outside hire would fit into the respective, (Police and/or Fire), pension fund. Asst. Chief Sanders, addressed the Council. He was a member of the Downstate pension portability group. The pension for Police Chief was different.

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

Motion carried.

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

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

Ayes: Aldermen Crawford, Huette, Finnegan, and Sprague.

Nays: Aldermen Schmidt, Matejka, Gibson, Purcell and Mayor Stockton.

Motion denied.

Alderman Matejka explained his nay vote. He believed that in theory the proposed ordinance was good. The issue was one of application. City staff needed to work with the BFPC.

Alderman Purcell requested a better description of the merit and fitness phrase.

City staff was directed to work with the BFPC. Mayor Stockton added that the Council was supportive of the basic premise. There was interest on the Council for an acceptable compromise. Alderman Sprague questioned what could be accomplished in the next two (2) weeks. Alderman Matejka noted the conceptual idea. A key question was how the BFPC would fit in. Perhaps City staff would come up with another idea. He acknowledged the time spent on the issue by City staff. Mayor Stockton added that Mr. Hamilton would facilitate the discussion. Mr. Hamilton stated his intention to meet with Janet Whitworth, BFPC's Chairman.

Alderman Sprague left the meeting at 9:40 p.m.

Motion by Alderman Matejka, seconded by Alderman Schmidt to lay this item over until March 13, 2006.

Ayes: Alderman Schmidt, Matejka, Finnegan, Huette, Crawford and Purcell.

Nays: Alderman Gibson.

Not Present: Alderman Sprague.

Motion carried.

MAYOR'S DISCUSSION: Mayor Stockton noted that requests had been received regarding the smoke free ordinance. He specifically cited more specific language.

Alderman Sprague returned at 9:41 p.m.

Mayor Stockton noted the community's reaction to same. Questions had been raised about the Council's direction. Alderman Gibson saw challenges on both sides. He requested a clear definition of public building and public areas. Citizens wanted to know where smoking would be allowed. Mayor Stockton noted that there were definitions contained within the City of Chicago and City of Springfield's ordinances. Alderman Gibson noted that tobacco was a legal product. He questioned its use within the community.

Alderman Sprague and Mayor Stockton read from the proposed ordinance, (Section 2. Definitions).

Aldermen Huette and Finnegan left at 9:46 p.m.

Alderman Sprague expressed his opinion that there were well documented examples. The City should look at the proposed state statute.

Alderman Gibson questioned how the proposed ordinance might impact the City.

Alderman Matejka expressed his appreciation to the Mayor for his efforts. There were a variety of viewpoints. Neither side will be happy with the final outcome. He also stated his appreciation for Bob Keller's, (McLean County Health Department's Executive Director), comments. The City has a working document.

Mayor Stockton noted that Mr. Keller and Kathy Drea, American Lung Association, provided specific information regarding the body's reaction to smoke.

Aldermen Huette and Finnegan returned at 9:50 p.m.

Alderman Purcell had conducted an informal poll of his ward. The majority believed that the decision should be left up to the individual business. The remaining were almost equally divided between a partial ban and a total ban.

Alderman Crawford believed that the City should do something. Smoking and eating do not mix. He added that the my way or no way approach was offensive. The Council was attempting to find a compromise.

Alderman Huette stated his agreement with Alderman Crawford's comments. The City needed an ordinance upon which consensus could be built.

Alderman Schmidt stated that the City could do something as unobtrusive as signs.

Mayor Stockton stated that smoking was more than an annoyance. It was a health issue. Small children are exposed to smoking. He agreed that there were some concerns in the community. The City was not telling someone that he/she could smoke in his/her home. He questioned the health of employees. He cited the issue of consenting adult employees. He cited his personal opposition to a total ban. He was a nonsmoker but he planned to act as a broker to find a middle ground. He questioned how far the City should go.

Alderman Schmidt agreed that food and children should not be exposed to smoke.

Alderman Gibson expressed his opinion that this decision should be made by the child's adult guardian. He cited the potential impact upon business.

Alderman Finnegan expressed his support for signage. He believed that the market place would control. The City needed to go all of the way or take no action. Mayor Stockton stated that the majority wanted the City to do something.

Alderman Purcell cited the US Cellular Coliseum. He cited the recent Monster Truck event. Smoking is not allowed in this facility.

Alderman Matejka stated that there had been a good response from each side. The City needed to allow some time for digestion.

Alderman Gibson expressed his opposition to any exceptions. If the City would allow exceptions, then why have rules. Mayor Stockton noted that the current law lists exceptions. He had received responses from each side. Both sides of this issue have held meetings to draft language.

Alderman Schmidt questioned the draft ordinance. She noted that the word whereas was not generally a part of an ordinance. Todd Greenburg, Corporation Counsel, addressed the Council. He stated that the preamble was not a part of the code. The preamble addressed the legislative intent, (what problem would be remedy).

Mayor Stockton requested that the Council continue to provide input. He noted that there was talk of a possible referendum. He stated his preference that actions occur at the Council level.

Alderman Crawford expressed his opinion that any action on this issue should be initiated by the people.

Alderman Sprague questioned if the Council was willing to wait for the results from a referendum. Aldermen Finnegan, Schmidt, Gibson, and Purcell responded negatively. Alderman Matejka expressed his opinion that the Council should avoid this practice. Alderman Crawford would honor the result, but agreed that this would not be a great way to govern. Alderman Huette questioned how the Council should determine which issues should be addressed by using a referendum. Mayor Stockton stated his unwillingness to wait for the state to take action. Alderman Schmidt noted that the Town of Normal might take action earlier than the City. She questioned the ramifications of such action.

CITY MANAGER'S DISCUSSION: Tom Hamilton thanked Police Patrol Officer Oliver Love and Fire Cpt. Jim Poisel who handled an accident scene involving his son.

ALDERMEN'S DISCUSSION: Alderman Huette noted that the Public Library's construction project had begun. He questioned the Library's role to address fundraising.

Alderman Crawford addressed the potential skate board park. He thought the goal was to have a plan. This project would be phased in over a number of fiscal years. He questioned if the project would commence in the upcoming budget year. Alderman Purcell noted through conversations with Dean Kohn, Director – Parks and Recreation, this project was two to three, (2 – 3), years out. Tom Hamilton, City Manager, added that the budget for this project was \$250,000. The City will not be able to fund same in the next fiscal year.

Alderman Schmidt questioned when the Budget Work Session would be scheduled.

Alderman Matejka expressed his belief that the City lagged behind the Town of Normal in the area of recycling. Mr. Hamilton noted that the information is provided to the realtors and relocation companies. A resident needs to request a recycling container which the Public Service Department will deliver.

Alderman Finnegan questioned the status of the dog park.

Motion by Alderman Sprague, seconded by Alderman Matejka, that the meeting be adjourned. Time: 10:14 p.m.

Motion carried.

**Tracey Covert
City Clerk**

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