

**COUNCIL PROCEEDINGS  
PUBLISHED BY THE AUTHORITY OF THE CITY COUNCIL  
OF BLOOMINGTON, ILLINOIS**

The Council convened in regular Session in the Council Chambers, City Hall Building, at 7:30 p.m., Monday, December 27, 2005.

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, Jim Finnegan, Steven Purcell, Karen Schmidt and Mayor Stephen F. Stockton.**

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

**Absent: Alderman Michael Sprague and Tom Hamilton, City Manager.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Bills and Payroll

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

Respectfully,

Brian J. Barnes  
Director of Finance

Tom Hamilton  
City Manager

(ON FILE IN CLERK'S OFFICE)

**Motion by Alderman Crawford, seconded by Alderman Schmidt 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, Matejka and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Payments from Various Municipal Departments

1. The second partial payment to Soules Bird Repellent Co., in the amount of \$6,000 on a contract amount of \$24,000 of which \$12,000 will have been paid to date for work certified as 50% complete for the Bird Control. Completion date - July 2007.
2. The twelfth partial payment to Economic Development Council of Bloomington/Normal in the amount of \$3,750 on a contract amount of \$45,000 per year of which \$45,000 will have been paid to date for work certified as 100% complete for the year 2005. Completion date - December 2008.
3. The seventh partial payment to Peace Meal in the amount of \$624 on a contract amount of \$7,500 of which \$4,365 will have been paid to date for work certified as 58% complete for the John M. Scott Home Delivered Meals. Completion date - May 2006.
4. The seventh partial payment to Peace Meal in the amount of \$2,082 on a contract amount of \$25,000 of which \$14,574 will have been paid to date for work certified as 58% complete for the Peace Meals. Completion date - April 2006.
5. The sixth partial payment to Phillips Swager Associates, Inc., in the amount of \$850 on a contract amount of \$22,400 of which \$20,700 will have been paid to date for work certified as 92% complete for the Pre-Design of the Police Dispatch Center. Completion date - July 2006.
6. The sixth and final payment to Felmley Dickerson in the amount of \$127,000 on a contract amount of \$212,000 of which \$212,000 will have been paid to date for work certified as 100% complete for the Library Expansion Design. Completion date - November 2006.
7. The first partial payment to Felmley Dickerson in the amount of \$137,346 on a contract amount of \$2,669,586 of which \$137,346 will have been paid to date for work certified as 5% complete for the Library Expansion Renovation/Addition. Completion date - November 2006.

8. The seventh partial payment to Rowe Construction Co., in the amount of \$8,712 on a contract amount of \$341,726.34 of which \$317,051 will have been paid to date for work certified as 93% complete for the Downtown Intersection Improvements. Completion date - January 2006.
9. The eighth partial payment to Terracon Consultants, N.E. Inc., (Dept. 1277) in the amount of \$5,378.75 on a per ton and hour contract of which \$93,510 will have been paid to date for work certified as ongoing for the 2005-2006 Asphalt & Portland Concrete Plant Inspection and Lab Testing. Completion date - July 2006.
10. The tenth and final payment to Rowe Construction Co., in the amount of \$39,707.19 on a contract amount of \$947,472.19 of which \$947,472.19 will have been paid to date for work certified as 100% complete for the Ft. Jesse Road Improvements - Phase I east of Airport Rd. to Kaisner Dr. Completion date - November 2005.
11. The twelfth partial payment to Rowe Construction Co., in the amount of \$14,573 on a contract amount of \$843,492.81 of which \$842,378 will have been paid to date for work certified as 99% complete for the Hershey Road Widening - Yorktown to Eastland. Completion date - January 2006.
12. The twenty-third partial payment to Clark Dietz, Inc., in the amount of \$165.75 on a contract amount of \$366,591.65 of which \$343,388.60 will have been paid to date for work certified as 94% complete for the Hamilton Road - Greenwood to Timberlake Lane. Completion date - November 2005.
13. The seventh partial payment to Clark Dietz, Inc., in the amount of \$19,421.97 on a contract amount of \$330,000 of which \$94,181.06 will have been paid to date for work certified as 29% complete for the Hamilton Road - Timberlake to Main Street. Completion date - December 2006.
14. The first partial payment to Farnsworth Group in the amount of \$2,561 on a contract amount of \$32,562 of which \$2,561 will have been paid to date for work certified as 8% complete for the Norfolk Southern Railroad Crossing Negotiations - 1.) Hamilton at Commerce; 2.) ML King Jr. Drive at White Oak, and 3.) Hershey at Hamilton. Completion date - April 2006.
15. The second partial payment to Ensenberger Condominiums LLC., in the amount of \$163,350 on a contract amount of \$2,228,000 of which \$700,000 will have been paid to date for work certified as 31% complete for the Ensenberger Building. Completion date - November 2010.
16. The first partial payment to Farnsworth Group in the amount of \$12,845.02 on a contract amount of \$189,500 of which \$12,845.02 will have been paid to date for work certified as 7% complete for the Constitution Trail - Grove to Hamilton. Completion date - September 2006.

17. The third partial payment to McLean County Soil and Water Conservation in the amount of \$14,633.50 on a contract amount of \$58,534. of which \$43,900.50 will have been paid to date for work certified as 75% complete for the Professional Services. Completion date - Annual.
18. The twentieth partial payment to Johnston Contractors, Inc., in the amount of \$230,141.58 on a contract amount of \$3,374,550 of which \$2,495,210.59 will have been paid to date for work certified as 74% complete for Design/Build of the US Cellular Coliseum. Completion date - April 2006.
19. The fifteenth partial payment to Stark Excavating, Inc., in the amount of \$114,426 on a contract amount of \$3,598,126 of which \$3,125,466.90 will have been paid to date for work certified as 87% complete for Design/Build of the US Cellular Coliseum. Completion date - April 2006.
20. The eighth partial payment to Hoerr Inc., in the amount of \$5,400 on a contract amount of \$782,930 of which \$698,518.48 will have been paid to date for work certified as 89% complete for the Design/Build of US Cellular Coliseum. Completion date - April 2006.
21. The seventh partial payment to Felmley Dickerson in the amount of \$37,776.60 on a contract amount of \$729,727 of which \$342,116.10 will have been paid to date for work certified as 47% complete for Design/Build of the US Cellular Coliseum - Miscellaneous Metals. Completion date - April 2006.
22. The ninth partial payment to Felmley Dickerson in the amount of \$56,001.60 on a contract amount of \$663,114 of which \$185,411.70 will have been paid to date for work certified as 28% complete for Design/Build of the US Cellular Coliseum - General Trades. Completion date - April 2006.
23. The fifth partial payment to Henson Robinson Co., in the amount of \$86,106.60 on a contract amount of \$1,015,685 of which \$791,192.70 will have been paid to date for work certified as 78% complete for Design/Build of the US Cellular Coliseum. Completion date - April 2006.
24. The second partial payment to Wayne Dalton of Peoria in the amount of \$17,255.70 on a contract amount of \$128,504 of which \$52,454.70 will have been paid to date for work certified as 41% complete for Design/Build of the US Cellular Coliseum. Completion date - April 2006.
25. The fifth partial payment to Associated Constructors Co., Inc., in the amount of \$144,504 on a contract amount of \$961,302 of which \$318,384 will have been paid to date for work certified as 33% complete for Design/Build of the US Cellular Coliseum. Completion date - December 2006.

26. The ninth partial payment to Automatic Fire Sprinkler LLC., in the amount of \$46,129.50 on a contract amount of \$355,000 of which \$213,862.50 will have been paid to date for work certified as 60% complete for Design/Build of the US Cellular Coliseum. Completion date - April 2006.
27. The twelfth partial payment to G.A. Rich & Sons, Inc. in the amount of \$81,017.10 on a contract amount of \$1,194,558 of which \$624,198.60 will have been paid to date for work certified as 52% complete for Design/Build of the US Cellular Coliseum. Completion date - April 2006.
28. The seventeenth partial payment to Mid-Illinois Mechanical Inc., in the amount of \$235,071 on a contract amount of \$3,387,343 of which \$2,107,246.69 will have been paid to date for work certified as 62% complete for Design/Build of the US Cellular Coliseum. Completion date - April 2006.
29. The fifth partial payment to CIMCO Refrigeration Inc., in the amount of \$121,266.90 on a contract amount of \$1,591,141 of which \$800,593.20 will have been paid to date for work certified as 50% complete for Design/Build of the US Cellular Coliseum. Completion date - April 2006.
30. The eleventh partial payment to D & H Electric in the amount of \$303,480 on a contract amount of \$2,777,272 of which \$1,432,836 will have been paid to date for work certified as 52% complete for Design/Build of the US Cellular Coliseum. Completion date - April 2006.
31. The twelfth partial payment to Johnston Contractors, Inc., in the amount of \$7,951.22 on a contract amount of \$371,005 of which \$319,568.33 will have been paid to date for work certified as 85% complete for Design/Build of the US Cellular Coliseum Parking Deck. Completion date - April 2006.
32. The eighth partial payment to Felmley Dickerson in the amount of \$47,672.10 on a contract amount of \$853,469 of which \$768,122.10 will have been paid to date for work certified as 90% complete for Design/Build of the US Cellular Coliseum Parking Deck - Concrete, Excavating and Foundation. Completion date - April 2006.
33. The second partial payment to Otto Baum, Inc., in the amount of \$3,240 on a contract amount of \$34,000 of which \$28,440 will have been paid to date for work certified as 84% complete for Design/Build of the US Cellular Coliseum Parking Deck. Completion date - April 2006.
34. The fifth partial payment to Area Erectors, Inc., in the amount of \$17,676 on a contract amount of \$150,175 of which \$71,203.50 will have been paid to date for work certified as 47% complete for Design/Build of the US Cellular Coliseum Parking Garage. Completion date - April 2006.

35. The third partial payment to Du-Mont Company in the amount of \$3,735 on a contract amount of \$18,000 of which \$13,455 will have been paid to date for work certified as 75% complete for Design/Build of the US Cellular Coliseum Parking Garage. Completion date - April 2006.
36. The sixth partial payment to D & H Electric & Heating Co., in the amount of \$12,600 on a contract amount of \$108,500 of which \$89,550.45 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.
37. The second partial payment to Bennett Electronic Service Co. Inc., in the amount of \$162,500 on a contract amount of \$325,000 of which \$243,750 will have been paid to date for work certified as 75% complete for the Sound Reinforcement System for the US Cellular Coliseum and Pepsi Ice Center. Completion date - April 2006.
38. The sixth partial payment to Terracon Consultants in the amount of \$3,346.03 on a per job contract of which \$9,073.95 will have been paid to date for work certified as ongoing for the Inspection Services for Renovation of the Bloomington Center for the Performing Arts. Completion date - as needed.
39. The twentieth partial payment to Turner Construction Co., in the amount of \$6,518 on a contract amount of \$187,824 of which \$148,716 will have been paid to date for work certified as 79.18% complete for the Project Management Services for the Bloomington Center for the Performing Arts. Completion date - June 2006.
40. The first and final payment to SECOA, Inc., in the amount of \$5,000 on a contract amount of \$120,122 of which \$5,000 will have been paid to date for work certified as 10% complete for the Fabrication and Installation of the Orchestra Enclosure for the Bloomington Center for the Performing Arts. Completion date - June 2006.
41. The fourth partial payment to Lohmann Golf Design in the amount of \$3,450 on a contract amount of \$20,625 of which \$19,762.50 will have been paid to date for work certified as 96% complete for the Prairie Vista Golf - Renovation of #18 Hole. Completion date - June 2007.
42. The eighth partial payment to Thompson Dyke & Associates in the amount of \$1,376.79 on a contract amount of \$41,750 of which \$40,500 will have been paid to date for work certified as 97% complete for the Miller Park Zoo Development - South End. Completion date - December 2006.
43. The twelfth partial payment to Stark Excavating, Inc., in the amount of \$30,600 on a contract amount of \$908,929 of which \$852,008 will have been paid to date for work certified as 93.7% complete for the Lake Bloomington Retaining Wall at the Water Treatment Plant. Completion date - November 2005.

44. The second partial payment to Paul & Karen Nord in the amount of \$5,896.12 on a contract amount of \$538,700.15 of which \$88,773.30 will have been paid to date for work certified as 16% complete for the West Washington Street Trunk Sewer Extension. Completion date - June 2006.

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

Respectfully,

Tom Hamilton  
City Manager

**Alderman Finnegan questioned Payment 43. The twelfth partial payment to Stark Excavating, Inc., in the amount of \$30,600 on a contract amount of \$908,929 of which \$852,008 will have been paid to date for work certified as 93.7% complete for the Lake Bloomington Retaining Wall at the Water Treatment Plant. Completion date - November 2005. Craig Cummings, Director of Water, addressed the Council. The work was almost complete. It should be completed in a week or two. He noted the need for additional security.**

**Alderman Purcell questioned Payment 5. The sixth partial payment to Phillips Swager Associates, Inc., in the amount of \$850 on a contract amount of \$22,400 of which \$20,700 will have been paid to date for work certified as 92% complete for the Pre-Design of the Police Dispatch Center. Completion date - July 2006. He questioned if the design work was completed. Roger Aikin, Police Chief, addressed the Council. This payment was for the initial contractual amount.**

**Alderman Purcell questioned Payment 8. The seventh partial payment to Rowe Construction Co., in the amount of \$8,712 on a contract amount of \$341,726.34 of which \$317,051 will have been paid to date for work certified as 93% complete for the Downtown Intersection Improvements. Completion date - January 2006. Doug Grovesteen, Director of Engineering, addressed the Council. This project was tied to the US Cellular Coliseum. The streets involved included Madison and Front, and Olive and Lee.**

**Alderman Purcell questioned Payment 14. The first partial payment to Farnsworth Group in the amount of \$2,561 on a contract amount of \$32,562 of which \$2,561 will have been paid to date for work certified as 8% complete for the Norfolk Southern Railroad Crossing Negotiations - 1.) Hamilton at Commerce; 2.) ML King Jr. Drive at White Oak, and 3.) Hershey at Hamilton. Completion date - April 2006. Mr. Grovesteen addressed the Council. The project included left turn lanes and traffic signals. He also cited the railroad crossing.**

**Mayor Stockton questioned other design projects. He cited Hamilton Rd. Mr. Grovesteen stated that there were a number of projects which would be impacted by the**

**Norfolk Southern Railroad. There were funds budgeted to draft plans for Hamilton Rd. and Commerce Dr. The railroad was an obstacle. Mayor Stockton questioned the status of Hershey and Hamilton. Mr. Grovesteen stated that no funds had been budgeted. The railroad had been contacted.**

**Alderman Purcell stated that there were issues with the railroad. Mr. Grovesteen informed the Council that the railroad was reluctant to grant additional crossings.**

**Alderman Purcell questioned Payment 15. The second partial payment to Ensenberger Condominiums LLC, in the amount of \$163,350 on a contract amount of \$2,228,000 of which \$700,000 will have been paid to date for work certified as 31% complete for the Ensenberger Building. Completion date - November 2010. He questioned the project's end date. Hannah Eisner, Deputy Corporation Counsel, addressed the Council. The agreement was concurrent with the Downtown TIF, (Tax Increment Financing). The construction would be completed by 2007.**

**Motion by Alderman Crawford, seconded by Alderman Schmidt 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, 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 November, 2005**

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

**The Audit of these accounts took place on Tuesday, December 27, 2005 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 Crawford, seconded by Alderman Schmidt that the audit of the bills and payrolls for the Township for the month of November, 2005 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, 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 November 2005.
2. Monthly Receipt & Expenditure Report, November, 2005.
3. Comprehensive Annual Financial Report of the City of Bloomington for the fiscal year May 1, 2004 to April 30, 2005.

Respectfully,

Tracey Covert  
City Clerk

Tom Hamilton  
City Manager

(REPORTS ON FILE IN CLERK'S OFFICE)

**Motion by Alderman Crawford, seconded by Alderman Schmidt 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, Matejka and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Payment of Annual Subscription fees for Membership in the American Water Works Association (AWWA)

The City has long time member of the American Water Works Association (AWWA). AWWA is a member supported, nonprofit organization that promotes and funds the issues related to drinking water. The City has benefited from numerous educational publications and seminars dealing with emerging water regulations and updates on current issues. Based upon the number of service connections, the annual dues for 2006 are \$4,210.

Staff respectfully recommends the approval of the 2006 subscription fee to the American Water Works Association (AWWA) in the amount of \$4,210. Payment of this subscription fee is to be made from the Water Department, A & G Division, Operations and Maintenance funds, Registration and Membership Dues 50110 - 70780.

Respectfully,

Craig M. Cummings  
Director of Water

Tom Hamilton  
City Manager

**Motion by Alderman Crawford, seconded by Alderman Schmidt 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, Matejka and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council  
From: Staff  
Subject: Waive Formal Bid Process for Purchase of Breathing Apparatus for Fire Department

Staff respectfully requests that Council waive the formal bidding process and approve the purchase of six (6) MSA self contained breathing apparatus (SCBA) from AEC in Springfield, Illinois at a total cost of \$19,764.

The manufacture's regional representative has agreed to extend pricing which was negotiated in 2004 by the Illinois Terrorism Task Force as part of a state wide distribution of technical rescue and hazardous materials equipment. This price is approximately 10% less than the best price staff was able to obtain from the two distributors authorized to sell MSA in McLean County. Payment to be made from F15210-721140.

Respectfully,

Keith Ranney  
Fire Chief

Tom Hamilton  
City Manager

**RESOLUTION NO. 2005 - 172**

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND  
AUTHORIZING THE PURCHASE OF SIX (6) MSA SCBA'S BE PURCHASED FROM  
AEC, IN THE AMOUNT OF \$19,764**

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 six (6) MSA SCBA's be purchased from AEC, in the amount of \$19,764.

ADOPTED this 27th day of December, 2005.

APPROVED this 28th day of December, 2005.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Motion by Alderman Crawford, seconded by Alderman Schmidt that the formal bidding process be waived, the six (6) MSA SCBA's be purchased from AEC, in the amount of \$19,764, 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, 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 the December 8, 2005 Bids for Folding Chairs for the US Cellular Coliseum

Bids were received on August 8, 2005 for folding chairs for the US Cellular Coliseum. Those original bids were rejected due to a discrepancy with the specification. Council was informed that by correcting the specification, a savings of \$8,000 to \$12,000 was possible. The chairs were rebid and were received until December 8, 2005. Only the original companies that submitted a bid were allowed to rebid. The estimate for these chairs was \$150,000. The bid tabulation is as follows:

Vendor Name	Vendor Location	Bid Amount
Clarín Seating	Lake Bluff, IL	132,730.00* (\$12,112 less)
ATD American Company	Wyncote, PA (1)	\$126,362.56(non-responsive)
	Alternate Bid (2)	\$146,229.84
Mity-Lite	Orem, Utah	\$174,730.42

\* Recommended Bid

The low bid from ATD American Company did not meet the minimum standard in the specification (non-responsive). The bid from Clarín Seating met all of the specifications in the

bid. Staff requests that Council accept the bid of \$132,730 submitted by Clarin Seating and authorize the purchasing agent to issue a purchase order for same. The funds (\$132,730 for the U.S. Cellular Coliseum are budgeted in F56200-72140, Coliseum Fixed Asset Replacement fund - Capital Outlay Equipment Other Than Office.

Respectfully,

Kim Nicholson  
Purchasing Agent

Tom Hamilton  
City Manager

**Motion by Alderman Crawford, seconded by Alderman Schmidt that the Bid for folding chairs for the US Cellular Coliseum be awarded to Clarin Seating in the amount of \$132,730, 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, 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 #1 for the Prairie Vista Club House Roof Replacement

Union Roofing Company was the successful low bidder on this project with a bid of \$22,499. They are requesting an additional \$1,200 for the replacement of bad sheathing and siding that surrounds the chimney chase. Staff had anticipated that there would be some bad sheathing as the roof had been leaking for some time, so a per square foot cost for this work was requested in the bid documents.

The price that Union Roofing quoted in the bid was \$2.75 per square foot for sheathing replacement. They had to replace 320 square feet of sheathing which comes to \$880. It is believed that the additional \$320 for replacing the siding on the chimney is a fair price and that both items were necessary to make this a viable project.

Staff respectfully requests that the Council approve change order #1 in the amount of \$1,200. This change order will bring the total cost of the contract with Union Roofing Company to \$23,699. The budget for this project was \$50,000 leaving a balance of \$26,301 for completion.

Respectfully,

Jerry Armstrong,  
Asst. Director Parks & Recreation

Tom Hamilton  
City Manager

**Motion by Alderman Crawford, seconded by Alderman Schmidt that the Change Order in the contract with Union Roofing for the Prairie Vista Club House Roof Replacement be approved in the amount of \$1,200.**

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

**Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, 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 Felmley Dickerson for the Communications Center Remodeling

As the remodeling of the Police Department to accommodate the Communications Center continues, it is necessary to make some changes to the original design. The first change involves the specifications for the drywall so that it would go completely to the next floor, increasing the security of the area and lessen the sound transfer from the other areas. This change is in the amount of \$537.

The second change involved the addition of two (2) 4" conduits to run from the lower level up and out onto the roof. These conduits were needed to house antennae cables for the radio systems, and were installed in place of erecting a communications tower which would be at a much higher cost. The amount of this change is \$9,890.

The third change involved the electrical system to allow for additional power circuits to each workstation as required by the ETSB. The total amount of this change is \$8,106. The total amount of these three changes is \$18,533. Funds for these changes will come from account X40100-72520.

Respectfully,

Roger J. Aikin  
Chief of Police

Tom Hamilton  
City Manager

**RESOLUTION NO. 2005 - 173**

**A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE  
AMOUNT OF \$18,533 IN THE CONTRACT BETWEEN THE CITY  
OF BLOOMINGTON AND FELMLEY DICKERSON FOR THE COMMUNICATIONS  
CENTER REMODELING**

WHEREAS, the City of Bloomington has previously entered into a contract with Felmley Dickerson for the Communications Center Remodeling; and

WHEREAS, for the reasons set forth in a staff report dated December 27, 2005 it was necessary to increase the security of the area; lessen the sound transfer from the other areas; add two (2) 4" conduits to run from the lower level up and out onto the roof, and add power circuits to each workstation as required by the ETSB; and

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the December 27, 2005 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 \$18,533 in the contract between the City of Bloomington and Felmley Dickerson for the Communications Center Remodeling be approved.

ADOPTED this 27th day of December, 2005.

APPROVED this 28th day of December, 2005.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Alderman Huette questioned this change order. He questioned which City fund the change order would be charged against. Roger Aikin, Police Chief, addressed the Council. He noted that the Communication Center was budgeted as a line item accounting code, (Capital Improvement Office/Computer). The purpose of this was to track expenditures and determine the total cost.**

**Motion by Alderman Crawford, seconded by Alderman Schmidt that the Change Order to the Contract with Felmley Dickerson in the amount of \$18,533 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, Matejka and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Addendum to City/State Agreement Documenting the Funding for the Construction of the Veterans Parkway and Hamilton/Fox Creek Road Intersection

On June 10, 2003, the City entered into an agreement between the City and the State of Illinois documenting the way the construction of the Veterans Parkway and Hamilton/Fox Creek Road Intersection project would be funded.

The State of Illinois has discovered that one requirement was inadvertently omitted to this agreement. The item that was inadvertently omitted was a provision citing the City's need to reimburse the state through IDOT for the local 20 percent of the cost, as mandated by federal funding requirements. The City has already agreed to these payments. The omission does not add additional requirements on the City.

Staff respectfully recommends that Council approve an Addendum to the City/State Agreement documenting the Funding for the Construction of the Veterans Parkway and Hamilton/Fox Creek Road Intersection 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

**Motion by Alderman Crawford, seconded by Alderman Schmidt that the addendum to the City/State Agreement documenting the funding for the Construction of the Veterans Parkway and Hamilton/Fox Creek Road Intersection 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, Matejka and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Government Center Operation and Maintenance Expenses for 2006

The City and McLean County jointly lease the Government Center facility from the Public Building Commission (PBC). According to the terms of the lease the County and City must each make an annual payment to the PBC to cover operation and maintenance expenses for that year. The amount of payment is determined each year based upon the previous year's experience and anticipated additional expenses. It has been determined that the City's share for calendar year 2006 is \$331,564. Staff has reviewed this figure and finds it to be in order.

The lease requires that the parties execute an Attachment to the lease every year indicating the operation and maintenance expenses due for that year. Staff respectfully recommends that the Attachment be approved and authorize payment as provided.

Respectfully,

Hannah R. Eisner  
Deputy Corporation Counsel

Tom Hamilton  
City Manager

**ATTACHMENT NO. FOUR TO AMENDMENT TO LEASE AND OPERATION AND  
MAINTENANCE AGREEMENT FOR THE CITY/COUNTY OFFICE BUILDING**

Pursuant to the provisions of that certain AMENDMENT TO LEASE AND OPERATION AND MAINTENANCE AGREEMENT for the City/County Office Building at 115 E. Washington Street, Bloomington, Illinois dated November 20<sup>th</sup>, 2001, between the undersigned parties, the City and County agree to pay the PBC for the period beginning January 1<sup>st</sup>, 2006 and ending December 31<sup>st</sup>, 2006 the sum of \$663,128.00. Of this total, the City agrees to pay \$331,564 and the County agrees to pay \$331,564.

The PBC agrees to perform the operation, maintenance, upkeep and safekeeping functions for the City/County Office Building for the one-year period beginning January 1, 2006 said functions being all pursuant to the provisions of Section III of the Lease, dated November 20<sup>th</sup>, 2001.

The City and county agree to cause the necessary tax levies to be made to provide for the collection of the funds needed to pay the amounts hereinabove set forth.

This Attachment is executed by the officers of the Public Building Commission, by the Officers of the County of McLean and by the Officers of the City of Bloomington as of the dates set opposite their names.

COUNTY OF MCLEAN

By: Michael Sweeny  
Chairman, County Board  
Date

ATTEST:

Peggy Ann Milton  
County Clerk

PUBLIC BUILDING  
COMMISSION OF McLEAN  
COUNTY, ILLINIOS

By: Robert Rust, Jr.  
Its Chairman  
Date

ATTEST:

John Morel, Its Secretary

CITY OF BLOOMINGTON

By: Stephen F. Stockton  
Its Mayor  
Date: 12/28/05

ATTEST:

Tracey Covert  
City Clerk

**Alderman Huette questioned if the maintenance expenses included utilities. Hannah Eisner, Deputy Corporation Counsel, addressed the Council. She responded affirmatively. The County and City share these expenses equally. The cost sharing does not apply to capital expenses. Alderman Huette questioned the total square footage. Ms. Eisner responded that she did not know. She added that the third floor would be remodeled for the City's Engineering Department.**

**Alderman Purcell stated that the cost would be \$27,000 per month. Ms. Eisner responded that she did not know. She noted the division of space between the County and City.**

**Mayor Stockton requested that Ms. Eisner report back to the Council.**

**Motion by Alderman Crawford, seconded by Alderman Schmidt that Attachment No. Four to Amendment to lease and Operation and Maintenance Agreement for the City/County Office Building 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, Matejka and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Approval of a Professional Services Agreement with Consoer, Townsend Envirodyne, Inc., for the Investigation of Temporary Membrane and/or Ion Exchange Technology for Nitrate Removal in the Event of an Impending High Nitrate Level

Staff respectfully requests approval of a Professional Services Agreement with Consoer, Townsend Envirodyne, Inc., for the investigation of temporary membrane and/or ion exchange technology for nitrate removal in the event of an impending high nitrate level.

Beginning in the early 1990's, the Illinois Environmental Protective Agency (IEPA) required that an IEPA approved solution to nitrate levels above the Maximum Contaminant Level (MCL) be installed as treatment. The water treatment facility has relied upon the ability to dilute source water from the Lake Bloomington reservoir. When nitrate levels are rising in the Lake Bloomington reservoir, water from the Evergreen Lake reservoir, which generally has much lower nitrate levels, is blended with or completely replaces water withdrawn from the Lake Bloomington reservoir.

This has worked well over the last 15 years, however, staff is concerned that uncontrollable circumstances such as excessive precipitation after nitrate applications, or that under utilization of applied nitrogen, such as during a drought might cause the nitrate levels in both reservoirs to reach levels that might make the ability to control the nitrates difficult, if not impossible.

In an attempt to minimize this vulnerability in a cost-effective manner, staff proposes an investigation of the installation of a temporary membrane or ion exchange equipment at the water treatment facility. The study will investigate the general feasibility of such a temporary installation in the event of an impending high nitrate level; lead times on equipment; leasing versus ownership issues; basic power and size requirements; disposal of waste byproducts; permitting issues; costs, and other related items.

Consoer, Townsend Envirodyne, Inc., has been selected from a group of engineering firms that were requested to present qualifications for water main projects at the beginning of the fiscal year.

Staff respectfully recommends that an Agreement with Consoer, Townsend Envirodyne, Inc., be approved for a general feasibility study of the installation of temporary membrane and/or ion exchange technology for nitrate removal in the event of an impending high nitrate level, in an amount not to exceed \$25,000. Payment is to be made from funds from the Water Department, Purification Division, Operation and Maintenance accounts, Other Professional and Technical Services (Account # 5010- X50130-70220).

December 27, 2005

1369

Respectfully,

Craig M. Cummings  
Water Director

Tom Hamilton  
City Manager

December 19, 2005

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

Reference:City of Bloomington  
Taste and Odor/Nitrate Removal  
CTE Project No.: 40756

Dear Mr. Cummings:

The City of Bloomington, Illinois has asked CTE to perform a preliminary investigation into the removal of taste and odor causing compounds (primarily Geosmin and MIB) as well as nitrates from their potable water supply using membrane technology. Bloomington has recently experienced a severe taste and odor occurrence, which has lessened but is still noticeable and experiences fluctuating levels of nitrate in both of their surface water impoundments. The nitrates usually occur, with a concentrated spike in the spring and summer months, primarily as a result of the spring thaw and increased runoff volumes, coupled with the onset of agricultural fertilizing. This may vary somewhat, such as the case with the current year when levels have been somewhat elevated through winter due to the unusual precipitation patterns over the past three months. As we understand your request, it is your desire to determine the effectiveness of membrane and/or ion-exchange technology on both taste and odor removal and nitrate reduction as mentioned above, but also to determine the effectiveness of removal when these compounds occur concurrently in the water supply, something that has not been a problem in the past.

We propose to perform these engineering services for a fee equal to two and thirty-five hundredths (2.35) times the "salary costs of engineering and technical personnel" expended in performing the work, the term "salary costs of engineering and technical personnel" shall mean the actual wages paid to those members of staff who are classified as officers, engineers, technicians, draftsmen and field party personnel and who perform services under this Agreement plus employees' benefits, which include state and federal taxes, social security, employment and retirement benefits as defined in the American Society of Civil Engineers (ASCE) Manual No. 45.

Our fee will not exceed \$25,000 without further authorization.

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

Very truly yours,

CONSOER TOWNSEND ENVIRODYNE ENGINEERS, INC.

Michael H. Winegard, P.E.  
Vice President

ACCEPTED FOR:

CITY OF BLOOMINGTON, ILLINOIS

By: Stephen F. Stockton

Title: Mayor

Date: December 28, 2005

**Alderman Huette questioned this item. He questioned the fee for a temporary membrane. He noted that he would be glad to see a technology which addressed this issue. Craig Cumming, Director of Water, addressed the Council. He noted that nitrate removal was difficult. He cited the previous year's taste and odor problems. A key question was could this technology address all three (3) concerns. City staff was taking a high level approach. The equipment would be leased for three (3) months. The City was still vulnerable as it had no treatment for nitrates. He viewed this approach as an insurance policy.**

**Alderman Huette questioned if it would be used on an as needed basis. Mr. Cummings noted that both technologies were accepted practices. The City has chosen water shed control. There were no guarantees and he was unsure which would be less expensive. Alderman Huette questioned the taste/order issues. Mr. Cummings noted that these issues were not related to nitrates. City staff was looking for a single solution.**

**Mayor Stockton noted that City staff's general plan was to look beyond. He cited a recent situation in China. Mr. Cummings noted that there were short and long term issues. City staff had looked at a number of issues. He cited the following: surface water supply, the City's two (2) reservoirs, and the fact that they were divided by I39. The City has carbon in place. He wanted to move the City forward in its treatment of ground water. City staff was trying to anticipate problems.**

**Mayor Stockton questioned containment, (build a dam). Mr. Cummings noted that this was a common technique. The City was dependent upon small streams with intermittent flow. It was not a part of the contingency plan.**

**Alderman Purcell questioned if the membrane would be large enough. Mr. Cummings stated that it would be a series of membranes. Two to three, (2 – 3), trucks would deliver same. An issue would be that there is not a sewer system available. Alderman Purcell questioned ion exchange. Mr. Cummings described it as a softener. Alderman Purcell questioned contaminants. He also questioned if waste would be an issue, and if it would have to be trucked out due to the fact that no sewer was available.**

**Motion by Alderman Crawford, seconded by Alderman Schmidt that the Agreement with Consoer Townsend Envirodyne, Inc., for a general feasibility study of the installation of temporary membrane and/or ion exchange technology for nitrate removal in the event of an impending high nitrate level, be approved in an amount not to exceed \$25,000, and the Mayor and City Clerk be authorized to execute the necessary documents.**

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

**Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, 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 Retain Farnsworth Group to Provide Professional Services for the Main Branch Kickapoo Pump Station Property Surveys and Forcemain Design, and Property Surveys for the Brokaw Road Sanitary Sewer

Staff has negotiated a proposed contract with Farnsworth Group to complete the subject items. The pump station will be located near the Main Branch of Little Kickapoo Creek, just south of Ireland Grove Road and approximately one mile east of Towanda Barnes Road. The pump station will discharge through a force main, the exact alignment will be determined, to a manhole located just south of Brokaw Road, about 200 feet west of Towanda Barnes Road. The force main discharge will be conveyed to the existing 48 inch interceptor west of the Little Kickapoo Creek via the Brokaw Road Sanitary Sewer.

The Brokaw Road Sanitary Sewer shall be approximately 2 ½ miles in length and will generally run westward along Brokaw Road and parallel to the Norfolk Southern Railroad. The only deviation of this alignment will occur at the property of Randell Smith, where the alignment of the sewer shall remain south and then west of his property. The design of the Brokaw Road Sanitary Sewer is being completed by staff.

Additionally, Farnsworth Group will perform property surveys around the selected pump station site and along the force main and sanitary sewer alignments. These property surveys will provide staff with the location of property lines, existing easements, and right-of-ways, leading to the generation of deeds and easement plats necessary for acquiring land at the proposed pump station and along the proposed force main and sanitary sewer.

Staff has reviewed the proposal from Farnsworth Group to provide design phase services on a time and materials basis for a total fee not to exceed \$256,000. Fees associated with Construction Phase Services shall be determined at a later date and defined by an amendment to the contract at that time. Staff finds this proposal acceptable. Funds to perform this study are included in the FY 2005-2006 budget year.

Staff respectfully recommends that Council approve a contract with Farnsworth Group to provide civil engineering services on a time and materials basis in an amount not to exceed \$256,000 and that the Mayor and City Clerk be authorized to execute the necessary documents. Payment is to be made with Sewer Depreciation Funds (X52200-72550).

Respectfully,

Douglas G. Grovesteen  
Director of Engineering

Tom Hamilton  
City Manager

(CONTRACT ON FILE IN CITY CLERK'S OFFICE)

**Motion by Alderman Crawford, seconded by Alderman Schmidt that the contract with Farnsworth Group to provide civil engineering services for Main Branch Kickapoo Pump Station property surveys and force main design, and property surveys for Brokaw Rd. Sanitary Sewer be approved on a time and materials basis in an amount not to exceed \$256,000 and that the Mayor and City Clerk be authorized to execute the necessary documents.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**



To: Members of the City Council

From: Liquor Commission

Subject: Application of Nana Thai, Inc., d/b/a Nana Thai, located at 1500 E. Empire, Ste. 1, for an RBS liquor license, which will allow the sale of beer and wine 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 Nana Thai, Inc. d/b/a Nana Thai, located at 1500 E. Empire, Ste. 1, requesting an RBS liquor license which allows the sale of beer and wine 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, Sgt. Larry Shepherd, Police Department, and Tracey Covert, City Clerk; Oongsri Sapon, owner, Piyawan Kullamai, and Hal Gray, Mid-America Insurance Services, Inc., Applicant representatives.

Commissioner Stockton requested that the Applicant explain the business plan. Piyawan Kullamai, Applicant representative, addressed the Commission. Nana Thai was located in the former Tien Tsin Restaurant. The space had been renovated. There were approximately nineteen (19) tables. The restaurant opened after Thanksgiving. A number of customers have requested Thai beer to accompany their food order.

Commissioner Stockton questioned the Applicant's restaurant experience. Hal Gray, Mid-American Insurance Services, Inc., Applicant's insurance agent, addressed the Commission. His clients had work in the restaurant business in the Chicago area. Oongsri Sapon, owner and Applicant representative, addressed the Commission. She noted that her brother and sister operated two (2) restaurants in the Chicago area (Maywood and Chicago by Cook County Hospital).

Commissioner Clapp questioned if the Applicant had experience serving alcohol. Ms. Sapon responded negatively. Commissioner Clapp noted that this Application would be the Applicants first time to serve and sell alcohol. She questioned if the Applicant was familiar with the City's Alcoholic Beverage code. Ms. Kullamai informed the Commission that Ms. Sapon's brother has a convenient store and has liquor experience. Commissioner Clapp questioned if the wait staff would also serve alcohol. Ms. Kullamai responded affirmatively. Commissioner Clapp stated that the wait staff also needed to be familiar with the City's code. Commissioner Clapp questioned if there would be a bar. Ms. Kullamai responded negatively. Commissioner Clapp noted that the application was for a beer and wine license. Ms. Sapon and Ms. Kullamai responded affirmatively.

Commissioner Clapp questioned if there were any changes. Commissioner Stockton questioned the clientele. Ms. Kullamai informed the Commission that the lunch clientele was primarily working people. Dinner clientele was primarily families. She noted that the clientele was more mature. There were not a lot of young people coming into the restaurant. Mr. Gray noted that the idea was to offer a beer or glass of wine with dinner. Nana Thai would not be a bar.

Commissioner Gibson questioned if in the past the Commission had conditionally recommended an Application to the Council. He added that the condition would address training and familiarity with the City code (rules and regulations). Commissioner Stockton noted that in twenty-seven (27) years of service he could not recall a single incident. Commissioner Clapp recalled a TIPS, (Training for Intervention Procedures by Servers of Alcohol), requirement for G, (gasoline/alcohol sales) classification license holders. Commissioner Stockton noted that this condition was usually a part of a violation hearing.

Janet Lancaster, 316 N. Main St., addressed the Commission. She reminded the Commission of the STEPS (Safety Training to Encourage Profitable Service) Program. She encouraged the Commission to recommend this training program to all new license holders. The program was an eight (8) hours training which should be attended by all servers of alcohol. The next STEPS program would be held on Friday, January 13, 2005 from 9:00 a.m. to 4:00 p.m. at the Normal Police Department. The registration fee was \$10.00 and included lunch. She offered to forward the information to Nana Thai. She noted that it was a great opportunity. The trainers are a police officer, a bar owner and a prevention officer.

Hannah Eisner arrived at 4:12 p.m.

Mr. Gray also offered to share the information with his clients. He noted that attendance at this type of program offered the potential for a discount on liquor insurance. Commissioner Stockton thanked Ms. Lancaster for the suggestion. He encouraged the Applicant to attend this program. The City wanted Nana Thai to be successful. Mr. Gray expressed his belief that the Applicant would be very receptive to the idea/suggestion.

Commissioner Stockton questioned the scheduled closing hour. He noted that the Application listed midnight. Ms. Kullamai informed the Commission that the restaurant was open until 9:00 p.m. Sunday through Thursday, and until 10:00 p.m. on Friday and Saturday. Commissioner Stockton questioned if the full menu was available until closing. Ms. Kullamai responded affirmatively.

Commissioner Petersen questioned if the Commission would be setting a precedent by requiring that an Applicant to attend a class. Commissioner Gibson noted that there was no past requirement. However, the Applicant seems willing to participate. He added that the Commission had an obligation. The license would be granted after the class was completed. All parties involved would be more comfortable with the sale/service of alcohol.

Commissioner Stockton questioned how often the STEPS program was offered. Mike Dobbins Heartland Coalition, 502 S. Morris, addressed the Commission. He noted that the program was offered three (3) times annually. There had been discussion of developing a program for the G license classification. He expressed his opinion that the precedent would be good for the community. Ms. Lancaster noted that any/all employees could attend. Mr. Gray expressed his opinion that a key staff person be in attendance.

Commissioner Petersen questioned the timing. He noted the limited offerings, (three times a year). Mr. Gray questioned if the STEPS program could be brought to the restaurant. He added that the Applicant was willing to not sell alcohol until after the January 13, 2006 class.

Commissioner Buchanan arrived at 4:20 p.m.

Commissioner Stockton questioned the with holding of the license. Commissioner Clapp expressed her concern regarding the limited offerings, (three times a year). Mr. Dobbins offered the assistance of the Heartland Coalition to bring the Applicant up to speed. They would understand the key points. The wait staff would then attend the January class.

Commissioner Stockton questioned if the Applicant would be comfortable accepting outside assistance. The condition stipulated January 13, 2006 STEPS training, which would mean that the license might be withdrawn for failure to complete said training. He expressed concern with the delay.

Commissioner Gibson expressed his concern due to his belief that outside training should occur prior to receiving a liquor license. Commissioner Stockton questioned if Commissioner Gibson would be willing to amend his motion.

Commissioner Petersen questioned the timing between the date the Application would be heard before the Council until the January 13, 2006 STEPS training. Commissioner Gibson noted approximately two (2) weeks. Commissioner Stockton noted that this would be a new step for the City. He cautioned the Applicant to proceed carefully. Ms. Kullamai noted that Nana Thai's focus was on the food. The Applicant is willing to wait and attend the STEPS training prior to obtaining the liquor license.

Based on the above, the Liquor Commission recommends to the City Council that an RBS liquor license for Nana Thai, Inc., d/b/a Nana Thai, located at 1500 E. Empire, Ste. 1, be created, contingent upon compliance with all applicable health and safety codes with the following condition that the owners seek outside training as soon as possible, which would include the January 13, 2006 STEPS Program, failure to do so might result in license revocation.

Respectfully,

Stephen F. Stockton  
Chairman of Liquor Commission

**Motion by Alderman Crawford, seconded by Alderman Schmidt that an RBS liquor license for Nana Thai, Inc., d/b/a Nana Thai located at 1500 E. Empire, Ste. 1, be created, contingent upon compliance with all applicable health and safety codes with the following condition that the owners seek outside training as soon as possible, which would include the January 13, 2006 STEPS Program, failure to do so might result in license revocation.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition submitted by the City of Bloomington, a Municipal Corporation, requesting approval of a Text Amendment to Sections 9.40 (a) and 9.40 (c) of the Bloomington Zoning Code by giving the Board of Zoning Appeals the authority to grant variations of the Accessory Buildings and Use Regulations (Section 4.40) and by inserting the “Department of Planning and Code Enforcement” in lieu of “Department of Building Safety” in said Section 9.40(c) (Case Z-24-05)

**BACKGROUND INFORMATION:**

Currently, Section 9.40 (a) of the City’s Zoning Code does not specifically give the Board of Zoning Appeals the authority to grant variations of the Accessory Buildings and Use Regulations found in Section 4.40 of the Zoning Code. Currently, the Board of Zoning Appeals may permit specific variations to the following sections of the Code: the Schedule of Bulk Regulations (Section 6.80), Yard Regulations (Section 4.50), Landscaping Provisions (Section 4.78), Off-Street Parking and Loading Regulations (Section 7.20), Special Use Regulations (Section 7.30), and to allow the enlargement and structural alterations of nonconforming structures (Section 4.60).

In past practice, the Board has reviewed and approved variations of the Accessory Buildings and Use Regulations (Section 4.40). The amendment requested in this Case Z-24-05 is simply a “housekeeping “ measure that is intended to correct this oversight or error of omission in Section 9.40(a) and to update the departmental reference by inserting “Department of Planning and Code Enforcement” in lieu of “Department of Building Safety” in said Section 9.40(c).

**PLANNING COMMISSION PUBLIC HEARING:**

The Planning Commission held a public hearing on this petition on December 14, 2005 and recommends the same. At the December 14th hearing, Mr. Kenneth Emmons, City Planner, noted that staff recommended that the Planning Commission pass a motion recommending Council approval of this petition in Case Z-24-05 as presented in the public interest.

No testimony was presented in favor of or in opposition to this petition at this hearing.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission closed the public hearing on this petition on December 14, 2005, and passed a motion by a vote of 8 to 0 recommending approval of the petition. in Case Z-24-05 as presented.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission's recommendation for approval of the petition in Case Z-24-05 as presented.

Respectfully submitted,

Kenneth Emmons  
City Planner

Tom Hamilton  
City Manager



**ORDINANCE NO. 2005 - 136**

**AN ORDINANCE TO AMEND THE TEXT OF CHAPTER 44, SECTIONS 9.40 (A) AND 9.40 (C) OF THE BLOOMINGTON CITY CODE – 1960, AS AMENDED**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition praying for the amendment of Chapter 44, Sections 9.40 (a) and 9.40 (c) of the Bloomington City Code – 1960, as amended; and

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

WHEREAS, the text amendment prayed for in said Petition is in the public interest; and

WHEREAS, the City Council of said City has the power to pass this Ordinance to amend said Sections of Chapter 44 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 Chapter 44, Sections 9.40 (a) and 9.40 (c), of the Bloomington City Code – 1960, as amended, shall and the same are hereby amended as hereinafter printed in Exhibit A.
2. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 27th day of December, 2005.

APPROVED this 28th day of December, 2005.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**EXHIBIT A**

(a) Authority. The Board of Zoning Appeals hereafter may permit variations to the following sections of this Code: the Schedule of Bulk Regulations (Section 6.80), **Accessory Buildings and Use Regulations (Section 4.40)**, Yard Regulations (Section 4.50), Landscaping Provisions (Section 4.78), Off-Street Parking and Loading Regulations (Section 7.20), Special Use Regulations (7.30), and to allow the enlargement and structural alterations of nonconforming

structures (Section 4.60). Such variations shall only be granted when the variation would be in harmony with this Code's general purpose and intent. The Board of Zoning Appeals may grant variances only in specific instances where there would be practical difficulties or particular hardships in carrying out the strict letter of those Sections of this Code stated herein. Any and all variations to this Code granted by the Board of Zoning Appeals prior to January 9, 1996 are hereby authorized and validated.

Under no circumstances shall the Board of Zoning Appeals grant a variation to allow a use of land not permissible under the terms of the Code in the zoning district involved or any use of land expressly or by implication prohibited by the terms of this Code in said zoning district. (~~Ordinance No. 1996-3~~)

(b) Initiation. An application for a variation may be made by any person, firm or corporation, or by any office, department, board, bureau or Commission requesting or intending to request application for a building permit or by the City Council or the City staff at the direction of the City Council. (Ordinance No. 1986-34)

(c) Processing:

- (1.) All requests for variations other than those initiated by or on behalf of the Bloomington City Council, shall only be accepted when filed in proper application form with the City Department of ~~Safety~~ **Planning and Code Enforcement**. Before the application is filed, a pre-application review by the Department of ~~Building Safety~~ **Planning and Code Enforcement** is required. The information requested on the application is deemed to be a minimum, and applicants may be required to supply additional information prior to the public hearing on their requests. Such application must be filed in duplicate as a prerequisite to the commencement of any action on the part of the City. The Department of ~~Building Safety~~ **Planning and Code Enforcement** shall, at such times as the Department is in receipt of the completed application forms, and after processing, forward a copy thereof to the Board of Zoning Appeals for action by said Board.
- (2.) No variation shall be made by the Board of Zoning Appeals except after a public hearing before the Board of Zoning Appeals, of which there shall be notice of the time and place of hearing published at least once not more than thirty (30) nor less than fifteen (15) days before the hearing in one (1) or more newspapers with a general circulation within the City of Bloomington, Illinois, as is prescribed by the Illinois Statute. Supplemental or additional notices may be published or distributed as the Board of Zoning Appeals may, by rule, prescribed from time to time. (~~Ordinance No. 1986-34~~)

**Motion by Alderman Crawford, seconded by Alderman Schmidt 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, Matejka and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Lake Bloomington Lease Transfer request for Lot 8, Block 1 in Camp Iroquois Aaron and Lora Egbers to Main Street Bank and Trust, as Trustee, of Trust #030-012-710, dated December 12, 2005

Staff has reviewed a Lake Bloomington Lease Transfer request for Lot 8, Block 1 in Camp Iroquois and the septic system inspection report. The septic system was determined to be in working order.

Staff respectfully requests the Council approve the Lake Bloomington Lease Transfer for Lot 8, Block 1 in Camp Iroquois, from Aaron and Lora Egbers to Main Street Bank and Trust, as Trustee, of Trust # 030-012-710, dated December 12, 2005.

Respectfully,

Craig M. Cummings  
Director of Water

Tom Hamilton  
City Manager

**Motion by Alderman Crawford, seconded by Alderman Schmidt that the Lake Lease transfer be approved and the Mayor and City Clerk be authorized to execute the necessary documents.**

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

**Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, 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 47 Brookstone Circle

A request has been received from Donald Pond, owner of 47 Brookstone Circle, 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 32 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 Crawford, seconded by Alderman Schmidt 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, 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 Northside Church of Christ for Approval of an Easement Dedication Plat for Lot 40 in Hawthorne II Subdivision

A Petition has been received from Northside Church of Christ for Approval of an Easement Dedication Plat for Lot 40 in Hawthorne II Subdivision. The request is to dedicate a Public Sanitary Sewer, Storm Sewer and Surface Drainage easement as shown on the attached plat. Staff has reviewed the plat and finds it to be acceptable.



**ORDINANCE NO. 2005 - 137****AN ORDINANCE PROVIDING FOR THE DEDICATION OF EASEMENTS BY  
NORTHSIDE CHURCH OF CHRIST**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting the dedication of easements; and

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

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

WHEREAS, it is reasonable and proper to dedicate said easements as proposed in this case.

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

1. That the Easement for Public Sanitary Sewer (as to Tract 1) and the Easement for Public Surface Drainage and Storm Sewer (as to Tract 2) of Lot 40 of Hawthorne II Subdivision in the SE ¼ of Section 30, Township 24 North, Range 3 East of the Third Prime Meridian is hereby dedicated.
2. The aforesaid dedication affords the City and all its utilities an easement the full width of the dedicated tracts for the purpose of laying, installing, maintaining, repairing, removing, or replacing such facilities as the City may deem appropriate.
3. That this ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 27th day of December, 2005.

APPROVED this 28th day of December, 2005.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**EXHIBIT A**

Tract I

Public Sanitary Sewer Easement Dedication  
Legal Description

The North 15 feet of the South 47.5 feet of Lot 40 in Hawthorne II Subdivision, according to the Plat thereof recorded as Document No. 93-2642, being a part of the SE ¼ of Section 30, Township 24 North, Range 3 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois.

Tract II

Public Surface Drainage and Storm Sewer Easement Dedication  
Legal Description

A part of Lot 40 in Hawthorne II Subdivision, according to the Plat thereof recorded as Document No. 93-2642, in the SE ¼ of Section 30, Township 24 North, Range 3 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois, being a tract of land lying twenty-five (25) feet north of the following described line: Commencing at the southwest corner of Lot 40 in Hawthorne II Subdivision; thence N. 00°-33'-09"W. 40.00 feet on the west line of said Lot 40 to the Point of Beginning; thence N. 89°-20'-25"E. 78.32 feet parallel with the south line of said Lot 40; thence N.82°-21'-50"E. 293.92 feet to the Point of Termination on the east line of said Lot 40.

PIN # 15-30-400-016

**Motion by Alderman Crawford, seconded by Alderman Schmidt that the Dedication 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, 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 Northside Church of Christ for Approval of an Easement Vacation Plat for Lot 40 in Hawthorne II Subdivision

A Petition has been received from Northside Church of Christ for Approval of an Easement Vacation Plat for Lot 40 in Hawthorne II Subdivision. The request is to vacate the existing 60 foot drainage and utility easement along the south line of Lot 40, except the west 10 feet and the east 15 feet. All relevant private utility companies have reviewed the Plat and granted their approval of the easement vacation.

Staff has reviewed the plat, and there are City utilities in the easement being vacated. However, because the Petitioner has requested approval of a Petition which dedicates a new easement for these utilities, staff respectfully recommends approval of this easement vacation in conjunction with the approval of the new easement dedication plat.

As all items are in order, staff respectfully recommends that Council approve the Petition and the Ordinance be passed for the Easement Vacation Plat for Lot 40 in Hawthorne II Subdivision.

Respectfully,

Douglas G. Grovesteen  
Director of Engineering

Tom Hamilton  
City Manager



**ORDINANCE NO. 2005 - 138****AN ORDINANCE PROVIDING FOR THE VACATION OF NORTHSIDE CHURCH OF CHRIST PUBLIC SURFACE DRAINAGE & UTILITY EASEMENT**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting the vacation of the present Northside Church of Christ Public Surface Drainage & Utility Easement; and

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

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

WHEREAS, it is reasonable and proper to vacate said Public Surface Drainage & Utility Easement as requested in this case.

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

1. That the present Northside Church of Christ Public Surface Drainage & Utility Easement is hereby vacated.
2. The aforesaid vacation notwithstanding, the City reserves to itself the ability to review and approve Petitioner's simultaneous Petition to Dedicate Easements for Public Sanitary Sewer (as to Tract 1) and Public Surface Drainage & Storm Sewer (as to Tract 2), for the purpose of laying, installing, maintaining, repairing, removing, or replacing such facilities as they may deem appropriate.
3. That this ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 27th day of December, 2005.

APPROVED this 28th day of December, 2005.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk



**EXHIBIT A**

Legal Description

The South 60 feet of Lot 40 in Hawthorne II Subdivision, according to the Plat thereof recorded as Document No. 93-2642, being a part of the SE ¼ of Section 30, Township 24 North, Range 3 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois EXCEPT the West 10 feet thereof and also EXCEPT the East 15 feet thereof.

PIN # 15-30-400-016

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

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

**Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, 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 Schwan's Home Service, Inc. Requesting the Dedication of a Public Storm Sewer and Surface Drainage Easement on Lot 8 of Interstate Business Park Subdivision, 5th Addition

A petition has been received from Schwan's Home Service, Inc. requesting the Dedication of a Public Storm Sewer and Surface Drainage Easement on Lot 8 of Interstate Business Park Subdivision, 5th Addition, as shown on the Easement Dedication Plat. Staff has reviewed the Easement Dedication Plat and finds it acceptable.

Staff respectfully recommends that Council approve the Petition and the Ordinance be passed for Dedication of a Public Storm Sewer and Surface Drainage Easement.

Respectfully,

Douglas G. Grovesteen  
Director of Engineering

Tom Hamilton  
City Manager



**ORDINANCE NO. 2005 - 139**

**AN ORDINANCE PROVIDING FOR THE DEDICATION OF PUBLIC STORM SEWER  
AND SURFACE DRAINAGE EASEMENT**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition requesting the dedication of public storm sewer and surface drainage easement; and

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

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

WHEREAS, it is reasonable and proper to dedicate the public storm sewer and surface drainage easement as requested in this case.

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

1. That the public storm sewer and surface drainage easement legally described on attached Exhibit "A" is dedicated to the City of Bloomington.
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 December, 2005.

APPROVED this 28th day of December, 2005.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**EXHIBIT A**

**Public Storm Sewer & Surface Drainage Easement Legal Description**

A part of Lot 8 in Interstate Business Park 5<sup>th</sup> Addition, according to the Plat thereof recorded as Document No. 2004-00021105, being a part of the NW<sup>1</sup>/<sub>4</sub> of Section 1, Township 23 North, Range 1 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois,

more particularly described as follows: Commencing at the northeast corner of Lot 8 in Interstate Business Park 5<sup>th</sup> Addition; thence N.89°-53'-00"W. 34.88 feet on the north line of said Lot 8; thence S.00°-07'-00"W. 15.00 feet to the Point of Beginning; thence S.23°-07'-26"E. 34.00 feet; thence N.52°-51'-19"W. 51.88 feet to a point 15 feet south of the north line of said Lot 8; thence S.89°-53'-00"E. 28.00 feet to the Point of Beginning, containing 437.38 square feet, more or less, with assumed bearings given for description purposes only.

PIN #20-01-200-027

**Motion by Alderman Crawford, seconded by Alderman Schmidt that the Dedication 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, Matejka and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition submitted by G. Thomas Baer and Marlene Baer; Harland Kilborn and Eileen Kilborn; William R. Johnston and Royal Links Subdivision Corp. requesting the Rezoning of approximately 6.41 acres of land located south of Ft. Jesse Road and east of Airport Road from R-1C - High Density Single Family Residence District and S-2 - Public Lands and Institutions District to R-2 - Mixed Residence District (Case Z-20-05) (Ward 3)

**BACKGROUND INFORMATION:**

**Adjacent Zoning**

north: S-2 Public Lands and Institutions District  
south: R-1C High Density Single Family Residence District  
east: R-2 Mixed Residence District  
west: R-1C High Density Single Family Residence District

**Adjacent Land Uses**

north: church  
south: vacant lots for new homes  
east: vacant lots for duplexes  
west: single family dwellings

Adopted Comprehensive Plan recommends: “Low/Medium Density Residential” land use for the southern portion and “Governmental/Institutional” land use for the northern portion of the property in question.

The property in question is a 6.41 acre tract of land that includes two single family dwellings, some public right-of-way for the previous alignment of Ft. Jesse Road, and some vacant land to the north at the southeast corner of Airport Road and Ft. Jesse Road that had been previously owned by the Cross Pointe Church of God.

Mr. William R. Johnston, the developer of the Royal Links Subdivision to the south, plans to subdivide this property and build upscale, zero lot line, attached single family town homes thereon (similar to the “Villas at Spring Ridge”) with each dwelling unit on its own lot. Due to the fact that Mr. Johnston wanted to have the Planning Commission review the Preliminary Plan for this planned unit development at the same time as this petition for a zoning map amendment, Mr. Frank Miles, the petitioners’ attorney, requested that the October 26, 2005 public hearing on Case Z-20-05 be continued until December 14, 2005 when the Preliminary Plan for the “Villas at Royal Links PUD” in Case PS-15-05 was scheduled for public hearing. Such plan proposes the subdivision of this property into 28 residential lots and three outlots that has a density of only 4.4 dwelling units per acre.

#### PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission held public hearings on this petition on October 26, 2005 and December 14, 2005 and recommends the same. At the December 14th hearing, Mr. Kenneth Emmons, City Planner, noted that staff recommended that the Planning Commission pass a motion to recommend Council approval of this petition to rezone the subject premises from R-1C High Density Single Family Residence District and S-2 Public Lands and Institutions District to R-2 Mixed Residence District in the public interest.

Mr. Frank Miles, Attorney at Law, 202 N. Center Street, presented arguments in favor of this petition at this hearing. He noted that these town homes would be priced in the \$250,000 to \$350,000 range and would be more upscale than those in the Villas at Spring Ridge, north of the G.E. Employees Club Park.

No testimony was presented in opposition to this petition at this hearing.

#### PLANNING COMMISSION RECOMMENDATION:

The Planning Commission closed the public hearing on this petition on December 14, 2005, and passed a motion by a vote of 8 to 0 recommending Council approval of the petition in Case Z-20-05 as presented.

#### STAFF RECOMMENDATION:

Staff concurs with the Planning Commission’s recommendation for approval of the petition in Case Z-20-05 as presented.

Respectfully submitted,

Kenneth Emmons  
City Planner

Tom Hamilton  
City Manager

**PETITION FOR ZONING MAP AMENDMENT**

State of Illinois        )  
                                  )ss.  
County of McLean     )

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

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

WHEREFORE, your petitioners respectfully pray that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended by changing the zoning classification of the above described premises from R-1C and S-2 to R-2 Mixed Residence District.

Respectfully submitted,

G. Thomas Baer & Marlene Baer;  
Harland Kilborn & Eileen Kilborn;  
William R. Johnston and Royal  
Links Subdivision

By: Frank A. Miles  
Attorney

**ORDINANCE NO. 2005 - 140****AN ORDINANCE REZONING CERTAIN PROPERTY FROM R-1C AND S-2 TO R-2,  
MIXED RESIDENCE DISTRICT**

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

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

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

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

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

PASSED AND APPROVED this 27th day of December, 2005.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**EXHIBIT A****DESCRIPTION OF PROPERTY**

A part of Lots 3, 4 and 5 in the Resubdivision of Lot 1 in Baer-Kilborn Subdivision in the City of Bloomington, McLean County, Illinois, according to the Plat recorded as Document No. 85-6503 and corrected by Plat recorded as Document No. 87-5234 in the McLean County Recorder's



Office, all of Lot 2 and a part of the South Portion of Fort Jesse Road Right-of-Way in the First Church of God Subdivision in the City of Bloomington, McLean County, Illinois, according to the Plat recorded as Document No. 86-23345 and amended by Plat recorded as Document No. 93-6486 in said Recorder's Office, and a part of the South Half of Fort Jesse Road Right-of-Way as dedicated in Baer-Kilborn Subdivision in the City of Bloomington, McLean County, Illinois, according to the Plat recorded as Document No. 84-13680 in said Recorder's Office, described as follows: Beginning at the Northwest Corner of Outlot 46 in Royal Links Subdivision in the City of Bloomington, McLean County, Illinois, according to the Plat recorded as Document No. 2004-42438 in said Recorder's Office, said Corner being a point lying 160.00 feet south of the Northwest Corner of Lot 4 in said Resubdivision. From said Point of Beginning, thence north 200.00 feet along the West Line of said Lot 4 and the Northerly Extension thereof to a point on the North Line of said South Half of Fort Jesse Road Right-of-Way lying 3.00 feet west of the Southwest Corner of Lot 2 in said First Church of God Subdivision (amended); thence east 3.00 feet along said North Line which forms an angle to the left of 89°-38'-00" with the last described course to said Southwest Corner; thence north 149.98 feet along the West Line of said Lot 2 which forms an angle to the left of 270°-22'-07" with the last described course to the Northerly Line of said Lot 2; thence northeast 32.09 feet along said Northerly Line which forms an angle to the left of 122°-37'-17" with the last described course; thence southeast 97.12 feet along said Northerly Line which forms an angle to the left of 141°-17'-50" with the last described course to a Point of a Curvature; thence southeasterly 238.54 feet along said Northerly Line being the arc of a curve concave to the southwest with a radius of 894.37 feet and the 237.83 foot chord of said arc forms an angle to the left of 172°-21'-34" with the last described course to a Point of Tangency; thence southeast 398.74 feet along said Northerly Line and the Southeasterly Extension thereof which lines form an angle to the left of 172°-21'-34" with the last described chord to a point on the North Line of Lot 3 in said Resubdivision; thence east 441.47 feet along the North Line of said Lot 3 which forms an angle to the left of 200°-59'-38" with the last described course to a point lying 477.91 feet west of the Northeast Corner thereof; thence south 160.00 feet along a line which forms an angle to the left of 90°-00'-00" with the last described course to a point on the Easterly Extension of the North Line of said Royal Links Subdivision lying 98.00 feet east of the Northeast Corner of Lot 14 in said Subdivision; thence west 1169.46 feet along said Easterly Extension and said North Line which lines form an angle to the left of 90°-00'-00" with the last described course to the Point of Beginning, containing 6.414 acres, more or less.

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

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition submitted by G. Thomas Baer and Marlene Baer; Harland Kilborn and Eileen Kilborn; William R. Johnston and Royal Links Subdivision Corp. requesting approval of the Preliminary Plan for the Villas at Royal Links Planned Unit Development located south of Ft. Jesse Road and east of Airport Road (Case PS-15-05) (Ward # 3)

BACKGROUND INFORMATION:Adjacent Zoning

north: S-2 Public Lands and Institutions District  
 south: R-1C- High Density Single Family Residence District  
 east: R-2- Mixed Residence District  
 west: R-1C- High Density Single Family Residence District

Adjacent Land Uses

north: church  
 south: vacant lots for new homes  
 east: vacant lots for duplexes  
 west: single family dwellings

Adopted Comprehensive Plan recommends: “Low/Medium Density Residential” land use for the southern portion and “Governmental/Institutional” land use for the northern portion of the property in question.

The property in question is a 6.41 acre tract of land that includes two single family dwellings, some public right-of-way for the previous alignment of Ft. Jesse Road, some vacant land to the north at the southeast corner of Airport Road and Ft. Jesse Road, that had been previously owned by the Cross Pointe Church of God.

Mr. William R. Johnston, the developer of Royal Links Subdivision to the south and east, plans to re-subdivide this property and build 28 upscale, zero lot line, attached single family town homes thereon (similar to the “Villas at Spring Ridge”), with each dwelling unit on a 45’ to 54’ wide lot. The two existing single family dwellings presently located on Lots 4 and 5 of the Re-subdivision of Lot 1 of the Baer-Kilbourn Subdivision will be demolished to provide sites for the new town homes.

The Preliminary Plan for the Royal Links Subdivision, previously approved by Council on November 10, 2003, indicated that the eastern 2.74 acres of this 6.41 acre tract would provide sites for 21 attached single family dwellings (two three-unit townhouses & three five-unit townhouses) in a condominium accessible by way of a private street (Bent Court) to Ft. Jesse Road and to be known as “The Villas at Royal Links” Planned Unit Development.

Now the western 3.67 acres of this 6.41 acres has added to “The Villas at Royal Links” site, where the 28 upscale, zero lot line, attached single family town homes will be constructed. This is equivalent to an overall net density of 4.4 dwelling units per acre and requires the dedication of at least 0.6552 acres for public park (using 10.0 acres per 1,000 persons & 2.34 persons per dwelling unit) or the payment of a \$39,312 fee in lieu thereof based on a fair market value of \$60,000 per acre for this property. This parkland exaction requires the payment of a \$1,404 fee per dwelling unit in lieu parkland dedication multiplied by 28 dwelling units.

Each dwelling unit will have a two car attached garage, and 15 additional guest parking spaces will be provided on Outlot 29 and along the south edge of the private common open space. Additional parking will be allowed along the 30 foot wide portion of Bent Court, the private street, between the two entrances from Ft. Jesse Road. No on street parking will be allowed along the 25 foot wide portion of Bent Court, west of the western entrance to Ft. Jesse Road. The minimum distance from the front of the garages to the back of the curb will be 25 feet for parking cars in driveways on each lot.

All sanitary sewers and water mains will be built within easements or right of way dedicated to the City. All storm sewers will be private and maintained by the homeowners’ association. All snow removal and landscaping maintenance will be private and funded by the homeowners’ association. A 10 foot landscape screen is to be planted along the south and east edges of this tract. The street lights are to be decorative and owned by the City.

The following waivers of the Subdivision Code are being requested:

1. Street system to be private, owned and maintained by the Property Owners Association in lieu of public streets.
2. Maximum allowable floor area to be 46.9% of the land area instead of 40.0 % of the land area.

#### PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission held a public hearing on this petition on December 14, 2005 and recommends the same. At the December 14th hearing, Mr. Kenneth Emmons, City Planner, noted that staff recommended that the Planning Commission pass a motion recommending Council approval of the requested waivers and the Preliminary Plan for the “Villas at Royal Links Planned Unit Development in Case PS-15-05 as revised to be consistent with staff’s recommendations as follows:

1. The existing 10” sanitary sewer line is too close to the front of the proposed buildings on Lots 27 and 28 to excavate and repair;
2. The Developer should provide the City with a “hold harmless agreement” to indemnify it from any liability for damage to private streets, mail boxes, or other private property located on the subject premises resulting from refuse collection (if applicable) or utility maintenance & repair/replacement therein by the City;

3. The Preliminary Plan should delineate a “no access strip” along all of the Airport Road and Ft. Jesse Road frontages except where Bent Court intersects with Ft. Jesse Road;
4. A note should be added to the Preliminary Plan to indicate the entity responsible for refuse collection service; and
5. The title on this Preliminary Plan should clearly identify this as the “Villas at Royal Links Planned Unit Development”.

Mr. Frank Miles, Attorney at Law, 201 N. Center Street, presented arguments in favor of this petition at this hearing. He noted that the five revisions cited herein by staff are acceptable to the petitioners and will be implemented.

No testimony was presented in opposition to this petition at this hearing.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission closed the public hearing on this petition on December 14, 2005, and passed a motion by a vote of 8 to 0 recommending Council approval of the requested waivers and the Preliminary Plan for the “Villas at Royal Links Planned Unit Development in Case PS-15-05 as revised to be consistent with staff’s recommendations.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission’s recommendation for approval of Case PS-15-05.

Respectfully submitted,

Kenneth Emmons  
City Planner

Tom Hamilton  
City Manager

**PETITION FOR APPROVAL OF PRELIMINARY DEVELOPMENT PLAN FOR A  
PLANNED UNIT DEVELOPMENT**

State of Illinois            )  
  )ss.  
County of McLean        )

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

Now come G. Thomas Baer & Marlene Baer, Harland Kilborn & Eileen Kilborn; William R. Johnston and Royal Links Subdivision hereinafter referred to as your Petitioners respectfully representing and requesting as follows:

1. That your petitioners are interested as Owners in the premises hereinafter described in Exhibit A attached hereto and made a part hereof by this reference;
2. That your petitioners seek approval of the Preliminary Development Plan for a planned unit development on said premises to be known and described as Villas at Royal Links PUD which Preliminary Development Plan is attached hereto and made to a part hereof;
3. That your petitioners also seek approval of the following exemptions or variations from the provisions of Chapter 44 of the Bloomington City Code, 1960: Those listed on the Preliminary Plan, authorized by prior approvals with the City, or otherwise necessary to complete the PUD as proposed.

WHEREFORE, your petitioner prays that the Preliminary Development Plan for the Villas at Royal Links PUD planned unit development submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

G. Thomas Baer & Marlene Baer  
Harland Kilborn & Eileen Kilborn  
William R. Johnston and Royal  
Links Subdivision

By: Frank A. Miles

**ORDINANCE NO. 2005 - 141****AN ORDINANCE APPROVING THE PRELIMINARY DEVELOPMENT PLAN OF  
THE VILLAS AT ROYAL LINKS PLANNED UNIT DEVELOPMENT**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois a Petition for approval of the Preliminary Development Plan for the Villas at Royal Links Planned Unit Development, legally described in Exhibit A attached hereto and made a part hereof by reference; and

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

Those listed on the Preliminary PUD Plan, authorized by prior agreements with the City, or otherwise necessary to complete the PUD as proposed; and

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

WHEREFORE, said exemptions and/or variations are reasonable and in keeping with the intent of the Zoning Code, Chapter 44 of the Bloomington City Code – 1960, as amended.

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

1. That the Preliminary Development Plan of the Villas at Royal Links Planned Unit Development 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 December, 2005.

APPROVED this 28th day of December, 2005.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**EXHIBIT A****DESCRIPTION OF PROPERTY**

A part of Lots 3, 4 and 5 in the Resubdivision of Lot 1 in Baer-Kilborn Subdivision in the City of Bloomington, McLean County, Illinois, according to the Plat recorded as Document No. 85-6503 and corrected by Plat recorded as Document No. 87-5234 in the McLean County Recorder's Office, all of Lot 2 and a part of the South Portion of Fort Jesse Road Right-of-Way in the First Church of God Subdivision in the City of Bloomington, McLean County, Illinois, according to the Plat recorded as Document No. 86-23345 and amended by Plat recorded as Document No. 93-6486 in said Recorder's Office, and a part of the South Half of Fort Jesse Road Right-of-Way as dedicated in Baer-Kilborn Subdivision in the City of Bloomington, McLean County, Illinois, according to the Plat recorded as Document No. 84-13680 in said Recorder's Office, described as follows: Beginning at the Northwest Corner of Outlot 46 in Royal Links Subdivision in the City of Bloomington, McLean County, Illinois, according to the Plat recorded as Document No. 2004-42438 in said Recorder's Office, said Corner being a point lying 160.00 feet south of the Northwest Corner of Lot 4 in said Resubdivision. From said Point of Beginning, thence north 200.00 feet along the West Line of said Lot 4 and the Northerly Extension thereof to a point on the North Line of said South Half of Fort Jesse Road Right-of-Way lying 3.00 feet west of the Southwest Corner of Lot 2 in said First Church of God Subdivision (amended); thence east 3.00 feet along said North Line which forms an angle to the left of 89°-38'-00" with the last described course to said Southwest Corner; thence north 149.98 feet along the West Line of said Lot 2 which forms an angle to the left of 270°-22'-07" with the last described course to the Northerly Line of said Lot 2; thence northeast 32.09 feet along said Northerly Line which forms an angle to the left of 122°-37'-17" with the last described course; thence southeast 97.12 feet along said Northerly Line which forms an angle to the left of 141°-17'-50" with the last described course to a Point of a Curvature; thence southeasterly 238.54 feet along said Northerly Line being the arc of a curve concave to the southwest with a radius of 894.37 feet and the 237.83 foot chord of said arc forms an angle to the left of 172°-21'-34" with the last described course to a Point of Tangency; thence southeast 398.74 feet along said Northerly Line and the Southeasterly Extension thereof which lines form an angle to the left of 172°-21'-34" with the last described chord to a point on the North Line of Lot 3 in said Resubdivision; thence east 441.47 feet along the North Line of said Lot 3 which forms an angle to the left of 200°-59'-38" with the last described course to a point lying 477.91 feet west of the Northeast Corner thereof; thence south 160.00 feet along a line which forms an angle to the left of 90°-00'-00" with the last described course to a point on the Easterly Extension of the North Line of said Royal Links Subdivision lying 98.00 feet east of the Northeast Corner of Lot 14 in said Subdivision; thence west 1169.46 feet along said Easterly Extension and said North Line which lines form an angle to the left of 90°-00'-00" with the last described course to the Point of Beginning, containing 6.414 acres, more or less.

**Motion by Alderman Crawford, seconded by Alderman Schmidt that the Preliminary Plan for the "Villas at Royal Links Planned Unit Development be approved as revised to be consistent with the staff's recommendations and the Ordinance passed with the following waivers: 1.) street system to be private and owned and maintained by the**

**Property Owners Association in lieu of public streets, and 2.) the maximum allowable floor area to be 46.9 % of the land area instead of 40.0 % of the land area.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition from Royal Links Subdivision, Inc. Requesting Approval of a Final Plat for First Addition to Royal Links Subdivision

A petition has been received from Royal Links Subdivision, Inc. requesting Council approval of a Final Plat for First Addition to Royal Links Subdivision. This subdivision is located south of Ft. Jesse Road, east of Airport Road, north of Ridge Crest Subdivision and west of Eagle Crest North Subdivision. The Final Plat is in conformance with the Preliminary Plan approved on November 10, 2003.

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

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

Respectfully,

Douglas G. Grovesteen  
Director of Engineering

Tom Hamilton  
City Manager



**PETITION FOR APPROVAL OF FINAL PLAT**

State of Illinois        )  
                                  )ss.  
County of McLean     )

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

Now Comes Royal Links Subdivision, Inc. hereinafter referred to as your Petitioner respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter described in Exhibit A attached hereto and made a part hereof by this reference;
2. That your petitioners seeks approval of the Final Plat for the subdivision to be known and described as First Addition to Royal Links Subdivision which Final Plat is attached hereto and made a part hereof;
3. That your petitioner also seeks approval of the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code, 1960: all those shown on the approved Preliminary Plan, if any;
4. That the Final Plat substantially conforms to the Preliminary Plan of said subdivision heretofore approved by the City Council;
5. That your petitioners hereby dedicates 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 First Addition to Royal Links Subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,  
  
Royal Links Subdivision, Inc.

William R. Johnson

**ORDINANCE NO. 2005 - 142****AN ORDINANCE APPROVING THE FINAL PLAT OF THE FIRST ADDITION TO ROYAL LINKS SUBDIVISION**

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

WHEREAS, said Petition requests the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code – 1960, as amended: all those shown on the approved Preliminary Plan, if any; and

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

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

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

1. That the Final Plat of the First Addition to Royal Links Subdivision and any and all requested exemptions and/or variations be, and the same is hereby approved, and all dedications made therein are accepted.
2. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 27th day of December, 2005.

APPROVED this 28th day of December, 2005.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**EXHIBIT A****TRACT 1:**

A part of Lot 3 in the Resubdivision of Lot 1 in Baer-Kilborn Subdivision in the City of Bloomington, McLean County, Illinois, according to the Plat recorded June 3, 1985, as Document No. 85-6503 and as corrected by Plat recorded March 20, 1987, as Document No. 87-5234 in the McLean County Recorder's Office, more particularly described as follows: Beginning at the Northeast Corner of Lot 14 in Royal Links Subdivision in the City of Bloomington, Illinois, according to the Plat recorded as Document No. 2004-42438 in said Recorder's Office. From said Point of Beginning, thence south 180.00 feet along the East Line of said Lot 14 and the East Line of Fiona Way in said Subdivision to the Southeast Corner thereof; thence west 22.00 feet along the South Right-of-Way Line of said Fiona Way which forms an angle to the right of  $270^{\circ}-00'-00''$  with the last described course to the Northeast Corner of Luke Road in said Subdivision; thence south 99.00 feet along the East Right-of-Way Line of said Luke Road which forms an angle to the right of  $90^{\circ}-00'-00''$  with the last described course to the Northwest Corner of Lot 17 in said Subdivision; thence east 120.00 feet along the North Line of said Lot 17 which forms an angle to the right of  $90^{\circ}-00'-00''$  with the last described course to the Northeast Corner thereof; thence south 432.99 feet along the East Line of said Lot 17 and the East Lines of Lots 18, 19, 20 and Baer Road in said Subdivision which form an angle to the right of  $270^{\circ}-00'-00''$  with the last described course to the Southeast Corner of said Baer Road; thence west 35.00 feet along the South Right-of-Way Line of said Baer Road which forms an angle to the right of  $270^{\circ}-00'-00''$  with the last described course to the Northeast Corner of Lot 21 in said Subdivision; thence south 120.00 feet along the East Line of said Lot 21 which forms an angle to the right of  $90^{\circ}-00'-00''$  with the last described course to the Southeast Corner thereof, said Southeast Corner being on the South Line of Lot 3 in said Resubdivision; thence east 360.00 feet along the South Line of said Lot 3 which forms an angle to the right of  $90^{\circ}-00'-00''$  with the last described course; thence north 180.00 feet along a line which forms an angle to the right of  $90^{\circ}-00'-00''$  with the last described course; thence west 25.00 feet along a line which forms an angle to the right of  $90^{\circ}-00'-00''$  with the last described course; thence north 584.00 feet along a line which forms an angle to the right of  $270^{\circ}-00'-00''$  with the last described course; thence northeast 210.91 feet along a line which forms an angle to the right of  $189^{\circ}-33'-08''$  with the last described course; thence north 20.00 feet along a line which forms an angle to the right of  $170^{\circ}-26'-52''$  with the last described course to a point on the South Right-of-Way Line of Fort Jesse Road in Baer-Kilborn Subdivision in McLean County, Illinois according to the Plat recorded as Document No. 84-13680 in said Recorder's Office, said South Right-of-Way Line also being the North Line of Lot 3 in said Resubdivision, lying 142.91 feet west of the Northeast Corner thereof; thence west 335.00 feet along said South Right-of-Way Line and said North Line which form an angle to the right of  $90^{\circ}-00'-00''$  with the last described course; thence south 160.00 feet along a line which forms an angle to the right of  $90^{\circ}-00'-00''$  with the last described course to a point on the Easterly Extension of the North Line of Lot 14 in said Royal Links Subdivision lying 98.00 feet east of the Point of Beginning; thence west 98.00 feet along said Easterly Extension which forms an angle to the right of  $270^{\circ}-00'-00''$  with the last described course to the Point of Beginning, containing 7.809 acres, more or less.

TRACT 2:

A part of Lot 3 in the Resubdivision of Lot 1 in Baer-Kilborn Subdivision in the City of Bloomington, McLean County, Illinois, according to the Plat recorded June 3, 1985, as Document No. 85-6503 and as corrected by Plat recorded March 20, 1987, as Document No. 87-5234 in the McLean County Recorder's Office, more particularly described as follows: Beginning at the Southernmost Corner of Lot 23 in Royal Links Subdivision in the City of Bloomington, Illinois, according to the Plat recorded as Document No. 2004-42438 in said Recorder's Office, said Corner being on the South Line of Lot 3 in said Resubdivision. From said Point of Beginning, thence north 431.99 feet along the West Line of said Lot 23 and the West Lines of Lots 24, 25 and 26 in said Subdivision to a Point of Curvature; thence northwesterly 157.08 feet along the Westerly Line of said Lot 26, the Southwesterly Lines of Lots 27 and 28 in said Subdivision and the South Line of Lot 29 in said Subdivision, being the arc of a curve concave to the southwest with a radius of 100.00 feet and the 141.42-foot chord of said arc forms an angle to the right of 135°-00'-00" with the last described course to a Point of Tangency; thence west 329.14 feet along the South Line of said Lot 29 and the South Lines of Lots 30, 31 and 32 in said Subdivision which form an angle to the right of 135°-00'-00" with the last described chord to a Point of Curvature; thence southwesterly 157.08 feet along the Southerly Line of said Lot 32, the Southeasterly Lines of Lots 33 and 34 in said Subdivision and the East Line of Lot 35 in said Subdivision being the arc of a curve concave to the southeast with a radius of 100.00 feet and the 141.42-foot chord of said arc forms an angle to the right of 135°-00'-00" with the last described course to a Point of Tangency; thence south 137.48 feet along the East Line of said Lot 35 and the East Line of Lot 36 in said Subdivision which form an angle to the right of 135°-00'-00" with the last described chord to a Point of Curvature; thence southerly 83.29 feet along the East Line of said Lot 36 and the Easterly Line of Lot 37 in said Subdivision, being the arc of a curve concave to the northeast with a radius of 170.00 feet and the 82.46-foot chord of said arc forms an angle to the right of 165°-57'-50" with the last described course to a Point of Reverse Curvature; thence southerly 83.29 feet along the Easterly Line of said Lot 37 and the East Line of Lot 38 in said Subdivision; being the arc of a curve concave to the southwest with a radius of 170.00 feet and the 82.46-foot chord of said arc forms an angle to the right of 180°-00'-00" with the last described chord to a Point of Tangency; thence south 134.51 feet along the East Line of said Lot 38 which forms an angle to the right of 194°-02'-10" with the last described chord to the Southeast Corner thereof, said Corner being a point on the South Line of Lot 3 in said Resubdivision lying 489.14 feet west of the Point of Beginning; thence east 489.14 feet along the South Line of said Lot 3 which forms an angle to the right of 90°-00'-00" with the last described course to the Point of Beginning, containing 6.167 acres, more or less.

Said Tracts 1 and 2, combined, contain 13.976 acres, more or less.

**Motion by Alderman Crawford, seconded by Alderman Schmidt 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, Matejka and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition submitted by The Links at Ireland Grove Road, LLC, a Limited Liability Corporation requesting the Rezoning of seven parcels of land as follows:

- Parcel 1- B-1 to S-2 for 0.031 acre on south side of Ballybunion Rd., 550’ east of Tullamore Ave.;
- Parcel 2- B-1 to S-2 for 1.005 acres on south side of Ballybunion Rd., 960’ east of Tullamore Ave.;
- Parcel 3- S-2 to B-1 for 1.612 acres 180’ south of Ballybunion Rd., 650’ east of Tullamore Ave.;
- Parcel 4- S-2 to B-1 for 0.126 acre 350’ south of Ballybunion Rd., 600’ east of Tullamore Ave.;
- Parcel 5- S-2 to B-1 for 0.537 acre at the southeast corner of Ballybunion Rd. & Tullamore Ave.;
- Parcel 6- S-2 to R-2 for 0.165 acre on south side of Ballybunion Rd., 150’ east of Glasson St. & 1,700’ south of Ballybunion Rd.; and
- Parcel 7- S-2 & R-3A to R-2 for 11.714 acres on south side of Ballybunion Rd., 150’ east of Glasson St. & 1,010’ south of Ballybunion Rd.

All located in The Links at Ireland Grove Road Subdivision, west of the Pony League Baseball Fields. (Case Z-23-05) (Ward # 8).

**BACKGROUND INFORMATION:**

Adjacent Zoning

north: B-1 Highway Business District & R-2 Mixed Residence District  
 south: S-2 Public Lands and Institutions District  
 east: S-2 Public Lands and Institutions District  
 west: S-2 Public Lands and Institutions District & B-1 Highway Business District

Adjacent Land Uses

north: vacant  
 south: vacant & golf course (*under construction*)  
 east: vacant & electrical substation  
 west: vacant & golf course (*under construction*)

Comprehensive Plan recommends: “Conservation/Recreation” & “Light Industrial” uses.

On November 22, 2004, Council approved the Annexation Agreement and the petition to Annex the 118 acre tract of vacant cropland that is now known as “The Links at Ireland Grove Road Subdivision” into the City’s corporate limits. That Annexation Agreement assigned the following zoning classifications to that 118 acre tract:

- B-1 Highway Business District for the northern 14.2 acres, the 4.12 acre golf clubhouse site and the western 8.8 acres;
- S-2 Public Lands and Institutions District for the 45.43 acre par 3 golf course and the 13.4 acre golf driving range;
- R-2 Mixed Residence District for 14.4 acres south of the B-1 area and east of the golf course; and
- R-3A Medium Density Multiple Family Residence District for 10.71 acres south of the R-2 area , east and north of the golf course, and west of the electric power substation.

On February 14, 2005, Council approved the Preliminary Plan for The Links at Ireland Grove Road Subdivision (including Dunraven Subdivision and Dunraven Planned Unit Development) which proposed the subdivision of this property into 56 lots with 14 “four-plex” buildings (attached single family dwellings), 118 lots with duplexes (attached single family), 12 highway business lots, and a privately developed par 3 golf course open to the public. Now that The Links at Ireland Grove Road, LLC (the developer) is further along into the development process it has become necessary to request this series of zoning map amendments to allow for the following adjustments in land use:

- a larger commercial site (Parcels 3 & 4) south of Ballybunion Rd. that is zoned B-1 to permit a restaurant near the golf clubhouse;
- a 0.537 acre commercial site (Parcel 5) at the southeast corner of Ballybunion Rd. & Tullamore Ave., west of the golf driving range, that is zoned B-1;
- an additional 1.036 acres (Parcels 1 & 2) for the golf site; and
- the development of the southern 11.879 acres (Parcels 6 & 7) south of the Dunraven Subdivision & Dunraven Planned Unit Development area under R-2 zoning instead of R-3A zoning.

#### PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission held a public hearing on this petition on December 14, 2005 and recommends the same. At the December 14th hearing, Mr. Kenneth Emmons, City Planner, noted that staff recommended that the Planning Commission pass a motion to recommend Council approval of this petition to Rezone the subject premises as presented in the public interest.

Mr. William C. Wetzel, Attorney at Law, 115 West Jefferson Street, Suite 400 and Mr. Darren Rogers, #3 Raspberry Road presented arguments in favor of this petition at this hearing. Mr. Wetzel noted the marketing of the commercial lots had been very successful and the golf course development had been very positive and was on schedule.

He stated that land development modifications had resulted in the need to request these adjustments in zoning. Mr. Rogers testified that a new full service restaurant was a joint venture of The Links at Ireland Grove Road, LLC and two unnamed professional restaurateurs from Bloomington-Normal. He testified that every commercial lot along the south side of Ireland Grove Road had been sold, including sites for a surgery center, a bank, a daycare center, a sandwich shop, and other retail stores.

No testimony was presented in opposition to this petition at this hearing.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission closed the public hearing on this petition on December 14, 2005, and passed a motion by a vote of 8 to 0 recommending Council approval of the petition in Case Z-23-05 as presented.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission’s recommendation for approval of the petition in Case Z-23-05 as presented.

Respectfully submitted,

Kenneth Emmons  
City

Tom Hamilton  
City Manager

**PETITION FOR ZONING MAP AMENDMENTS**

State of Illinois        )  
                                  )ss:  
County of McLean     )

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

NOW COMES THE LINKS AT IRELAND GROVE ROAD, LLC, hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

1. That your Petitioner is the Owner of the properties described as Parcels 1 through 7 on Exhibit “A” which is attached hereto and made a part hereof by this reference;
2. That said premises presently have zoning classifications as follows:

Parcel 1 - B-1  
Parcel 2 - B-1

Parcel 3 - S-2  
Parcel 4 - S-2  
Parcel 5 - S-2  
Parcel 6 - S-2  
Parcel 7 -S-2 and R-3A

under the provisions of Chapter 44 of the Bloomington City Code, 1960;

3. That the present zoning on said premises is inappropriate due to error in original zoning, technological changes altering the impact or effect of the existing land uses, or the area in question having changed such that said present zoning is no longer contributing to the public welfare;

4. That your Petitioner hereby requests that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended to reclassify said premises as follows:

Parcel 1 - S-2  
Parcel 2 - S-2  
Parcel 3 - B-1  
Parcel 4 - B-1  
Parcel 5 - B-1  
Parcel 6 - R-2  
Parcel 7 -R-2;

5. That said requested zoning classifications are more compatible with existing uses and/or zoning of adjacent property than the present zoning of said premises; and

6. That said requested zoning classifications are more suitable for said premises and the benefits realized by the general public in approving this petition will exceed the hardships imposed on your Petitioner by the present zoning of said premises.

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

Respectfully submitted,

THE LINKS AT IRELAND  
GROVE ROAD, LLC

By: William C. Wetzel



**ORDINANCE NO. 2005 - 143**

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

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

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

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

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

1. That the premises hereinafter described on Exhibit "A" shall be and the same are hereby rezoned as follows:

- Parcel 1 - from B-1 to S-2
- Parcel 2 - from B-1 to S-2
- Parcel 3 - from S-2 to B-1
- Parcel 4 - from S-2 to B-1
- Parcel 5 - from S-2 to B-1
- Parcel 6 - from S-2 to R-2
- Parcel 7 -from S-2 and R-3A to R-2

2. The Official Zoning Map of said City shall be amended to reflect these changes in the zoning classification.

3. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 27th day of December, 2005.

APPROVED this 28th day of December, 2005.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**EXHIBIT A****PARCEL 1**

(To be Rezoned from B-1 to S-2)

A part of Lot 310 in The Links at Ireland Grove Road Subdivision in the City of Bloomington , McLean County , Illinois , described as follows:

Beginning at the Northwest Corner of Lot 309 in said Subdivision. From said Point of Beginning, thence south 184.73 feet along the West Line of the North Portion of said Lot 309 to a point lying 5.00 feet north of the Southwest Corner of said North Portion; thence west 7.34 feet along a line which is perpendicular to said West Line; thence north 186.55 feet along a line which is parallel with said West Line to the north Line of said Lot 310; thence southeast 7.56 feet along said North Line to the Point of Beginning, containing 0.031 acre, more or less.

**PARCEL 2**

(To be Rezoned from B-1 to S-2)

A part of Lot 310 in The Links at Ireland Grove Road Subdivision in the City of Bloomington , McLean County , Illinois , described as follows:

Beginning at the Northeast Corner of Lot 309 in said Subdivision. From said Point of Beginning, thence south 163.00 feet along the East Line of the North Portion of said Lot 309 to the North Line of the South Portion of said Lot 309; thence east 99.00 feet along said North Line to the Northeast Corner of said South Portion; thence south 12.00 feet along the East Line of said South Portion; thence east 158.02 feet along a line which is parallel with the North Line of said Lot 310; thence north 175.00 feet along a line which is parallel with the East Line of the north Portion of said Lot 309 to the North Line of said Lot 310; thence west 257.02 feet along said North line to the Point of Beginning, containing 1.005 acres, more or less.

**PARCEL 3**

(To be Rezoned from S-2 to B-1)

A part of Lot 309 in The Links at Ireland Grove Road Subdivision in the City of Bloomington , McLean County , Illinois , described as follows:

Beginning at the Southeast Corer of said Lot 309. From said Point of Beginning, thence west 192.00 feet along the South Line of the South Portion of said Lot 309 to the Southwest Corer of said South Portion; thence north 357.00 feet along the West Line of said South Portion to the South Line of the North Portion off said Lot 309; thence west of 142.64 feet along said South Line to the Southwest corner of said North Portion; thence north 5.00 feet along the West Line of said North Portion; thence east 334.64 feet along a line which is parallel with the South Line of said North Portion, the north Line of said Lot 309 and the North Line of Lot 310 in said Subdivision to the East Line of the South Portion of said Lot 309; thence south 362.00 feet along said East Line to the Point of Beginning, containing 1.612 acres, more or less.

PARCEL 4

(To be Rezoned from S-2 to B-1)

A part of Lot 310 in The Links at Ireland Grove Road Subdivision in the City of Bloomington , McLean County , Illinois , described as follows:

Beginning at a point on the West Line of the South Portion of Lot 309 in said Subdivision lying 85 feet north of the Southwest Corner thereof. From said Point of Beginning, thence west 55 feet along a line which is perpendicular to said West Line; thence north 110 feet along a line parallel with said West Line; thence east 55 feet along a line which is perpendicular to said West Line to a point on said West Line lying 100 feet north of the Point of Beginning; thence south 100 feet along said West Line to the Point of Beginning, containing 0.126 acre, more or less.

PARCEL 5

(To be Rezoned from S-2 to B-1)

The North 180 Feet of the West 130 Feet of Lot 310 in the Links at Ireland Grove Road Subdivision in the City of Bloomington, McLean County, Illinois, containing 0.537 acre, more or less.

PARCEL 6

(To be Rezoned from S-2 to R-2)

A part of Lot 310 in The Links at Ireland Grove Road Subdivision in the City of Bloomington , McLean County , Illinois , described as follows:

Beginning at the Northeast Corner of the South Portion of said Lot 310 lying 472.13 feet north of the Southeast Corner thereof. From said Point of Beginning, thence west 680.00 feet along the North Line of said South Portion to the East Line of said Lot 310; thence north 749.70 feet along said East Line to a point lying 43.46 feet south of the Southwest Corner of Lot 20 in Dunraven Subdivision in said City; thence west 5.00 feet along a line perpendicular to the East Line of said Lot 310; thence south 754.70 feet along a line parallel with the East Line of said Lot 310; thence east 685.00 feet along a line which is 5.00 feet normally distant south of and parallel with the North Line of the South Portion of said Lot 310 to a point on the East Line of the south portion of said Lot 310 lying 5.00 feet south of the Point of Beginning; thence north 5.00 feet along said East Line to the Point of Beginning, containing 0.165 acre, more or less.

PARCEL 7

(To be Rezoned from S-2 and R-3A to R-2)

A part of West Half of the Northeast Quarter of Section 18, Township 23 North, Range 3 East of the Third Principal Meridian, in the City of Bloomington, McLean County, Illinois, described as follows: Beginning at the Northeast Corner of the South Portion of Lot 310 in the Links at Ireland Grove Road Subdivision in said City, said Corner being on the East Line of said West Half lying 472.13 feet north of the Southeast Corner of the said Lot 310. From said Point of Beginning, thence west 680.00 feet along the North Line of said South portion to the East Line

of said Lot 310; thence north 749.70 feet along said East Line to a point lying 43.46 feet south of the Southwest Corner of Lot 20 in Dunraven Subdivision in said City; thence east 470.00 feet along a line perpendicular to the East Line of said Lot 310; thence north 2.30 feet along a line parallel with the East Line of said West Half; thence east 210.00 along a line perpendicular to the East Line of said West Half to a point on said East Line lying 48.29 feet south of the Southeast Corner of Lot 257 in Dunraven P.U.D. In said City; thence south 751.99 feet along the East Line of said West Half to the Point of Beginning, containing 11.714 acres, more or less.

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

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: An Ordinance Amending "An Ordinance Describing and Designating an Area Located Partially Within the City of Bloomington, the Town of Normal and Unincorporated McLean County as an Enterprise Zone"

At the December 12, 2005 Council meeting, the Council passed Ordinance No. 2005 - 132, An Ordinance Amending "An Ordinance Describing and Designating an Area Located Partially Within the City of Bloomington, the Town of Normal, and Unincorporated McLean County as an Enterprise Zone".

Following the approval, it was discovered that there was a technical defect in the public notice advertising the public hearing on these proposed changes to the Enterprise Zone which was held on October 18, 2005. The public notice did not contain a reference to the planned extension of the Enterprise Zone duration from December 21, 2005 to December 31, 2015. Consequently, a new notice was published and another public hearing was held on December 7, 2005 at 1:00 p.m. As was the case with the first public hearing held in October, no one was present at the follow up public hearing to offer testimony either for or against the proposed Enterprise Zone changes.

In addition to the change in the public notice some clarification was made to the ordinance with respect to the rebate of sales taxes pertaining to the purchase of building materials used for real estate improvements within the Enterprise Zone. This change was suggested by the officials of

the Department of Commerce and Economic Opportunity which oversees the State Enterprise Zone Program.

Since the technical defects in the public notice and the previously approved ordinances have not been corrected, staff request that Council approve the attached ordinance which will expand the Enterprise Zone to encompass the area in eastern McLean County planned for the development of the wind generated energy facilities by Horizon Wind Energy Co., LLC. In addition, the ordinance would extend the duration of the Enterprise Zone from its current expiration of December 31, 2005 to December 31, 2015.

The Town of Normal took action on the amended ordinance at its December 19, 2005 meeting. The McLean County Board of Directors also took action on the amended ordinance at its December 20, 2005 meeting. It is critical that the ordinance be approved by all three governing bodies before December 31, 2005 when the Enterprise Zone is scheduled to expire.

Staff respectfully requests that Council pass the amended Ordinance.

Respectfully,

Tracey Covert  
City Clerk

Tom Hamilton  
City Manager

**ORDINANCE NO. 2005 - 144****AN ORDINANCE AMENDING "AN ORDINANCE DESCRIBING AND DESIGNATING AN AREA LOCATED PARTIALLY WITHIN THE CITY OF BLOOMINGTON, THE TOWN OF NORMAL AND UNINCORPORATED MCLEAN COUNTY AS AN ENTERPRISE ZONE"**

WHEREAS, the City of Bloomington did on December 26, 1984, adopt Ordinance No. 1984-131, which ordinance describes and designates an area located partially within the City of Bloomington, Town of Normal and unincorporated McLean County as an Enterprise Zone; and

WHEREAS, the City of Bloomington did on February 25, 1985, by Ordinance No. 1985-10, amend Ordinance No. 1984-131, by revising the functions of the designated zone organizations and the powers and duties of the zone administrator; and

WHEREAS, the City of Bloomington did on October 28, 1985, by Ordinance No. 1985-103, amend Ordinance No. 1984-131 by lengthening the duration of the Enterprise Zone and providing certain tax abatements therein; and

WHEREAS, the City of Bloomington did on May 27, 1986, by Ordinance No. 1986-56 amend Ordinance No. 1984-131 by amending the territory included in the Enterprise Zone; and

WHEREAS, the City of Bloomington did on December 14, 1998, by Ordinance No. 1998-118 amend Ordinance No. 1984-131 by extending the duration of the Enterprise Zone to December 31, 2005, and removing local tax incentives in the Enterprise Zone post December 31, 1998; and

WHEREAS, the City of Bloomington now desires to enact certain amendments to the Enterprise Zone to amend the territory included in the Enterprise Zone; to extend the duration of the Enterprise Zone to December 31, 2015; to adopt an Enterprise Zone certification fee; to enact a technical correction regarding the issuance of a Certificate of Eligibility for Sales Tax Exemption in order to claim a sales tax exemption on building materials for eligible projects; and to clarify that the local sales tax exemption on building materials for eligible projects is available for nonresidential projects; and

WHEREAS, a public hearing regarding such amendments has been held as provided by law.

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

SECTION ONE: That Appendix "A", which is attached to Ordinance No. 1984-131 and incorporated by reference in Section One of said ordinance and amended by Ordinance No. 1986-56, shall be and the same, is hereby further amended to read as set forth in the Second Amended Appendix "A", a copy of which is attached hereto, marked Second Amended Appendix "A", and incorporated herein by reference.

SECTION TWO: That Section Three of Ordinance No. 1984-131, as amended, is hereby further amended to read as follows:

SECTION THREE: Duration. The duration of the zone shall be for a period extending not later than December 31, 2015.

SECTION THREE: That Section Eight of Ordinance No. 1984-131, as amended, is hereby further amended to add at the end of such Section Eight the following:

The Enterprise Zone Administrator is hereby authorized and directed to collect a certification fee from any applicant for construction or renovation in the Enterprise Zone in order to be certified as eligible for Enterprise Zone benefits. Such certification fee shall accompany Enterprise Zone application forms as developed by the administrator and shall be 1 per cent of construction and/or renovation costs determined at the time of certification of the project by the Enterprise Zone Administrator, provided, however, no fee shall exceed \$250,000. The certification fee collected by the Zone Administrator shall be disbursed as follows: 100 per cent to the Economic Development Council of the Bloomington-Normal Area.

SECTION FOUR: That Section Four of Ordinance No. 1984-131, as amended, is hereby further amended to read as follows:

SECTION FOUR: Local incentives with respect to the Enterprise Zone shall not be extended beyond December 31, 1998. Only the State incentives for an Enterprise Zone shall be available from and after January 1, 1999 through December 31, 2015. The exemption provided in Section Six with respect to retailers occupation taxes collected by the Illinois Department of Revenue, which taxes include, without limitation, the Home Rule Municipal Retailers' Occupation Tax, shall be deemed to be a State incentive for purposes of this Section Four.

SECTION FIVE: That Section Six of Ordinance No. 1984-131, as amended, is hereby further amended to read as follows:

SECTION SIX: Each retailer in Illinois who makes a sale of building materials to be incorporated into real estate in the Bloomington/Normal/McLean County Enterprise Zone, as supplemented and amended, by remodeling, rehabilitation or new construction, may deduct receipts from such sales when calculating retailers occupation taxes. No credit or refund of retailers occupation taxes shall be authorized or allowed unless the remodeling, rehabilitation or new construction to which the same relates (1) is a nonresidential improvement to the property; (2) is of the nature and scope for which a building permit is required by the City of Bloomington Municipal Code and said required permit has been obtained; and (3) has received a certificate of eligibility from the Enterprise Zone Administrator qualifying the construction, a copy of which is required to be provided by the applicable retailer at the time of sale, along with a signed purchasers' statement and maintained by such retailer in its books and records for the purposes of documenting any such deduction.

SECTION SIX: That the provisions of Ordinance No. 1984-131 as previously amended and as hereby amended, being "An Ordinance Describing and Designating an Area Located Partially within the City of Bloomington, the Town of Normal, and Unincorporated McLean County as an Enterprise Zone" shall remain in full force and effect.

SECTION SEVEN: That Ordinance No. 2005-117, adopted on November 14, 2005, authorizing execution of an amendment to the Intergovernmental Agreement, is hereby ratified in all respects.

SECTION EIGHT: That this ordinance shall be in full force and effect from and after its passage and approval and publication as required by law and from and after its approval by the Illinois Department of Commerce and Economic Opportunity.

SECTION NINE: That the City Clerk be and she is hereby directed and authorized to publish this ordinance in pamphlet form as required by law and forward a certified copy of this ordinance to the Illinois Department of Commerce and Economic Opportunity for its approval and to file a certified copy of this ordinance with the County Clerk for McLean County.

SECTION TEN: That this ordinance is adopted pursuant to the authority granted the City of Bloomington by the Illinois Enterprise Zone Act, and pursuant to Home Rule Authority.

SECTION ELEVEN: That the Enterprise Zone Administrator is hereby authorized and directed to cause application to be made to the State of Illinois pursuant to the Illinois Enterprise Zone Act.

PASSED this 27th day of December, 2005.

APPROVED this 28th day of December, 2005.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

### **SECOND AMENDED APPENDIX A**

Legal Description on file in the Office of the City Clerk and attached hereto by reference.



**Motion by Alderman Crawford, seconded by Alderman Schmidt that the Amended Ordinance be passed.**

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

**Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, 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 Replacement Ballistic Vests

Staff finds it is necessary to replace ballistic vests which have been decertified by the National Institute of Justice due to the composition including Zylon. American Body Armor, the manufacturer has issued a credit voucher totaling \$66,780. Currently, ninety-eight (98) replacement vests are needed for patrol officers and fifteen (15) tactical vests are needed for the emergency response unit (ERU). Eighty-four (84) of the 98 vests are currently on order.

Staff respectfully requests authorization to waive the formal bidding process and purchase 98 vests at \$392 each for a total of \$38,416. The credit voucher would then be applied for the purchase of 15 tactical vests at \$2,200 each for a total of \$33,000.

Additionally, staff requests permission to purchase with credit vouchers ninety-eight (98) chest protectors for the officers at \$65 each for a total of \$6,370, and fifteen (15) chest protectors for the tactical vests at \$525 each for a total of \$7,875. This would result in a credit balance of \$19,535 with American Body Armour to be used for the purchase of leather goods and other ballistic items before December 31, 2006.

Due to the expiration and decertification of the vests and instability of the ballistic vest industry, staff respectfully requests permission to waive the bid process and authorize purchase of the 98 vests for a total of \$38,416 and to purchase the additional items with credit vouchers. Funds for this purchase will come from G15110-62190.

Respectfully,

Roger J. Aikin  
Chief of Police

Tom Hamilton  
City Manager

**RESOLUTION NO. 2005 - 174****A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND  
AUTHORIZING THE PURCHASE OF REPLACEMENT BALLISTIC VESTS FROM  
AMERICAN BODY ARMOUR AT A PURCHASE PRICE OF 38,416**

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 replacement ballistic vests from American Body Armour at a Purchase Price of \$38,416.

ADOPTED this 27th day of December, 2005.

APPROVED this 28th day of December, 2005.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Alderman Huette questioned the replacement vests and the credit voucher. Roger Aikin, Police Chief, addressed the Council. He stated that zylon was a lighter weight material. With time, the vests failed as the material deteriorates. These vests had been replaced once. The Department of Justice has decertified them. The replacement vests must be ordered by December 31, 2005. He anticipated that there would also be a price increase. The balance, (almost \$20,000), will be spent by December 31, 2006. The City must purchase the vest, and then it will receive the credit voucher.**

**Alderman Crawford questioned the vest's life span. Chief Aikin noted that the vests came with a five (5) year warranty. Generally, the Police Department spreads the cost for same. He noted that federal grants cannot keep up with the demand.**

**Alderman Purcell questioned if chest plates were normal. Chief Aikin responded affirmatively. A level two (2) vest comes with ceramic plate. The tactical vest has higher quality plates for additional protection.**

**Alderman Finnegan questioned the weight. Chief Aikin estimated the weight at four to five pounds, (4 – 5 lbs.).**

**Motion by Alderman Crawford, seconded by Alderman Schmidt that the formal bidding process be waived, the replacement ballistic vests be purchased from American**

**Body Armour in the amount of \$38,416, the remaining credit vouchers be used to purchase other ballistic and leather items, 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, Matejka and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Members of the City Council

From: Liquor Commission

Subject: Application of Reality Bites, Inc., d/b/a Reality Bites, located at 414 N. Main St., for an RAS liquor license, which will allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to hear the application of Reality Bites, Inc. d/b/a Reality Bites, located at 414 N. Main 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, Sgt. Larry Shepherd, Police Department, and Tracey Covert, City Clerk; Brian J. McCaslin and Stephen Saarinen, owners and Applicant representatives.

Commissioner Stockton requested that the Applicant explain the business plan. Brian McCaslin, owner and Applicant representative, addressed the Commission. He informed them that he was raised in the Libertyville area. He currently was a graduate student at Illinois State University. Reality Bites would be a restaurant with a focus on quality service. The plan included a \$30,000 to \$40,000 investment which would update the kitchen and revamp the interior design. The lunch menu was described as bistro sandwiches. The dinner menu was described as traditional. The chef was a graduate of Kendall College, (culinary arts). Mr. McCaslin had three to four (3 - 4) years experience as a short order cook and bookkeeper. Stephen Saarinen, owner and Applicant representative, also addressed the Commission. He informed them that he had attended Ohio State University. Currently, he was attending profession bartending school. Upon completion in January 2006, he would be BASSETT certified. He added his past restaurant and bar experience.

Mr. McCaslin informed the Commission that they (the Applicant) lived in the Downtown. One or both owners would be present when the business was open. The focus would be on the food

as a full chef had been hired. They hoped to retain some of Crazy Planet's more popular dishes. The lunch menu offered a quick, healthy meal at an affordable price. The plan included the retention of the bar.

Commissioner Stockton questioned the inception date for the lease. Mr. McCaslin responded January 1, 2006. The lease was contingent upon the liquor license approval. If approved by the Council, then Reality Bites would purchase the business. He noted that Reality Bites would be a nonsmoking restaurant. He expressed his opinion that Reality Bites might ease the City's transition to require that all restaurants be nonsmoking. Commissioner Buchanan acknowledged the Applicants statement that the restaurant would be nonsmoking.

Commissioner Clapp questioned the number of tables. Mr. McCaslin noted that there would be fifty to sixty (50 - 60) seats. Commissioner Clapp noted that standing would not be allowed. Mr. McCaslin responded that Reality Bites was designed to accommodate paying guests. The clientele would be seated at tables. The dinner area would be similar to Crazy Planet.

Commissioner Petersen questioned entertainment. Mr. McCaslin noted that there would be six (6) flat screen televisions. He added that a guitarist or pianist might be placed in the mezzanine or upfront.

Commissioner Buchanan questioned the kitchen's hours. Mr. McCaslin noted that the restaurant would close when the kitchen closed. Mr. Saarinen noted that there would be a late night menu which would be offered after 10:00 p.m. Mr. McCaslin added that patrons may choose to sit at the bar when available.

Commissioner Buchanan recommended that the restaurant be closed by midnight. Mr. McCaslin expressed his concern. He restated that Reality Bites would be a restaurant with a bar. It would offer a full kitchen with a great chef. Reality Bites would offer a nonsmoking environment. Guest, who chose to smoke, would be accommodated on the patio. Commissioner Stockton recommended that Reality Bites close at midnight or departure of the last guest. Mr. McCaslin restated that Reality Bites' closing time would be based upon the kitchen.

Commissioner Stockton introduced Karen Schmidt, Alderman Ward 6. He noted that this restaurant was located within her ward. She had been contacted by various individuals who had expressed their concerns regarding this Application.

Alderman Schmidt addressed the Commission. The largest concern was that Reality Bites must be a restaurant and not a bar. She described the 400 north block of Main St. as critical. She noted the mixed uses on the block. She added her opinion that it would be easy for a restaurant to become a tavern. She expressed her opinion that no additional taverns should be allowed Downtown.

Mr. McCaslin restated that Reality Bites would be a restaurant. They had hired a great chef. Based upon the investment, there was no interest in operating a bar. Mr. Saarinen would act as bartender. They would be a constant presence on the floor, at the bar and in the kitchen.

Alderman Schmidt questioned amplified music. Mr. McCaslin noted that there would be background music which would be pleasing to the ear. He noted that in the past he had also lived on Center St.

Commissioner Buchanan questioned the financial statements, (specifically Tiffany Saarinen). Mr. Saarinen informed the Commission that Ms. Saarinen was his sister. Mr. McCaslin noted that Ms. Saarinen was a twenty percent (20%) stockholder. Mr. McCaslin and Mr. Saarinen each held a forty percent (40%) interest in the corporation. Mr. Saarinen noted that there was a formal agreement between the corporation and his sister. Mr. McCaslin noted the Ms. Saarinen's funds would be repaid with interest. This information was listed in Reality Bites' corporate filings. Commissioner Stockton noted that concerns had been raised regarding Reality Bites. He questioned what the Applicants could provide beyond their business plan which would indicate that Reality Bites would be a restaurant and not a tavern. Mr. Saarinen offered that the menu should be included in the Applicant's file. Mr. McCaslin noted that once the chef met with the suppliers, the orders forms could be submitted for review. The City could compare the percentage of food and alcohol ordered.

Hannah Eisner, Deputy Corporation Counsel, addressed the Council. She recommended that alcohol sales cease at midnight.

Mr. McCaslin questioned Lancaster's practices. Jan Lancaster, 316 N. Main St., addressed the Commission. She spoke as the owner/operator of Lancaster's located at 513 N. Main St. Lancaster's generally is closed by 9:00 p.m. Weekends are different. The restaurant may stay open until 10:00 p.m. Patrons and staff are usually gone by 11:00 p.m. She noted that the Downtown business owners and residents have had a bad experience with this location. They were looking for limitations. She recommended that the Applicants accept a set closing time for a trial period.

Mr. McCaslin informed the Commission that Reality Bites was scheduled to open in March 2006. He noted the planned openings of the US Cellular Coliseum and Bloomington Center for the Performing Arts. He added that Second Presbyterian's new church was under construction. There would be late night events and meetings. Ms. Eisner restated that Reality Bites should be closed by midnight or one (1) hour after the kitchen closed. Commissioner Stockton acknowledged that any condition must be appropriate and grant the Commission the right to review.

Mr. McCaslin noted that they (the Applicant) were two (2) young men who wanted to be successful. Commissioner Petersen questioned if the Applicant was aware of the controversy at the time they developed their business plan. Mr. McCaslin expressed his future interest in local politics. He expressed his belief that the public would hold a better opinion of him as a restaurant owner. He restated that Reality Bites would provide great service.

Commissioner Stockton questioned the patrons who just wanted to drink. Mr. McCaslin noted that there would be one (1) person assigned to security. He added that most of the staff would be friends from Libertyville. Those patrons who state that they had just stopped in for a drink would be monitored. They (the Applicant) had no intention of operating a bar.

Commissioner Gibson questioned the Commission's direction. He questioned if other Applicant's are scrutinized to this level. He also questioned if there were conditions placed upon other Downtown restaurants. The City was aware of other restaurants which turn into taverns after a certain hour. He recommended that the City be consistent when handing out conditions. Commissioner Stockton noted that this Application was unique. There are conditions placed upon the existing license. The Commission's decision are subjective at times. If the Commission's recommendation works, it may become a model elsewhere in the City.

Commissioner Buchanan noted the Downtown's considerable vitality. He cited the incompatible uses. There had been no net increase to the number of taverns. He agreed that restaurants often become taverns after a certain hour. He requested a more detailed business plan from the Applicant.

Ron Frazier, 413 N. Center, addressed the Commission. He spoke as a Downtown resident. He expressed his opposition to this Application. He expressed his opinion that the 400 block of N. Main St. was the Downtown's epicenter. He expressed his belief that the Applicant did not see the big picture and that Reality Bites would not fit into the Downtown.

Mr. McCaslin noted Mr. Frazier's comments. Reality Bites was interested in accommodating patrons of the US Cellular Coliseum and Performing Arts Center. He added that the \$5.00 lunch offerings would attract younger clientele.

Commissioner Stockton noted that the City had invested tens of millions to upgrade the Downtown. Mr. McCaslin noted that there would be a host/hostess during the lunch hour. He added that the lunch trade would be similar to the Noodle Co.

Mr. Frazier expressed concerns regarding litter. Mr. McCaslin stated that Reality Bites would be accountable. Mr. Frazier questioned the purchase of a large booth. Mr. McCaslin noted that it would accommodate larger groups.

Bob Steinman, 300 N. Main, addressed the Commission. Mr. Steinman also owns/operates PUSH and Garb of Ages, 409 N. Main St. Mr. Steinman informed the Commission that he held a Petition opposed to this Application which had been signed by all of the business owners located on the 400 block of N. Main St. He added that he would not provide of copy of it to the City. He questioned how Reality Bites would be different from Maguire's located at 220 N. Center St., Elroy's located at 102 W. Washington, and Creole Cafe & Bar located at 525 N. Center St. These three (3) establishments were taverns. He cited his concerns regarding their patrons and their activities. He expressed his opinion that the Applicant's request was for a restaurant license. However, their presentation sounded more like a tavern. He questioned what type of restaurant is open late and offers large televisions. The 400 block of N. Main St. was the only barless block left in the Downtown. It was unique. It was becoming a retail magnet. He cited the various businesses located on same. It was crucial that no barlike activities be offered on this block. He encouraged the Applicant to present a good business plan. He questioned if Happy Hours would be offered.

Mr. McCaslin responded negatively. He added his belief that Happy Hour was illegal in Illinois. Reality Bites would be family and couple oriented. He cited the sizable investment in the space. Mr. Saarinen described Reality Bites as a little more upscale. Mr. McCaslin restated the new facilities which were scheduled to open in the Downtown.

Mr. Steinman noted the profit margin on food, (nine to ten percent). He noted that table turnover was important. He informed the Commission that he was currently applying for a liquor license in Normal. Reality Bites would be a small establishment. Their real profit margin would come from liquor sales. He questioned if the Applicant would be willing to stick to their business plan.

Mr. McCaslin offered an open door invitation to the Commission. He restated that there would be on-site management. He also offered to provide food sales statistics. Mr. Steinman requested that the Commission place a condition upon their recommendation to the Council which would require that a dual set of books be kept. He also requested that the Commission track what happens on this block.

Commissioner Stockton noted that the Applicants had stated a number of times that Reality Bites would be a restaurant and not a bar. The Commission's determination might be seen as subjective. The Commission might modify the Applicant's right to serve. He cautioned the Applicant that they were taking a risk.

Mr. McCaslin stated that Applicant was willing to accept the Commission's conditions including an 11:30 p.m./12 midnight closing. It appeared that the Commission was only willing to allow a restaurant to open at this location with conditions.

Catherine Dunlap, 316 N. Main St., addressed the Commission. She spoke as the Executive Director of the Downtown Business Association. She informed the Commission that the highest concentration of Downtown residents lived on the 400 block of N. Main St. She cited the timing of events at the US Cellular Coliseum and Center for the Performing Arts.

Alderman Schmidt expressed confusion regarding the Applicant's lease. She noted that this space is currently occupied by the Crazy Planet. Mr. McCaslin noted that he could not comment. Commissioner Stockton informed the Applicant that a valid lease must be held in order to obtain a liquor license.

Commissioner Buchanan noted that over the past twenty-eight (28) years he had attended numerous hearings. He expressed his opinion that the Applicant appeared to be genuine, sincere and proactive. He acknowledged that during this time frame there were restaurants which turned into taverns.

Commissioner Stockton restated the City's effort to upgrade the Downtown. Commissioner Petersen questioned the license type held by Maguire's and Elroy's. Ms. Eisner stated tavern licenses.

Tom McCuley, 413 N. Center, addressed the Commission. He was opposed to this Application. He described the 400 block of N. Main St. He questioned if the Applicant had heard the Downtown residents' and business owners' resistance to their request.

Mr. McCaslin addressed the Commission. He restated that a host/hostess would greet patrons at the door. Reality Bites would offer a nonsmoking environment. Patrons would be seated at tables. The restaurant had been designed to not accommodate drinking.

Commissioner Buchanan made a motion that the item be tabled. Motion died for lack of a second. He expressed his opinion that the Commission should take extra time for deliberation with this Application.

Mr. McCaslin reminded the Commission that the liquor license was needed to obtain the lease.

Ms. Eisner expressed her concerns for conditions without standards. She reminded them that a liquor license once granted held property rights. The revocation of a liquor license would not be easy. She reminded the Commission that Crazy Plant operated with a condition that the restaurant be closed by midnight. If there is a need for Reality Bites to stay open later, the City and Applicant would hear the need. The interim would allow the Applicant to develop a track record.

Mr. McCuley noted that he understood that the Applicant wanted to be successful. The Commission had heard resistance from the Downtown residents and businesses. He recommended that the Applicant must demonstrate the need to stay open later. Mr. McCaslin noted his discomfort with a set closing hour.

Commissioner Gibson questioned why the Application was being signaled out. He noted a nearby establishment which holds a restaurant license but operates as a tavern. He expressed his opinion that the Commission was on shaky ground. Restrictions should be imposed on all.

Commissioner Stockton noted that the Council was focused on the Downtown. Commissioner Clapp noted that a review could be conducted at the time of a violation. Commissioner Stockton noted his understanding of the license's property rights. He added that the motion would be a mitigating factor. Ms. Eisner questioned how the license could be revoked without standards. She added the Police Department would have to perform periodic audits. Commissioner Petersen expressed his support for a midnight closing.

Commissioner Petersen noted that he would support the motion. The Applicant needed to take small steps. The City needed to monitor the establishment carefully. He noted the Downtown's growth. He recommended that Reality Bites close at midnight.

Commissioner Buchanan stated that it had been an interesting meeting. He noted that the Application was for an R, Restaurant license. He expressed his hope that the establishment would be a success. He was comfortable with the presentation but would have preferred additional time. The next step would be for the Application to appear before the Council.



Commissioner Clapp noted that if the Commission has to revisit this Application, there will be minutes available. She expressed her hope that the Applicant will make all of the right choices.

Mr. McCaslin addressed the Commission. He and Mr. Saarinen were starting a business which they wanted to be successful.

Commissioner Buchanan noted that the Commission took Ms. Eisner's advice seriously. When the time is right and the facts dictate, the Commission would be willing to take action.

Commissioner Stockton directed Ms. Eisner to research the Commission's motion and determine if it is legally supportable. Any additional work on the Application must be completed by December 27, 2005. Mr. McCaslin expressed his willingness to work with Ms. Eisner. He added that he planned to involve his attorney also. Ms. Eisner noted the worst case scenario would be to fall back to a midnight closing. Mr. McCaslin accepted the risk in an effort to prove that Reality Bites would be a restaurant.

Commissioner Gibson expresses his appreciation to the Applicant. Mr. McCaslin and Mr. Saarinen had done a nice job. He noted his role as Liquor Commissioner for the City. He cited his preference for a midnight closing. Ms. Eisner noted that the Creole Cafe was different. Commissioner Gibson restated his belief that conditions should be uniform. He expressed his opinion that the Commission had acted unfairly. He acknowledged his support for the reasons which justified the conditions.

Commissioner Stockton restated that Ms. Eisner would research the Commission's motion. He thanked the Applicants and the Downtown residents and business owners for attending the hearing. He acknowledged the Applicant's investment and expressed his hope that the business would be a success.

Based on the above, the Liquor Commission recommends to the City Council that an RAS liquor license for Reality Bites, Inc., d/b/a Reality Bites, located at 414 N. Main St., be created, contingent upon compliance with all applicable health and safety codes, with the following conditions 1.) that the establishment must operate as a restaurant, if at the sole discretion of the Liquor Commission, there is an indication that the establishment is operating as a tavern, than the approval of the RAS license would be revisited; and 2.) the Applicant must provide a valid lease to the City Clerk's office.

Respectfully,

Stephen F. Stockton  
Chairman of Liquor Commission

**Mayor Stockton introduced this item.**

**Alderman Schmidt informed the Council that she had had discussions with the establishment's owners. She recommended that the following additions to the conditions:**

3.) no alcohol be sold, served, or consumed on the premises the earlier of one hour after the kitchen closes or twelve a.m. (midnight), and 4.) no amplified music; the licensee may, at is option, file an application with the City Clerk requesting reconsideration of the necessity of the conditions six (6) months following the date the license is issued.

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

Motion carried.

Brian McCaslin and Stephen Saarinen, owner/operators and Liquor License holder, addressed the Council. They were accompanied by their landlord, the property owner. Their chef had a culinary arts degree. The lunch menu would offer gourmet sandwiches. The dinner menu would feature ribs, chicken, fish, and vegetarian offerings. The investment towards interior renovation was \$20,000 - \$30,000. They resided in the Downtown and described it as special and unique.

Mayor Stockton stated that the Downtown did not need another tavern. Mr. McCaslin expressed his belief that Reality Bites would appeal to working adults. Mayor Stockton noted that he would be glad to see Mr. McCaslin and Mr. Saarinen before the Council after the six (6) months had passed.

Alderman Schmidt had expressed her opinion. Reality Bites would be given time to allow it to establish itself. Mr. McCaslin and Mr. Saarinen should stay focused and on track. Mr. McCaslin informed the Council that he had visited with the neighbors. He expressed his concern regarding being open for six (6) months. There has been customer demand to remain open after midnight. He addressed acoustics. Reality Bites would open at 10:30/11:00 a.m. and remained open until midnight. He noted that if there were food sales the restaurant would remain open later. Todd Greenburg, Corporation Counsel, restated the proposed condition 3.) no alcohol be sold, served, or consumed on the premises the earlier of one hour after the kitchen closes or twelve a.m. (midnight).

Catherine Dunlap, Downtown Business Association Executive Director, addressed the Council. She also was a Downtown resident. She thanked the Council for their support of the Downtown. Two (2) major facilities would be opening in the Downtown, (US Cellular Coliseum and the Bloomington Center for the Performing Arts). The challenge was balancing the varying needs. She had reviewed the Camiros report. A priority should be on quality restaurants. The Downtown did not need additional taverns. The Downtown was a mixed use district. She expressed her support for Reality Bites as a restaurant with a midnight closing. She cited the fact that there were residential uses above the commercial business. Another tavern would not be appropriate.

Mayor Stockton agreed that the correct balance was critical. The Downtown was not a quiet as a residential subdivision. Ms. Dunlap cited the eighteen (18) taverns which were located in the Downtown. She was interested in working towards a compromise for this multi use district. She cited the quality upper story residential developments.

**Alderman Purcell questioned if she supported the proposed conditions. Ms. Dunlap responded affirmatively. The 400 block of N. Main St. has the strongest retail and was home to the Downtown's residential core.**

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

**Motion carried.**

**Alderman Schmidt informed the Council that she had spoken to the building's owner. A March 2006 opening was planned.**

**Mayor Stockton expressed his opinion that there was a lot of opportunity in the Downtown.**

**Motion by Alderman Schmidt, seconded by Alderman Matejka that an RAS liquor license for Reality Bites, Inc., d/b/a Reality Bites, located at 414 N. Main St., be created, contingent upon compliance with all applicable health and safety codes with the following conditions 1.) that the establishment must operate as a restaurant, if at the sole discretion of the Liquor Commission, there is an indication that the establishment is operating as a tavern, than the approval of the RAS license would be revisited; 2.) the Applicant must provide a valid lease to the City Clerk's office; 3.) no alcohol be sold, served, or consumed on the premises the earlier of one hour after the kitchen closes or twelve a.m. (midnight), and 4.) no amplified music; the licensee may, at is option, file an application with the City Clerk requesting reconsideration of the necessity of the conditions six (6) months following the date the license is issued.**

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

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

**Nays: None.**

**Motion carried.**

**MAYOR'S DISCUSSION: Mayor Stockton informed the Council that there were a number of text amendments that would appear before them. He cited the following: 1.) vicious dogs; 2.) single serve alcoholic beverages; 3.) smoke free; and 4.) past offender housing.**

**Mayor Stockton wished all present a Happy New Year.**

**CITY MANAGER'S DISCUSSION: None.**

**ALDERMEN'S DISCUSSION: Alderman Crawford wished those present a Happy New Year.**

**Motion by Alderman Matejka, seconded by Alderman Finnegan, that the meeting be adjourned. Time: 8:23 p.m.**

**Motion carried.**

**Tracey Covert  
City Clerk**