

**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, November 28, 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, Michael Sprague, Jim Finnegan, Steven Purcell, Karen Schmidt and Mayor Stephen F. Stockton.

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

The following was presented:

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

The following proclamations have been requested and should be received and placed on file with the City Clerk:

1. Declaring December 5 - 9, 2005 as Employee Learning Week.
2. Declaring the Official Christmas Ornament for the Town of Normal, City of Bloomington and the County of McLean, Illinois.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

Mayor Stockton read and presented the Employee Learning Week Proclamation to Megan Devlin-Petty, Organization and Development Manager. Ms. Devlin-Petty addressed the Council. Employee Learning Week was a national event. The City had planned a variety of activities during this week.

Mayor Stockton read and presented the Official Christmas Ornament for the Town of Normal, City of Bloomington and McLean County to Kristen Pressler, Easter Seals' Development Director. Ms. Pressler informed the Council that this year's ornament was entitled Christmas on University. Proceeds from the sale of the ornament funded various services. The ornament would be available at a number of retailers within Bloomington and Normal.

Motion by Alderman Finnegan, seconded by Alderman Sprague the Proclamations be made a matter of record.

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

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

Nays: None.

Motion carried.

The following was presented:

Oath of Office, Martin Krylowics, Police Patrol Officer.

Jeff Sanders, Asst. Police Chief, addressed the Council. He introduced Officer Martin Krylowicz. He provided background information about Officer Krylowicz. Officer Krylowicz was accompanied this evening by his family.

Tracey Covert, City Clerk, performed the Oath of Office. Mayor Stockton presented Officer Krylowicz with his certificate.

The following was presented:

AMERICAN JUNIOR LEAGUE BASEBALL – Keith Palmgren and Greg Trimble addressed the Council. They wanted to recognize the efforts of Keith Rich, Director of Parks & Recreation. In the last thirty (30) years, American Junior League Baseball (AJLB) had benefited over 40,000 children. They presented Mr. Rich with a plaque. Mr. Rich thanked AJLB in turn for all of their efforts. AJLB had been a great partner with the City's Parks & Recreation Department. AJLB's volunteers spend long hours. He estimated that 1,200 youth participate in the program on an annual basis. Mayor Stockton thanked AJLB for recognizing Mr. Rich.

The following was presented:

November 28, 2005

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To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Bills and Payroll

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

Respectfully,

Brian J. Barnes
Director of Finance

Tom Hamilton
City Manager

(ON FILE IN CLERK'S OFFICE)

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Payments from Various Municipal Departments

1. The eleventh 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 \$41,250 will have been paid to date for work certified as 92% complete for the McLean County Economic Development. Completion date - December 2008.

2. The twentieth and final payment to BMJ Development Co. in the amount of \$70,535.66 on a contract amount of \$3,000,000 of which \$3,000,000 will have been paid to date for work certified as 100% complete for the Eastland Mall Sales Tax Rebate. Completion date - July 2008.
3. The first partial payment to Motorola in the amount of \$120,494.75 on a contract amount of \$489,886 of which \$120,494.75 will have been paid to date for work certified as 25% complete for the Communication Center Equipment. Completion date - June 2006.
4. The nineteenth partial payment to Turner Construction Company in the amount of \$6,518 on a contract amount of \$187,824 of which \$142,198 will have been paid to date for work certified as 75.71% complete for the Project Management Services for the Bloomington Center for the Performing Arts. Completion date - June 2006.
5. The twenty-first partial payment to Central Illinois Arena Management in the amount of \$50,374.40 on a contract amount of \$738,188.75 of which \$505,029.15 will have been paid to date for work certified as 68% complete for Professional Services. Completion date - December 2005.
6. The nineteenth partial payment to Johnston Contractors, Inc. in the amount of \$151,030.42 on a contract amount of \$3,374,550 of which \$2,270,251.26 will have been paid to date for work certified as 67% complete for Design/Build of the US Cellular Coliseum. Completion date - April 2006.
7. The fourteenth partial payment to Stark Excavating, Inc. in the amount of \$225,193.50 on a contract amount of \$3,598,126 of which \$3,010,819.93 will have been paid to date for work certified as 84% complete for Design/Build of the US Cellular Coliseum. Completion date - April 2006.
8. The tenth partial payment to IPC, Inc. in the amount of \$144,154.80 on a contract amount of \$4,694,900 of which \$4,122,832.51 will have been paid to date for work certified as 88% complete for Design/Build of the US Cellular Coliseum. Completion date - April 2006.
9. The seventh partial payment to Hoerr Inc. in the amount of \$46,170 on a contract amount of \$782,930 of which \$693,118.48 will have been paid to date for work certified as 89% complete for Design/Build of the US Cellular Coliseum. Completion date - April 2006.
10. The ninth partial payment to Merrill Iron & Steel Inc. in the amount of \$34,171.65 on a contract amount of \$1,526,586 of which \$1,373,927.42 will have been paid to date for work certified as 90% complete for Design/Build of the US Cellular Coliseum - Fabrication. Completion date - April 2006.

11. The eighth partial payment to Merrill Iron & Steel Inc. in the amount of \$36,498.60 on a contract amount of \$795,654 of which \$726,725.10 will have been paid to date for work certified as 91% complete for Design/Build of the US Cellular Coliseum - Erection. Completion date - April 2006.
12. The sixth partial payment to Felmley Dickerson in the amount of \$121,725 on a contract amount of \$729,727 of which \$304,339.50 will have been paid to date for work certified as 42% complete for Design/Build of the US Cellular Coliseum - Miscellaneous Metals. Completion date - April 2006.
13. The eighth partial payment to Felmley Dickerson in the amount of \$10,183.50 on a contract amount of \$663,114 of which \$129,410.10 will have been paid to date for work certified as 20% complete for Design/Build of the US Cellular Coliseum - General Trades. Completion date - April 2006.
14. The fourth partial payment to Henson Robinson Co. in the amount of \$242,911.80 on a contract amount of \$1,015,685 of which \$705,086.10 will have been paid to date for work certified as 69% complete for Design/Build of the US Cellular Coliseum. Completion date - April 2006.
15. The first partial payment to Wayne Dalton of Peoria in the amount of \$35,199 on a contract amount of \$128,504 of which \$35,199 will have been paid to date for work certified as 27% complete for Design/Build of the US Cellular Coliseum. Completion date - April 2006.
16. The sixth partial payment to Kelly Glass in the amount of \$36,594 on a contract amount of \$305,398 of which \$223,470 will have been paid to date for work certified as 73% complete for Design/Build of the US Cellular Coliseum. Completion date - April 2006.
17. The fourth partial payment to Associated Constructors Co., Inc. in the amount of \$45,180 on a contract amount of \$961,302 of which \$173,880 will have been paid to date for work certified as 18% complete for Design/Build of the US Cellular Coliseum. Completion date - April 2006.
18. The fourth partial payment to Kone, Inc. in the amount of \$1,507.50 on a contract amount of \$169,627 of which \$125,937.90 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 eighth partial payment to Automatic Fire Sprinkler, LLC in the amount of \$22,545 on a contract amount of \$355,000 of which \$167,733 will have been paid to date for work certified as 47% complete for Design/Build of the US Cellular Coliseum. Completion date - April 2006.

20. The eleventh partial payment to G.A. Rich & Sons, Inc. in the amount of \$41,294.70 on a contract amount of \$1,194,558 of which \$543,181.50 will have been paid to date for work certified as 45% complete for Design/Build of the US Cellular Coliseum. Completion date - April 2006.
21. The sixteenth partial payment to Mid-Illinois Mechanical Inc. in the amount of \$235,470 on a contract amount of \$3,387,343 of which \$1,872,175.69 will have been paid to date for work certified as 55% complete for Design/Build of the US Cellular Coliseum. Completion date - April 2006.
22. The fourth partial payment to CIMCO Refrigeration Inc. in the amount of \$200,563.20 on a contract amount of \$1,591,141 of which \$679,326.30 will have been paid to date for work certified as 43% complete for Design/Build of the US Cellular Coliseum. Completion date - April 2006.
23. The tenth partial payment to D & H Electric in the amount of \$327,690 on a contract amount of \$2,777,272 of which \$1,129,356 will have been paid to date for work certified as 41% complete for Design/Build of the US Cellular Coliseum. Completion date - April 2006.
24. The fifth partial payment to Felmley Dickerson in the amount of \$497.70 on a contract amount of \$15,200 of which \$7,935.30 will have been paid to date for work certified as 52% complete for Design/Build of the US Cellular Coliseum Parking Deck. Completion date - April 2006.
25. The eleventh partial payment to Johnston Contractors in the amount of \$17,491.16 on a contract amount of \$371,005 of which \$311,617.11 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.
26. The seventh partial payment to IPC, Inc. in the amount of \$12,154.50 on a contract amount of \$1,271,950 of which \$1,110,821.40 will have been paid to date for work certified as 87% complete for Design/Build of the US Cellular Coliseum Parking Deck. Completion date - April 2006.
27. The fourth partial payment to Area Erectors, Inc. in the amount of \$17,064 on a contract amount of \$150,175 of which \$53,527.50 will have been paid to date for work certified as 36% complete for Design/Build of the US Cellular Coliseum Parking Garage. Completion date - April 2006.
28. The second partial payment to Otis Elevator, Co. in the amount of \$23,652 on a contract amount of \$55,900 of which \$43,519 will have been paid to date for work certified as 78% complete for Design/Build of the US Cellular Coliseum Parking Garage. Completion date - April 2006.

29. The fifth partial payment to D & H Electric & Heating Co. in the amount of \$10,710 on a contract amount of \$108,500 of which \$76,950.45 will have been paid to date for work certified as 71% complete for Design/Build of the US Cellular Coliseum Parking Garage. Completion date - April 2006.
30. The third partial payment to Rowe Construction Co. in the amount of \$177,464.66 on a contract amount of \$1,250,603.92 of which \$419,293.58 will have been paid to date for work certified as 34% complete for the US Cellular Coliseum Infrastructure Improvements. Completion date - September 2006.
31. The fifth partial payment to Rowe Construction Co. in the amount of \$41,640 on a contract amount of \$341,726.34 of which \$259,811 will have been paid to date for work certified as 76% complete for the Downtown Intersection Improvements. Completion date - December 2005.
32. The seventh partial payment to Terracon Consultants, N.E. Inc. (Dept. 1277) in the amount of \$4,097 on a per ton and hour contract of which \$88,131.25 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.
33. The twelfth partial payment to Lewis, Yockey & Brown in the amount of \$385 on a contract amount of \$139,500 of which \$133,606.55 will have been paid to date for work certified as 96% complete for the Design of Hamilton Road - Bunn to Commerce. Completion date - December 2005.
34. The sixth partial payment to Clark Dietz, Inc. in the amount of \$6,659.71 on a contract amount of \$330,000 of which \$74,759.09 will have been paid to date for work certified as 23% complete for the Hamilton Road - Timberlake to Main. Completion date - December 2006.
35. The tenth partial payment to Rowe Construction in the amount of \$11,454 on a contract amount of \$843,492.81 of which \$806,453 will have been paid to date for work certified as 96% complete for the Hershey Road Widening - Yorktown to Eastland. Completion date - December 2005.
36. The first partial payment to Paul & Karen Nord in the amount of \$82,877.18 on a contract amount of \$538,700.15 of which \$82,877.18 will have been paid to date for work certified as 15% complete for the West Washington Street Trunk Sewer Extension. Completion date - March 2006.
37. The fifth partial payment to Terracon Consultants, N.E. Inc. in the amount of \$1,687.63 on a time and material basis of which \$5,727.92 will have been paid to date for work certified as ongoing for the Inspection Services for the Renovation of the Bloomington Center for the Performing Arts. Completion date - Ongoing.

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 Crawford questioned payment 30. The third partial payment to Rowe Construction Co. in the amount of \$177,464.66 on a contract amount of \$1,250,603.92 of which \$419,293.58 will have been paid to date for work certified as 34% complete for the US Cellular Coliseum Infrastructure Improvements. Completion date - September 2006. Tom Hamilton, City Manager, noted that Rowe was given until the spring of 2006 to complete the work. Rowe was ready to pour Front St.

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Audit of the Accounts for the Township Supervisor of General Assistance Fund and General Town Fund for the Month of October, 2005

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

The Audit of these accounts took place on Monday, November 28, 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 Finnegan, seconded by Alderman Sprague that the audit of the bills and payrolls for the Township for the month of October, 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, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Reports

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

1. Motor Fuel Tax Allotment for the month of October, 2005.
2. Monthly Receipt & Expenditure Report, October, 2005.
3. Comprehensive Annual Financial Report - Police Pension Fund.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

(REPORTS ON FILE IN CLERK'S OFFICE)

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Request for Payment of an Invoice for a Water Treatment Chemical

Water Treatment polymers are used to aid in the removal of particulate matter from the water during the treatment process. Since polymers can formulate in literally dozens of combinations, it is critical that they be tested at the specific water treatment facility for the conditions that are encountered at the facility. Staff has previously evaluated several different water treatment polymers both in the laboratory and in actual water treatment use conditions. From these analyses, the selection of a polymer has been made. Staff has recently purchased twenty-three (23) 55 gallon drums of the specific formulation that has worked best at the water treatment facility.

Staff respectfully requests that Council authorize the payment of the invoice from the polymer supplier, Garratt Callahan, in the amount of \$5,796, with payment to be made with Water Department, Operations and Maintenance Funds, Purification Division, Chemicals (5010-X50130-71720).

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Sprague that the Payment be approved.

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

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

Nays: None.

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

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Request to Waive the Formal Bidding Process and Purchase Meter Reading Equipment

The Water Department is currently upgrading its meter reading equipment to current models. These new models will read the existing meters and are capable of reading radio signal transmitting meters. Several units were purchased earlier this year and the balance of the units were to be replaced when the installation of the radio reading meters for the pilot program was complete. The installation of the radio reading meters (approximately 500 meters) is nearly complete.

Several meter programmers are being purchased to replace older units that cannot program the new meters. All of this equipment was included in the FY 2005-06 Fixed Asset replacement budget. Since this is proprietary equipment, staff sought a quotation from Davies Water Equipment, the department's current water meter dealer for this equipment and received the following quotation:

Item	Price each	Extended Price
(3) Windows CE 2380 Hand held units	\$5,000.00	\$15,000.00
(5) R900 Proread Field Programmers	\$2,500.00	\$7,500.00
(3) Recharging Cradle	\$420.59	\$1,261.77
TOTAL		\$23,761.77

Staff respectfully requests that Council waive the formal bidding process, accept the quotation from Davies Water Equipment for the meter reading equipment upgrade and authorize the Purchasing Agent to issue a Purchase Order for same. Funds for this purchase will be taken from the Water Department, Water Equipment Replacement Fund, and Equipment Other Than Office (Account #F50300-50110-72140).

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

RESOLUTION NO. 2005 - 152**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF WATER METER READING EQUIPMENT
FROM DAVIES WATER EQUIPMENT AT A PURCHASE PRICE OF \$23,761.77**

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 Water Meter Reading Equipment from Davies Water Equipment at a Purchase Price of \$23,761.77.

ADOPTED this 28th day of November, 2005.

APPROVED this 29th day of November, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Mayor Stockton questioned if there would be an authorized trial of this reading equipment. He noted that there were a variety of ways to read water meters. Tom Hamilton, City Manager, addressed the Council. City staff had looked at several different systems. It was considered but it was determined that this equipment presented the best way to perform this function. Mayor Stockton questioned if the equipment would be compatible with the City's existing system. Craig Cummings, Director of Water, addressed the Council. He noted that a walk by system had evolved into a drive by one. This system was more expensive but offered a greater range. The Council should see a report by the spring of 2006. The report would address the cost, migration plan, and any savings.

Alderman Finnegan questioned if the technology was changing. Mr. Cummings noted that radio frequency reading was an internal improvement. Each water meter sends a separate signal. There was the potential to read all of the water meters at once with a powerful tower.

Motion by Alderman Finnegan, seconded by Alderman Sprague that the formal bidding process be waived, the water meter reading equipment be purchased from Davies Water Equipment in the amount of 23,761.77, the Purchasing Agent authorized to issue a Purchase Order for same, and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Change Order #1 for the Renovation of the City Hall Rest Rooms

On April 11, 2005 Council approved a contract with Anderson Spencer Co. for the renovation of the City Hall Rest Rooms in the amount of \$27,730. At this time staff respectfully requests Council approval for a Change Order in the amount of \$982. Reasons for this Change Order are as follows:

1. While removing the plumbing fixtures, the plumbing contractor discovered that the water piping to two lavatories and one toilet flange were unusable and needed to be replaced before the new fixtures could be installed. This work was not within the scope of the project and was completed at a cost of \$550.
2. Due to an oversight by staff, the model number for six light fixture lenses was left off the original specification sheet. The electrical contractor believed that the lenses were part of the light fixture model number and did not include the extra cost in the initial bid. The cost of the six light fixture lenses was \$432.

Staff has reviewed this change order and finds everything to be in order. Staff respectfully requests that Council approve this change order in the contract with the Anderson Spencer Company in the amount of \$982, bringing the total cost of this contract to \$28,712. There are sufficient funds in the Building Alterations Account, # G15480-72520 to cover this additional cost.

Respectfully,

Bob Floyd
Facility Manger

Mark Huber
Director of P.A.C.E.

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Sprague that the Change Order to the Contract with Anderson Spencer Company for the Renovation of the City Hall Rest Rooms be approved in the amount of \$982.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Change Order to Stark Excavating, Inc., for Erickson Avenue - Oakland to Illinois

During the construction of this project, which has recently been completed, three items were encountered which resulted in additional costs.

1. In order to properly connect private driveways to the new street it was necessary to construct an additional quantity of new concrete driveways. The additional cost to construct the needed driveways was \$6,785.
2. The storm sewer from the new pavement on Erickson Avenue was designed to drain into an existing ditch along the south side of Oakland Avenue. In order for the new storm sewer to drain properly, it was necessary to clean out the existing ditch. The additional cost to clean out the existing ditch on the south side of Oakland Avenue was \$5,500.
3. In order for the new street to properly match the grade of existing yards and existing sidewalks, it was necessary to construct additional concrete retaining walls and additional concrete steps. The additional cost of the required retaining wall and steps was \$3,714.90.

Original Contract	\$285,592.80
This Change Order	<u>15,999.90</u>
Completed Contract	\$301,592.70

These additions were not reasonably foreseeable at the time the contract was signed and were in the best interest of the City. As this additional work was necessary for the orderly and proper completion of this project, staff respectfully recommends that Council approve this Change Order in the amount of \$15,999.90 with payment to be made with Capital Improvement Funds (X40100-72530).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

RESOLUTION NO. 2005 - 153

**A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE
AMOUNT OF \$15,999.90 IN THE CONTRACT BETWEEN THE CITY
OF BLOOMINGTON AND, STARK EXCAVATING INC. FOR ERICKSON AVENUE -
OAKLAND TO ILLINOIS**

WHEREAS, the City of Bloomington has previously entered into a contract with Stark Excavating, Inc., for Erickson Avenue - Oakland to Illinois; and

WHEREAS, for the reasons set forth in a staff report dated 2005 it was necessary to:

1.) In order to properly connect private driveways to the new street it was necessary to construct an additional quantity of new concrete driveways. The additional cost to construct the needed driveways was \$6,785; 2.) The storm sewer from the new pavement on Erickson Avenue was designed to drain into an existing ditch along the south side of Oakland Avenue. In order for the new storm sewer to drain properly, it was necessary to clean out the existing ditch. The additional cost to clean out the existing ditch on the south side of Oakland Avenue was \$5,500, and 3.) In order for the new street to properly match the grade of existing yards and existing sidewalks, it was necessary to construct additional concrete retaining wall and additional concrete steps. The additional cost of the required retaining wall and steps was \$3,714.90;

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the November 28, 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 \$15,999.90 in the contract between the City of Bloomington and Stark Excavating, Inc., for Erickson Avenue - Oakland to Illinois be approved.

ADOPTED this 28th day of November, 2005.

APPROVED this 29th day of November, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Huette questioned the third item listed. He expressed his belief that it should have been included in the original bid and contract. Alderman Matejka noted that there were issues with the driveways being out of alignment. Doug Grovesteen, Director of Engineering, addressed the Council. The City had to make things fit. Extra storm sewer was needed. The existing ditches needed to be cleaned to insure proper drainage. This was an existing neighborhood with yards and sidewalks. Alderman Huette restated his opinion that this item should have been included in the original bid and contract. Mr. Grovesteen noted that all things are not found until you are in the field. City staff would make every attempt to do better the next time.

Alderman Matejka noted that in this neighborhood there was no storm sewers, no curbs, and no gutters. There were just draining ditches. The project was roughly laid out. It had been a challenge. Tom Hamilton, City Manager, addressed the Council. He described this project as urban development in a rural installation. Mayor Stockton noted that change orders may be unavoidable. City staff must make every effort. Alderman Huette noted that this change order equaled five to six percent (5 – 6%) of the total project cost. This figure can be significant. City staff must perform due diligence.

Motion by Alderman Finnegan, seconded by Alderman Sprague that the Change Order to the Contract with Stark Excavating, Inc., for Erickson Avenue - Oakland to Illinois, be approved in the amount of \$15,999.90, and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Call Handling Agreement

The Illinois Commerce Commission (ICC) requires that the City apply for authorization to make modifications to the McLean County Emergency Telephone System, and operate a Public Safety Answering Point (PSAP). Pursuant to ICC Rule 725, an Intergovernmental Agreement between the McLean County Emergency Telephone System Board (ETSB) and the City must be submitted with the application.

Staff respectfully recommends that Council approve the Agreement and authorize the Mayor and City Clerk to execute the necessary documents.

Respectfully,

Roger J. Aikin
Chief of Police

Tom Hamilton
City Manager

**INTERAGENCY AGREEMENT
BETWEEN THE CITY OF BLOOMINGTON
AND
MCLEAN COUNTY EMERGENCY TELEPHONE SYSTEM BOARD
FOR 9-1-1 EMERGENCY COMMUNICATIONS**

This Agreement is made between the McLean County Emergency Telephone System Board (hereinafter called the "ETSB") and the City of Bloomington (hereinafter called the "CITY") to ensure the effective handling and routing of 9-1-1 Emergency Calls. 9-1-1 calls from within the corporate limits of the City will be routed to the CITY PSAP. If, for any reason, the call is received at another PSAP and pertains to emergency services provided by the CITY, it will be transferred to the CITY PSAP, if possible, via the 9-1-1 system or that failing, by the PSAP's seven digit telephone number or by a common radio frequency. Should the CITY PSAP be unable to accept 9-1-1 calls for any reason, the calls will, based on the Interagency Agreement with the PSAP, be automatically forwarded by the 9-1-1 hardware/software to a backup PSAP for dispatch purposes. The CITY will be responsible for maintaining a dispatch frequency that is accessible by the CITY PSAP.

CALL HANDLING

Emergency 9-1-1 related calls from within the area served by the CITY shall be dispatched from the CITY PSAP to the CITY Departments via one of the following methods:

Primary: Radio Frequency

Secondary: Radio Frequency

The CITY hereby agrees to receive and properly dispose of all said related 9-1-1 calls from within its jurisdiction, following the Standard Operating Procedures established by the ETSB and the rules and regulations established by the Illinois Commerce Commission and other applicable

agreements. The CITY agrees to provide tapes, records and other documentation as required by the ETSB to the ETSB to ensure proper 9-1-1 operations. The CITY agrees to cooperate with the ETSB during investigations of 9-1-1 operations by the CITY PSAP.

The CITY PSAP agrees to provide dispatch services for 9-1-1 calls received by it for the CITY Departments in accordance with the terms of this Agreement. Under no circumstances is the ETSB responsible for the dispatching of any call.

In the event that the CITY is unable to respond to a 9-1-1 call from within its jurisdiction, the CITY PSAP Telecommunicator shall be responsible for advising the caller or the Telecommunicator relaying the information or transferring the call that they are attempting to reassign the 9-1-1 call to another Agency.

If the CITY PSAP Telecommunicator is aware of an Agency's Department(s) which has agreed to respond to another Agency's 9-1-1 calls, in addition to or in place of that Agency's Department, and the CITY PSAP is currently responsible for dispatching that Agency's Department, then CITY PSAP shall accept and dispatch the 9-1-1 call.

If an Agency's Department(s) which has agreed to respond to another Agency's 9-1-1 calls in addition to or in place of the Agency's Department and such Agency's Department is not currently dispatched by the CITY PSAP, then the CITY PSAP Dispatcher shall be responsible for notifying the PSAP that is responsible for the dispatching of this Agency's Department of the assignment, so that a proper dispatch can be made.

The CITY agrees to keep the ETSB advised of any changes in its services, including, but not limited to, location, phone number, and department head, that might impact the operation of the McLean County 9-1-1 system. Such notification shall be provided in advance of any changes made, if possible.

The CITY PSAP agrees to provide the same level of service to the hearing impaired caller as that provided to other callers, in accordance with the mandates of the Americans with Disabilities Act.

INSURANCE

The CITY shall provide a General Liability and Errors and Omissions policy underwritten by an insurance company and in a form acceptable to McLean County ETSB in the amount of not less than \$1,000,000 per occurrence. The McLean County ETSB, officials, employees, agents and volunteers, shall be included as "Additional Insureds" in these policies.

In the event a "deductible" is applied under said insurance policy to claim expense or damages against an "Additional Insured", the CITY shall pay the full amount of the deductible applied, on behalf of the "Additional Insured".

In the event said insurance policy(s) does not respond to any such legal action against an "Additional Insured", or should such legal action include a claim for "willful or wanton"

misconduct, or any other uninsured claim, CITY PSAP shall hold the McLean County ETSB and any of the "Additional Insureds" harmless, and shall, at its own expense, defend and protect them from any expense or loss not covered by the CITY PSAP insurance policy

The actual policy as specified above should be mailed or delivered to the McLean County 9-1-1 Administrator's Office, 2411 East Empire Street, Bloomington, Illinois 61704.

AID OUTSIDE JURISDICTIONAL BOUNDARY

Once an emergency unit is dispatched in response to a request through the 9-1-1 system, such unit shall render its service to the requesting party without regard to whether the unit is operating outside of its normal jurisdictional boundary. It is understood that this paragraph is conditioned upon acceptance of the call by the CITY PSAP. If any PSAP Telecommunicator refers a call to the CITY PSAP Telecommunicator which is clearly outside of the CITY PSAP's jurisdictional boundaries, the CITY PSAP Telecommunicator may refuse to respond by immediately notifying the transferring Telecommunicator that the CITY PSAP will not respond and, if possible, providing advice as to which jurisdiction should receive the call.

ADMINISTRATION

The parties hereto expressly agree that 9-1-1 shall be used for emergency calls only. Therefore, all calls of an administrative or non-emergency nature shall be referred to each agency's non-emergency telephone number.

It shall be the responsibility of the CITY PSAP to maintain the report of the call and the disposition of each 9-1-1 call received. It shall be the responsibility of the CITY PSAP to maintain such records as required by the McLean County ETSB and the State of Illinois and to surrender those records to the McLean County ETSB when requested.

EXECUTION

Each of the undersigned certify that they are a qualified agent of the public safety agency, or government entity represented therein, authorized to act on behalf of and bind said public agency or government entity.

ENTERED into by and between McLean County Emergency Telephone System Board and the City of Bloomington.

McLean County Emergency Telephone System Board ("ETSB"):

By: Dennis L. Powell
Title: Chairman, ETSB

William H. Gamblin
Title: 9-1-1 Administrator

Date: _____

Date: _____

City of Bloomington (“CITY”):

By: Steve Stockton
Title: Mayor

Tracy Covert
Title: City Clerk

Date: November 29, 2005

Date: November 29, 2005

Alderman Purcell questioned this item. Tom Hamilton, City Manager, addressed the Council. He described this item as a formality. It was required by the state.

Alderman Crawford questioned if it might be denied. Mr. Hamilton restated that it was a part of the process. The local governing units had agreed to the terms.

Motion by Alderman Finnegan, seconded by Alderman Sprague that the Agreement with the McLean County ETSB be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Concurrence in Award of Phases II and III of the Sugar Creek Combined Sewer Overflow Improvements by the Bloomington-Normal Water Reclamation District to Stark Excavating

On January 26, 2004, Council approved an intergovernmental agreement with the Bloomington-Normal Water Reclamation District (BNWRD) to share in the cost of constructing improvements to the Combined Sewer Overflow (CSO) on Sugar Creek at Caroline Street and at Graham Street. Under the agreement, BNWRD will pay 40% of the cost and City will pay for the remaining 60%. The total estimated cost for the improvements in the original agreement was \$13,838,000 for a 60% City share of \$8.3 million.

BNWRD has developed a plan for reducing the number of overflows from these two CSO points to nearly nonexistent. The District is constructing a large reservoir north of Sugar Creek, across

the creek from the current BNWRD Treatment Plant. The plan is to install very large sewers that will carry the flow from both the Graham Street and the Caroline Street overflows to this new reservoir. After a storm event passes, the water in this reservoir will be transmitted by another sewer to the BNWRD for treatment. When these improvements are complete, it is expected that an overflow of the combined sewers would occur only in the event of a 100 year storm.

BNWRD currently has Phase I of the construction, the holding reservoir with associated piping, under contract to Stark Excavating in the amount of \$4,724,821.50. BNWRD has received bids for the remainder of the work, combined phases II & III. The District voted at their November 14, 2005 meeting to award Phases II & III to Stark Excavating in the amount of \$13,932,146.55. BNWRD is requesting that the City concur in the award. Under the agreement, the City's 60% share will be as follows:

Phase I:	\$4,724,821.50
Phases II & III:	\$13,932,146.55
Total Project:	\$18,656,968.05
	<u>X 0.60</u>
60% City Share =	\$11,194,180.83

The budget for the Storm Water Management Fund (X55100) includes a line item for payments of principal and interest to the IEPA (74910) which was projected to be \$560,000 per year under the original estimates. The \$11.2 million figure shown above will require a yearly payment of approximately \$780,000.

As all items are in order, staff respectfully requests that Council concur in the award of Phases II and III of the Sugar Creek Combined Sewer Overflow Improvements by the Bloomington-Normal Water Reclamation District to Stark Excavating in the amount of \$13,932,146.55.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

Alderman Schmidt noted this combined sewer project. She questioned the revenue projection for same. Tom Hamilton, City Manager, addressed the Council. He reminded the Council that the sewer fund was an enterprise fund. He noted that future capital projects will have to be reshuffled.

Alderman Huette stated that this project appeared to be fifty percent (50%) over the projected costs. Doug Grovesteen, Director of Engineering, addressed the Council. He noted that there had been a number of changes to this project. It was originally scheduled for 2003. There was a delay due to negotiations over easements. Phase II and III will be bid together. The cost increase was due to the cost of the pipe, which had increased by 227%. The project involved three (3) pipes which were ninety-six inches (96") inches in diameter, twenty feet (20') in length, and weigh 55,000 pounds. They will be brought in by

truck one piece at a time. The work will be performed along the creek. The City had to pay extra for the size and condition of the pipe. Alderman Huette questioned the pipe's cost as a percentage of the total project cost. It was noted that Stark Excavating would be paid \$14 million for the excavating work. Mr. Grovesteen noted that there were only two (2) respondents. Kenny, Wheeling, IL wanted \$18.9 million for the work. Stark's bid was \$5 million less. He estimated the cost of the pipe at \$4.4 million. Alderman Huette expressed his concern regarding the \$14 million cost. He questioned if there was enough competition for this type of work. Mr. Grovesteen stated that the Bloomington-Normal Water Reclamation District publicized the bid. He added that there were a limited number of underground contractors. He had never seen a pipe this large.

Motion by Alderman Finnegan, seconded by Alderman Sprague that Phases II and III of the Sugar Creek Combined Sewer Overflow Improvements by the Bloomington-Normal Water Reclamation District be awarded to Stark Excavating, Inc. in the amount of \$13,932,146.55, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Woodbury Estates Subdivision Funding Agreement

In June, 2004, Council approved the annexation of approximately 16 acres of land just south of West Miller Street and east of the railroad tracks for the development of an affordable housing subdivision now known as Woodbury Estates Subdivision. As outlined in the Annexation Agreement, the City approved the donation of \$354,354 in Community Development Block Grant (CDBG) funds for: 1.) the acquisition of six parcels of land for the construction of six single family dwellings through the Community Development Division and their construction partner(s); 2.) the balance of the funds were to be used to subsidize the cost of the remaining lots, and 3.) the City would assist in the submittal of grant applications to both the Illinois Housing Development Authority and the Federal Home Loan Bank in an attempt to obtain down payment assistance for those houses sold to qualified purchasers.

Staff wrote and submitted a Trust Fund grant application to the Illinois Housing Development Authority in October, 2004. Subsequently, on July 11, 2005, Council approved the authorization to enter into a conditional commitment for the Trust Fund Grant. The final step in securing the funding is the execution of a Funding Agreement. A resolution authorizing the Mayor to sign documents related to the loan also needs to be adopted.

Staff respectfully requests that Council approve and authorize the Mayor and City Clerk to execute the Funding Agreement for the receipt of the maximum amount of \$652,800 from the Illinois Affordable Housing Trust Fund, pursuant to Section 8 of the Trust Fund Act, to make second (2nd) mortgage loans and grants for down payment assistance to certain low and very low income individuals and families in connection with the acquisition of up to thirty-six (36) single family homes, located in the Woodbury Estates Subdivision, and that the Resolution be adopted.

Respectfully,

Mark Huber
Director of P.A.C.E.

Tom Hamilton
City Manager

RESOLUTION 2005 - 154

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN IHDA DOCUMENTS FOR WOODBURY ESTATES SUBDIVISION

WHEREAS, the City of Bloomington, a municipal corporation has determined that it is in the public interest to enter into an agreement with the Illinois Housing Development Authority (IHDA), a body politic incorporate established pursuant to the Illinois Housing Development Act, 20 ILCS3805/1 et seq., as amended and supplemented for the purposes set forth herein; and

WHEREAS, The City of Bloomington has determined that it is desirable to obtain a loan from IHDA to provide down payment assistance and second mortgage loans to certain low and very low income individuals for the purchase of 36 single-family residences within the Woodbury Estates Subdivision; and

WHEREAS, the loan referred to hereinabove shall be in the amount of \$652,800.00, said loan to have a term of 24 months with other conditions as City and IHDA find necessary and agreeable to establish in order to implement the above referenced program.

NOW, THEREFORE, be it resolved by the City of Bloomington as follows:

Section 1: The City Council for the City of Bloomington directs the Mayor to execute any and all documents for the purpose of completing documents regarding the above reference loan program, including but not limited to the following, the Funding Agreement and related

exhibits thereto, and such other documents as are required and specified in the conditional commitment letter dated July 11, 2005.

Section 2: The City Clerk of the City of Bloomington shall execute a Certificate of Incumbency, which specifically certifies the Mayor as the designee of the City Council with full ability to execute any and all of the above referenced documents regarding the program.

Section 3: This Resolution shall be in full force and effect forthwith upon its adoption.

ADOPTED this 28th day of November, 2005.

APPROVED this 29th day of November, 2005.

APPROVED

STEPHEN F. STOCKTON
Mayor

ATTEST:

TRACEY COVERT
City Clerk

Motion by Alderman Finnegan, seconded by Alderman Sprague that the funding Agreement be approved, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution be adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Request for Parade Resolution

On December 3, 2005 the Bloomington/Normal Jaycees is sponsoring a parade. The parade route includes Center Street, which is State Route 51 southbound. The Illinois Department of Transportation requires the City Council to adopt a Resolution requesting permission from the Department of Transportation to close or hinder traffic on a State Route.

Staff respectfully requests that Council adopt the Resolution and the Mayor and City Clerk be authorized to forward the Resolution to the Illinois Department of Transportation.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

RESOLUTION NO. 2005 - 155

RESOLUTION REQUESTING CLOSURE OF ROUTE 51 FOR A PARADE

WHEREAS, the Bloomington/Normal Jaycees is sponsoring a Christmas Parade in the City of Bloomington, Illinois, which event constitutes a public purpose;

WHEREAS, this Christmas Parade will require the temporary closure of Center Street, which is Route 51 southbound, a State Highway in the City of Bloomington, Illinois from Division Street to Jefferson Street;

WHEREAS, Section 4-408 of the Illinois Highway Code authorizes the Department of Transportation to issue permits to local authorities to temporarily close portions of State Highways for such public purposes.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Bloomington that permission to close Route 51 southbound from Division Street to Jefferson Street as above designated, be requested of the Department of Transportation. Southbound traffic shall be detoured during the time period of the parade.

BE IT FURTHER RESOLVED that this closure shall occur during the approximate time period between 10:00 a.m. to 12:00 noon on Saturday, December 3, 2005.

BE IT FURTHER RESOLVED that this closure is for the public purpose of a parade.

BE IT FURTHER RESOLVED, that the City of Bloomington assumes full responsibility for the direction, protection, and regulation of the traffic during the time the detour is in effect.

BE IT FURTHER RESOLVED, that police officers or authorized flaggers shall, at the expense of the City of Bloomington be positioned at the end of the closed section and at other points (such as intersections) as may be necessary to assist in directing traffic through the detour.

BE IT FURTHER RESOLVED, that police officers, flaggers, and officials shall permit emergency vehicles in emergency situations to pass through the closed area as swiftly as is safe for all concerned.

BE IT FURTHER RESOLVED, that all debris shall be removed by the City of Bloomington prior to reopening the State highway.

BE IT FURTHER RESOLVED, that such signs, flags, barricades, etc., shall be used by the City of Bloomington as may be approved by the Illinois Department of Transportation. These items shall be provided by the City of Bloomington.

BE IT FURTHER RESOLVED, that the closure and detour shall be marked according to the Illinois Manual on Uniform Traffic Control Devices.

BE IT FURTHER RESOLVED, that an occasional break shall be made in the procession so that traffic may pass through. In any event, adequate provisions will be made for traffic on intersecting highways pursuant to conditions noted above.

BE IT FURTHER RESOLVED, that the City of Bloomington hereby agrees to assume all liabilities and pay all claims or any damage which shall be occasioned by the closing described above.

BE IT FURTHER RESOLVED, that the City of Bloomington shall provide a comprehensive general liability insurance policy or an additional insured endorsement in the amount of \$100,000 per person and \$500,000 aggregate which as the Illinois Department of Transportation and its officials, employees, and agents as insureds and which protects them from all claims arising from the requested road closing.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Department of Transportation to serve as a formal request for the permission sought in this resolution and to operate as part of the conditions of said permission.

ADOPTED on this 28th day of November, 2005.

APPROVED on this 29th day of November, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Finnegan, seconded by Alderman Sprague that the Resolution be adopted and the Mayor and City Clerk be authorized to forward the Resolution to the Illinois Department of Transportation.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Members of the City Council

From: Liquor Commission

Subject: Application of Famous Trading, Inc., d/b/a Famous Liquors, located at 1404 E. Empire St., for a PAS liquor license, which will allow the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to hear the application of Famous Trading, Inc., d/b/a Famous Liquors, located at 1404 E. Empire St., requesting a PAS liquor license which allows the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Stephen Stockton, Rich Buchanan, Steve Petersen, and Mark Gibson; Hannah Eisner, Deputy Corporation Counsel, and Tracey Covert, City Clerk; Sam Patel, owner and Applicant representative.

Commissioner Stockton requested that the Applicant explain the business plan. Sam Patel, owner and Applicant representative, addressed the Commission. He noted that this Application represented a change of ownership. The current management and staff would be retained. Famous was based out of the Chicago suburbs. He was purchasing the business which consists of seven (7) stores, (Addison, Bloomington, Lombard, Decatur, Springfield). He presented information on his past experience which included five (5) years of alcohol experience. He also has business ownership in a hotel in Geneseo. He has also been involved with gas stations in Peoria for the past three (3) years. He restated that Famous would retain the same management, staff, and district manager.

Commissioner Buchanan questioned the extent of Mr. Patel's involvement in the daily operations. Mr. Patel stated that he would serve as the company's President. The main office is in Addison. Commissioner Buchanan questioned who would report to him as President. Mr. Patel stated that store management reports to him. City ordinance required that this Application

be filed. Commissioner Gibson noted that Council approval was also required. Hannah Eisner, Deputy Corporation Counsel, responded affirmatively.

Motion by Commissioner Buchanan, seconded by Commissioner Petersen that the application by Famous Trading, Inc., d/b/a Famous Liquors, located at 1404 E. Empire St., requesting a PAS liquor license which allows the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week be approved.

Based on the above, the Liquor Commission recommends to the City Council that a PAS liquor license for Famous Trading, Inc., d/b/a Famous Liquors, located at 1404 E. Empire St., be created, contingent upon compliance with all applicable health and safety codes.

Respectfully,

Stephen F. Stockton
Chairman of Liquor Commission

Motion by Alderman Finnegan, seconded by Alderman Sprague that a PAS liquor license for Famous Trading, Inc., d/b/a Famous Liquors located at 1404 E. Empire St., be created, contingent upon compliance with all applicable health and safety codes.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Members of the City Council

From: Liquor Commission

Subject: Application of Carmela's Restaurant, Inc., d/b/a Carmela's Restaurant, located at 401 Brock Dr., for an RAS liquor license, which will allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to hear the application of Carmela's Restaurant, Inc., d/b/a Carmela's Restaurant, located at 401 Brock Dr., requesting an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Stephen Stockton, Rich Buchanan, Steve Petersen, and Mark Gibson; Hannah

Eisner, Deputy Corporation Counsel, and Tracey Covert, City Clerk; Carmela Hurtado, owner and Applicant representative.

Commissioner Stockton requested that the Applicant explain the business plan. Carmela Hurtado, owner and Applicant representative, addressed the Commission. Carmela's Restaurant would be family oriented. It would offer breakfast, lunch and dinner. The bar would open at 4:00 p.m. The restaurant would be open until midnight on Friday and Saturday.

Commissioner Gibson questioned the location. Ms. Hurtado informed the Commission that Carmela's would be located at the former Gateway to India. Hannah Eisner, Deputy Corporation Counsel, informed the Commission that there were issues with the previous license holder. Formerly there was a restaurant with a bar and banquet rooms. These rooms were used for after hours parties. Ms. Hurtado informed the Commission that the banquet area is not a part of the lease. This area would have to be renovated.

Commissioner Stockton questioned the menu. Ms. Hurtado noted that Carmela's would offer a six (6) page menu. She restated that Carmela's would offer breakfast, lunch and dinner. Dinner would include Mexican entrees. Carmela's would not offer fast food.

Commissioner Gibson questioned the Applicant's previous experience. Ms. Hurtado noted that she had operated the South Hill Cafe. Commissioner Stockton questioned if the Applicant had any liquor experience. Ms. Hurtado responded negatively. Commissioner Stockton encouraged Ms. Hurtado to become familiar with the City's Alcoholic Beverage code.

Commissioner Stockton questioned the clientele. Ms. Hurtado stated families both traveling and residents.

Commissioner Buchanan arrived at 4:09 p.m.

Carmela's would be operated by Ms. Hurtado and her husband. They will not be hiring a restaurant manager.

Ms. Eisner requested that the minutes reflect that the banquet area is not a part of the premise. Ms. Hurtado would have to appear before the Commission to expand the premise.

Commissioner Petersen arrived at 4:10 p.m.

Ms. Hurtado restated that the banquet area is not included in the lease. This area needs to be remodeled.

Based on the above, the Liquor Commission recommends to the City Council that an RAS liquor license for Carmela's Restaurant, Inc., d/b/a Carmela's Restaurant located at 401 Brock Dr., be created, contingent upon compliance with all applicable health and safety codes.

Respectfully,

Stephen F. Stockton
Chairman of Liquor Commission

Motion by Alderman Finnegan, seconded by Alderman Sprague that an RAS liquor license for Carmela's Restaurant, Inc., d/b/a Carmela's Restaurant located at 401 Brock Dr., be created, contingent upon compliance with all applicable health and safety codes.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Members of the City Council

From: Liquor Commission

Subject: Application of Bloomington Fuels, Inc., d/b/a Bloomington Fuels, located at 1802 S. Morris Ave., for a GPBS liquor license, which will allow the sale of packaged beer and wine for consumption off the premises seven (7) days a week

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to hear the application of Bloomington Fuels, Inc., d/b/a Bloomington Fuels, located at 1802 S. Morris Ave., requesting a GPBS liquor license which allows the sale of packaged beer and wine for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Stephen Stockton, Rich Buchanan, Steve Petersen, and Mark Gibson; Hannah Eisner, Deputy Corporation Counsel, and Tracey Covert, City Clerk; Mathai Nedumgottil, owner, and Dave Stanek, Store Manager, and Applicant representatives.

Commissioner Stockton requested that the Applicant explain the business plan. Dave Stanek, Store Manager and Applicant representative, addressed the Commission. He introduced Mathai Nedumgottil, owner. This Application represented a change of ownership. This store is a former Clark store. The license type matches the current license. This store serves the neighborhood. He had managed this store for four and a half (4 ½) years. He had work for the two (2) previous owners. Bloomington Fuels will retain the Clark brand. The store offers a variety of products and will only carry beer.

Commissioner Stockton questioned violations. Mr. Stanek recalled that there were violations previous to his employment. One (1) violation had occurred during his tenure which involved a seven to eight (7 - 8) year employee. The violation occurred during the last five to six (5 - 6) months. He noted that the store was close to the highway interchange. The majority of the store's clientele lives and works within two (2) miles of the store. There is large number of repeat customers. This information was based upon his experience. The southwest area of the City was growing. The impact of the Casey's store was not as drastic as expected.

Commissioner Stockton questioned if the owners of Bloomington Fuels owned other similar business. Mathai Nedumgottil, owner and Applicant representative, addressed the Commission. He informed them that there were six (6) shareholders. They owned another station in Washington, IL. Mr. Stanek noted that it is also a former Clark station. Commissioner Stockton questioned if there were any issues at this store. Mr. Nedumgottil stated that he was not aware of any. Commissioner Petersen questioned if it held a liquor license. Mr. Nedumgottil responded affirmatively, it was for beer only.

Commissioner Gibson questioned if the Bloomington store required the entry of customer's date of birth to complete an alcohol sale. Mr. Stanek responded for alcohol and tobacco sales. Hannah Eisner, Deputy Corporation Counsel, addressed the Commission. The current license had a condition placed upon it - no single serve sales of 40 ounces or less. Commissioner Gibson questioned the demand for other products. Mr. Stanek responded affirmatively. He noted that the single serve items were the most profitable, but attracted a different clientele. He cited from previous experience at the Super Pantry located on S. Main. Litter was a constant problem and on site consumption. He did not miss the problems.

Commissioner Buchanan questioned if the Applicant would support the creation of a new license with the same single serve restriction - no sales under forty ounces (40 oz.). Mr. Stanek expressed his hope that the store would be able to expand into this market segment in the future. The store would need better and additional staff. The store must have the ability to monitor its customers. At this time, single serve sales would not be a good idea. He noted the profit margin: twelve percent (12%) for packaged beer and thirty percent (30%) for single serve. Single serve sales were much more profitable.

Commissioner Stockton read the conditions placed upon the current license: 1.) no sale of package beer in volume of 40 oz. or less, and 2.) packaged alcohol be allowed in groups of six (6) or more. He noted the second condition - packaged sales were defined as groups of six (6). Mr. Stanek expressed his belief that packaged goods could be sold in volumes in excess of forty ounces (40 oz.). Commissioner Stockton noted that the subject of single serve sales was dynamic. He recommended that the Commission retain the current conditions.

Commissioner Gibson expressed his belief that there were malt beverages which were packaged in groups of four (4). Ms. Eisner added that the four (4) pack must consist of more than forty ounces (40 oz.).

Mr. Stanek expressed his belief that a City wide ban would be addressed with the local distributors. Commissioner Gibson noted that the City must address the current market. Liquor

marketing and packaging has changed. Commissioner Buchanan questioned if the Application could be approved and the conditions amended. Commissioner Stockton urged the Commission to leave the current conditions alone. He expressed his belief that the Commission would present a recommendation by January 2006. Commissioner Buchanan questioned if this store must cease the sales of four (4) packs. Commissioner Stockton responded affirmatively based upon the Council proceedings. Commissioner Buchanan expressed his opinion that the Commission could accommodate this change. Commissioner Stockton reminded the Commission that their last recommendation had been rejected. Single serve sales must be addressed city wide.

Commissioner Gibson expressed his opinion that the current situation was not a level playing field. He expressed his support for sending this Application with the same conditions as the current license. He acknowledged that the Applicant could request a change to these conditions in the future.

Ms. Eisner informed the Applicant to stop all single serve sales. Mr. Stanek noted that he was not aware of this restriction. Four (4) packs had been available since last year. He noted that sales of these items equaled less than a case per week. Commissioner Buchanan stated his willingness to amend this condition. He questioned if it was the Council's intent to limit the sales of four (4) packs. Mr. Nedumgottil questioned if all license holders operate with the same restrictions. Commissioner Stockton responded negatively. Commissioner Buchanan added that in the near future the Commission hoped to achieve the goal of a level playing field.

Commissioner Petersen noted that the Applicant had stated that they were not ready for single serve sales. Mr. Stanek noted that at this time there was only one person on duty. He expressed his opinion that the single serve customer base would be disruptive. The store would need additional staff to deal with the problems of single serve sales. Staff would need to training on how to quell confrontations. Single serve sales were not worth it at this time. Commissioner Buchanan questioned if the second staff person would be responsible for monitoring the parking lot.

Based on the above, the Liquor Commission recommends to the City Council that a GPBS liquor license for Bloomington Fuels, Inc., d/b/a Bloomington Fuels, located at 1802 Morris Ave., be created, contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) no sale of packaged beer in volume of forty ounces (40 oz.) or less; and 2.) packaged alcohol be allowed in groups of six (6) or more.

Respectfully,

Stephen F. Stockton
Chairman of Liquor Commission

Motion by Alderman Finnegan, seconded by Alderman Sprague that a GPBS liquor license for Bloomington Fuels, Inc., d/b/a Bloomington Fuels located at 1802 Morris Ave., be created, contingent upon compliance with all applicable health and safety codes with the

following conditions: 1.) no sale of packaged beer in volume of forty ounces (40 oz.) or less; and 2.) packaged alcohol be allowed in groups of six (6) or more.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition for Approval of an Easement Vacation Plat for Lot 9 in Prospect Commons Subdivision Commonly Known as 2427 Maloney Drive

A Petition has been received from Dr. Sanjay Saxsena for approval of an Easement Vacation Plat for Lot 9 in Prospect Commons Subdivision, commonly known as 2427 Maloney Drive. The request is to vacate the south 5 feet of the existing 20 foot utility easement lying adjacent to and south of the north line of lot 9, except the west 28 feet thereof. All relevant private utility companies have reviewed the Plat and have granted approval of the easement vacation. Staff has reviewed the Plat and find no conflicts with existing or proposed public utilities and drainage ways.

As all items are in order, staff respectfully recommends Council approval of the Petition for the Easement Vacation Plat for Lot 9 in Prospect Commons Subdivision and the Ordinance passed.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

PETITION FOR VACATION OF EASEMENT

STATE OF ILLINOIS)
)SS.
COUNTY OF MC LEAN)

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

Now Comes Dr. Sanjay Saxsena hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

1. That your Petitioner is interested as Owner in the premises hereinafter described in Exhibit(s) "A" attached hereto and made a part hereof by this reference.
2. That your Petitioner(s) seek(s) approval of the vacation of Five (5') feet easement strip adjacent to said premises; as shown in Exhibit A.
3. That said vacation of easement is reasonable and proper because such easement is not needed for the utilities by the City and by the Utility companies either for existing or future utilities. No objection letters from all utility companies are also attached.

Respectfully submitted,

By: Dr. Sanjay Saxena, MD

November 16, 2005

ORDINANCE NO. 2005 - 120

**AN ORDINANCE PROVIDING FOR THE VACATION OF EASEMENT LOT 9 IN
PROSPECT COMMONS SUBDIVISION A/K/A 2427 MALONEY DRIVE**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean county, Illinois, a petition requesting the vacation of Five (5') feet utility easement strip; and

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

WHEREAS, it is reasonable and proper to vacate said easement as requested in this case.

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

1. That a strip of five feet (5') utility easement described in Exhibit A is hereby vacated.
2. That this ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 28th day of November, 2005.

APPROVED this 29th day of November, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT "A"

DESCRIPTION OF PROPERTY:

Lot 9 in Prospect Commons Subdivision Located in T23N R2E of 3rd Principal Meridian, City of Bloomington, McLean County, IL.

DESCRIPTION OF EASEMENT VACATION:

The South 5 Feet of Existing 20 Feet Wide Easement Lying Adjacent and South of the North Lot Line Except Therefrom the West 28 Feet Thereof as Shown.

PIN 21-02-280-003

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition from PARK Developers and RAB2 Corp., Requesting Approval of a Building Setback Vacation Plat for the Estates of Eagle View Subdivision

A petition has been received from PARK Developers and RAB2 Corp., requesting Council approval of a building setback Vacation Plat for the Estates of Eagle View Subdivision. This subdivision is located south of Fort Jesse Road and east of Towanda-Barnes Road.

This plat calls for the vacation of the west 5 feet of the existing 40 ft. building setback in the Estates of Eagle View Subdivision, reducing the east building setback to 35 feet. Staff has reviewed the above said building setback Vacation Plat and finds it acceptable.

Staff respectfully recommends that Council approve the Petition for a Building Setback Vacation Plat for the Estates of Eagle View Subdivision, and that an Ordinance be passed.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

PETITION FOR APPROVAL OF BUILDING SETBACK VACATION PLAT

STATE OF ILLINOIS)
)SS.
COUNTY OF MC LEAN)

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

Now Comes Park Developers, Inc and RAB2, Corporation hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

- 1. That your Petitioner is the Owner of the freehold estate of the premises hereinafter described in Exhibit "A" attached hereto and made a part hereof by this reference;
- 2. That your Petitioner seek approval of the Building Setback Vacation Plat for the subdivision known and described as The Estates of Eagle View Subdivision, Bloomington, Illinois, which Building Setback Vacation Plat is attached hereto and made a part hereof;
- 3. That the property referred ton in the Building Setback Vacation Plat does not contain utilities.

WHEREFORE, your petitioner prays that the Building Setback Vacation Plat for The Estates of Eagle View Subdivision submitted herewith be approved and with the exemptions or variations as requested herein.

Respectfully submitted,

Park Developers, Inc. and
RAB, 2 Corporation

By: Mercer Turner, Its
Attorney

ORDINANCE NO. 2005 - 121**AN ORDINANCE APPROVING THE BUILDING SETBACK VACATION PLAT FOR THE ESTATES OF EAGLE VIEW SUBDIVISION**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for approval of the Building Setback Vacation Plat for The Estates of Eagle View Subdivision, Bloomington, Illinois, legally described in Exhibit A attached hereto and made a part hereof by this reference; and

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

WHEREAS, said property contained in the Building Setback Vacation Plat does not contain utilities.

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

1. That the Building Setback Vacation Plat for The Estates of Eagle View Subdivision 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 28th day of November, 2005.

APPROVED this 29th day of November, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT "A"

Tract 1:

Outlot 504 in Eagle View Subdivision in the City of Bloomington, McLean County, Illinois, according to the Plat recorded as Document No. 2004-14929 in the McLean County Recorder's Office, containing 1.228 acres, more or less.

Tract 2:

Outlot 505 in the First Addition to Eagle View Subdivision in the City of Bloomington, McLean County, Illinois, according to the Plat recorded in the McLean County Recorder's Office, containing 2.772 acres, more or less.

Tract 3:

A part of Lot 3 in Barnes Subdivision of Section 29, Township 24 North, Range 3 East of the Third Principal Meridian per plat recorded in Plat Book 6, Page 3, McLean County, Illinois more particularly described as follows: Beginning at the Southeast Corner of Outlot 505 in the First Addition to Eagle View Subdivision in the City of Bloomington, McLean County, Illinois, according to the Plat recorded in the McLean County Recorder's Office, said Corner being on the East Line of said Lot 3. From said Point of Beginning, thence south 1812.93 feet along said East Line to the Southeast Corner thereof; thence west 894.46 feet along the South Line of said Lot 3 which forms an angle to the left of $88^{\circ}-29'-35''$ with the last described course to the Southeast Corner of a Tract of Land conveyed by Trustee's Deed recorded as Document No. 2000-20722 in said Recorder's Office; thence north 500.17 feet along the East Line of said Tract which forms an angle to the left of $91^{\circ}-29'-50''$ with the last described course to the Northeast Corner thereof; thence west 3.80 feet along the North Line of said Tract which forms an angle to the left of $268^{\circ}-30'-10''$ with the last described course to the Southeast Corner of Lot 111 in said First Addition; thence north 323.17 feet along the East Line of said Lot 111 and the East Lines of Lots 112 and 113 in said First Addition which forms an angle to the left of $91^{\circ}-55'-39''$ with the last described course to the Northeast Corner of said Lot 113; thence west 15.43 feet along the North Line of said Lot 113 which forms an angle to the left of $269^{\circ}-37'-32''$ with the last described course to the Southeast Corner of Lot 104 in Eagle View Subdivision in the City of Bloomington, McLean County, Illinois, according to the Plat recorded as Document No. 2004-14929 in said Recorder's Office; thence north 120.00 feet along the East Line of said Lot 104 which forms an angle to the left of $90^{\circ}-00'-00''$ with the last described course to the Northeast Corner thereof; thence east 14.45 feet along the South Right-of-Way Line of Watertown Lane in said Eagle View Subdivision which forms an angle to the left of $90^{\circ}-00'-00''$ with the last described course to the Southeast Corner of said Lane; thence north 1055.25 feet along the East Line of said Lane and the East Lines of Lots 88 through 78, inclusive, in said Eagle View Subdivision, which lines form an angle to the left of $270^{\circ}-00'-00''$ with the last described course to the Southwest Corner of Lot 76 in said Eagle View Subdivision; thence east 627.16 feet along the South Line of said Lot 76, the South Line of Lot 75 in said Eagle View Subdivision and the South Lines of Lots 127 through 123, inclusive, in said First Addition, which lines form an angle to the left of $90^{\circ}-00'-00''$ with the last described course to a point on the West Line of said Outlot 505 lying 65.00 feet west of the Southeast Corner of said Lot 123; thence south 210.00 feet along the West Line of said Outlot 505 which forms an angle to the left of $90^{\circ}-00'-00''$ with the last described course to the Southwest Corner of said Lot 505; thence east 274.83 feet along the South Line of said Outlot 505; thence east 274.83 feet along the South Line of said Outlot 505 which forms an angle to the left of $270^{\circ}-00'-00''$ with the last described course to the Point of Beginning, containing 40.229 acres, more or less.

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition for Approval of a Final Plat for the First Addition to the Links at Ireland Grove Road Subdivision

A Petition has been received from The Links at Ireland Grove Road LLC requesting approval of a Final Plat of the First Addition to The Links at Ireland Grove Road Subdivision. The Subdivision is located south of Ireland Grove Road, east of Streid Drive and west of Towanda Barnes Road.

Staff has reviewed the Final Plat and finds it to be in conformance with the Preliminary Plan that was approved by Council on February 14, 2005. The public improvements are not complete, therefore a performance guarantee is required, additionally, tap-on fees are due per the Annexation Agreement.

As all items are in order, staff respectfully recommends that Council approve the Petition for the Final Plat for First Addition to The Links at Ireland Grove Road Subdivision, subject to the Petitioner supplying the performance guarantee for uncompleted public improvements and paying the tap-on fees before recording the plat, and the Ordinance be passed.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

PETITION FOR APPROVAL OF FINAL PLAT

State of Illinois)
)ss:
County of McLean)

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

NOW COMES 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 freehold or lesser estate therein of the premises hereinafter described in Exhibit "A" attached hereto and made a part hereof by this reference.
2. That your Petitioner seeks approval of the Final Plat for the subdivision to be known and described as "First Addition to the Links at Ireland Grove Road Subdivision, Bloomington, Illinois", which Final Plat is attached hereto and made a part hereof.
3. That your Petitioner hereby seeks approval of the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code, 1960.
4. That your Petitioner 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 the Links at Ireland Grove Road Subdivision Bloomington, Illinois", submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

THE LINKS AT IRELAND GROVE ROAD, LLC

By: William Wetzel
Its: Attorney

ORDINANCE NO. 2005 - 122**AN ORDINANCE APPROVING THE FINAL PLAT OF FIRST ADDITION TO THE LINKS AT IRELAND GROVE ROAD SUBDIVISION, BLOOMINGTON, ILLINOIS**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois a Petition for Approval of the Final Plat of the "First Addition to the Links at Ireland Grove Road Subdivision, Bloomington, Illinois", 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; 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 the Links at Ireland Grove Road Subdivision, Bloomington, Illinois", 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 28th day of November, 2005

APPROVED this 29th day of November, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT "A"**TRACT 1:**

Lots 309 and 310 in the Links at Ireland Grove Road Subdivision in the City of Bloomington, McLean County, Illinois, according to the plat recorded as Document No. 2005-27035 in the McLean County Recorder's Office.

Said Tract 1 contains 58.584 acres, more or less.

TRACT 2:

A part of the North Half of Lot 1 in the Northwest 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 Southwest Corner of Tullamore Avenue as dedicated in the Links at Ireland Grove Road Subdivision in said City, according to the plat recorded as Document No. 2005-27035 in the McLean County Recorder's Office, said Corner being on the South Line of the North Half of said Lot 1. From said Point of Beginning, thence west 400.00 feet along said South Line to the Southwest Corner thereof; thence north 1280.66 feet along the West Line of said Lot 1 which forms an angle to the left of 89°-57'-12" with the last described course to a point lying 50.00 feet south of the Northwest Corner thereof, said point being on the South Right-of-Way Line of Ireland Grove Road in said City, which line is also the South Line of a parcel of land taken by the Bloomington-Normal Airport Authority by Decree of Condemnation entered in the Circuit Court of McLean County, Illinois; thence east 328.12 feet along said South Line and said South Right-of-Way Line of Ireland Grove Road, which form an angle to the left of 89°-56'-16" with the last described course; thence southeast 71.30 feet along said South Line and said South Right-of-Way Line which form an angle to the left of 178°-34'-05" with the last described course to the Northwest Corner of said Tullamore Avenue; thence south 237.23 feet along the West Right-of-Way Line of said Tullamore Avenue which forms an angle to the left of 91°-17'-50" with the last described course; thence southeast 60.21 feet along said West Right-of-Way Line which forms an angle to the left of 184°-45'-49" with the last described course; thence south 980.88 feet along said West Right-of-Way Line which forms an angle to the left of 175°-14'-11" with the last described course to the Point of Beginning, containing 11.789 acres, more or less.

This property has been subdivided into six lots, numbered 311 through 316, inclusive, one outlot, numbered 317, and easements as shown. Said Subdivision is to be known as "First Addition to The Links at Ireland Grove Road Subdivision" in the City of Bloomington, McLean County, Illinois.

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition submitted by Harold Boyd requesting approval of a Special Use Permit at 700-702 North Evans St. to allow an Artist's studio in an R-3A Medium Density Multiple Family Residence District (Case SP-08-05)

BACKGROUND INFORMATION:

Adjacent Zoning

north: R-3A Medium Density Multiple Family Residence District
 south: R-2 Mixed Residence District
 east: R-2 Mixed Residence District
 west: R-3A Medium Density Multiple Family Residence District

Adjacent Land Uses

north: single family dwelling
 south: church
 east: church parking lot
 west: single family dwelling

Current Land Use: vacant retail store
 Comprehensive Plan: recommends "high density residential" use

The property in question is a 56' by 82.5' (4,620 sq. ft) tract that was once the site of the Occupational Development Center's Thrift Store, a church office and other business uses, all legal nonconforming uses, by virtue of the fact that a business use has been in operation at this site since prior to the enactment of the City of Bloomington Zoning Code in 1941. Section 4.60 (e)(3) of the Bloomington Zoning Code reads as follows:

"If no structural alterations are made, any nonconforming use of a structure, or structure and land may as a special use be changed to another nonconforming use provided that the City Council, after public hearing by the Bloomington Board of Appeals, shall find that the proposed use is less nonconforming or more compatible to the district than the existing nonconforming use. In permitting such change, the City Council may require appropriate conditions and safeguards in accord with the provisions of this Code."

Mr. Harold Boyd, a local artist and the current owner of this property, wants to use this building for an artist's studio for the production of his own works of art. He produces drawings, paintings

and sculpture and would not be working at the subject premises after 6:00 p.m. The sculpture production includes modeling in clay, but would not include metal welding, grinding, casting or other noisy activities on site. Staff finds that this proposed use is less nonconforming and more compatible to the R-2 and R-3A Residence Districts than the current use.

Very little additional traffic will be generated by a small art studio being located in this building. Prior to the granting of any Special Use application, the Board of Zoning Appeals may recommend, and Council shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the Special Use as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Section 7.30 of the Bloomington Zoning Code.

BOARD OF ZONING APPEALS' PUBLIC HEARING:

The Board of Zoning Appeals held a public hearing on this petition on November 16, 2005 and recommends the same. Mr. Harold Boyd, 313 N. Main St., was present to speak in favor of this petition at this hearing. He testified that he recently purchased this property not knowing that it was not properly zoned to permit an artist's studio. He noted that he has had his artist's studio in the 300 block of North Main Street in Downtown Bloomington for the past 32 years.

Rev. John Brown, 1204 W. Mac Arthur St., testified that he is the pastor of the Joy Full Gospel Community Church across the street at 411 East Mulberry Street and that it was preference to have an artist's studio in the building at 700-702 N. Evans St. than a more intensive business use.

No testimony was presented in opposition to this petition at this hearing. Notice of this public hearing were mailed to the owners of 15 properties in the vicinity of the property in question.

BOARD OF ZONING APPEALS' RECOMMENDATION:

After having given consideration to this petition and the testimony presented, the Board of Zoning Appeals passed a motion by a vote of 6 to 0 recommending Council approval of this petition in Case SP-08-05 for a Special Use Permit at 700-702 North Evans St. to allow an artist's studio. The Board of Zoning Appeals bases this recommendation on its conclusion that the petitioner does meet the following standards as applicable by Chapter 44, Section 7.30 (d), (2) in finding of facts:

1. That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, comfort or general welfare.
2. That special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district.
4. That adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided.

- 5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- 6. That the special use shall, in all other respects, conform to the applicable regulations of the district in which is located, except as such regulations may be modified by the Council pursuant to the recommendations of the Board of Zoning Appeals.

STAFF RECOMMENDATION:

Staff concurs with the Board of Zoning Appeals and respectfully recommends Council approval of this petition to allow a Special Use permit for an artist’s studio at 700-702 North Evans Street.

Respectfully,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

PETITION FOR A SPECIAL USE PERMIT

STATE OF ILLINOIS)
)SS.
COUNTY OF MCLEAN)

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

Now comes Harold Boyd hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

- 1. That your Petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A, which is attached hereto and made a part hereof by this reference, or is a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee, or any 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-3A under the provisions of Chapter 44 of the Bloomington City Code – 1960, as amended;
- 3. That under the provisions of Chapter 44, Section 7.30(k) of said City Code, Art Studios are allowed as a special use in an R-3A zoning district;
- 4. That the establishment, maintenance, or operation of said special use on said premises will not be detrimental to or endanger the public health, safety morals, comfort or general welfare;

5. That said special use on said premises will not be injurious to the use and enjoyment of other property in the immediate vicinity of said premises for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
6. That the establishment of said special use on said premises will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the R-3A zoning district;
7. That the exterior architectural treatment and functional plan of any proposed structure on said premises will not be so at variance with either the exterior architectural treatment and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood adjacent to said premises;
8. That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided to said premises for said special permitted use;
9. That adequate measures have been or will be taken to provide ingress and egress to and from said premises so designed as to minimize traffic congestion in the public streets; and
10. That said special permitted sue on said premises shall, in all other respects, conform to the applicable regulations of the R-3A zoning district in which it is located except as such regulations may, in each instance, be modified by the City Council of the City of Bloomington pursuant to the recommendations of the Bloomington Board of Zoning Appeals.

WHEREFORE, your Petitioner respectfully prays that said special use for said premises be approved.

Respectfully submitted,

Harold Boyd

ORDINANCE NO. 2005 - 123**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR AN ART STUDIO AT
700 N. EVANS**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting a special use permit for an Art Studio for certain premises hereinafter described in Exhibit A; and

WHEREAS, the Bloomington Board of Zoning Appeals, after proper notice was given, conducted a public hearing on said petition; and

WHEREAS, the Bloomington Board of Zoning Appeals, after said public hearing, made findings of fact that such special use permit would comply with the standards and conditions for granting such special permitted use for said premises as required by Chapter 44, Sections 7.30(E) and 7.30(K) of the Bloomington City Code – 1960, as amended; and

WHEREAS, the City Council of the City of Bloomington has the power to pass this Ordinance and grant this special use permit.

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

1. That the special use permit for an Art Studio on the premises hereinafter described in Exhibit A shall be and same is hereby approved.
2. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 28th day of November, 2005.

APPROVED this 29th day of November, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT "A"

East Half of Lot 9 in Block 16 of the Durley Addition, W ½ NE Section 4, 23N, R2E
McLean County, Illinois

Motion by Alderman Finnegan, seconded by Alderman Sprague that the Special Use be approved and the Ordinance be passed.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition submitted by Carl Thacker and Travis Thacker requesting approval of a Special Use Permit at 802 North Morris Avenue to allow a musical instrument repair/sales shop in a R-1C, High Density Single Family Residence District

BACKGROUND INFORMATION:

Adjacent Zoning

Adjacent Land Uses

north: R-1C High Density Single Family Residence District

north: single family dwelling

south: R-1C High Density Single Family Residence District

south: single family dwelling

east: M-1 Restricted Manufacturing District

east: single family dwelling

west: R-1C High Density Single Family Residence District

west: single family dwelling

Current Land Use: retail/discount appliance store

Comprehensive Plan: recommends low to medium density residential use for this lot

The property in question is a 55' by 40' (2,200 sq. ft) tract that was the site of the G & L Appliance Store, a legal nonconforming use by virtue of the fact that a business use has been in operation at this site since prior to the enactment of the City of Bloomington Zoning Code in 1941. Section 4.60 (e)(3) of the Bloomington Zoning Code reads as follows:

“If no structural alterations are made, any nonconforming use of a structure, or structure and land may as a special use be changed to another nonconforming use provided that the City Council, after public hearing by the Bloomington Board of Appeals, shall find that the proposed use is

less nonconforming or more compatible to the district than the existing nonconforming use. In permitting such change, the City Council may require appropriate conditions and safeguards in accord with the provisions of this Code.”

Mr. Gary Deerwester, the current owner, wants to sell this property to Mr. Carl Thacker and Mr. Travis Thacker who plan to operate a shop to sell and repair musical instruments. A copy of the Deerwester/Thacker Contract-for-Sale regarding said property has been provided to the City Clerk’s Office. Staff finds that these proposed uses are less nonconforming and more compatible to the R-1C High Density Single Family Residence District than the appliance store. Very little additional traffic will be generated by a small musical instrument sales and repair shop.

Mr. Allen Swanson, Supervisor Traffic Systems for the City, has made the suggestion that the petitioners pave the parkway (area between curb & sidewalk) along the east side of 802 N. Morris Avenue and have the City paint spaces to conform to the Manual of Uniform Traffic Control Devices (MUTCD) and the sight triangle. The parkway on the west side of N. Morris Avenue is 14.5 feet wide and currently paved with white rock. The curb is mountable, although somewhat irregular. Parking could be allowed in a portion of this area with the following provisions:

- 1) Parking cannot be allowed in the parkway within 20’ of the east-west sidewalk along the north edge of the W. Chestnut-N. Morris intersection.
- 2) Vehicles must be parked immediately adjacent to the north-south sidewalk to remain out of the sight visibility triangle.

Mr. Swanson recommended that the City allow parking in this parkway area with the provision that the area from a point 20’ north of the east-west sidewalk on the north side of W. Chestnut Street be paved so that parking stall markings can be painted. Mr. Doug Grovesteen, Director of Engineering, concurs with this suggestion.

Prior to the granting of any Special Use application, the Board of Zoning Appeals may recommend and the Council stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the Special Use as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Section 7.30 of the Bloomington Zoning Code.

BOARD OF ZONING APPEALS’ PUBLIC HEARING:

The Board of Zoning Appeals held a public hearing on this petition on November 16, 2005 and recommends the same. Mr. Carl Thacker, 1603 N. Main St., Normal, IL., and Mr. Travis Thacker, 8 Haney Ct., were present to speak in favor of this petition at this hearing. Mr. Carl Thacker testified that he and his son Travis are music instrument repair technicians who specialize strictly in the repair and maintenance of wind instruments (trumpets, clarinets, cornets, flutes, saxophones, etc.) rather than string instruments or drums and percussion instruments. He testified that he has been providing this service for 30 years and has operated as a home-based

business at 1603 N. Main St., Normal, IL with university professors, music teachers, and symphony musicians as customers.

Mrs. Linda Westerfield, 1310 West Forrest Ave., testified that she and her husband owned the house at 807 N. Morris Ave. She had no objection to this proposed music instrument repair business but expressed concerns about hours of operation, excessive noise, and parking along N. Morris Ave. She noted that Mr. Gary Deerwester, the current owner, had operated an appliance repair service at 802 N. Morris Ave. that was very quiet with very little traffic. She also stated that the parking problems occur when the bar at 1107 W. Locust St. has a special event or promotion.

Mr. John Schrader, 1203 W. Chestnut St., testified that he had no objection to this proposed music instrument repair business but expressed concerns about hours of operation.

Mr. Steve Purcell, 407 W. Emerson St., testified that he is the 7th Ward Alderman and he had never heard about any problems with the land use at 802 N. Morris Ave. He noted that it would be good to have a business in this building which has had a long history of being occupied by business uses.

Mrs. Margaret M. Klepper, 907 N. Mason St., testified that her son, Mr. Gary Deerwester, the current owner, wished to sell this property due to being gravely ill and in need of a liver transplant. She argued that since this building has been the site of a meat market, a grocery store, a gift shop, and an appliance repair business, the special use permit for this musical instrument repair/sales shop should be approved.

Mr. Carl Thacker testified that the hours of operation for this musical instrument repair/sales shop will be from 9:00 a.m. to 8:00 p.m. Parking would be along the west side of N. Morris Ave. He stated that there would be a small sign in the front window to identify the business.

No testimony was presented in opposition to this petition at this hearing. Notice of this public hearing were mailed to the owners of 35 properties in the vicinity of the property in question.

BOARD OF ZONING APPEALS' RECOMMENDATION:

After giving due consideration to this petition and the testimony presented at this hearing, the Board of Zoning Appeals passed a motion by a vote of 5 to 1 recommending Council approval of this petition in Case SP-09-05 for Special Use Permit at 802 N. Morris Avenue to allow a musical instrument repair/sales shop. The Board of Zoning Appeals based this recommendation on the conclusion that the petitioner met the following standards as applicable by Chapter 44, Section 7.30 (d), (2) in finding of facts:

1. That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, comfort or general welfare;
2. That special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;

- 3. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district;
- 4. That adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided;
- 5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
- 6. That the special use shall, in all other respects, conform to the applicable regulations of the district in which is located, except as such regulations may be modified by the Council pursuant to the recommendations of the Board of Zoning Appeals.

STAFF RECOMMENDATION:

Staff concurs with the Board of Zoning Appeals and respectfully recommends Council approval of this petition in Case SP-09-05 at 802 N. Morris Avenue to allow a musical instrument repair/sales shop.

Respectfully,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

PETITION FOR A SPECIAL USE PERMIT

STATE OF ILLINOIS)
)SS.
COUNTY OF MCLEAN)

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

Now comes Carl Thacker and Travis Thacker hereinafter referred to as your Petitioners, respectfully representing and requesting as follows:

- 1. That your Petitioners are the owners of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A, which is attached hereto and made a part hereof by this reference, or are a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee, or any 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 under the provisions of Chapter 44 of the Bloomington City Code – 1960, as amended;

3. That under the provisions of Chapter 44, Section 7.30(k) of said City Code, Musical Instrument Repair/Sales Shops are allowed as a special use in an R-1C zoning district;
4. That the establishment, maintenance, or operation of said special use on said premises will not be detrimental to or endanger the public health, safety morals, comfort or general welfare;
5. That said special use on said premises will not be injurious to the use and enjoyment of other property in the immediate vicinity of said premises for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
6. That the establishment of said special use on said premises will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the R-1C zoning district;
7. That the exterior architectural treatment and functional plan of any proposed structure on said premises will not be so at variance with either the exterior architectural treatment and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood adjacent to said premises;
8. That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided to said premises for said special permitted use;
9. That adequate measures have been or will be taken to provide ingress and egress to and from said premises so designed as to minimize traffic congestion in the public streets; and
10. That said special permitted sue on said premises shall, in all other respects, conform to the applicable regulations of the R-1C zoning district in which it is located except as such regulations may, in each instance, be modified by the City Council of the City of Bloomington pursuant to the recommendations of the Bloomington Board of Zoning Appeals.

WHEREFORE, your Petitioners respectfully pray that said special use for said premises be approved.

Respectfully submitted,

Carl Thacker

Travis Thacker

ORDINANCE NO. 2005 - 124**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A MUSICAL INSTRUMENT REPAIR/SALES SHOP AT 802 N MORRIS**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting a special use permit for a Musical Instrument Repair/Sales Shop for certain premises hereinafter described in Exhibit A; and

WHEREAS, the Bloomington Board of Zoning Appeals, after proper notice was given, conducted a public hearing on said petition; and

WHEREAS, the Bloomington Board of Zoning Appeals, after said public hearing, made findings of fact that such special use permit would comply with the standards and conditions for granting such special permitted use for said premises as required by Chapter 44, Sections 7.30(E) and 7.30(K) of the Bloomington City Code – 1960, as amended; and

WHEREAS, the City Council of the City of Bloomington has the power to pass this Ordinance and grant this special use permit.

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

1. That the special use permit for a Musical Instrument Repair/Sales Shop on the premises hereinafter described in Exhibit A shall be and same is hereby approved.
2. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 28th day of November, 2005.

APPROVED this 29th day of November, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT "A"

Didlakes Addition East 40 feet of Lot 6, Block 3.

Motion by Alderman Finnegan, seconded by Alderman Sprague that the Special Use be approved and the Ordinance be passed.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Petition of Jeffrey Gordon requesting approval of a Special Use Permit for a mini mart/small grocery store in a R-4 Manufactured Home Park District at 31 Cornflower in the Prairie Land Estates Manufactured Home Park located east of Alexander Road and north of Butchers Lane

BACKGROUND INFORMATION:

Adjacent Zoning

north - R-4 Manufactured Home Park District
south - R-4 Manufactured Home Park District
east - R-4 Manufactured Home Park District
west - R-4 Manufactured Home Park District

Adjacent Land Uses

north - manufactured homes
south - manufactured homes
east - manufactured homes
west - manufactured homes

The petitioner advised that he has entered into a lease agreement with the owner of this property providing for the lease of space in this building for a mini mart/small grocery store (also known as a convenience establishment) in the southern 1,080 square feet of this 1,800 square foot building. This convenience establishment is to be open for business from 6:00 a.m. until 10:00 p.m. Sunday through Saturday, and no alcoholic beverages would be sold on the premises.

Section 7.30 of the Zoning Code cites the following standards and conditions for this special use:

Convenience Establishments (Grocery and Drug Stores, Coin Operated Laundry and Dry Cleaning Establishments, Laundry and Dry Cleaning Agencies, Beauty Shops, and Barber Shops):

- (1) Minimum, Fencing/Screening Requirements: Parking lots shall be screened from adjacent dwellings and mobile homes in accordance with Section 4.73(a) of this Code;

- (2) Minimum Lot Area: Same requirements as the zoning district in which the special use is to be located (4,100 square feet);
- (3) Minimum Lot Width: Same requirements as the zoning district in which the special use is proposed to be located (40 feet);
- (4) Minimum Yard Requirements: Same requirements as the zoning district in which the special use is proposed to be located (south- 25', north- 5', east- 5', west- 5');
- (5) Maximum Height (whichever is lower): Fifteen (15) feet or one and one-half (1½) stories;
- (6) Additional Requirements: The total gross floor area devoted to each use shall not exceed the following maximum floor areas:
 - Barber Shops: One thousand (1,000) square feet.
 - Beauty Shops: One thousand (1,000) square feet.
 - Coin-operated Laundry and/or Dry Cleaning Establishments: One thousand six hundred (1,600) square feet.
 - Drug Stores: Five thousand (5,000) square feet.
 - Grocery Stores: Five thousand (5,000) square feet.
 - Parking spaces shall be provided in accordance with the requirements of Section 7.22 of this Code for the special uses involved (five parking spaces).
 - Convenience Establishments shall not be located within mobile homes in the R-4 District.

The subject premises complies with the minimum lot area, minimum lot width, minimum yard, maximum building height, maximum floor area and minimum off-street parking requirements for a convenience establishment. The petitioner has not shown how the parking lot will be screened from adjacent mobile homes in accordance with Section 4.73(a) of the Zoning Code. A zoning variance may need to be requested.

The petitioner must provide written verification that he meets the following requirements of the Zoning Code for applying for this special use permit: **“...any person having a freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, or an exclusive possessory interest, and which is specifically enforceable, may file an application to use such land for one or more of the special uses provided for in this Code in the zoning district in which the land is located. (Ordinance No. 1988-124)”**

BOARD OF ZONING APPEALS' PUBLIC HEARING:

The Board of Zoning Appeals held a public hearing on this petition on November 16, 2005 and recommends the same. Mr. Jeffrey Gordon, 221 Leland St., was present to speak in favor of this petition. He testified that he is the manager of the Prairie Land Estates Manufactured Home Park and wishes to lease the 1,080 square feet of this 1,800 square foot building, formerly used as a coin-operated laundry mat, for this mini mart/small grocery store. He noted that he will be open

for business from 6:00 a.m. to 10:00 p.m., Sunday through Saturday, and that no alcoholic beverages would be sold on the premises. He also noted that presently there are eight parking spaces directly east of this building.

No testimony was presented in opposition to this petition at this hearing. Notice of this public hearing were mailed to 40 persons residing in the vicinity of the property in question.

BOARD OF ZONING APPEALS' RECOMMENDATION:

After giving consideration to this petition and the testimony presented at this hearing, the Board of Zoning Appeals passed a motion by a vote of 6 to 0 recommending Council approval of this petition in Case SP-10-05 for a Special Use Permit for a mini mart/small grocery store at 31 Cornflower. The Board of Zoning Appeals based this recommendation on the conclusion that the petitioner met the following standards as applicable by Chapter 44, Section 7.30 (d), (2) in finding of facts:

1. That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, comfort or general welfare;
2. that special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
3. that the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district;
4. that adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided;
5. that adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
6. that the special use shall, in all other respects, conform to the applicable regulations of the district in which is located, except as such regulations may be modified by the Council pursuant to the recommendations of the Board of Zoning Appeals.

STAFF RECOMMENDATION:

Staff concurs with the Board of Zoning Appeals and respectfully recommends Council approval of this petition in Case SP-10-05 for a mini mart/small grocery store at 31 Cornflower.

Respectfully,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

PETITION FOR A SPECIAL USE PERMIT

STATE OF ILLINOIS)
)SS.
COUNTY OF MCLEAN)

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

Now comes Jeffrey Cordon hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

1. That your Petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A, which is attached hereto and made a part hereof by this reference, or is a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or any 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-4 under the provisions of Chapter 44 of the Bloomington City Code – 1960, as amended;
3. That under the provisions of Chapter 44, Section 7.30(k) of said City Code, Mini Mart/Small Grocery Store are allowed as a special use in an R-4 zoning district;
4. That the establishment, maintenance, or operation of said special use on said premises will not be detrimental to or endanger the public health, safety morals, comfort or general welfare;
5. That said special use on said premises will not be injurious to the use and enjoyment of other property in the immediate vicinity of said premises for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
6. That the establishment of said special use on said premises will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the R-4 zoning district;
7. That the exterior architectural treatment and functional plan of any proposed structure on said premises will not be so at variance with either the exterior architectural treatment and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood adjacent to said premises;

8. That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided to said premises for said special permitted use;
9. That adequate measures have been or will be taken to provide ingress and egress to and from said premises so designed as to minimize traffic congestion in the public streets; and
10. That said special permitted sue on said premises shall, in all other respects, conform to the applicable regulations of the R-4 zoning district in which it is located except as such regulations may, in each instance, be modified by the City Council of the City of Bloomington pursuant to the recommendations of the Bloomington Board of Zoning Appeals.

WHEREFORE, your Petitioner respectfully prays that said special use for said premises be approved.

Respectfully submitted,

Jeffrey E. Gordon

ATTACHMENT TO APPENDIX "N"

PETITION FOR A SPECIAL USE PERMIT

1. Location: 31 Cornflower, Bloomington, McLean County, Illinois
2. Hours of Operation: 6:00 a.m. to 10:00 p.m. – 7 days a week (Sunday-Saturday)
3. No alcoholic beverages will be sold on Premises.

ORDINANCE NO. 2005 - 125**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A MINI MART/SMALL GROCERY STORE LOCATED AT 31 CORNFLOWER, BLOOMINGTON**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting a special use permit for a Mini Mart/Small Grocery Store for certain premises hereinafter described in Exhibit A; and

WHEREAS, the Bloomington Board of Zoning Appeals, after proper notice was given, conducted a public hearing on said petition; and

WHEREAS, the Bloomington Board of Zoning Appeals, after said public hearing, made findings of fact that such special use permit would comply with the standards and conditions for granting such special permitted use for said premises as required by Chapter 44, Sections 7.30(E) and 7.30(K) of the Bloomington City Code – 1960, as amended; and

WHEREAS, the City Council of the City of Bloomington has the power to pass this Ordinance and grant this special use permit.

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

1. That the special use permit for a Mini Mart/Small Grocery Store on the premises hereinafter described in Exhibit A shall be and same is hereby approved.
2. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 28th day of November, 2005.

APPROVED this 29th day of November, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT "A"

Except beginning 23 ½ feet of the Northwest Corner of said Lot 9, East 159 feet, South 551 feet, West 159 feet, North 551 feet, to Point of Beginning, Except 12 Acres for Road as in Docket Number 97-13627.

Part of lots 3 through 7 sub of the Northwest Quarter Section 8 Township 23 North Range 2 East and Lot 9 County Clerk's Sub of Lot 3 Northwest all line 40 feet Southwest of County Line and Creek 17.09 acres.

Common Address: 31 Cornflower Lane.

Alderman Sprague stated that this would be the site of a mini-mart. However, no alcoholic beverages would be sold there. Todd Greenburg, Corporation Counsel, addressed the Council. He affirmed Alderman Sprague's comments. The sale of alcoholic beverages would be prohibited as a condition of the Special Use. Alderman Sprague questioned if the condition would remain in place if the property were sold. Mr. Greenburg noted that the Special Use would have to be amended to allow the property owner to file an Application for a Liquor License. Alderman Sprague stated that if this were to occur then an item would appear before the Council twice, (amended Special Use and creation of a Liquor License). Tom Hamilton, City Manager, responded affirmatively.

Motion by Alderman Finnegan, seconded by Alderman Sprague that Special Use be approved and the Ordinance be passed.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition submitted by ARK VI, L.L.C. requesting annexation and R-1C High Density Single Family Residence District zoning for approximately 25.05 acres of vacant agricultural land (a/k/a part of Eagle View South Subdivision) located south of Eagle View Subdivision and the Church of the Nazarene; east of Towanda Barnes Road; and north of Road 1500 N (the extension of G. E. Road east of Towanda Barnes Road) (east of Ward # 3)

BACKGROUND INFORMATION:

On October 24, 2005, Council approved an Annexation Agreement (Case Z-18-05) for a 102.16 acre tract that will be known as the Eagle View South Subdivision. At this time, ARK VI, LLC, the owner, wishes to annex the northwestern 25.05 acres of the 102.16 acre tract into the City and it be rezoned into the R-1C zoning district, consistent with the terms of this Annexation Agreement. The property in question is contiguous to the City's corporate limits, and all required public hearings on the Annexation Agreement were held on September 28, 2005; October 12, 2005 and October 24, 2005.

STAFF RECOMMENDATION:

Staff respectfully recommends Council approval of this petition and the Ordinance be passed consistent with this Annexation Agreement in Case Z-18-05.

Respectfully,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

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

State of Illinois)
)ss.
County of McLean)

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

NOW COME ARK VI, LLC, an Illinois Limited Liability Company, hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

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

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

Respectfully submitted,

ARK VI, LLC

By: Mercer Turner, Their Attorney

SUBSCRIBED AND SWORN to before me
this 3rd day of November, 2005.

Tammie Keener
Notary Public

ORDINANCE NO. 2005 - 126**AN ORDINANCE APPROVING THE ANNEXATION PLAT OF EAGLE VIEW
SOUTH SUBDIVISION**

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

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

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

1. That the Annexation Plat of Eagle View South Subdivision is hereby approved.
2. That this Ordinance shall be in full force and effective as of the time of its passage and approval.
3. That the premises would be zoned as R-1C District

PASSED this 28th day of November, 2005.

APPROVED this 29th day of November, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A**DESCRIPTION OF PROPERTY
Eagle View South
(East Portion)**

A part of Lot 4 in Barnes Subdivision of Section 29, Township 24 North, Range 3 East of the Third Principal Meridian per plat recorded in Plat Book 6, Page 3, McLean County, Illinois, a

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

Note:

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

Description of Property
Eagle View South
(West Portion)

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

along the Westerly Extension of said North Line to the West Line of said Lot 4; thence north along said West Line which is also the West Line of the Southwest Quarter of said Section 29 to the Point of Beginning, containing 65.61 acres, more or less.

Note:

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

Motion by Alderman Finnegan, seconded by Alderman Sprague that the Petition to Annex and Rezone be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Analysis of Request for Proposals to Replace the City's Telecommunications System

Staff respectfully requests Council approval to replace the City's aging Verizon CentraNet telecommunications system with a state of the art Voice over Internet Protocol (VoIP) system. Staff believes the replacement of the current system is a crucial part of a comprehensive plan to update the Citywide technological infrastructure to accommodate future City growth, expansion, and to support new ventures such as the US Cellular Coliseum and the Bloomington Center for the Performing Arts. Procurement of the new system was not budgeted in FY05-06, however, funds will be included in the annual budget amendment.

During the April 25, 2005 Council meeting, Council approved hiring Technical Design Services, Inc., (TDSi) to perform a telecommunications assessment for the City. Further, if the results of that assessment proved the City would benefit from upgrading or replacing the current telecommunications system, Council approved funds for TDSi to create, release, receive

responses and evaluate proposals for this replacement. The results of the assessment did, in fact, prove that the City would benefit both financially and technologically from an upgrade of the telecommunications infrastructure.

TDSi and staff believe the new VoIP communications system will save the City money. It will lower monthly telephone circuit related costs by reducing the number of Verizon circuits required to support our users. It will reduce ongoing maintenance costs as City staff will perform telephone moves, adds and changes rather than an outside provider. Estimates of monthly savings indicate that the system will pay for itself within four years, and that the estimated life of the system is at least ten years.

With TDSi's assistance, staff released an RFP and evaluated the responses. The RFP was released on September 19, 2005 and eleven (11) proposals were submitted by the October 18, 2005 deadline. The following table summarizes the vendors and equipment proposed.

Vendor	System	Location
AOS	Cisco	St. Louis, MO
Burwood Group, Inc.	Cisco	Bloomington, IL
Consolidated Communications	Nortel	Springfield, IL
Digital Communications	NEC	Danville, IL
Dugdale Communications	Alcatel	Indianapolis, IN
Midco	Mitel	Burr Ridge, IL
North American Communications Resources, Inc.	Avaya	Indianapolis, IN
Sentinel Technologies	Cisco	Springfield, IL
Telecourier Communications	Iwatsu	Bloomington, IL
Communications Innovations Group	Mitel	Itasca, IL
Verizon Enterprise Solutions	Cisco	Bloomington, IL

After an initial review based on technical configuration, references, vendor background, experience and life-cycle cost, TDSi and staff eliminated six of the proposals. TDSi and staff then participated in a series of meetings, presentations and equipment demonstrations from the remaining vendors. The following table summarizes proposed pricing from the finalists. Pricing for the telecommunications system includes five years of maintenance.

Burwood Group	Cisco	\$556,409.02
Midco	Mitel	\$465,541.36
Sentinel Technologies	Cisco	\$563,198.39
Telecommunications Innovations Group	Mitel	\$461,929.35
Verizon Enterprise Solutions	Cisco	\$505,774.85 *** Recommended

Each of the two system types and all five providers were acceptable to the City from a functional and technological perspective. However, the Cisco solutions proposed by Burwood, Sentinel

and Verizon were consistent with and provided an extremely high level of integration with the City's Cisco data infrastructure. Staff believes time and effort saved on management of the Cisco solution is well worth the slightly higher price.

Staff respectfully requests that Council accept the proposal from Verizon Enterprise Solutions for the City-wide telecommunication system, and that the Purchasing Agent be authorized to issue Purchase Orders to various Verizon business units for a total not to exceed \$504,658.89. Payment will be made from Information Services Fixed Asset Account (F11610-72120).

Respectfully,

Scott Sprouls
IT Manager

Kim Nicholson
Purchasing Agent

Tom Hamilton
City Manager

Scott Sprouls, IT Manager, addressed the Council. He noted that there were vendor representatives present at this evening's meeting. He noted that both systems were acceptable. He noted the benefits of CISCO. CISCO provided the network. City staff would be adept at managing the system. There would be one management interface which would network all of the telephones. The system had a lot of potential and CISCO was out selling the competition. He noted that there were more technical possibilities with this system.

Mayor Stockton noted other advantages to technology. Mr. Sprouls cited various City needs such as a call center for the US Cellular Coliseum. The pay back figures did not include the number of unified applications. Another cost which had not been included was messaging which would make it easier to communicate. Mayor Stockton questioned if there would be a citizen call center. Mr. Sprouls noted that it was possible. It was not included in the initial plan. Calls would be cued for efficient call handling. Mayor Stockton questioned longevity. Mr. Sprouls cited a ten (10) year minimum. These systems have a life span range of ten to fifteen (10 – 15) years. Pay back usually occurs within four (4) years. He also noted that monthly line costs would be lower.

Alderman Purcell questioned if this item had been budgeted expense. Tom Hamilton, City Manager, responded negatively. City staff has been looking into a telecommunication system for some time. He cited the recent additions of the US Cellular Coliseum and the Cultural District plus the less than four (4) year pay back as the impetus that this was the right time. Mr. Sprouls added that the City's current system was installed in 1994. Mr. Hamilton added that the existing system could not provide today's telecommunication services. The proposed system was broad based and could also accommodate the City's growth. Implementation of the system was months away.

Alderman Purcell questioned charge back. Mr. Hamilton noted that this was done now and would continue to be so. GASB, (Government Accounting Standards Board), 34 required that there be charge back for the hardware plus depreciation.

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

Motion carried.

Jeff Hartweg, Burwood Group, 2206 Eastland Dr, Ste. 204, addressed the Council. He noted that this system was available locally but his firm had not been selected. The system would include the telephone system plus services. He added that the recommendation should be changed to include the Burwood Group as the local service provider. This fact had been brought to the attention of Verizon, West Virginia.

Mayor Stockton questioned the cost differential. Mr. Hartweg acknowledged that the cost would be higher. Burwood and Verizon would have to finalize the cost.

Alderman Matejka expressed his confusion. Mr. Hartweg noted that the proposal included two (2) parts. Burwood could not beat Verizon's hardware cost. Alderman Matejka noted that this system was offered as a package. He was unsure if it would be legal to allow Burwood's participation. He thanked Mr. Hartweg for addressing the Council.

Mayor Stockton questioned if items were proposed separately. Alderman Matejka questioned Verizon's service.

Tim Taft, 2745 N 117th Pl., Wauwatosa, WI, addressed the Council. He addressed the RFP (Request for Proposal) process. He expressed his concerns regarding Verizon's capabilities. He had met with Verizon and CISCO. The installation team would be from West Virginia. CISCO was committed to a successful implementation. City staff would work with a call center and trouble shooting would be handled remotely. The Verizon service contract was better. Verizon's proposal also included classroom training. He believed City staff's concerns had been addressed.

Alderman Matejka questioned if service would be local or national. Mr. Taft responded national. There were local individuals who could be trained. This would be a separate cost to Verizon.

Alderman Schmidt questioned the technology. She expressed her opinion that ten (10) years represented a lifetime. Mr. Taft noted one of this system's advantages was the fact that it was a part of a network. This system would evolve with the network.

Alderman Schmidt questioned additional costs. Mr. Taft cited the five (5) year maintenance contract which included the software. There was an additional cost for the hardware. Hardware included the telephone set, ground to headset, etc.

Mr. Sprouls added that the plan included servers on the back end. The system would be on a five (5) year refresh schedule. City staff would handle integration. At year six (6), the City would need to renew the maintenance agreement. The City may want to

add features at that time. If there was an issue with the RFP, then the Council would need to reject all proposals. Mr. Hamilton noted that the RFP did not include the unbundling of system components. Mayor Stockton encouraged Burwood Group to work with Verizon.

Scott Schepke, Verizon, 1312 Empire, addressed the Council. A tiger team from West Virginia would install the system. Verizon was committed locally. City staff will be trained. Verizon's offer was bundled to include all elements. Mayor Stockton cited the Council's interest in utilizing a local business. He questioned if there would be dollar savings, if the City went with an outside vendor.

Mr. Sprouls stated that both vendors complied with the RFP. Implementation was the key issue. City staff would manage the system. This was one of the cost savings. He did not see the need for outside support. He described the system as a great piece of technology. The Council would see additional RFP's in the future for new initiatives.

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

Motion carried.

Motion by Alderman Finnegan, seconded by Alderman Crawford that the proposal from Verizon Enterprise Solutions for a City-wide telecommunications system be approved in an amount not to exceed \$505,774.85, and the Purchasing Agent be authorized to issue Purchase Orders to the various Verizon business units for same.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Public Hearing for the Petition of Paul F. and Ronald S. Nord Requesting Approval of the Annexation of Nord Farms West

Petition filed by Paul F. Nord and Ronald S. Nord requesting approval of the Annexation Agreement requesting B-1, Highway Business District zoning, for property commonly located south of Old Peoria Road, west of Wroughtonian Farms Subdivision, north of IL Rt. 9 West, and east of Mitsubishi Motorway, consisting of approximately 4.22 acres.

At the Petitioner's request, staff respectfully recommends that the public hearing for this petition be opened, and laid over until the December 12, 2005 City Council meeting.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

Mayor Stockton opened the Public Hearing. No one came forward to address the Council. Mayor Stockton closed the Public Hearing.

Motion by Alderman Matejka, seconded by Alderman Finnegan that the Public Hearing be held, and the item laid over until the December 12, 2005 Council meeting.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Case Z-22-05 Public Hearing on the Petition submitted by Rigsby Homes, LLC, requesting approval of an Annexation Agreement & Petitions for Annexation and Rezoning requesting R-1C Single Family Residence District for approximately 0.56 of an acre of vacant land located west of Monica Lane and south of Fox Creek Road in the Heritage Estates Subdivision (east and north of Ward # 2)

BACKGROUND INFORMATION:

Adjacent Zoning

north: (County) Agriculture District
south: (County) Agriculture District
east: R-1C Single Family District
west: B-2 General Business District

Adjacent Land Uses

north: vacant
south: single family dwelling
east: single family dwellings
west: St. Ivan's at Fox Creek Condominiums (*under construction*)

Comprehensive Plan recommends: "Low/ Medium Density Residential use" for this site.

The property in question is a tract of vacant land, approximately 0.56 of an acre in size. R-1C Single Family District zoning is requested in order for a single family dwelling to be constructed on the property in question.

PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission held a public hearing on this petition on November 9, 2005 and recommends the same. At the November 9th public hearing, Mr. Kenneth Emmons, City Planner, noted that staff recommends that this proposed Annexation Agreement be approved with the following revisions:

1. 1st page , Recital # 4.-- Revise to read as follows:

"4. The owner is desirous of having said premises zoned R-1C Single Family Residence District upon annexation to the City."

2. 1st page , Agreement # 2.-- Revise to read as follows:

"2.City agrees to zone said premises into the R-1C Single Family Residence District zoning classification."

3. 2nd page , Agreement # 5-- Revise to add the following sentence to Item # 5.:

"Owner further agrees to grade the flood route on said premises as shown on the construction plans prepared by Lewis, Yockey & Brown, Inc. for Fox Lake Subdivision - Phase III, Sheet 10."

4. 2nd page , Agreement # 6-- Revise to read as follows:

"6.Owner agrees to share the cost of providing a storm water detention system in the watershed in which the subject premises is located by agreeing to pay the City of Bloomington \$952.00 as the owner's contribution for the number of acres included in the property in question with the \$1,700.00 per acre contribution being determined by the Director of Engineering for the City."

5. 2nd page , Agreement # 7.-- Insert an Item # 7 to read as follows:

"7. Owner agrees to pay the City of Bloomington a sanitary sewer tap-on fee of \$1,974.76 when a building permit is applied for building on the subject premises after annexation of the subject premises to the City."

6. 2nd page , Agreement # 8.-- Insert an Item # 8. to read as follows:

"8. Owner agrees to pay the City of Bloomington a \$ 585.00 fee in lieu of dedicating 0.0234 of an acre of land for public park when a building permit is applied for building on the subject premises after annexation of the subject premises to the City."

Ms. Helen Ogar, Attorney at Law, 108 W. Monroe Street, the petitioner's attorney, submitted arguments in favor of this petition and proposed Annexation Agreement at this public hearing. She stated that Rigsby Homes, LLC, is in agreement with the revisions suggested by staff to this proposed Annexation Agreement. She stated that she would revise the proposed Annexation Agreement to reflect such recommended revisions.

Mr. John Bauby, 2610 Fox Creek Road, asked for verification that just one detached single family dwelling would be constructed on the subject premises. Ms. Ogar confirmed on behalf of Rigsby Homes, LLC, her client. No other testimony was presented in favor of or in opposition to this petition at this public hearing.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission closed the public hearing on this petition on November 9, 2005 and passed a motion by a vote of 8 to 0 recommending Council approval of the petition and Annexation Agreement in Case Z-22-05, as revised to be consistent with the revisions recommended by staff and cited herein by the City Planner.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission's recommendation for approval of this petition and revised Annexation Agreement in Case Z-22-05 after the Council holds a public hearing on the same as required by law.

Respectfully,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

EXHIBIT B

AMENDED ANNEXATION AGREEMENT

THIS AGREEMENT is entered into and between the CITY OF BLOOMINGTON, McLEAN COUNTY, ILLINOIS, hereinafter referred to as City, and Rigsby Homes, LLC, hereinafter referred to as Owner, the parties agree effective on this _____ day of _____, 2005, to this annexation agreement.

Recitals:

1. The owner is the owner of record of the premises hereinafter described in Exhibit(s) A attached hereto and made a part hereof by this reference.

2. The owner is desirous of having said premises annexed to the City and the City is desirous of annexing said premises.
3. Said premise is not within the corporate limits of any municipality but is contiguous to the City.
4. The owner is desirous of having said premises zoned R-1C, Single Family Residence District upon annexation to the City.
5. The owner has given all notices required to be given by section 7-1-1 of the Illinois Municipal Code (65- ILCS 5/7-1-1, 2000).

Agreement:

1. City agrees to annex said premises to the City.
2. City agrees to zone said premises into the R-1C, Single Family Residence District zoning classification.
3. Owner agrees that upon execution of this Agreement, the owner will petition for annexation of said premises to all other units of local government required by Chapter 8.5, Section 202 of the Bloomington City Code – 1960, as hereafter amended, and diligently pursue to a final decision such petitions for annexation within ninety (90) days of the date of notification by such other units of local government that said premises meets the statutory qualifications for annexation to such other units of local government.
4. Owner agrees to reimburse City, at the time of construction for one-half the construction cost of the improvement of all public streets that are adjacent to said premises from their present condition to a 30 foot wide improved street with curb and gutter for the full extent that such streets are adjacent to said premises. For purposes of definition of this agreement, streets shall be considered adjacent to said premises if:
 - (a) any portion of said streets are contiguous to any portion of said premises; or
 - (b) said streets are either necessary of the most convenient route for ingress to and egress from said premises.

The length of the street(s) which the owner is responsible under paragraph (b) previously written, shall not be limited to that portion which is contiguous to said premises; it shall extend to that portion of the street(s) for which the cost is fairly apportionable to said premises, using frontage, area, or other reasonable methods of determination.

5. Owner agrees to make provisions in the development of said premises that stormwater shall not be permitted to drain from said premises unless in compliance with the “Design and Construction Standards for Storm Sewers, Drainageways and Storm Water Detention Facilities” as cited in Chap. 6 of the Manual of Practice for the Design of Public

Improvements in the City of Bloomington. (Bloomington City Code Chapter 24). Owner further agrees to grade the flood route on said premises as shown on the construction plans prepared by Lewis, Yockey & Brown, Inc. for Fox Lake Subdivision – Phase III, Sheet 10.

- 6. Owner agrees to share the cost of providing a storm water detention system in the watershed in which the subject premises is located by agreeing to pay the City of Bloomington \$952.00 as the owner’s contribution for the number of acres included in the property in question with the \$1,700.00 per acre contribution being determined by the Director of Engineering for the City.
- 7. Owner agrees to pay the City of Bloomington a sanitary sewer tap-on fee of \$1,974.76 when a building permit is applied for building on the subject premises after annexation of the subject premises to the City.
- 8. Owner agrees to pay the City of Bloomington a \$585.00 fee in lieu of dedicating 0.0234 of an acre of land for a public park when a building permit is applied for building on the subject premises after annexation of the subject premises to the City.

This Agreement shall be in full force and effect until _____, 20_____.

CITY OF BLOOMINGTON

BY: Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Rigsby Homes, LLC

BY: Helen Ogar
Owner’s Attorney

PETITION FOR ANNEXATION TO THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS AND FOR AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS

State of Illinois)
)ss.
County of McLean)

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

Now comes Rigsby Homes, LLC by Bart Rigsby, President hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A which is attached hereto made a part hereof by this reference, or is a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That said premises presently has a zoning classification of A-Agriculture under the provisions of the McLean County Zoning Ordinance;
3. That there is attached hereto and made a part hereof a proposed annexation agreement between said City and your petitioner which provides for the annexation of the premises described in Exhibit B to said City;
4. That said Annexation Agreement provides that, upon annexation of said premises to said City, said premises would be zoned as follows under the provisions of Chapter 44 of the Bloomington City Code – 1960, as amended: Residential;
5. That your petitioner hereby request that the Honorable Mayor and City Council of the City of Bloomington, McLean County, Illinois approved said Annexation Agreement, annex said premises to said City and amend the Official Zoning Map of said City to reclassify said premises into the zoning district classification;
6. That said requested zoning classification is more compatible with existing uses and/or zoning of adjacent property than the zoning of said premises to the A-Agriculture District; and
7. That said requested zoning classification is more suitable for said premises and the benefits realized by the general public in approving this petition will exceed the hardships imposed on your petitioner by the zoning of said premises to the A-Agriculture District.

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

Respectfully submitted,

By: Rigsby Homes, LLC

By Helen E. Ogar, Attorney for Bart
Rigsby, President

ORDINANCE NO. 2005 - 127**AN ORDINANCE ANNEXING CERTAIN TERRITORY AS HEREINAFTER DESCRIBED TO THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS**

WHEREAS, there was heretofore been entered into a certain Agreement for Annexation between the City of Bloomington and Rigsby Homes, LLC the owner of the premises hereinafter described, which Agreement is attached hereto and made a part hereof by this reference as Exhibit B; and

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

WHEREAS the City Council of the City of Bloomington has determined that said premises are contiguous to the corporate limits of the City of Bloomington and are not within the confines of any other municipality of the State of Illinois, and that the Owner has given all notices required to be given by 65 ILCS 5/7-1-1, 2000; and

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

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

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

SECTION TWO: That the Annexation Agreement heretofore filed concerning annexation of the aforesaid property has been executed by the record owner of the property described therein, and that the Owner's acknowledgment has been duly executed, under oath, by the owner of said property.

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

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

November 28, 2005

1253

SECTION FIVE: That this Ordinance shall be in full force.

PASSED this 28th day of November, 2005.

APPROVED this 29th day of November, 2005.

Stephen F. Stockton,
Mayor

ATTEST:

Tracey Covert
City Clerk

ORDINANCE NO. 2005 - 128**AN ORDINANCE REZONING LOT 3 IN HERITAGE ESTATES SUBDIVISION FROM A-AGRICULTURE TO R-1C, HIGH DENSITY SINGLE FAMILY RESIDENCE**

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

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

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

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

1. That the premises hereinafter described in Exhibit "A" shall be and the same are hereby rezoned from A-Agriculture District to R-1C, High Density Single Family 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 this 28th day of November, 2005.

APPROVED this 29th day of November, 2005.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Lot 3 in Heritage Estates Subdivision, according to the Plat thereof recorded August 14, 1980 as Document No. 80.8101 in McLean County, Illinois. (Parcel #21-18-326-002 – 2403 Monica Lane, Bloomington, Illinois)

Mayor Stockton opened the Public Hearing. No one came forward to address the Council. Mayor Stockton closed the Public Hearing.

Motion by Alderman Matejka, seconded by Alderman Schmidt that the revised Annexation Agreement be approved, the Mayor and City Clerk be authorized to execute the necessary documents, the Petition to Annex and Rezone be approved, and that the Ordinances be passed.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Amendment of Contract for Redevelopment for 212 N. Center Street

On May 9, 2005, Council approved a Contract for the Redevelopment for 212 N. Center Street. The Contract provides a total of \$2,228,000 in TIF funds for the renovation of the Ensenberger Building into residential condominium units. Ensenberger Condominiums, L.L.C. (a company formed by Ward Waller for this project) is the redeveloper. Mr. Waller had a contract to purchase the building from Merle Huff, but had not completed the conveyance when the Contract for Redevelopment was approved. The contract made the City's obligation to make payouts contingent upon Mr. Waller completing the purchase of the building.

Mr. Waller has not yet completed the purchase of the building, and to date no TIF moneys have been paid out under the Contract for Redevelopment, although Mr. Waller has started work on the project and expects to complete it well within the time required under the Contract for Redevelopment. Mr. Waller has advised staff that the terms of the purchase from Mr. Huff had been changed and that the transfer of title will not take place until after the improvements are completed. Mr. Waller has provided staff with a copy of the new Contract for the Sale of Real Estate with Mr. Huff.

The Contract for Redevelopment needs to be amended to reflect the new purchase agreement between Mr. Huff and Mr. Waller. In addition, there was a change in plans for parking that needs to be added to the Contract. The original plan called for underground parking beneath the building, however, this arrangement was not ideal and Mr. Waller has since acquired some property adjacent to the site to provide aboveground parking.

Staff believes the change in parking improves the project and that the delay in the transfer of title is not contrary to the City's interest and may well be to the City's benefit. Council initially required that Merle Huff guarantee Mr. Waller's performance as a condition of approving the Contract originally. Mr. Huff complied, to include giving the City a mortgage on the Front and Center Building. However, by retaining ownership until completion of the improvements, Mr. Huff will have greater control over the project and will be able to step in and take over the project more easily should Mr. Waller fail to perform as required. Therefore, Staff respectfully recommends that Council approve this amendment.

Respectfully,

Hannah R. Eisner
Deputy Corporation Counsel

Tom Hamilton
City Manager

Tom Hamilton, City Manager, requested that Hannah Eisner, Deputy Corporation Council, addressed the Council regarding this item. He noted the following two (2) items: 1.) availability of parking – would not use the building's basement, the developer had acquired the parking lot located north of the building for tenant parking; and 2.) timing for property transfer would be delayed until later in 2006 – Mr. Huff would remain a full partner. The City's dollars would be used to cover the redevelopment costs. He described the amendments as positive and recommended approval.

Ms. Eisner addressed the Council. She described the transfer of ownership agreement between the parties, (Ward Waller and Merle Huff), as unusual. The goal was to rehab the building. The condominiums would be sold which would generate additional property tax dollars. The completion date for the project was fall 2006.

Mayor Stockton stated that the building would be developed. He questioned if the City's dollars would be protected. Ms. Eisner noted that additional security had been provided. Mr. Huff had mortgaged the Front n Center building. The Ensenberger improvement should be completed by January 2007. \$1.1 million would be protected if the project defaults. The agreement also provides Mr. Huff with a degree of control.

Alderman Sprague noted that Mr. Huff would retain ownership until the project is complete. Ms. Eisner noted the condominium improvements. The agreement did not cover the retail space. PJ Hoerr had been retained as the general contractor for the condominium portion of the building. Alderman Sprague noted that the building would be incomplete by October 2006. Ms. Eisner stated that the lien was for \$1.1 million. The City could foreclose based upon the amount owed by January 2007. Alderman Sprague

questioned if the transfer of ownership could occur at an earlier time. Ms. Eisner noted that Mr. Huff had co-signed the loans. There were various obligations. The contracts were valid. Ownership did not increase the risk.

Mr. Hamilton noted that Mr. Huff had co-signed for a \$6 million note with CEFCU. Ms. Eisner noted that the structure of the sale did not impact the City. She noted that the building's EAV (Equalized Assessed Value) had been lowered. In the future, its value would increase. The building was located across from the US Cellular Coliseum. Mr. Hamilton added that if in the future the project went south, then CEFCU would hold the note. He expressed his belief that the project would be completed by this time next year.

Mayor Stockton expressed his interest in better protection. He acknowledged that there always was an element of risk. Mr. Hamilton stated that there was more security with this project than with others.

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

Motion carried.

Alderman Sprague questioned parking. Ward Waller, developer, noted that there would be twenty (20) spaces. He noted another option was the City's parking garages. Alderman Sprague noted that the entrance would be on Jefferson St. Mr. Waller responded affirmatively. Parking was shifted from the building's interior to the outside. The number of condominiums had been increased to thirty (30). Two (2) additional units meant more revenue. He noted that seven (7) units were under contract. Alderman Sprague stated that construction needed to stay on schedule. He questioned occupancy. Mr. Waller responded affirmatively and added by September 1, 2006.

Alderman Schmidt stated that a model unit would be opened soon. Mr. Waller added that a model unit would be available by May 1, 2006. The Ensenberger Building would participate in the Tour de Metro scheduled for May 20, 2006.

The parking lot would offer twenty (20) spaces. Initially ten (10) spaces would be dedicated for construction. Alderman Crawford questioned the original plan. Mr. Waller stated that there would have been eighteen (18) spaces. If the post had been retained, then there would have only been twelve to fourteen (12 – 14) spaces. Alderman Crawford noted that the net gain was two (2) spaces. Mr. Waller added that these would be full size spaces with access taken on Jefferson St. Alderman Crawford questioned if parking would be available to all. Mr. Waller responded negatively. The plan was to reserve spaces in the Abraham Lincoln parking deck which would offer covered parking.

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

Motion carried.

Motion by Alderman Crawford, seconded by Alderman Schmidt that the Amendment to the Contract for Redevelopment for 212 N. Center Street be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: First Payment Under the Redevelopment Agreement for 212 N. Center - The Ensenberger Building

The first invoice has been received from Ensenberger Condominiums, LLC for work that has been completed at the Ensenberger building. This invoice is submitted under the terms and conditions of the amended Redevelopment Agreement, with Council approval.

Staff respectfully recommends that the invoice be approved and a check issued under the terms and conditions of the amended redevelopment agreement, in the amount of \$536,650. Support for this payment is included with an attached invoice from P. J. Hoerr Inc. Funds for this payment will be made from the Downtown TIF fund.

Respectfully submitted,

Tom Hamilton
City Manager

Alderman Sprague questioned the payment total. Tom Hamilton, City Manager, noted that the payment was less than the amount listed in the agreement. In the future, these payments would be listed on the Payments Memorandum. The payment cannot exceed the amount set by year.

Motion by Alderman Matejka, 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, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

MAYOR'S DISCUSSION: Mayor Stockton noted that there were a few items he wished to address. Item 1.) Liquor Commission planned to take public input on the single serve issue. Item 2.) discussions would be held after January 2006 regarding smoking in public places. He had heard from both sides. There would be a joint meeting with the Normal Town Council and a separate public hearing. There was the possibility for a joint Work Session to be held on January 30, 2006. Item 3.) a Main St. corridor consortium had been formed which included the City, the Town of Normal, Illinois Wesleyan University, Illinois State University, and BroMenn. The purpose of this group was to study traffic flow, potential economic development, ambiance, etc. Each party would equally fund the study. Estimated cost was \$20,000 for each party. Tom Hamilton, City Manager, added that the McLean County Regional Planning Commission might be able to obtain a grant to assist with funding this project.

Mayor Stockton recognized the Normal Community High School football team which had made an appearance in the state football finals. He added that over half of Unit 5 students resided in the City.

CITY MANAGER'S DISCUSSION: None.

ALDERMEN'S DISCUSSION: Alderman Huette recommended that the Council hold a Work Session which would be a walk through of the US Cellular Coliseum.

Alderman Crawford commented on the Public Service staff's leaf pick up efforts. He offered his compliments as he had not received any complaints. Alderman Purcell echoed Alderman Crawford's comments.

Alderman Schmidt noted a Work Session regarding a smoking ban. She questioned if an actual survey had been conducted. Mayor Stockton noted that the City had a copy of same.

Alderman Matejka addressed the topic of pit bulls. Todd Greenburg, Corporation Counsel, addressed the Council. He had attended a round table discussion at a Municipal Attorney's Conference. The discussion was hosted by the City of Denver. He had been informed of recent incidents within the City. The Council would be presented with a draft ordinance in the next six (6) weeks. Alderman Matejka expressed his belief that the Police Department was tracking these incidents. He cited a recent incident on Constitution Trail.

Alderman Finnegan was looking for bell ringers for the Salvation Army. The commitment would involve five (5) consecutive Tuesdays from 12 noon until 1:00 p.m. in front of K-Mart.

Alderman Sprague recommended that McLean County be included in the conversation regarding the smoking issue. Mayor Stockton agreed that the County Health Department was central to this issue. Alderman Sprague noted that it would be easier to accept if the ban was County wide.

Alderman Sprague questioned if the living wage might reappear. Mayor Stockton noted that it was possible. He expected that there was continued interest.

Alderman Sprague noted that the Central Illinois Arena Management's preopening agreement was scheduled to expire. Mr. Hamilton stated that work on the budget was on going. Alderman Sprague expressed his interest in a formal budget. Mr. Hamilton noted that there would be a three (3) month preopening budget. The building was scheduled to open on April 1, 2006. April would be the first month with events and building operations. The fiscal year 2006 – 2007 budget would cover from May 1, 2006 to April 30, 2007. It would be a part of the City's budget. Alderman Sprague requested the numbers in advance. He stated that all leases were signed. Mr. Hamilton responded affirmatively. Alderman Sprague questioned if the concession area was ordered. Mr. Hamilton responded affirmatively.

Alderman Finnegan questioned the restaurant seating. Mr. Hamilton noted that the original seating was rejected based upon cost. He noted that both the north and south end would offer bleacher seating behind the goals. The restaurant would over look the field. Alderman Sprague believed that the restaurant would offer seating for 200.

Motion by Alderman Sprague, seconded by Alderman Matejka, that the meeting be adjourned. Time: 9:19 p.m.

Motion carried.

Tracey Covert
City Clerk