

**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, October 24, 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: 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.

Aldermen absent: Kevin Huette and J.E. "Skip" Crawford.

The following was presented:

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

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

Respectfully,

Brian J. Barnes
Director of Finance

Tom Hamilton
City Manager

(ON FILE IN CLERK'S OFFICE)

Motion by Alderman Matejka, seconded by Alderman Gibson 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 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 Quotes for Professional Testing Services

Quotes were sought for professional testing services on a time/material/sample basis of construction materials during the renovation of the Bloomington Center for the Performing Arts. Such services include testing concrete; cast-in-place concrete; structural steel; backfilling; soil compaction control, and subgrade foundations. Testing of these materials will be ongoing throughout the renovation of the Bloomington Center for the Performing Arts. Quotes were received from the following firms based on their projected average costs per visit.

Terracon-Bloomington, IL	425.00
Testing Services Corporation - Bloomington, IL	683.50
ET Environmental - Chicago, IL	850.00

Staff respectfully recommends accepting the quote from Terracon to provide these services. Based upon the known needs, it is anticipated that the total fees incurred will be below the budgeted amount of \$20,000. Funding for these services will come from account X21100-70220.

Respectfully,

C. Bruce Marquis
 Executive Director, Cultural District

Tom Hamilton
 City Manager

Motion by Alderman Matejka, seconded by Alderman Gibson that the quote from Terracon be accepted on a time/material/sample basis in an amount not to exceed \$20,000, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

Ayes: Aldermen 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 fifth partial payment to Peace Meal in the amount of \$2,082 on a contract amount of \$25,000 of which \$10,410 will have been paid to date for work certified as 42% complete for the Peace Meals. Completion date - April 30, 2006.
2. The fifth partial payment to Peace Meal in the amount of \$624 on a contract amount of \$7,500 of which \$3,117 will have been paid to date for work certified as 41% complete for the John M. Scott Home Delivered Meals. Completion date - May 2006.
3. The sixth partial payment to P.J. Hoerr, Inc. in the amount of \$557,013.24 on a contract amount of \$11,107,322.92 of which \$2,476,091.68 will have been paid to date for work certified as 23% complete for the Renovation of the Bloomington Center for the Performing Arts. Completion date - June 2006.
4. The fourth partial payment to Turner Construction Company in the amount of \$6,518 on a contract amount of \$187,824 of which \$135,680 will have been paid to date for work certified as 72.24% complete for the Project Management Services for the Bloomington Center for the Performing Arts. Completion date - June 2006.
5. The nineteenth partial payment to Central Illinois Arena Management, Inc. in the amount of \$51,238.72 on a contract amount of \$738,188.75 of which \$433,897.49 will have been paid to date for work certified as 59% complete for Professional Services. Completion date - December 2005.
6. The eleventh and twelfth partial payment to Technical Design Services, Inc. in the amount of \$5,446 on a contract amount of \$48,200 of which \$41,563.75 will have been paid to date for work certified as 86% complete for the Cabling System of the US Cellular Coliseum. Completion date - March 2006.
7. The ninth partial payment to D & H Electric in the amount of \$133,641 on a contract amount of \$2,777,272 of which \$801,666 will have been paid to date for work certified as 29% complete for Design/Build of the US Cellular Coliseum. Completion date - April 2006.

8. The fifteenth partial payment to Mid-Illinois Mechanical, Inc. in the amount of \$311,224 on a contract amount of \$3,387,343 of which \$1,636,705.69 will have been paid to date for work certified as 48% complete for Design/Build of the US Cellular Coliseum. Completion date - April 2006.
9. The tenth partial payment to G.A. Rich & Sons, Inc. in the amount of \$45,268.20 on a contract amount of \$1,194,558 of which \$501,886.80 will have been paid to date for work certified as 42% complete for Design/Build of the US Cellular Coliseum. Completion date - April 2006.
10. The seventh partial payment to Automatic Fire Sprinkler, LLC. in the amount of \$52,087.50 on a contract amount of \$355,000 of which \$145,188 will have been paid to date for work certified as 41% complete for Design/Build of the US Cellular Coliseum. Completion date - April 2006.
11. The third partial payment to Kone, Inc. in the amount of \$7,576.20 on a contract amount of \$169,627 of which \$124,430.40 will have been paid to date for work certified as 73% complete for Design/Build of the US Cellular Coliseum. Completion date - April 2006.
12. The third partial payment to Associated Constructors Co. Inc. in the amount of \$43,650 on a contract amount of \$961,302 of which \$128,700 will have been paid to date for work certified as 13% complete for Design/Build of the US Cellular Coliseum. Completion date - April 2006.
13. The fifth partial payment to Kelly Glass in the amount of \$35,703 on a contract amount of \$305,398 of which \$186,876 will have been paid to date for work certified as 61% complete for Design/Build of the US Cellular Coliseum. Completion date - April 2006.
14. The third partial payment to Henson Robinson Co. in the amount of \$195,215.40 on a contract amount of \$1,015,685 of which \$462,174.30 will have been paid to date for work certified as 14% complete for Design/Build of the US Cellular Coliseum. Completion date - April 2006.
15. The seventh partial payment to Felmley Dickerson in the amount of \$56,073.60 on a contract amount of \$663,114 of which \$119,226.60 will have been paid to date for work certified as 18% complete for Design/Build - General Trades of the US Cellular Coliseum. Completion date - April 2006.
16. The fifth partial payment to Felmley Dickerson in the amount of \$122,526 on a contract amount of \$729,727 of which \$182,614.50 will have been paid to date for work certified as 25% complete for Design/Build - Misc. Metals of the US Cellular Coliseum. Completion date - April 2006.

17. The sixth partial payment to Hoerr, Inc. in the amount of \$77,548.50 on a contract amount of \$782,930 of which \$646,948.48 will have been paid to date for work certified as 83% complete for Design/Build of the US Cellular Coliseum. Completion date - April 2006.
18. The ninth partial payment to IPC, Inc. in the amount of \$245,227.50 on a contract amount of \$4,694,900 of which \$3,978,677.71 will have been paid to date for work certified as 85% complete for Design/Build of the US Cellular Coliseum. Completion date - April 2006.
19. The thirteenth partial payment to Stark Excavating, Inc. in the amount of \$142,302.60 on a contract amount of \$3,557,749 of which \$2,785,847.40 will have been paid to date for work certified as 78% complete for Design/Build of the US Cellular Coliseum. Completion date - April 2006.
20. The eighteenth partial payment to Johnston Contractors, Inc. in the amount of \$119,896.47 on a contract amount of \$3,374,550 of which \$2,121,490.84 will have been paid to date for work certified as 63% complete for Design/Build of the US Cellular Coliseum. Completion date - April 2006.
21. The first partial payment to Rowe Construction, Co. in the amount of \$177,600 on a contract amount of \$1,250,603.92 of which \$177,600 will have been paid to date for work certified as 14% complete for the US Cellular Coliseum Infrastructure Improvements. Completion date - September 2006.
22. The fourth partial payment to D & H Electric & Heating Co. in the amount of \$18,040.50 on a contract amount of \$108,500 of which \$66, 240.45 will have been paid to date for work certified as 61% complete for Design/Build of the US Cellular Coliseum Parking Garage. Completion date - April 2006.
23. The second partial payment to Du-Mont Company in the amount of \$7,920 on a contract amount of \$18,000 of which \$9,720 will have been paid to date for work certified as 54% complete for Design/Build of the US Cellular Coliseum Parking Garage. Completion date - April 2006.
24. The fourth partial payment to Felmley Dickerson in the amount of \$4,994.10 on a contract amount of \$15,200 of which \$7,437.60 will have been paid to date for work certified as 49% complete for Design/Build of the US Cellular Coliseum Parking Garage. Completion date - April 2006.
25. The third partial payment to Area Erectors, Inc. in the amount of \$13,752 on a contract amount of \$150,175 of which \$36,463.50 will have been paid to date for work certified as 24% complete for Design/Build of the US Cellular Coliseum Parking Garage. Completion date - April 2006.

26. The seventh partial payment to Felmley Dickerson in the amount of \$5,372.10 on a contract amount of \$823,000 of which \$720,450 will have been paid to date for work certified as 88% complete for Design/Build of the US Cellular Coliseum Parking Garage - Concrete, Excavating and Foundation. Completion date - April 2006.
27. The tenth partial payment to Johnston Contractors, Inc. in the amount of \$16,890.92 on a contract amount of \$371,005 of which \$294,125.95 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.
28. The tenth partial payment to Stark Excavating, Inc. in the amount of \$68,000 on a contract amount of \$908,929 of which \$793,133 will have been paid to date for work certified as 87.3% complete for the Lake Bloomington Retaining Wall at the Water Treatment Plant. Completion date - October 2005.
29. The sixth partial payment to Farnsworth Group in the amount of \$1,448 on a contract amount of \$50,500 of which \$50,496.77 will have been paid to date for work certified as 99% complete for the Preliminary Study for the Location and Sizing of Main Branch of Kickapoo Pump Station, Force Main and Gravity Sewer. Completion date - November 2005.
30. The fifth partial payment to Clark Dietz, Inc. in the amount of \$2,808.35 on a contract amount of \$44,000 of which \$31,084.37 will have been paid to date for work certified as 71% complete for the Sugar Creek Headwater Study. Completion date - January 2006.
31. The third partial payment to George Gildner, Inc. in the amount of \$62,000 on a contract amount of \$336,413 of which \$216,000 will have been paid to date for work certified as 64% complete for the US Cellular Coliseum Water Main Improvements. Completion date - November 2005.
32. The fourth partial payment to Rowe Construction in the amount of \$51,608.34 on a contract amount of \$745,000 of which \$580,376.71 will have been paid to date for work certified as 77.9% complete for the 2005-2006 General Resurfacing. Completion date - October 2005.
33. The third partial payment to Rowe Construction in the amount of \$24,994 on a contract amount of \$341,726.34 of which \$91,479 will have been paid to date for work certified as 27% complete for the Downtown Intersection Improvements. Completion date - October 2005.
34. The sixth partial payment to JG Stewart Contractors in the amount of \$28,316.87 on a contract amount of \$180,000 of which \$98,988.50 will have been paid to date for work certified as 55% complete for the 2005-2006 Sidewalk Replacement and Handicap Ramp Program. Completion date - December 2005.

35. The fifth partial payment to Terracon Consultants, N.E. Inc. (Dept. 1277) in the amount of \$2,287 on a per ton and hour contract of which \$78,904.25 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.
36. The fourth partial payment to Foth & Van Dyke/Daily Division in the amount of \$9,698.87 on a contract amount of \$339,497 of which \$51,401.88 will have been paid to date for work certified as 15% complete for the Mitsubishi Motorway Study Design and Specifications. Completion date - January 2006.
37. The fifth partial payment to Clark Dietz, Inc. in the amount of \$7,042.75 on a contract amount of \$330,000 of which \$68,099.38 will have been paid to date for work certified as 21% complete for the Hamilton Road - Timberlake to Main Street. Completion date - December 2006.
38. The twenty second partial payment to Clark Dietz, Inc. in the amount of \$1,517.40 on a contract amount of \$366,591.65 of which \$343,222.85 will have been paid to date for work certified as 94% complete for the Hamilton Road - Greenwood to Timberlake Lane. Completion date - November 2005.
39. The eighth partial payment to Rowe Construction in the amount of \$17,563 on a contract amount of \$843,492.81 of which \$649,331 will have been paid to date for work certified as 77% complete for the Hershey Road Widening - Yorktown to Eastland. Completion date - November 2005.
40. The second partial payment to Rowe Construction in the amount of \$74,000 on a contract amount of \$135,381.75 of which \$134,710 will have been paid to date for work certified as 99% complete for the Six Points Road at Heartland Hills. Completion date - October 2005.
41. The twenty third partial payment to Daily & Associates Engineering, Inc. in the amount of \$118.26 on a contract amount of \$295,161 of which 246,663.44 will have been paid to date for work certified as 84% complete for the Design Fox Creek Road and Scottsdale Avenue Relocation. Completion date - January 2006.
42. The fourth partial payment to Terracon in the amount of \$2,884.29 on a contract amount of \$20,000 of which \$4,040.29 will have been paid to date for work that is on a time/material/sample basis for Inspection Services of 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

Motion by Alderman Matejka, seconded by Alderman Gibson that the payments be approved.

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

Ayes: Aldermen 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 September, 2005

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

The Audit of these accounts took place on Monday, October 24, 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 Matejka, seconded by Alderman Gibson the audit of the bills and payrolls for the Township for the month of September, 2005 be made a matter of record.

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

Ayes: Aldermen 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 September, 2005.
2. Monthly Receipt & Expenditure Report, September, 2005.
3. Audit Report No. 67 covering the receipt and disbursement of Motor Fuel Tax funds for January 1, 2004 and ending December 31, 2004.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

REPORTS ON FILE IN CLERK'S OFFICE

Motion by Alderman Matejka, seconded by Alderman Gibson 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 Schmidt, Finnegan, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Members of the City Council
From: Stephen Stockton, Mayor
Subject: Appointment(s) and Reappointment(s) to Various Boards and Commissions

I ask that you concur with the following appointment and reappointments to the John M. Scott Health Care Commission:

Appointment:

Thomas A. Allison, Jr., 2 Milton, Bloomington, IL 61704. Mr. Allison will be representing St. Joseph Medical Center Community Board. He has been a board member since January, 2004. His term will expire May 31, 2008.

Reappointments:

Craig Witte, OD, 2409 E. Washington St., Bloomington, IL 61704, representing Bloomington Regional Optometrist Society; and

Larry Sears, 26 Kenfield Circle, Bloomington, IL 61704, representing Second Presbyterian Church. Their terms will expire May 31, 2008.

Respectfully,

Stephen F. Stockton
Mayor

Motion by Alderman Matejka, seconded by Alderman Gibson that the appointment and reappointments be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Payment to NICOR Gas for Relocation of the Gas Main in Airport Road

On May 10, 2004, Council approved an agreement with NICOR Gas to pay the expense of relocating the existing gas main in Airport Road. The pipeline was installed in an easement prior to the road right-of-way being dedicated. The pipeline was too shallow to accommodate the proposed pavement, and needed to be lowered. Since the easement predated the right-of-way dedication, the City is obligated to pay for the lowering of the pipeline.

The agreement with NICOR included an estimate of \$460,036.36 to install the required 3,300 feet of 12 inch steel gas main at the lower elevation. The City made a \$100,000 down payment to NICOR on June 28, 2004. NICOR has submitted a final cost for this relocation in the amount of \$490,864.96, and an invoice for the remainder owed of \$390,864.96. Staff has examined the invoice submitted by NICOR and finds it acceptable.

As all items are in order, staff respectfully requests that Council approve payment to NICOR Gas in the amount of \$390,864.96 with payment to be made with Motor Fuel Tax Funds (X20300-72530).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

Motion by Alderman Matejka, seconded by Alderman Gibson that the payment be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Payment to Farnsworth Group, Inc. for Professional Services for the Design of the Improvements to Six Points Road in Order to Increase Sight Distance

On November 8, 2004, Council granted approval to seek bids to construct improvements to two segments of Six Points Road near Heartland Hills Subdivision to increase the sight distance at the intersection of Silverton & Six Points and Fedor & Six Points.

Farnsworth Group, Inc., performed professional services to prepare construction plans for the work on a time and material basis at a cost of \$11,174.60. Staff has examined the invoices submitted by Farnsworth Group and finds them acceptable.

Staff respectfully requests that Council approve the payment to Farnsworth Group, Inc. in the amount of \$11,174.60 with payment to be made with Capitol Improvement Funds (X40100-72530).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

Motion by Alderman Matejka, seconded by Alderman Gibson that the payment be approved.

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

Ayes: Aldermen 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 Proposals for Ticketing System

The Cultural District respectfully requests permission to use the Request For Proposals procedure to secure a ticketing system for the Bloomington Center for the Performing Arts. This

ticketing system will provide computerized ticketing for on-site and internet sales as well as marketing, database collection/management and fundraising support. As such, it will serve as an integral part of the Center's patron management, marketing and fundraising efforts.

Staff will prepare the Request for Proposals, review proposals submitted and return to Council with a recommendation. Funding for this project will come from account X21100-72620 of the Cultural District budget.

Respectfully,

C Bruce Marquis
Executive Director

Tom Hamilton
City Manager

Alderman Sprague questioned this item. He cited the two (2) facilities: US Cellular Coliseum (USCC) and the Bloomington Center for the Performing Arts,(BCPA), (Cultural District). Tom Hamilton, City Manager, noted that City staff had met with various vendors. The set up for each facility was different. The USCC primarily issues single ticket sales. The BCPA primarily issues packaged ticket sales/group sales. There were a number of options. Illinois State University (ISU) also used two (2) separate/different systems, one for Athletics and the other at the Braden Auditorium.

Alderman Matejka expressed his concern regarding the Cultural District's Request for Proposal. He cited the local not for profit groups and an increased cost for tickets and handling of same.

Alderman Schmidt questioned if these two (2) systems were typical and if they would be able to communicate with each other. Mr. Hamilton responded affirmatively. City staff hoped that the systems installed at ISU, USCC, and the BCPA would be able to communicate.

Mayor Stockton expressed his hope that Illinois Wesleyan University (IWU) had been included in the conversation. He added that ISU had selected different systems/contracts. Mr. Hamilton stated that City staff had been assured that the systems could communicate with each other.

Alderman Sprague expressed his belief that the various venues' systems would be coordinated. He added that ISU and IWU should be included. Mayor Stockton added his belief that the various organizations could even share facilities.

Motion by Alderman Matejka, seconded by Alderman Gibson that staff be allowed to solicit Request for Proposals for a ticketing system, and return to Council with a recommendation.

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

Ayes: Aldermen 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 Proposals for the Sign Design at 110 E Mulberry Street

Requests For Proposals (RFP) for sign design at 110 E Mulberry Street were received until 2:00 p.m., Tuesday, October 4, 2005 at the office of the City Clerk where proposals were opened and read aloud as follows:

Super Sign Service Bloomington, IL	\$125.00 per hour
ASI Modulex Inc. Chicago, IL	\$3,300.00
Kevin Collins Design Normal, IL	\$4,200.00
Kerestes-Martin Associates, Inc. Canonsburg, PA	\$26,125.00

Ten companies were sent notification of this project. Fourteen companies received the design plans/bid package from the City Clerk and four firms submitted proposals.

Staff was unaware of what the cost for this design plan phase might be, and therefore solicited proposals as opposed to requesting bids. Under the direction of the Purchasing Agent for the City, and in order to close out the public record of this RFP, staff respectfully requests that Council accept the lump sum low bid of \$3,300 from ASI Modulex, and further, that the Purchasing Agent be authorized to issue a purchase order for same. Payment for this project will come from account X21100-70220 of the Cultural District budget.

Respectfully,

C. Bruce Marquis
 Executive Director

Tom Hamilton
 City Manager

ASI Modulex Sign Plan Proposal

Scope of Work

ASI – Modulex will generate a completely new, architecturally sound design scheme for all required interior signage within the Bloomington Center for the Performing Arts. The scope of the project will include a study of needs for area and room identification signs, directional signs (overhead, wall mounted and/or projected), regulatory signs and special purpose/informational signs. We will also develop new sign types, based upon the ASI-Modulex product or system selected, to properly ensure that all information is provided to users in an organized, readable, and attractive fashion. We will also design and account for exterior identification sign(s), (either dimensional letters mounted to the exterior of the building or a freestanding monolithic sign), parking lot directional signs, and any other exterior sign required by the client.

This SignPlan wayfinding analysis process is organized into the following sequential steps:

(Note: This proposal includes the first sixteen (16) steps. Steps 17 through 20 are subsequent to the planning process and therefore are not included in this proposal.)

Preliminary Evaluation Phase

1. Define scope of project (completed)
2. Prepare and present the SignPlan proposal (completed)

Planning Phase

3. Assess local code, ADA requirements and other regulations
4. Determine and agree upon nomenclature for all departments, rooms, elevator banks, buildings and any other locations which will need to be featured on way finding signage
5. Prepare location plans
6. Analyze circulation patterns
7. Develop preliminary sign types which will be used, location plan and message schedule

System Selection Phase

8. Identify key design elements, preferences and constraints
9. Develop product/design options
10. Make sign system recommendations
11. Prepare budget estimates based on proposed signs required

Documentation Phase

12. Finalize message schedule, location plans and sign type drawings
13. Prepare final budget estimates
14. Compile SignPlan Manual
15. Present a summary of findings, recommendations and timelines for production and installation

Implementation Phase

16. Receive approval for implementation

The planning process is estimated to take 8-10 weeks from acceptance of this proposal.

Manufacture sign system

- 17. Commence installation services
- 18. Review maintenance and reorder programs with client
- 19. Completion schedule

Client Staff Input

Client staff involvement in the SignPlan way finding analysis process is essential. We estimate that it will take about 3 working days for information gathering by and interviews with appropriate client staff members. During the course of the planning process, a client staff member must review materials presented by ASI – Modulex at certain intervals, which normally takes 5 additional work days.

To ensure that the process is accomplished efficiently and that the information gathered is communicated consistently, the client shall designate one person as the project contact. This person will be responsible for responding to submittals from ASI – Modulex.

Logistical Issues

We estimate that the planning process will require 3 meetings total between ASI – Modulex and client representatives at the project location in order to receive client staff input and to discuss the particulars of the project including, but not limited to, sign types required, messages desired for all signs, sign installation locations, which departments, et.al. which warrant inclusion on directional signage, interior finishes, particulars and requirements relative to the donor wall, etc. The fee includes these meetings and all travel expenses for ASI – Modulex personnel. If additional meetings are needed, they will be billed to the client at \$685 per trip. ASI – Modulex’s Planning Director and the client project contact will establish mutually convenient times to conduct these meetings.

Computer Aided Design and Project Management

ASI – Modulex will utilize state of the art computer graphics technology to create drawings and other descriptive information for each sign type needed. Therefore, electronic floor plans in either .pdf, .eps, or (least preferred) .dxf / .dwg file formats are required upon acceptance of this proposal. If a logo or any other artwork is to be included on any signage, an .eps or .ai file is required for use, with all text converted to outlines. All sign lists will be entered into a database for ease of modification, sorting, and output.

We will also require electronic submissions for all donor copy and names to be listed on the donor wall. This can be accomplished most simply by generating a Microsoft Word ® document.

NOTE: If electronic plans are not available, costs may be incurred for scanning full- or half-size plans. Please consult the Director of Planning Services for any additional costs.

Fee

The total Fee for the signage services outlined in this proposal is \$3300.00

Services Included in Fee and Actions Required

1. ASI will issue correspondence in the form of memos, documenting pertinent decisions and discussions.
2. All proposed sign types, location plans, and corresponding message schedules will be collected into a comprehensive SignPlan Manual. ASI – Modulex will provide the client with two copies of this SignPlan Manual.
3. ASI – Modulex will present various concepts to the client at intermediate stages in the planning process. After ASI – Modulex has made these presentations, the project contact shall meet with client employees, and other individuals and groups associated with the client, if necessary, to obtain approvals and reach required decisions.
4. General product specifications are included in this proposal.

Services Not Included in the Fee

1. Bid documentation formats are not provided as part of this proposal.
2. Bid oversight responsibility is not included in this proposal.
3. Donor related signage is not included in this proposal.

Payment Schedule

100% of fee is due upon completion of planning project.

Project scope

This proposal is based on information supplied by the client regarding the size and scope of the project. Substantial changes to the size and scope of the project may result in changes to the fee and the time frame required for completion.

Thank you very much for the opportunity to submit this proposal.

ASI – Modulex

By: Brian Shipkin
Director of Planning Services

Date: 25 October 2005

I accept this proposal and I authorize ASI – Modulex to proceed with the services outlined herein.

Client: City of Bloomington, Cultural District

Signature: Stephen F. Stockton
Name Printed: Stephen F. Stockton

Date: November 21, 2005
Title: Mayor

Note: The fees outlined in this proposal are valid for 90 days.
Time frames outlined are valid for 30 days.
Contact ASI – Modulex to confirm fees and time frames after these dates.

Motion by Alderman Matejka, seconded by Alderman Gibson the proposal for Sign Design from ASI Modulex, in the amount of \$3,300 be accepted 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 Schmidt, Finnegan, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
 From: Staff
 Subject: Analysis of Bids for Orchestra Enclosure at 110 E Mulberry Street

Bid proposals for the fabrication and installation of a portable orchestra enclosure for the Bloomington Center for the Performing Arts at 110 E Mulberry Street were received until 2:00 p.m., Friday, September 30, 2005 at the office of the City Clerk where bids were opened and read aloud as follows:

Texas Scenic Company San Antonio, TX	no bid
SECOA, Inc. Champlin, MN	\$120,122.00
Wenger Corporation Owatonna, MN	\$138,125.00

Six companies were sent notification of this project and received the design plans/bid package from the City Clerk and three firms responded. Both bids were below the projected cost estimate of Schuler & Shook Inc., the theater consultants who provided the documents and reviewed the bids for the enclosure.

Staff respectfully requests that Council accept the low bid of \$120,125 from SECOA, Inc., and the Purchasing Agent authorized to issue a purchase order for same. Payment for this project will come from account X21100-72620 of the Cultural District budget.

Respectfully,

C. Bruce Marquis
 Executive Director

Tom Hamilton
 City Manager

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

Motion by Alderman Matejka, seconded by Alderman Gibson that the bid be awarded to SECOA, Inc., in the amount of \$120,122 for the fabrication and installation of a portable orchestra enclosure for the Bloomington Center for the Performing Arts 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 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: Division Street Combined Sewer Overflow Elimination Analysis of Bids

Bidding proposals for the Division Street Combined Sewer Overflow (CSO) Elimination were received until 2:00 p.m. Monday, October 17, 2005, in the office of the City Clerk at which time and place the bids were opened and read aloud as follows:

George Gildner, Inc.	\$568,312.00 Low Bid - As Read
	\$568,316.00 Low Bid - As Corrected
Stark Excavating, Inc.	\$817,325.00
Rowe Construction Co.	\$834,739.00
Engineer's Estimate	\$632,524.00
Budget	\$275,000.00 Storm Water Depreciation Funds

The scope of the Division Street CSO Elimination Project is to construct new storm sewers on portions of Oak Street, Kelsey Street, Roosevelt Street and Division Street. Existing storm inlets will be removed from the existing combination sewer system. This would leave it to convey only sanitary flows, and new inlets will be constructed to convey water to the new storm sewer system. The CSO will then be removed. The scope and cost of this project has escalated significantly from time the Capital Improvement Budget was created.

Due to the low bid being 200% over the budgeted amount, staff respectfully recommends that Council reject all of the bids. The project will be evaluated by staff. It is anticipated that this project will be re-budgeted in the 2006-2007 budget and re-bid in early summer 2006.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

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

Alderman Sprague questioned this item. Tom Hamilton, City Manager, addressed the Council. The City had received a letter from George Gildner, Inc. The contractor would work with the City to phase the project into the next fiscal year. He recommended Council approval contingent upon an acceptable phase in schedule.

Alderman Purcell questioned when work would begin. Doug Grovesteen, Director of Engineering, addressed the Council. The sewer line would be a custom fit in each street. The line will be placed in front of a number of homes. The line would be trenched and vary from four to seven feet (4 – 7') in width. Alderman Purcell questioned if there would be steel plates placed over the trench. Mr. Grovesteen responded affirmatively in key locations. City staff needed to meet with the contractor. Work would begin before the year's end. Sewer pipe can be laid during the winter. However, no paving work would be done. The project has continued to grow as it involved an old portion of the City's sewer system. Alderman Purcell noted that the sanitary and storm sewers would be separated. Mr. Grovesteen noted that the project involved the construction of a new storm sewer system.

Alderman Finnegan questioned phasing in this project. Mr. Hamilton noted that the project had started a year ago. The project had been expanded with the addition of 3000' of pipe. There will be road work involved. The City will not be invoiced until after May 1, 2006. Alderman Sprague questioned if the work would be done at today's prices. Mr. Hamilton responded affirmatively.

Motion by Alderman Matejka, seconded by Alderman Gibson that the bid be awarded to George Gildner, Inc., in the amount of \$568,316 for the Division St. Combined Sewer Overflow Elimination, contingent upon City staff's ability to develop an acceptable schedule with the vendor to phase in this project, 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 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: Police Ammunition

On September 13, 2005, bids were opened for the purchase of ammunition for the Police Department. Bids were received from Ray O’Herron Company, Inc., and Shore Galleries Inc. Neither were the low bidder on every item and as a result, staff recommends that the bid be split between the two companies.

The bids below most closely match the specifications set forth in the bid document. Staff recommends that the following bids be approved from each bidder.

Bidder	Rounds	Description	Bid Price
Shore Galleries	10,000	Remington Golden Saber 165 gr. BJHP .40 S&W #GS40SWA-29440	\$2,511.40
Shore Galleries	5,000	Federal Sierra Match King 168 gr. BTHP .308 win cal #GM308M	\$2,152.95
		Total	\$4,664.35
Ray O’Herron Inc.	25,000	Winchester 40 S&W 140 gr, JSP Super Clean NT #SC40NT	\$6,125.00
Ray O’Herron Inc.	62,500	Winchester 40 S&W 180 gr. FMJ #Q4238	\$8,000.00
Ray O’Herron Inc.	2,500	Winchester 9mm 155gr. FMJ #Q4172	\$2,625.00
		Total	\$16,750.00

Staff respectfully recommend that Shore Galleries be awarded the bids as listed, in the amount of \$4,664.35, and Ray O’Herron Inc., as listed in the amount of \$16,650, for a total amount of \$21,414.35. Funds for these purchases have been allocated in the Police Range Budget 15112-71990.

Respectfully,

Roger J. Aikin
 Chief of Police

Tom Hamilton
 City Manager

Motion by Alderman Matejka, seconded by Alderman Gibson that the bids for Police ammunition be awarded to Shore Galleries in the amount of \$4,664.35 and Ray O’Herron Inc. in the amount of \$16,750 and Purchasing Agent be authorized to issue Purchase Orders for same.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Waive the Formal Bidding Process and Purchase Security for the Communication Center

The construction of Communication Center is underway and the walls are beginning to take shape. It is now necessary to address the security issues of this space. Staff met with MIDCO Security Company's representatives, the company that has installed and maintained all of the Police Facility security equipment.

The purpose of this meeting was to determine the security measures that would be necessary for securing this area in compliance with 83 Illinois Administrative Code Part 725. Part 725 specifically deals with Communication Center Security issues and indicates what is needed to meet those standards.

MIDCO submitted a quote in the amount of \$6,983.13 for the needed changes, including adding card readers and electronic locks to the doors in this area, as well as moving other card readers to new locations for better security. A previous quote of \$7,061.72 was reduced after modifications were made. Staff respectfully requests that the bid process be waived and the quote from MIDCO Security Company be accepted, in the amount of \$6,983.13, the Purchasing Agent authorized to issue a Purchase Order for same, and the Resolution adopted. Funds for the purchase price of \$6,983.13 are budgeted in X40100-72520.

Respectfully,

Roger J. Aikin
Chief of Police

Tom Hamilton
City Manager

RESOLUTION NO. 2005 - 135

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF SECURITY FOR THE COMMUNICATION
CENTER AT A PURCHASE PRICE OF \$6,983.13**

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 Security for the Communication Center at a Purchase Price of \$6,983.13.

Adopted this 24th day of October, 2005.

Approved this 25th day of October, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Purcell questioned this item. Roger Aikin, Police Chief, addressed the Council. This item was required by the state. It would result in 725 compliance. This item was not budgeted.

Motion by Alderman Matejka, seconded by Alderman Gibson that the quote from MIDCO in the amount of \$6,983.13 be accepted, the Purchasing Agent be authorized to issue a Purchase Order for same, and a Resolution be adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Waive the Formal Bidding Process and Retain Farnsworth Group Inc. to Provide Professional Services for the Negotiation of an Agreement(s) with the Norfolk Southern Railroad Corporation

Staff has negotiated a proposed contract with Farnsworth Group, Inc. to provide professional services associated with the negotiation of an agreement(s) with the Norfolk Southern Railroad Corporation for street crossings of their facilities at the following three locations:

1. Proposed Hamilton Road approximately 350 feet west of Commerce Parkway.
2. Existing Dr. Martin Luther King Jr. Drive immediately west of White Oak Road.
3. Proposed Hershey Road approximately 250 feet south of Hamilton Road.

This is not a budgeted expense, however, the timely pursuit of improving/constructing these three crossings is important to the City's traffic infrastructure. Staff is requesting the assistance of Farnsworth Group, Inc. with the potentially time consuming task of negotiating an agreement with the Railroad and in preparing a successful petition to the Illinois Commerce Commission.

Staff has reviewed the proposal from Farnsworth Group Inc. to provide civil engineering services on a time and material basis for a total fee not to exceed \$32,562 and finds it acceptable. Staff respectfully recommends that Council approve a contract with Farnsworth Group Inc. to provide civil engineering services for a total fee not to exceed \$32,562, and further, that the Mayor and City Clerk be authorized to execute the necessary documents. Payment for this project will be made from Capital Improvement Funds (X40100-70050).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

RESOLUTION NO. 2005 - 136

A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND APPROVING A CONTRACT WITH FARNSWORTH GROUP INC. TO PROVIDE PROFESSIONAL SERVICES FOR THE NEGOTIATION OF AN AGREEMENT(S) WITH THE NORFOLK SOUTHERN RAILROAD CORPORATION IN AN AMOUNT NOT TO EXCEED \$32,562

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

1. That the bidding process be waived and a contract with Farnsworth Group Inc. to Provide Professional Services for the Negotiation of an Agreement(s) with the Norfolk Southern Railroad Corporation in an amount not to exceed \$32,562.

Adopted this 24th day of October, 2005.

Approved this 25th day of October, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

AGREEMENT FOR ENGINEERING SERVICES

AGREEMENT is effective this 21st day of September in the year 2005, between Farnsworth Group, Inc. hereinafter referred to as FGI, of 2709 McGraw Drive, Bloomington, IL 61704 and City of Bloomington of 109 E. Olive, Bloomington, IL 61701 hereinafter referred to as the CLIENT.

The Scope of Services to be provided under this agreement is as follows:

The City desires to establish an agreement with the Norfolk Southern Corporation to create two new railroad crossings and one safety upgrade at an existing crossing. The first priority crossing is located on Hamilton Road approximately 350 ft west of Commerce Parkway. The goal for this project is to construct the project in 2006.

The third priority is to establish an agreement for the construction of a new road and crossing for Hershey Road extended approximately 250 ft. south of Hamilton Road. There is no timeline established for construction at this time.

Scope of Services:

Hamilton Road at Commerce Parkway

The roadway and crossing design have been completed for this improvement. In May, 2002 a draft agreement was provided by Norfolk Southern for this crossing. Part of that agreement referenced the closure of road crossings at Howard and Low Streets as part of the allowing the new Hamilton Road crossing. City Ordinance #2000-15 authorized these crossing closures. Part of the proposed agreement was identifying costs that were to be paid to Norfolk Southern by the City.

We propose to provide the following services for this crossing:

- 1) Review original design and correspondence for the project.
- 2) Arrange and meet (2 meetings) with Norfolk Southern to re-establish project.
- 3) Identify design changes as required by Norfolk Southern.
- 4) Coordinate the property requirements for the project.
- 5) Negotiate the abandonment of a siding line in the project area.
- 6) Secure a new agreement for the city legal department execution.
- 7) Provide support documents as requested by City for Illinois Commerce Commission (ICC) regulatory filing for a new at-grade crossing.
- 8) Facilitate the transfer of unneeded Norfolk Southern property to City and unneeded City property to Norfolk Southern.
- 9) Prepare legal description for property transfers.

Martin Luther King at White Oak Road

- 1) Review original design and correspondence for the project.
- 2) Arrange and meet (2 meetings) with Norfolk Southern to review project requirements.
- 3) Identify design changes as required by Norfolk Southern.
- 4) Secure a new agreement for the city legal department execution.
- 5) Provide support documents for City to file ICC filing.

Hershey Road at Hamilton Road

- 1) Review original design and correspondence for the project.
- 2) Arrange and meet (2 meetings) with Norfolk Southern to introduce project.
- 3) Identify design requirements by Norfolk Southern.
- 4) Coordinate the property requirements for the project.
- 5) Secure a draft agreement for the city legal department execution.
- 6) Provide support documents as requested by City for Illinois Commerce Commission regulatory filing for new at-grade crossing.

Additional Services:

There may be requirements that the Norfolk Southern Corporation will request from the City but are unknown at this time. Any additional services beyond those described above would be charged on a time and material basis in accordance with the attached rate schedule. Additional services would be conducted after written approval from the City.

Additional Services may include but not limited to such services as surveying, plats for property transfers, additional meetings, transportation design, attending public hearings.

The fee for the above described services will be as described in attached cover letter (calculated on a time and material basis in accordance with the attached fee schedule).

Additional fee for increased liability limits as outlined in the General Conditions \$ -0-.

This Agreement and the attached General Conditions represent the entire and integrated Agreement between the CLIENT and FARNSWORTH GROUP, INC. and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both CLIENT and FARNSWORTH GROUP, INC.

Farnsworth Group, Inc.

City of Bloomington

Steve Myers
Principal

Stephen F. Stockton
Mayor

(GENERAL CONDITIONS ON FILE IN THE CITY CLERK'S OFFICE.)

Alderman Sprague questioned the time frame for an at grade crossing. Tom Hamilton, City Manager, addressed the Council. City staff anticipated that this contract would speed up the process. In the end, the City may have to appear before the Illinois Commerce Commission. This contract included the crossing at Hamilton Rd.

Motion by Alderman Matejka, seconded by Alderman Gibson the Contract be approved in an amount not to exceed \$32,562, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Waive the Formal Bidding Process for the Emergency Purchase of a Replacement Computer and Updated Software for the Abraham Lincoln Parking Deck

The computer at the Abraham Lincoln Parking Deck, JCL-MCS 3.0, has failed and is need of immediate replacement. The City is currently using a temporary system on loan from Parking Systems Inc. This company is the single source provider for this equipment and software upgrade. Parking Systems, Inc., has provided City with a quote of \$7,100.

Staff requests that Council waive the formal bidding process, the Replacement Computer and Updated Software for the Abraham Lincoln Parking Deck be purchased from Parking Systems, Inc., in the amount of \$7,100, the Purchasing Agent be authorized to issue a Purchase Order for same, and the Resolution be adopted. Funds for this purchase will come from the Parking Fixed Asset Replacement Fund, Office and Computer Equipment(F54200-72120).

Respectfully,

Brian Barnes
Director of Finance

Tom Hamilton
City Manager

RESOLUTION NO. 2005 - 137**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF A REPLACEMENT COMPUTER AND
UPDATED SOFTWARE FOR THE ABRAHAM LINCOLN PARKING DECK FROM
PARKING SYSTEMS, INC., IN THE AMOUNT OF \$7,100**

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

1. That the bidding process be waived and the Purchasing Agent be authorized to Purchase a Replacement Computer and Updated Software for the Abraham Lincoln Parking Deck from Parking Systems, Inc., in the amount of \$7,100.

Adopted this 24th day of October, 2005.

Approved this 25th day of October, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Matejka, seconded by Alderman Gibson the Formal Bidding Process be waived, the Replacement Computer and Updated Software for the Abraham Lincoln Parking Deck be purchased from Parking Systems, Inc., in the amount of \$7,100, the Purchasing Agent be authorized to issue a Purchase Order for same, and the Resolution be adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Waive the Formal Bidding Process and Purchase 19 Motorola Modems

The requested equipment is part of the Police and Fire Communication Center project. These units allow communication between the mobile data terminals in fire apparatus and the computer aided dispatch software in the communication center. The cost of these units was included in the final cost projections for the Communications Center previously provided to Council.

Staff respectfully requests that the formal bidding process be waived the 19 Motorola model VRM850 Private Data-Tac modems be purchased from the local Motorola vendor Supreme Radio Communications through the State of Illinois Joint Purchasing contract at a cost of \$42,376.50. Funds for this equipment are available in account F15118-72120.

Respectfully,

Keith Ranney
Fire Chief

Tom Hamilton
City Manager

RESOLUTION NO. 2005 - 138

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF 19 MOTOROLA MODEMS FROM SUPREME
RADIO COMMUNICATIONS IN THE AMOUNT OF \$42,376.50**

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 19 Motorola Modems from Supreme Radio Communications in the amount of \$42,376.50.

Adopted this 24th day of October, 2005.

Approved this 25th day of October, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Finnegan questioned this item. Roger Aikin, Police Chief, addressed the Council. He noted that these items would be place in fire trucks and ambulances. Each vehicle would have one (1) installed. Keith Ranney, Fire Chief, added that this purchase was part of the Automatic Vehicle Locator (AVL) system. Chief Aikin noted that the police vehicles were already equipped with same.

Motion by Alderman Matejka, seconded by Alderman Gibson that the Formal Bidding Process be waived, 19 Motorola Modems purchased from Supreme Radio Communications in the amount of \$42,376.50, 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 Schmidt, Finnegan, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Waive the Formal Bidding Process and Approve the Purchase of a Hazardous Materials Training Prop for the Fire Department

Staff respectfully requests that the formal bidding process be waived and the purchase of a hazardous materials training prop be approved for the purchase price \$12,500. This cost to be reimbursed by the Illinois Terrorism Task Force (ITTF). The ITTF will retain ownership of the prop which will be located at #2 Fire Station.

Grant funds from the Department of Homeland Security have been made available to the ITTF for domestic preparedness. A portion of these funds have been set aside to provide training props to be utilized by Illinois Emergency Responders. The Fire Department provides hazardous materials response for ITTF Region 11 (McLean and Livingston Counties) and has been designated a regional hazardous materials training site by the Illinois Fire Service Institute (IFSI).

Due to the Department's role in hazardous materials response and designation as a regional training site, the ITTF has offered to place a hazardous materials training prop at #2 Fire Station. The prop provides the opportunity for responders to train to mitigate releases of chlorine and other gasses from a variety of pressurized vessels.

Procurement consists of ordering the prop from Indian Springs Specialty Products in Baldwinsville, New York at a purchase price of \$9,746 with an approximate shipping cost of \$500, and the purchase of a 16' utility trailer from Johnson Trailer Sales in Ogden, IL at a purchase price of \$1,750. Vendors and pricing have been determined by the ITTF and IFSI. In addition, miscellaneous supplies will be purchased locally at a cost of \$500 for a total price of \$12,500. Upon the receipt of paid invoices, the ITTF will reimburse the City up to a maximum

of \$13,000 for this project. The prop will then remain the property of the ITTF. Payment for this purchase will be made from Acct. G15212-71990.

Respectfully,

Keith Ranney
Fire Chief

Tom Hamilton
City Manager

RESOLUTION NO. 2005 - 139

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF A HAZARDOUS MATERIALS TRAINING
PROP FOR THE FIRE DEPARTMENT AT A PURCHASE PRICE OF \$12,500**

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

1. That the bidding process be waived and the Purchasing Agent be authorized to Purchase a Hazardous Materials Training Prop for the Fire Department at a Purchase Price of \$12,500.

Adopted this 24th day of October, 2005.

Approved this 25th day of October, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Matejka, seconded by Alderman Gibson that the Formal Bidding Process be waived, the Hazardous Materials Training Prop for the Fire Department be purchased for a total price of \$12,500, the Purchasing Agent authorized to issue a Purchase Order for same, and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Change Order to the Contract with P.J. Hoerr, Inc. for the Renovation of the Bloomington Center for the Performing Arts

P.J. Hoerr, Inc. has requested the following change orders to their contract for work associated with the renovation of the Bloomington Center for the Performing Arts. These change orders were reviewed by staff, who found them to be acceptable. The total amount of these change orders is \$37,876.

#3 Provide stage water line replacement	3,513.00
#36 Provide floor drain in toilet 142 per plumbing inspector	1,643.00
#37 Provide floor drain & hub drain at old sump pump opening per plumbing inspector	11,198.00
#44 Provide new wall in room 329	495.00
#48 Provide new area drain in stairwell 11 per code	4,499.00
#49 Provide 12 additional 3 ganged seats for auditorium	3,934.00
#50 Provide wood subfloor in room 410	<u>12,594.00</u>
	37,876.00
Total this Change Order	37,876.00
Revised contract	<u>11,113,422.00</u>
New Total Amount	11,151,298.00

This work is outside the existing contract of P.J. Hoerr. These changes were requested to provide for a new stage water line to increase pressure and eliminate current sediment. Additional floor drains and larger water pipes were needed in toilet 142, room 123 and stairwell 11 to meet code per the City's plumbing inspector. A structural wall was needed in room 329. Twelve (12) additional seats for the auditorium were needed, and a good structural floor in room 410 was needed as the original flooring can not be reused as previously thought.

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

Contingency Fund:	\$600,000.00
Total Change Orders to date:	\$163,098.00
Contingency Balance:	\$436,902.00

Staff respectfully recommends that Council approve this change order to the contract with P.J. Hoerr, Inc. in the amount of \$37,876. Payment for this work will come from account X21100-72620 of the Cultural District budget.

Respectfully,

C. Bruce Marquis
Executive Director

Tom Hamilton
City Manager

RESOLUTION NO. 2005 - 140

**A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE
AMOUNT OF \$37,876 IN THE CONTRACT BETWEEN THE CITY
OF BLOOMINGTON AND P.J. HOERR, INC., FOR THE RENOVATION OF THE
BLOOMINGTON CENTER FOR THE PERFORMING ARTS**

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

WHEREAS, for the reasons set forth in a staff report dated October 24, 2005 it was necessary to provide for a new stage waster line to increase pressure and eliminate current sediment; additional floor drains and larger water pipes were needed in toilet 142, room 123 and stairwell 11 to meet code per the City plumbing inspector; a structural wall was needed in room 329; Twelve (12) additional seats for the auditorium were needed, and a good structural floor in room 410 was needed as the original flooring can not be reused as previously thought;

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the October 24, 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 \$37,876 in the contract between the City of Bloomington and P.J. Hoerr, Inc. be approved.

PASSED this 24th day of October, 2005.

ADOPTED this 25th day of October, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Purcell questioned this item. Tom Hamilton, City Manager, addressed the Council. This change order addressed additional work that was done. This work would be paid for with contingency fund dollars.

Motion by Alderman Matejka, seconded by Alderman Gibson that the Change Order to the contract with P.J. Hoerr, Inc. in the amount of \$37,876 be approved, and the Resolution adopted.

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

Ayes: Aldermen 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 for Irvin Park Storm Sewer Replacement

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

1. In order to help prevent erosion at the west end of the new storm sewer, it was necessary to install stone rip-rap. The additional cost to install the necessary rip-rap was \$2,469.22.
2. It was necessary to extend an existing 12 inch storm sewer from two inlets at the west end of Steeplechase Drive and connect it into the new 60 inch sewer. The additional cost to extend and connect the existing storm sewer was \$3,650.81.

Original Contract	\$101,340.00
This Change Order	<u>6,120.03</u>
Completed Contract	\$107,460.03

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 \$6,120.03 with payment to be made with Storm Water Management Funds (X55200-72550).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

Motion by Alderman Matejka, seconded by Alderman Gibson that the Change Order in the amount of \$6,120.03 be approved.

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

Ayes: Aldermen 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: Approval of a contract with Bennett Electronic Services Company for the Sound Reinforcement System for the U.S. Cellular Coliseum and Pepsi Ice Center

Central Illinois Arena Management (CIA) issued a Request for Proposals for a Sound Reinforcement System for the Coliseum and the Pepsi Ice Center. This RFP was issued pursuant to the Pre-Opening Agreement with the City. The overall design of the sound system was modeled after the Orleans Arena in Las Vegas. Staff and CIA visited the Orleans facility to see and hear that system as it is of comparable size and design to the Coliseum.

Five responses were received from the RFP, submitted by the following companies.

1. Bennett Electronic Services Company, Inc. - Pontiac
2. Integrated Audio Systems, Inc.- Peoria
3. Thompson Electronics Company - Peoria
4. Westbury National Show Systems Ltd. - Toronto, Canada
5. Muzak - Elmhurst

Prices ranged from \$283,700 to \$ 570,800.

From these proposals, Bennett Electronics, Integrated Audio, and Thompson Electronics were selected for interviews by CIA and staff. Westbury National and Muzak were not selected due to their prices greatly exceeding the budget. Following the interviews, CIA and City staff believe that Bennett Electronic provided the highest quality system for the best price.

The Bennett proposal includes equipment to provide amplified sound throughout the Coliseum and within the public ice facility. It includes all installation costs, materials and labor. The warranty is five years on speakers, amplifiers and digital processors. The complete system carries a full three year parts and labor warranty. The proposed price is \$295,000 for the Coliseum and \$30,000 for the Pepsi Ice Center. The budget was \$325,000 for the Coliseum and \$30,000 for the Pepsi Ice Center.

Staff respectfully recommends that Council accept the proposal from Bennett Electronic Services Company for the Sound Reinforcement System for the U.S. Cellular Coliseum and Pepsi Ice Center and authorize the Mayor and City Clerk to execute the necessary documents. Funding for this system will come from the fixed asset replacement accounts for the Coliseum and Pepsi Ice Center (Coliseum F56200-72140 and Pepsi Ice Center X40750-72140).

Respectfully,

Tom Hamilton
City Manager

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

Alderman Purcell questioned if this item was contained in the budget. Tom Hamilton, City Manager, addressed the Council. He responded affirmatively. The estimate for this item was \$500,000. Therefore it came in under budget.

Motion by Alderman Matejka, seconded by Alderman Gibson that the proposal from Bennett Electronic Services Company for the Sound Reinforcement System for the U.S. Cellular Coliseum and Pepsi Ice Center be accepted in the amount of \$325,000 and the Mayor and City Clerk be authorized to execute the necessary documents.

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

Ayes: Aldermen 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: Approval of Master Software and Services Agreement with Paciolan for Ticketing at the U.S. Cellular Coliseum

On behalf of the City, Central Illinois Arena Management, (CIA) issued a Request for Proposals for ticketing services for the Coliseum. Proposals from the following vendors were received:

1. Paciolan
2. Ticketmaster
3. Tickets.Com
4. E-Tix
5. COO (Proposal not considered as it is not an active company at present)

In reviewing the various systems criteria that became important were:

1. Flexibility to adjust ticketing fees by type of event, outlet type, and seat type.
2. Capacity to handle large volumes of ticket orders without processing delays.
3. Compatibility with ISU ticketing system.
4. Ability to produce revenues to the Coliseum.
5. Upfront cost.
6. Company experience.
7. Availability of state of the art hardware and software.
8. Who controls fees charged.
9. Ownership of customer data base.

Comparison of the proposals received to these criteria showed that Paciolan and Ticketmaster met the most of these criteria. Staff believes that Paciolan is the only system that meets all criteria in a satisfactory manner. Specifically, the Paciolan system:

- 1.) Can adjust ticketing fees by type of event, outlet type, and seat type.
- 2.) Has the ability to handle ticket requests in large volumes without delays.
- 3.) Is compatible with ISU as it is a Paciolan system.
- 4.) Based on an annual volume of 275,000 single tickets sold and a \$4.00 per ticket fee the Coliseum should net over \$330,000 annually, (Rockford's experience verifies this revenue projection). This is about \$100,000 more per year than Ticketmaster.
- 5.) There are no upfront hardware or software costs.
- 6.) Paciolan has over 200 major clients including ISU, University of Illinois and the Rockford MetroCentre.
- 7.) Paciolan provides all hardware and software as well as all updates and maintenance.
- 8.) Control of fees charged is controlled by the facility not the company. Ticketing web site is also controlled by the facility.
- 9.) Paciolan allows for City ownership of the customer data base. Ticketmaster does not.

Service fees to Paciolan are \$1.00 per ticket with an annual minimum of 275,000 tickets, or \$275,000 per year. Tickets sold through the box office for football and hockey are excepted from the minimum. There are additional fees to Paciolan if other services are used by the Coliseum. If other services are used, the fees are split 50/50. Such features include print at home tickets, group ticket sales and a secondary ticket sale function. The proposed contract has a five year term.

CIA is a party to this agreement as they are the entity actually using the system on behalf of the City as facility managers. A copy of the proposed contract and a list of Paciolan facilities are available for review. Staff respectfully recommends that Council approve the contract with Paciolan as presented.

Respectfully,

Tom Hamilton
City Manager

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

Motion by Alderman Matejka, seconded by Alderman Gibson that the Contract 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 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: Jurisdictional Transfer of a Portion of County Highways 28 (Ireland Grove Road) from County Maintenance to City Maintenance

Due to the growth of the City, the section of County Highway 28 (Ireland Grove Road) from Towanda Barnes Road to Township Road 2100 East is now mostly within the Corporate Boundary of the City. In conjunction with the Annexation Agreement for Eastlake Subdivision, it has been proposed that the County transfer jurisdiction to the City for 10,722 feet of County Highway 28 (Ireland Grove Road). The segment includes one bridge over the main branch of Kickapoo Creek, constructed in 1986. The bridge has a pavement width of 28 feet, which will be adequate for two lane traffic.

All of the above segment of highway will be transferred to the City immediately upon approval of this agreement by the City, County, and State. The County approved the transfer on October 18, 2005.

Staff respectfully recommends that Council approve the jurisdictional transfer from the County to the City of County Highway 28 (Ireland Grove Road) from Towanda Barnes Road to Township Road 2100 East; in accordance with the agreement and contingent upon the County Board and State of Illinois also approving the transfer, and further that the Mayor and City Clerk be authorized to execute the necessary documents.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

ADDENDUM #1
McLEAN COUNTY BOARD RESOLUTION County Highway 28 (CH 28)

Providing for the deletion of part of Ireland Grove Road, County Highway 28 (CH 28) from the East edge of Towanda Barnes Road to the East Right of Way (ROW) line of 2100 East Road from the County Highway System in McLean County, Illinois.

Whereas the County Board of McLean County, and City of Bloomington entered into an agreement for transfer of the jurisdiction of the above location, to the Municipal Street System.

NOW THEREFORE, BE IT RESOLVED, that the above location, with Department of Transportation approval, be deleted from the Highway System of McLean County, and that said route is identified as CH 28 from the East edge of Towanda Barnes Road to the East ROW line of 2100 East Road.

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit three (3) certified copies of this Resolution to the State through its District Engineer's Office at Ottawa, Illinois.

Approved by the County Board on October 18, 2005.

Michael F. Sweeney, Chairman, McLean County Board

CERTIFICATE

I, Peggy Ann Milton, County Clerk, in and for said County in the State of Illinois, and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect and complete copy of a Resolution adopted by the County Board of McLean County at its Regular meeting held at Bloomington on October 18, 2005.

In testimony whereof, I have hereunto set my hand and affixed the seal of said County at my office in Bloomington, in said County this 18th day of October, A.D., 2005.

[SEAL]

Peggy Ann Milton, McLean County Clerk

Addendum #2**CITY OF BLOOMINGTON****ORDINANCE 2005 - 106**

Providing for the addition of part of Ireland Grove Road, County Highway 28 (CH 28) from the East edge of Towanda Barnes Road to the East Right of Way (ROW) line of 2100 East Road in its entirety to the City of Bloomington Highway System from the County Highway System in McLean County, Illinois.

Whereas, the County Board of McLean County and the City of Bloomington entered into an agreement for transfer of jurisdiction of the above locations to the Municipal Street System.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Bloomington, that the above location, with Department of Transportation approval be added to the Highway System of the City of Bloomington and that said route was identified as CH 28 from the East edge of Towanda Barnes Road to the East ROW line of 2100 East Road at Bloomington, Illinois, in its entirety from the County Highway System in McLean County, Illinois.

BE IT FURTHER ORDAINED by the City Council of the City of Bloomington, that the Clerk is hereby directed to transmit three certified copies of this Ordinance to the State through its District Engineer's Office at Ottawa, Illinois.

Approved by the City of Bloomington on this 24th day of October, 2005.

Stephen F. Stockton, Mayor
City of Bloomington

ATTEST:

Tracey Covert
Clerk of the City of Bloomington

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

Motion by Alderman Matejka, seconded by Alderman Gibson that the jurisdictional transfer from the County to the City of County Highway 28 (Ireland Grove Road) from Towanda Barnes Road to Township Road 2100 East, be approved in accordance with the agreement and contingent upon the County Board and State of Illinois also approving the transfer, the Mayor and City Clerk be authorized to execute the necessary documents, and the Ordinance be passed.

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

Ayes: Aldermen 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: A Resolution approving the Traffic Signs Installed by the City's Traffic Sign Upgrade Highway Safety Project RS2-0540-075 as a Proper Traffic Control Device

City sign crews have completed the installation of signs and posts for this project. Engineering Department staff is currently preparing the "Claim for Reimbursement" of material costs to be submitted no later than November 1, 2005 to the Illinois Department of Transportation's Division of Traffic Safety. A signed copy of the approved Resolution must accompany the Claim. Staff respectfully requests that Council adopt a Resolution approving the traffic signs installed by the Traffic Sign Upgrade Highway Safety Project RS2-0540-075.

Respectfully,

Doug Grovesteen
Director of Engineering

Tom Hamilton
City Manager

RESOLUTION NO. 2005 - 141

A RESOLUTION APPROVING THE TRAFFIC SIGNS INSTALLED BY THE CITY OF BLOOMINGTON'S TRAFFIC SIGN UPGRADE HIGHWAY SAFETY PROJECT AS A PROPER TRAFFIC CONTROL DEVICE

THIS RESOLUTION, made and entered into record this October 24, 2005, by the Bloomington City Council, on behalf of the residents of the City of Bloomington, a municipal corporation, hereafter referred to as the "City".

WITNESSETH:

THAT WHEREAS, the City, did on March 28th, 2001, apply for Highway Safety Funds for the purpose of performing a Traffic Sign Upgrade Project, hereafter referred to as the "Project", in order to upgrade standard traffic signs, i.e., regulatory, warning and school sign deficiencies within the City identified by a traffic sign inventory;

AND WHEREAS, the City, did on September 24th, 2005, complete the installation of these traffic signs as agreed to under the City's Traffic Sign Upgrade Highway Safety Project RS2-0540-075 and in accordance with the Federal Manual on Uniform Traffic Control Devices and the Illinois Supplement.

NOW, THEREFORE BE IT RESOLVED, the City approves and accepts the traffic signs installed by this Project as a proper traffic control device.

Adopted this 24th day of October, 2005.

Approved this 25th day of October, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracy Covert
City Clerk

Motion by Alderman Matejka, seconded by Alderman Gibson that the Resolution be adopted.

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

Ayes: Aldermen 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 Ambient, LLC, d/b/a Clarion Hotel, located at 1219 Holiday 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 Bloomington Ambient, LLC, d/b/a Clarion Hotel, located at 1219 Holiday 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, Marabeth Clapp, Steve Petersen and Mark Gibson; Hannah

Eisner, Deputy Corporation Counsel, Lt. Tim Stanesa, Police Department, and Tracey Covert, City Clerk; Mubashir Soofi, General Manager and Applicant representative.

Commissioner Stockton requested that the Applicant explain the business plan. Mubashir Soofi, General Manager and Applicant representative, addressed the Commission. He commenced employment at the Clarion on September 26, 2005. The property contained a hotel, restaurant and lounge.

Commissioner Stockton questioned if there were any changes planned. Mr. Soofi noted that there would be a complete interior and exterior renovation. The exterior would receive a face lift. Bloomington Ambient intended to invest \$1.5 million in the property. Busey Bank would continue to hold the mortgage. The renovation plan would take nine (9) months to complete. Work would begin in November 2005. The building was divided into five (5) wings.

Commissioner Stockton questioned the public areas. Mr. Soofi noted that the lobby area had recently been remodeled. The restaurant would be renovated. In reality, the restaurant would be reestablished. The restaurant area had become a part of the lobby. The atrium area would also be remodeled. The plan included an enlargement and extension of the meeting facilities.

Commissioner Stockton questioned what the Applicant considered the premise. Mr. Soofi responded the entire facility, more specifically the building's interior corridor. This area would include the lounge, the restaurant, the banquet rooms, the atrium, and the guest rooms. Commissioner Stockton informed the Applicant that the license holder would be held responsible for any actions on the premise. He cited a guest who brings alcohol into the hotel to host an underage party. Mr. Soofi cited his past experience in hotel management.

Commissioner Stockton questioned if there would be full room service. Mr. Soofi responded affirmatively. The room service menu included the lounge menu. He added that there were three (3) meeting rooms and atrium area. At times, these would be set up with a cash bar.

Commissioner Petersen expressed his opinion that the area specified would be normal for a hotel. Mr. Soofi agreed, from his past experience the liquor license covered the building's interior.

Commissioner Clapp urged caution due to the pool area. Commissioner Gibson acknowledged that Mr. Soofi's description would cover wedding receptions and private parties. Hannah Eisner, Deputy Corporation Counsel, added that for practical purposes the facility was one (1) premise.

Commissioner Stockton questioned if there would be mini bars in the guest rooms. Mr. Soofi responded negatively.

Commissioner Gibson questioned staff training. He cited the TIPS, (Training for Intervention Procedures by Servers of Alcohol), program. He also questioned if the cash register would have software which controls alcohol sales by requiring that a date of birth be entered. Mr. Soofi noted that identification would be check at the lounge door.

Commissioner Clapp questioned if there would be events in the lounge. Mr. Soofi responded negatively. The lounge was small. Clarion policies restrict parties to the facility's meeting rooms and/or atrium area. He added that video games were not allowed in the lounge.

Commissioner Stockton questioned Internet access. Mr. Soofi noted that the property (building/parking lot) offered wireless access. Commissioner Stockton expressed his appreciation for the fact that the City would offer a Clarion hotel. Mr. Soofi noted his willingness to accept the General Manager's position due to the planned renovation.

Ms. Eisner questioned if Bloomington Ambient, LLC would act as the facility's operator. Mr. Soofi responded affirmatively. Bloomington Ambient, LLC would own and manage the facility. Bloomington Ambient, LLC also owned two (2) other hotel properties.

Based on the above, the Liquor Commission recommends to the City Council that an RAS liquor license for Bloomington Ambient, LLC, d/b/a Clarion Hotel, located at 1219 Holiday Dr., be created, contingent upon compliance with all applicable health and safety codes.

Respectfully,

Stephen F. Stockton
Chairman of Liquor Commission

Motion by Alderman Matejka, seconded by Alderman Gibson that an RAS liquor license for Bloomington Ambient, LLC, d/b/a Clarion Hotel located at 1219 Holiday 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 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 Puran Grocery, Inc., d/b/a Puran Grocery, located at 1704 Eastland Dr., Ste. 11 - 12, 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 Puran Grocery, Inc., d/b/a Puran Grocery, located at 1704 Eastland Dr., Ste. 11 - 12, requesting a PAS liquor license which allows the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Stephen Stockton, Rich Buchanan, Marabeth Clapp, Steve Petersen and Mark Gibson; Hannah Eisner, Deputy Corporation Counsel, Lt. Tim Stanesa, Police Department, and Tracey Covert, City Clerk; Talwinder Gill and Sarbjit Jhattu, Applicant representatives and owners.

Commissioner Stockton requested that the Applicant explain the business plan. Sarbjit Jhattu, Applicant representative and owner, addressed the Commission. He and his wife, Talwinder Gill, opened the grocery store approximately two (2) months ago. They also operate a restaurant, Puran India Restaurant, 1704 Eastland Dr., Ste. 9.

Commissioner Stockton questioned if Puran Grocery would carry Indian brands of alcohol. Mr. Jhattu responded affirmatively. Commissioner Stockton questioned the Applicants' experience with alcohol sales. Mr. Jhattu responded affirmatively. He cited his seven (7) years of experience in the restaurant business. He had managed the Taj Mahal restaurant for five (5) years before opening Puran India Restaurant.

Commissioner Stockton noted that this Application represented a second liquor license. Hannah Eisner, Deputy Corporation Counsel, questioned if the two (2) businesses shared one (1) premise. Mr. Jhattu responded negatively.

Commissioner Petersen questioned the business hours. Mr. Jhattu informed the Commission of the business hours. Puran Grocery would be open from 10:00 a.m. to 10:00 p.m. He noted that the grocery store would not open until 12 noon on Sundays. He added that Puran India Restaurant's business hours were as follows: lunch from 10:30 a.m. to 2:00 p.m., and dinner from 5:00 p.m. to 10:00 p.m.

Commissioner Buchanan arrived at 4:30 p.m.

Commissioner Clapp questioned the percentage of alcohol sales at Puran Grocery. Mr. Jhattu noted that the majority of sales would be for food. Puran Grocery was an Indian grocery store. Commissioner Petersen questioned where the alcohol would be purchased. Mr. Jhattu noted that there was a distributor in Peoria who carries Indian products.

Commissioner Clapp questioned staffing. Talwinder Gill, Applicant representative and owner, addressed the Commission. She planned to manage the Puran Grocery. She cited her previous restaurant experience.

Commissioner Stockton noted the Applicants' liquor license experience. He added that they had a good record.

Commissioner Buchanan noted that he had stopped by the store. He questioned the number of cooler doors that would be stocked with alcoholic beverages. Mr. Jhattu stated that only two (2) coolers would be dedicated for alcohol sales. Commissioner Buchanan questioned the location of the hard liquor. Mr. Jhattu noted the small area behind the cash register.

Commissioner Stockton questioned the standard size which would be stocked. Mr. Jhattu noted 750 ml bottles. Commissioner Stockton cautioned the Applicants that there had been discussions regarding a ban on single serve sales.

Based on the above, the Liquor Commission recommends to the City Council that a PAS liquor license for Puran Grocery, Inc., d/b/a Puran Grocery, located at 1704 Eastland Dr., Ste. 11 - 12, be created, contingent upon compliance with all applicable health and safety codes.

Respectfully,

Stephen F. Stockton
Chairman of Liquor Commission

Motion by Alderman Matejka, seconded by Alderman Gibson that a PAS liquor license for Puran Grocery, Inc., d/b/a Puran Grocery located at 1704 Eastland Dr., Ste. 11 - 12, 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 Schmidt, Finnegan, Gibson, Sprague, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented:

October 24, 2005

1017

To: Honorable Mayor and Members of City Council

From: Staff

Subject: Annexation of Constitution Trail between West Washington Street and Route 9

The western leg of Constitution Trail that runs from Interstate 74 to Illinois Route 9 is currently outside of the City's corporate limits. Some parts of the trail along this stretch are contiguous to the City, where the adjacent property has annexed, but there are enough gaps that the entire length of this section of the Trail cannot be annexed. There is a piece lying between West Washington Street and Illinois Route 9 that has many points of connection and staff believes this provides sufficient contiguity to annex this part of the trail to the City. By law, the City can annex its own property by the passage of an Ordinance. Staff respectfully recommends that Council pass an Ordinance annexing this section of land between West Washington Street and Illinois Route 9.

Respectfully,

Hannah R. Eisner
Deputy Corporation Counsel

Tom Hamilton
City Manager

ORDINANCE NO. 2005 - 107**AN ORDINANCE FOR THE ANNEXATION OF THAT PART OF THE
CONSTITUTION TRAIL LYING BETWEEN WASHINGTON STREET AND ILLINOIS
ROUTE 9 NOT PRESENTLY WITHIN THE CORPORATE LIMITS OF THE CITY OF
BLOOMINGTON**

WHEREAS, there is presently territory which is owned by the City of Bloomington lying between Washington Street and Illinois Route 9 that is a hiking and biking trail known as the Constitution Trail; and

WHEREAS, 65 ILCS 5/7-1-9 provides that whenever any contiguous, uninhabited, unincorporated territory is owned by any municipality, that territory may be annexed by that municipality by the passage of an ordinance to that effect; and

WHEREAS, the territory hereinafter specifically described is uninhabited and is contiguous to the City of Bloomington and, therefore, is entitled to be annexed to the City of Bloomington, McLean County, Illinois; and

WHEREAS, the lands herein referred to are legally described on Exhibit A attached hereto and incorporated by reference.

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

Section 1. That the territory described on Exhibit A which is not now included within the City Limits of any City, village or incorporated town, and which territory is uninhabited and is owned by the City of Bloomington, Illinois, be and the same hereby is, annexed to the City of Bloomington, Illinois and shall be a part of said City of Bloomington, Illinois.

Section 2. This ordinance shall be in full force and effect from and after its passage and approval as required by law.

Section 3. That a copy of this Ordinance, together with an accurate map of the annexed territory, by recorded in the office of the County Recorder of McLean County, Illinois, as by the statutes in such case made and provided.

PASSED this 24th day of October, 2005.

APPROVED this 25th day of October, 2005.

APPROVED:

Stephen Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

TRACT 1

All that part of the former consolidated rail corp. (Conrail, formerly Peoria and Eastern Railroad) right-of-way as deeded to the City of Bloomington in Document No 1994-15037 lying north of the north right-of-way of Washington Street and south of the south right-of-way of Illinois Route 9 in Sections 1 and 2 of T23N,R1E,3RD P.M. in McLean County, Illinois, containing 14.58 acres +/-

TRACT 2

All that part of the right -of-way of Illinois Route 9 north of and adjacent to Tract 1

TRACT 3

All that part of the right -of-way of Washington St. south of and adjacent to Tract 1

Motion by Alderman Matejka, seconded by Alderman Gibson that the Ordinance be passed.

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

Ayes: Aldermen 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: An Ordinance Reducing the Number of Fire and Police Commissioners from Five to Three

Examinations are currently scheduled for November 7, 2005 to establish an eligibility list for the position of Assistant Fire Chief. This matter has been a source of litigation between the City and

several Captains who would be eligible to be promoted if a list were in place. Unfortunately, it appears at this time that if the membership of the Board of Fire and Police Commissioners remains set at five members, a quorum will not be available on November 7. One of the Commission positions is currently vacant. One of the Commissioners has a very serious illness affecting a family member which makes that Commissioner's ability to participate on November 7 doubtful at best. A third Commissioner is scheduled to be out of the country.

This proposed Ordinance reduces the number of authorized members of the Board of Fire and Police Commissioners from five to three, but does not remove any current Commissioners from office. It is anticipated that one of the current Commissioners will resign after this Ordinance is passed, which will permit a quorum at the November 7th testing process, and will remove a source of contention (the Assistant Fire Chief positions) within the Fire Department.

The staff respectfully recommends that Council approves Text Amendment, and that the Ordinance be passed.

Respectfully,

Todd Greenburg
Corporation Counsel

Tom Hamilton
City Manager

ORDINANCE NUMBER 2005 – 108

AN ORDINANCE REDUCING THE NUMBER OF COMMISSIONERS ON THE BOARD OF FIRE AND POLICE COMMISSIONERS FROM FIVE TO THREE

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

Section One: That Section 63(a) of Chapter 2 of the Bloomington City Code, 1960, as amended, is further amended as follows:

(a) There is hereby created a Board of Fire and Police Commissioners, consisting of ~~five~~ three members whose terms of office shall be three years and until their respective successors are appointed and have qualified.

Section Two: This ordinance shall be effective upon passage and approval, but shall not require any current Commissioners to resign or be removed from office.

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

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

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

PASSED this 24th day of October, 2005.

APPROVED this 25th day of October, 2005.

Steve Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Matejka questioned the purpose of this text amendment. Tom Hamilton, City Manager, addressed the Council. In the short term, the Board would be reduced to allow a quorum to be present in order that business could be conducted. Mayor Stockton noted that there were various issues facing the Board's members. There had been discussions regarding the creation of separate commissions for the Fire and Police Departments. The Board involved a time commitment. Its duties were time consuming. He informed the Council that an individual was scheduled for an interview to serve on this Commission.

Alderman Purcell informed the Council that he had consulted with the firefighters' union regarding this reduction to the number of Commissioners. Mayor Stockton was not overly concerned. This Board was unbiased.

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

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

Ayes: Aldermen 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 Proposals for Data Networking Hardware Replacement

During Fiscal Year 05-06, equipment replacement dollars was budgeted to replace aging, fully depreciated networking hardware. This equipment is located at both the City's network "core" and multiple "distribution" areas. The core equipment is physically located in the City Hall building and comprises the center, or heart, of the City's data network. It provides a central connection point for all networking hardware located in other buildings throughout the City. It also provides central access to the Internet, and other agencies outside the City's network to all City buildings on the network. The distribution equipment that needs to be replaced provides network connectivity to City Hall, Police, Public Service, Public Service Garage, Engineering and Fire Headquarters (Station #1).

Staff requested RFP's to provide the network hardware, configuration, testing, project management and implementation services required to replace such an integral part of the City's network. Responses were received from a number of qualified vendors. It is imperative that the selected vendor is able to plan and execute the required cut over steps efficiently, as this process will create a disruption in the City's network capability. Although some downtime is inevitable, the selected vendor will be responsible for minimizing this disruption however possible.

Responses were very competitive, making a recommendation a difficult one. Vendors providing the two least expensive responses were within \$1,000 of each other, while the three least expensive respondents were within approximately \$8,000 of each other on a project worth nearly \$200,000. The responses are as follows:

Burwood Group	Bloomington	\$215,484.22
Novanis	Springfield	\$197,202.88
Sentinel Technologies	Springfield	\$189,359.48 *recommended
STL Technology Partners	Bloomington	\$227,963.21
Verizon Select Services	Bloomington	\$190,272.89

Sentinel Technologies of Springfield and Verizon Select Services of Bloomington provided the two lowest responsive proposals. Although these two vendors bring some different strengths to a project like this, staff's evaluation has resulted in their overall value being identical. Both vendors complied with all requirements listed in the RFP, and both have proven track records for accomplishing similar networking projects. Both have provided positive reference accounts which are comparable to the size and scope of this project. Both have proven their ability to support this type of network configuration on an ongoing basis. In short, staff would be comfortable selecting either vendor to perform the scope of this project.

Staff respectfully requests that Council award the work to Sentinel Technologies, the lowest bidder, in the amount of \$189,359.48, and authorize the Purchasing Agent to issue a purchase order for same. Payment will be made with funds budgeted in the Computer Services Equipment Fixed Asset (F11610-72120) and Other Professional & Technical Services (G11610-70220) accounts.

Respectfully,

Scott Sprouls
I.T. Manager

Tom Hamilton
City Manager

Tom Hamilton, City Manager, introduced this item. The Request for Proposal, (RFP) process allowed City staff to look at a vendor's qualifications and go beyond price. City staff meets with the vendors to determine the best proposal. Both vendors can do the work. The difference was price. City staff recommended the less expensive RFP.

Alderman Matejka noted that there was less than \$1,000 difference between the RFP's. Verizon was a top twenty (20) employer with over 700 employees. He cited the company's property tax bill.

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

Motion carried.

Phillip Wood, 3016 Wisteria, addressed the Council. Mr. Wood was Verizon's Vice President – Communications, within the state. Bloomington was the state corporate center. He had spoken with Alderman Huette and requested discretion. A factor in reaching a decision should have been people first. Verizon was a committed local business. Verizon

gave the City VIP service. Verizon was a part of the community which also should have been a factor when reaching a decision. Verizon should be viewed as an investor in infrastructure. Verizon investment statewide totaled \$1 billion. Verizon was a good neighbor. The Verizon Foundation had made a \$500,000 investment in the community. Beyond the technical difference, there was a \$900 cost difference. He expressed his hope that the partnership between the City and Verizon would continue.

Alderman Matejka cited Verizon's new facility on the City's west side. Mr. Wood noted the super head in site. There were only two (2) in the country. The other was located in Tampa, FL. These sites were central collecting points for high speed data/voice and would also include cable. Mayor Stockton noted that it would not be a local center. It would provide service nation wide. There were a number of additional locations slated for deployment.

Alderman Schmidt noted that the work would be done by local people. Mr. Wood responded affirmatively. Verizon's staff was well trained and took this project seriously.

Bill Venvertloh, 4022 Spring Ln., Springfield, addressed the Council. He noted that the RFP did not specify that the vendor be local. Sentinel was equipped to do the work with four (4) certified engineers. Sentinel currently supports the state's Department of Human Services. Sentinel had provided impeccable references. Sentinel was the number one (1) IT (Information Technology) telephone vendor in the state. He acknowledged that the City was not Sentinel's local community. However, it could install and support systems within the City.

Mayor Stockton questioned where the employees were located. Mr. Venvertloh noted that the installation crews resided in Springfield. Support staff resided locally. Mayor Stockton noted that the claimed number one (1) ranking was based upon Sentinel's Springfield and Downer Grove offices. Mr. Venvertloh responded affirmatively. Sentinel served a variety of customers state wide.

Motion by Alderman Matejka, seconded by Alderman Finnegan to return to order. Mayor directed the clerk to call the roll which resulted in the following:

Motion carried.

Mayor Stockton noted that there was a local vendor. Another vendor had submitted an RFP in good faith. Todd Greenburg, Corporation Counsel, addressed the Council. A bid requires that it be awarded to the lowest responsible bidder. The City can consider the ability to perform, were the specifications met at certain price, a vendor could have it rights enforced in court. An RFP meant that City staff had requested that the formal bidding process be waived due to factors which cannot be quantified. He cited computer technology as an example. An RFP was more open and allowed the best value for the public dollar.

Mayor Stockton questioned if the City could give consideration to a local company. Mr. Hamilton restated that City staff had looked at the technological capabilities of each company. Both can do the work. The next factor was price. The selection of a local company would be a Council decision. Mr. Greenburg added that there was a big difference between a bid and an RFP. Mr. Hamilton added that over the years for a variety of reasons the Council has selected a local company.

Alderman Matejka expressed his appreciation to Sentinel for their submission of an RFP. He recommended that the RFP be awarded to Verizon to allow these dollars to churn in the local community.

Alderman Sprague noted that the Council must face the community. Verizon was a good neighborhood. The City would take care of its citizens at Sentinel's expense.

Alderman Finnegan stated that because an RFP had been selected the Council could select Verizon. This would not be an option under the formal bidding process.

Motion by Alderman Matejka, seconded by Alderman Gibson that the project be awarded to Verizon Select Services in the amount of \$190,272.89, and the Purchasing Agent authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following were presented:

To: Honorable Mayor and Members of City Council

From: Staff

Subject: An Ordinance Amending Chapter 45, Section 900.3 (Definitions), and Chapter 45, Section 900.4 (Registration)

Staff proposes an amendment to Chapter 45, Section 900.3 (Definitions) adding definitions to clarify certain concepts in our Rental Inspection Ordinance. Specifically the Ordinance will define "Residential Rental Unit" and "Rent".

Additionally, staff proposes an amendment to Chapter 45, Section 900.4 (Registration) to clarify what buildings need to register every year. The inspectors have experienced difficulty with buildings that are vacant or for sale. The owners do not believe there is a need to register the buildings if not currently occupied and rented. Failure to register the buildings creates problems

for the inspectors, such as the ability to track these properties and the possibility that these buildings might “fall through the cracks”. Staff wishes to prevent this type of activity from becoming a way to circumvent the inspection ordinance.

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

Respectfully,

Laura Hall
Asst. Corporation Counsel

Tom Hamilton
City Manager

PROPOSED ORDINANCE NO. 2005-

AN ORDINANCE AMENDING BLOOMINGTON CITY CODE CHAPTER 45

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

SECTION 1. That the Bloomington City Code Chapter 45, Section 900.3 and Section 900.4 shall be and the same is hereby amended to read as follows (additions are indicated by underlining; deletions are indicated by strikeouts):

Chapter 45 : Section 900.3 : Definitions.

- (1) An owner is the person or other legal entity whose name is on the deed recorded in the county recorder's office in McLean County.
- (2) Excellent (New or Like New) - an extremely good or new component which has been replaced/repared or recently corrected to meet City Code.
- (3) Good - A component which is above average in condition. No obvious maintenance required, but not necessarily new.
- (4) Sound - average (no observed defects) Some evidence of normal wear and tear, with age, in that a few minor repairs are needed (i.e. paint, tacking down a shingle, etc.)
- (5) Minor Violation - a component is in need of repair to extend its life. It has minor code violations or has incipient violations. An incipient violation exists if, at the time of inspection, it is thought that the physical condition of an element in the structure will deteriorate into an actual violation in the near future (approx. 1-2 years).
- (6) Major Violation - the component's useful life is near, a lot of repair is needed. It would be a major expense to replace the component (usually greater than \$1,000 to repair/replace.)

(7) Critical Violations - the component's useful life is over, it is an immediate health and safety hazard, it is a candidate for demolition, cost to replace/repair exceeds 100% of the value of the structure. (Ordinance No. 2003-72)

8) RESIDENTIAL RENTAL UNITS Any unit in an apartment house, duplex or a single family home that is rented or available for rent located in the City of Bloomington.

(9) RENT The consideration, including any deposit, bonus, benefit or gratuity, demanded or received for or in connection with the use or occupancy of a residential rental unit.

Chapter 45 : Section 900.4 : Registration.

(a) Except as otherwise provided, every owner of a building containing residential rental units except for those listed in paragraph 900.4(b), vacant or occupied, shall file a registration statement with the Department of Planning and Code Enforcement, annually on or before January 1 of every year for each such rental building on forms provided by the Department of Planning and Code Enforcement. Any such registration statements shall be prima facie proof of the statement therein contained in any administrative enforcement proceeding or court proceeding instituted by the City against the owner or owners of the building. Upon the initial registration a temporary certificate of inspection will be issued and remain in force until the first inspection.

(b) All owners of buildings containing residential rental units must register that building regardless of whether the building is vacant, for sale, or any other status other than being owner-occupied.

(c) Once a building is registered as a rental, it must be registered every year unless occupied by the owner and a sworn statement is on file with the city of Bloomington attesting to its status as an owner-occupied building.

~~(b)~~ (d) The provisions of this section shall not apply to the following:

- (1) Owner occupied single family homes and that portion of a duplex or multifamily structure occupied by the owner.
- (2) Condominiums (owner/occupied only).
- (3) Hotels and Motels as defined in Chapter 44 Section 3.20-97.0.
- (4) Nursing Homes as defined in Chapter 44 Section 3.20-131.0.
- (5) Housing operated by the Bloomington Housing Authority.
- (6) Rooming houses as defined in Chapter 44 Section 3.20-157.
- (7) Bed and breakfast establishments as defined in Chapter 44 Section 3.20-16.1.

(8) Community reception establishments as defined in Chapter 44 Section 3.20-44.3.

~~(e)~~ (e) Transfer of ownership. The registration is not transferable. All buildings must be registered and the registration fee paid by the new owner upon transfer of ownership.

~~(f)~~ (f) Information Required.

The registration statement shall include:

1. Address of the building.
2. Type of building and number of units and addresses for each unit, e.g. "1", "A", "upper".
3. Name, address and telephone number of the owner of the building.
4. Name address and telephone number of the building manager of the building.
5. If owner is a corporation, the name and address of the registered agent.
6. If there is a mortgage on the building, the name and address of the mortgage holder.
7. Name of any buyer on a contract for deed.

(g) The Director of Planning and Code Enforcement may, at any time, require additional relevant information of the owner or building manager to clarify items on the application for registration statement.

(d) (h) Owners required to file registration statements shall pay a fee as indicated in Section 900.17. Registration statements will not be considered filed unless accompanied by the required fee. Registration statements filed after January 31st shall be assessed a late filing fee in the amount provided in Section 900.17. (Ordinance No. 2003-72)

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

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

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

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

PASSED this 24th day of October, 2005

APPROVED this _____ day of October, 2005

APPROVED:

STEPHEN F. STOCKTON
Mayor

ATTEST:

TRACY COVERT
City Clerk

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: An Ordinance Amending Chapter 45, Section 900.17

Staff has experienced problems collecting fees from property owners in the Rental Inspection Program. Staff believes that if the fees owed to the City were attached to the annual registration, the fees would be more easily collected.

Additionally, staff believes that this Text Amendment would be more efficient than filing a small claims action in Court, although this action would still be available, if necessary. Staff respectfully recommends that the Text Amendment be approved and the Ordinance passed.

Respectfully,

Laura Hall
Asst. Corporation Counsel

Tom Hamilton
City Manager

PROPOSED ORDINANCE NO. 2005-

AN ORDINANCE AMENDING BLOOMINGTON CITY CODE CHAPTER 45

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

SECTION 1. That Bloomington City Code Chapter 45, Section 900.17, shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

(a)___The City shall assess the following fees for registration and inspections required by this section:

1. Registration: \$25.00 per multi-unit building with more than 2 units; \$10.00 for single-family and duplex.
2. Late Registration: \$100.00 per building.
3. Inspection fee: \$7.50 per dwelling unit in each building.
4. Missed inspection fee: \$50.00
5. Second re-inspection appointment fee: \$50.00 per building.
6. Willfully providing false information on the registration statement: \$250.00.

(b)Any fees due and owing shall be added to the yearly registration fee and must be paid in fully at the time of registration. In addition to all fees owed a penalty of \$100.00 may be assessed for late payment of fees. Failure to pay fees may result in a revocation of the building's Certificate of Inspection.

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

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

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

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

PASSED this 24th day of October, 2005.

APPROVED this _____ day of October, 2005.

APPROVED:

STEPHEN F. STOCKTON
Mayor

ATTEST:

TRACEY COVERT
City Clerk

Alderman Schmidt noted that the proposed text amendments would change the rental housing inspection program. She had attended a meeting the previous week. She questioned what City staff was attempting to address. Mark Huber, Director of P.A.C.E., addressed the Council. His intention was to clarify the rental housing inspection program. There were instances where the code was ambiguous. The definition of rental unit had been reworked with the City's Corporation Counsel staff. It was hoped that these changes would ease enforcement.

Alderman Schmidt noted that the property would be registered and not the landlord. She questioned the impact of a real estate sale. Mr. Huber noted that City staff needed to maintain a database. The property owner would be responsible to notify the P.A.C.E. office at the time of sale.

Alderman Purcell expressed an interest in hearing from the landlord association.

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

Motion carried.

Dan Moore, 205 S Evans, addressed the Council. He currently served as President, Central Illinois Landlord Association. This association was newly formed. He stated that the registration of vacant buildings was unfair. He added his opinion that any vacant home was technically available for rent. Property owners would change their portfolios.

Mayor Stockton requested clarification. Mr. Moore cited a home with four (4) units would become owner occupied. He restated that any vacant home would be seen as being available for rent. Vacant properties which are for sale should not be required to register.

Alderman Schmidt noted City staff's efforts to build a registry. She questioned how to sustain this listing. Mr. Moore expressed his belief that this would be the Township Assessor's responsibility.

Alderman Sprague questioned if the Township Assessor documented rental properties. Mr. Moore responded negatively. The assessment office tracked owner occupied buildings.

Alderman Matejka stated the importance of following a property's status. The City knows there is a new owner at the time of sale. Mr. Moore restated his concern regarding the registration of vacant homes. Alderman Matejka cited the rental housing portfolio. The City needed a number of ways to track these properties. He questioned if the proposed text amendments should be approved.

Alderman Sprague expressed his opinion that the proposed scenario would happen infrequently. He questioned if there was an appeal process. Mr. Huber responded negatively for registration. If a landlord had a zoning and/or construction issue, then there was an appeal process.

Alderman Schmidt stated that the issue was the City's desire for landlords to have a dialogue with City staff. There were ways to improve this program. The proposed text amendments were an opportunity. Tom Hamilton, City Manager, noted that there was no rush. Mr. Moore represented a new organization. These two (2) items could be laid over until the Council's November 14, 2005 meeting.

Mr. Moore expressed his interest in opening a dialogue with the City that would involve City staff and the elected officials. Alderman Schmidt noted that she had heard some good ideas. Todd Greenburg, Corporation Counsel, added that there also was a tenants organization. Mayor Stockton requested that if delayed the parties make good use of the time provided. Mr. Huber informed the Council that registration paperwork would have to be held until after the Council's November 14th meeting. This would be done to insure that the paperwork complied with current City ordinance.

Alderman Schmidt questioned if the lay over would allow enough time. Mr. Moore requested five (5) days notice to gather his board.

Alderman Purcell questioned how many properties fell through the cracks. Mr. Huber acknowledged that the percentage was small. The goal was to identify the rental properties. The program was two (2) years old. At this time only fifty to fifty-five percent (50 – 55%) of these properties have been inspected for the first time. Alderman Purcell stated that the inspections have been inconsistent. Mr. Huber noted that the properties must be registered annually. The inspection fee is paid at the time of inspection.

Alderman Schmidt questioned if these two (2) items would be combined. Mr. Huber noted that if the City was not paid at the time of inspection, then this fee would be added to the property's next registration with a surcharge.

Mayor Stockton recommended that City staff meet with the landlords and report back to the Council on November 14, 2007.

Nick Butzrius, 505 E. Jackson, addressed the Council. He currently served as Vice President, Central Illinois Landlord Association. The Association had not met. He anticipated that there would be a lot of concerns on the part of landlords. He expressed his opinion that the proposed text amendments were poorly written. He cited the definition of a residential rental unit. He bought and sold a lot of property. He questioned what would not qualify. Mr. Greenburg noted any unit not owner occupied would qualify. Mr. Butzrius stated that any unit for sale would qualify. Buildings have been registered for two (2) years and never inspected. He currently owned 239 properties. This program was not running smoothly. Landlords were disgruntled. He expressed his opinion that the program did not work. Alderman Schmidt recommended that Laura Hall, Asst. Corporation Counsel, be invited to the meeting.

Alderman Purcell acknowledged that he had received complaints from landlords. The goal of the program was healthier rental property environments.

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

Motion carried.

Alderman Matejka noted the importance of dialogue. The tenants should also have a voice. The goal was safe, dependable housing. Mayor Stockton agreed that all parties should share the same goal – safe/quality housing. He questioned how to accomplish this.

Motion by Alderman Schmidt, seconded by Alderman Matejka that the Ordinances amending Chapter 45, Section 900.3 (Definitions) Chapter 45, Section 900.4 (Registration), and Chapter 45, Section 900.17 be laid over until the Council meeting of November 14, 2005.

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

Ayes: Aldermen 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: Proposed 2005 Tax Levy and Process

In order to adopt a levy, an estimate must be formally set. The Truth in Taxation Law (35 ILCS 200/18-85) has two requirements to meet in the process of adopting a levy. They are as follows:

- 1.) "Not less than 20 days prior to the adoption of its aggregate levy.....the corporate authority of each taxing district shall determine the amounts of money....estimated to be necessary to be raised by taxation for that year upon the taxable property in its district."
- 2.) "If the estimate of the corporate authority made....is more than 105% of the amount extended or estimated to be extended....the corporate authority shall give public notice of and hold a public hearing on its intent to adopt an aggregate levy in an amount which is more than 105% of the amount extended or estimated to be extended....The notice shall appear not more than 14 days nor less than 7 days prior to the date of the public hearing."

In addition, the Tax Levy Ordinance must be passed and a certified copy filed with the County Clerk on or before the last Tuesday in December, (December 27, 2005). In order to meet the various timing requirements to legally adopt a levy in December, an "estimated" levy must be set in late October or early November. The levy adopted is supposed to be supported by the budget adopted the previous spring.

The 2005 total recommended property tax levy is \$18,942,504 which is a 4.48% increase over the 2004 levy extension of \$18,130,311. The primary reason for the increase is an extra \$290,479 for the Fire Pension Levy (up 20.22%) and an additional \$307,989 the Police Pension Levy (up 20.28%) to pay for growing costs in those areas. The proposed levy is based on a projected Equalized Assessed Valuation (EAV) of \$1,472,297,506 which is 4.00% above the 2004 EAV of \$1,415,670,679. Staff received the estimate of about 4.00% growth in EAV from discussions with the Township Assessor, Mike Ireland.

The current tax rate is \$1.28069 per \$100 of EAV for the 2004 levy (\$1.00710 for the City and \$0.27359 for the Library). The projections for the 2005 levy generates an estimated tax rate of \$1.28659 per \$100 of EAV (\$1.01060 for the City and \$0.27600 for the Library). The increase in the levy amount subject to Truth In Taxation is 2.76%, which is below the 5% threshold that requires a newspaper publication and a public hearing before adopting the final levy. Therefore, the proposed levy below will not require that the City have newspaper publication and a public hearing before adopting the final levy.

The following is a comparison of last year's levy as extended by the County Clerk to this year's estimated levy.

	Estimate 2005	Extension 2004	% Increase
General Corporate	\$2,897,699	\$3,123,536	-7.23
Police Protection	1,216,961	1,159,010	5.00
Fire Protection	1,216,811	1,158,868	5.00
Public Parks	912,237	868,797	5.00
IMRF Fund	1,237,614	1,190,013	4.00
Social Security Fund	1,222,007	1,175,007	4.00
Fire Pension Fund	1,726,903	1,436,471	20.22
Police Pension Fund	1,826,840	1,518,873	20.28
Judgment Fund	700,049	333,812	-52.32
Public Library Fund	4,063,521	3,873,133	4.92
Public Benefit Fund	155,016	155,000	-0.01
Audit Fund	75,958	72,341	5.00
Truth in Taxation Subtotal	16,885,363	16,431,124	2.76
1991 S.E. Improvement Bonds	695,000	695,000	0.00
1993 Improvement Bonds	393,663	410,988	- 4.22
1996 Police Facility Bonds	517,720	507,990	1.92
2001 Refinancing Issue	84,570	85,209	- 0.75
2003 Capital Imp. Issue	366,188	0	
Debt Service Subtotal	2,057,141	1,699,187	21.06
Total Tax Levy	18,942,504	18,130,311	4.48

Council should note that the largest increases on a percentage basis are for the Police and Fire Pension funds as required to fund our statutory obligations. All other increases recommended are those considered routine to keep a balanced budget in pace with the growth of the City. Staff respectfully requests that Council approve the time line to finalize this levy is as follows:

1. Set the estimated levy at the October 24, 2005 meeting to begin the 20 day time clock running.
2. Formally adopt the levy at the December 12, 2005 meeting.

The staff recommends that the Council authorize the preparation of the necessary documents to proceed with this process.

Respectfully,

Brian J. Barnes
Director of Finance

Tom Hamilton
City Manager

Tom Hamilton, City Manager, noted that there were newly elected officials. He hoped all understood the process. Brian Barnes, Finance Director, addressed the Council. The City must set an estimated Tax Levy twenty (20) days in advance of adopting the formal Tax Levy. He had performed the necessary calculations and the City had not exceeded the Truth in Taxation limit. A Public Hearing on the Tax Levy would not be required. The actual Tax Levy Ordinance would appear before the Council at the last meeting in November or the first meeting in December. There must be a formal adoption of the Tax Levy and it must be filed with the County Clerk by the last Tuesday in December. Tonight's vote would start the twenty (20) day clock.

Motion by Alderman Matejka, seconded by Alderman Finnegan that the proposed levy be adopted as the estimate of \$18,942,504 for the 2005 City levy.

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

Ayes: Aldermen 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: \$9.9 Million Fixed Rate Bond Issue

In continuation of the plan laid out to build the Cultural District, the City is moving forward to issue the last set of bonds needed to accomplish this goal. This will be a fixed rate, General Obligation bond issue, with a duration of 20 years.

The bond sales will be closed on the day of the Council meeting, October 24, 2005. The Bond Counsel and financial advisors will be present at the same meeting with the completed Ordinance and related documents for approval. Other than the possibility of refinancing some existing debt in the future to save interest costs, there are no plans for any further issuance of debt at this time.

Staff respectfully requests that Council approve the related documents and the Ordinance be passed.

Respectfully,

Brian J. Barnes
Director of Finance

Tom Hamilton
City Manager

(ORDINANCE 2005 - 109 ON FILE IN THE CITY CLERK'S OFFICE.)

Brian Barnes, Finance Director, introduced this item. This item represented the conclusion of direction from Council given to City staff four (4) years ago. It was a part of the financial plan to revitalize the Downtown. This item represented the last piece of the debt and would bring this issue to a close. No new bonds would be issued. In the future, the City may consider refinancing. Mr. Barnes provided a financial summary.

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

Motion carried.

Todd Krzyskowski, JP Morgan, (financial advisor), addressed the Council. He had prepared a written report entitled Pricing Results for \$9.9 million General Obligation Bond, Series 2005. He referred the Council to page 1 which addressed the planning process. This issue was for a twenty (20) year period. He reviewed the issue's highlights: the debt level, the City's credit rating was reviewed and remained strong; the extremely favorable interest rate (3.9%); an electronic process was used, ten (10) bids were received with .08 basis point range; proceeds would be available on November 10, 2005. A Bid Summary was contained on page 3. The low bid was from Morgan Kegan, Memphis, TN. The bond detail was listed on page 4. He cited the community's credit strength. The debt service was represented within the Tax Levy. The City ratings were listed on page 6. The strong ratings were based upon the tax base and the City's management, (elected officials and staff). The appendix contained the full text reports of the rating agencies. The information was good for comparison to other communities.

Alderman Purcell cited the debt service on \$9.9 million. Alderman Sprague questioned \$730,000 compared to budget. Mr. Barnes stated that the figure was within the Cultural District's revenue stream. Alderman Sprague stated that this was the last bond issue. Mr. Barnes noted new debt that included the Cultural District. Alderman Sprague questioned if this issue included the park. Tom Hamilton, City Manager, responded negatively. The Bloomington Center for the Performing Arts', (BCPA), park would see minimal grading and seeding. The park would be the final piece. Alderman Sprague questioned if there were other unfunded projects. Mr. Hamilton cited the former Physician's office building and open space. Alderman Sprague questioned if the Cultural District's Capital Campaign would pay for these projects. Mr. Hamilton responded negatively. Alderman Sprague requested that a Work Session be held on November 14, 2005 to address unfunded issues and where the dollars would come from. Mayor Stockton noted that the capital campaign's goal was \$5 million.

Mr. Barnes thanked the Council for the strong financial ratings. The City needed to strengthen revenues and control costs. The ratings spoke to the strength of the City's finances.

Motion by Alderman Schmidt, seconded by Alderman Matejka that the Council return to order.

Motion carried.

Motion by Alderman Matejka, seconded by Alderman Schmidt that the related documents to complete the \$9.9 million issuance of 2005 General Obligation Bonds for the Cultural District be approved and the Ordinance passed.

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

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

Nays: Alderman Sprague.

Motion carried.

The following was presented:

To: Members of the City Council

From: Liquor Commission

Subject: Request of Mac's Convenience Stores, LLC, d/b/a Circle K #1210, located at 1210 W. Market St., currently holding a GPBS liquor license, which will allow the sale of packaged beer and wine for consumption off the premises seven (7) days a week and requesting that the license conditions be lifted, 1.) no sale of packaged beer in volume of 40 oz. or less and 2.) packaged alcohol be allowed in groups of six or more

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to hear the request of Mac's Convenience Stores, LLC, d/b/a Circle K #1210, located at 1210 W. Market St., currently holding a GPBS liquor license which allows the sale of packaged beer and wine for consumption off the premises seven (7) days a week and requesting that the license conditions be lifted, 1.) no sale of packaged beer in volume of 40 oz. or less and 2.) packaged alcohol be allowed in groups of six or more. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Marabeth Clapp, Steve Petersen and Mark Gibson; Hannah Eisner, Deputy Corporation Counsel, Lt. Tim Stanesa, Police Department, and Tracey Covert, City Clerk; Rick Cagle, Regional Manager and License holder representative, and Dimitrius Christopoulos, License holder's attorney.

The Liquor Commission reviewed the letter submitted by Dimitrius Christopoulos, License holder's attorney.

Commissioner Stockton requested that the License holder explain this request. Commissioner Buchanan requested clarification. He recalled the Commission recommending these conditions

be placed upon the store (Store #1211, 513 S. Clinton) located at the intersection of Oakland and Clinton, (northwest corner). Hannah Eisner, Deputy Corporation Counsel, responded affirmatively. Commissioner Stockton noted that these conditions were placed upon the Store #1211 located at 513 S. Clinton based upon the neighborhood concerns which cited that people were gathering to drink there. He added that the Commission recommended single sale restrictions. Ms. Eisner responded negatively. These two (2) conditions were imposed by the Council. Commissioner Buchanan recalled the neighbors citing the proximity of the Home Sweet Home Mission. He did not recall complaints for this store. Commissioner Gibson recalled that there were issues. Ms. Eisner noted that the Commission's conditions addressed lighting and fencing. The Commission's minutes, dated September 9, 2003, were available. There was a belief that additional lighting would address the congregating issue. The request before the Commission at this hearing was to remove the conditions placed upon the Market St. (#1210) store.

Commissioner Gibson questioned the stores location along Market St.

Commissioner Petersen questioned that if there were no significant neighborhood concerns and the Commission placed no conditions upon the license, then how did the Market St. (#1210) store end up with conditions upon the license. Commissioner Gibson recalled the issues surrounding the revocation of Red Fox's liquor license. Ms. Eisner added that there was the discomfort on the Council with the combination of gasoline and alcohol sales. She noted that the Council's make up had changed.

Commissioner Gibson expressed his confusion. The conditions addressed the sale of single serve and/or spirits ("A" all types of alcohol).

Mr. Christopoulos expressed Mac's willingness to work with the community. However, Circle K needed to be competitive. All of Mac's liquor license applications had been approved. Mac's has a good record. His client was willing to forego controversial sales and was not requesting an "A", all types of alcohol, license classification. There also was not a request for Store #1211 located at 513 S. Clinton. The request was to lift the two (2) conditions placed upon the Market St. store, (#1210). He noted that there had been no violations at this location.

Commissioner Gibson questioned the Police Department's opinion. Lt. Tim Stanesa, Police Department, addressed the Commission. There were no policing issues. Ms. Eisner noted that there had not been a Police audit at this location. There had been two (2) audits at the Clinton St. store.

Commissioner Buchanan questioned if there had been any contact with Justin Crum, 1216 W. Market St. Mr. Cagle noted that Mr. Crum had appeared at the Application hearing before the Commission. However, he did not attend the City Council meeting. Mr. Cagle recalled that Mr. Crum's concerns addressed lighting and the store's business hours. Mr. Christopoulos read from the Commission's minutes. He noted that a security light is left on and Mr. Crum has not complained. He described his letter as a Petition and offered to answer any questions. He made two (2) major points: 1.) Mac's had been a responsible license holder and had lived with the conditions, and 2.) these conditions had impacted total sales which were down by twenty-five

percent (25%). A convenience store must be just that. Ms. Eisner noted that the City did not contact Mr. Crum. Mr. Cagle informed the Commission that he had spoken with Mr. Crum recently. He added that Mr. Crum's concerns were not related to the restrictions imposed.

Commissioner Clapp questioned if the conditions were the variable. Mr. Cagle informed the Commission that Mac's had obtained data from the distributors which provided comparative sales reports. Mr. Cagle noted that a change to store hours would also impact sales. He cited a twenty-four (24) hour store which closed overnight (for a total of six hours). The Market St. store (#1210) had lost walk up sales.

Commissioner Buchanan questioned the single sales condition and what items were not permitted for sale. Mr. Cagle stated anything which weighed 40 oz. or less. Commissioner Buchanan noted that there were no conditions for packages with six (6) or more. Mr. Cagle noted that this condition included four (4) packs.

Commissioner Petersen questioned other convenience stores' offerings. Mr. Cagle noted the other nearby license holders, (Thorton, Pilot, Freedom - none have these conditions). Ms. Eisner noted that Mac's other stores located at 1903 and 2302 W. Market St. can also sell these items.

Commissioner Gibson noted that the Commission had handled applications on a case by case basis. Commissioner Clapp noted that the City lacked consistency. Ms. Eisner reminded the Commission that the City did not have an ordinance regarding single serve. The Alcoholic Beverage Code Section 4B. Creation of New License - Findings lists fourteen (14) criteria which should be considered by the Commission. One of these is impact upon the neighborhood. She cited the factors which impacted the Clinton St. store. This store is located in a residential neighborhood. A number of the neighbors presented testimony in opposition to that application. Commissioner Clapp noted that one (1) person was concerned about this application, (#1210). She encouraged the Commission to look at the store's business record and consider the nearby competition.

Commissioner Stockton expressed his support for a level playing field. However, he also favored a restriction on the sale of cold, single serve sizes. He acknowledged that there was testimony in opposition to the application at the Clinton St. store.

Commissioner Buchanan expressed his opinion that small, cold, single serve containers might lead to illegal consumption. However, he had not been presented with any evidence to support this.

Commissioner Gibson noted that cold, single serve sizes were still available. These products are aggressively marketed. There are license holders who are adamant that banning these products would hurt sales. He noted that he had not seen any statistics to support this thought. He referenced the Osco Drug located at 210 N. Center St. Thirty-three percent (33%) of the facing cooler was stocked with single serve sizes. These products represented forty percent (40%) of alcohol sales.

Commissioner Petersen left at 5:00 p.m.

Commissioner Stockton restated his support for a level playing field. The Commission/Council must define that level. Commissioner Gibson cited the "G" license classification. He questioned the number of GPBS (Gasoline, Packaged Beer & Wine, Sunday) versus GPAS (Gasoline, Packaged All Types, Sunday) licenses.

Ms. Eisner encouraged the Commission to consider the factors presented by Mac's. She cited the lost traffic, (which was both vehicular and walk-in). This store would be considered a neighborhood store. Mr. Cagle responded affirmatively. He added that it was also located on a main thoroughfare. Ms. Eisner noted that this store has operated with the restrictions. The question before the Commission was whether to lift the conditions or not. Mac's is requesting a response to business challenge.

Mr. Christopoulos expressed his opinion that the conditions were placed upon this store to address real or perceived issues. This store has been compliant and operated under the conditions for two (2) years. Mac's has done better staff training than the previous owner. Mac's operates over 300 stores. The company must be careful and be watchful of any violations occurring at any of these locations. The corporation's culture addressed this store's concerns and improved the site. Mr. Cagle added that Mac's cannot testify about prior issues. Mac's is aware that there are tolerance levels. This locations in not open twenty-four (24) hours and there had not been a police complaint. At the initial liquor hearing, valid issues were brought forth. However, Mac's was not given the opportunity to address them. Commissioner Buchanan noted that the testimony presented today was compelling. In the end, the Council will make the final decision.

Commissioner Clapp questioned if the Commission would take further action. Commissioner Gibson stated that the Commission was doing the right thing. The Council will make the final decision. He expressed his hope that the Council would provide direction to the Commission. He added that the Town of Normal would also have to take the single serve issue under consideration. He noted that he was opposed to single serve sales. Commissioner Clapp noted that this issue had been addressed by the Commission before. Commissioner Gibson noted that the playing field needed to be level. The Commission's obligation was to make a formal recommendation to the Council. He noted that all liquor licenses would be scheduled to renew in December 2005. He questioned if the GPA license classification should be removed from the City code.

Commissioner Stockton noted that as Mayor he was comfortable supporting the Commission. He would share this information with the Council. He noted that at some point there might be a discussion regarding a city wide ban on single serve containers. Mr. Cagle informed the Commission that Rock Island had recently denied a motion to ban single serve sales. Mac's interest was in a level playing field and would abide by any condition.

Commissioner Buchanan recommended that the License holder be prepared to make a short presentation. Mr. Christopoulos noted that he had the back up data. Commissioner Stockton requested that Mr. Christopoulos prepare a report to be included in the Council packet.

Based on the above, the Liquor Commission recommends to the City Council that upon extensive review of the conditions, and in the absence of definitive data, the two (2) conditions should be lifted.

Respectfully,

Stephen F. Stockton
Chairman of Liquor Commission

Mayor Stockton introduced this item.

Alderman Matejka questioned if the neighborhood had been notified. Tracey Covert, City Clerk, responded negatively. Alderman Matejka noted that the property owner and Liquor Commission, (LC), were present at the Liquor Hearing. Mayor Stockton noted that the license holder and the LC were present. Hannah Eisner, Deputy Corporation Counsel, addressed the Council. This license appeared before the Council on September 23, 2003. Mayor Stockton noted that over two (2) years had passed.

Alderman Schmidt cited the concerns raised regarding the liquor license for the Mac's store located at the intersection of Clinton and Oakland. She did not want to set a precedent. She had received positive feedback from the neighbors. She noted that one or two (1 or 2) had complained.

Alderman Matejka recalled that there were concerns raised that the issues at the former Red Fox would move to this location. He urged some caution regarding this area/neighborhood. He did not want there to be an opportunity for violations.

Mayor Stockton recalled that one (1) person appeared before the LC. Ms. Eisner added that this individual expressed his concerns regarding lighting, litter, and loitering.

Alderman Purcell informed the Council that he had spoken with Mr. Crum several months ago. He did not mention any concerns.

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

Motion carried.

Dimitrious Christopoulos, attorney for Mac's Convenience Stores, addressed the Council. He was accompanied this evening by Rick Cagle, Mac's Midwest Director of Operations. This request was only for the store located at 1210 W. Market St. Mac's believed that they had addressed Mr. Crum's concerns regarding lighting and security. Competition was the issue. Single serve sales represented five percent (5%) of sales. This issue impacted convenience and viability. Mac's has operated this store for two (2) years without a

violation. There were no issues with the Police Department. He noted that there have been police audits at this store. Mac's corporation culture was compliance.

Mayor Stockton noted that the police audits were aimed at underage sales. Mr. Christopoulos noted that Mac's ran a lawful business that many respect. Mayor Stockton noted that if the condition was lifted and problems reoccurred that the condition would be reinstated. Mr. Christopoulos requested that he be notified in advance. He expressed his hope that problems would not reoccur.

Alderman Schmidt cited the revenue loss from single serve sales. Mr. Christopoulos informed the Council that these figures applied to total beer sales. Mac's was losing beer sales which resulted in a lost to the customer base. Mac's still carried a line of convenient items for sale.

Alderman Purcell questioned how Mac's defined single serve. Mr. Christopoulos noted that there were a variety of sizes. Mac's considered anything under forty ounces, (40 oz.), as single serve. Alderman Purcell questioned if the customer would act responsibly after the sale.

Mayor Stockton noted his tenure on the LC. Concerns have been raised regarding the sale of cold single serve alcoholic beverages. The LC may consider a total ban of these items. There was one (1) establishment with such a condition.

Alderman Matejka disagreed with the Mayor. This store was within walking distance to Holton Homes. Historically, the single serve issue had been significant. The issue was not parity.

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

Motion carried.

Alderman Matejka recommended that this item be laid over to allow Alderman Purcell to host a neighborhood meeting. He added that the Bloomington Housing Authority should be asked to comment. He would feel more comfortable making a decision with public input.

Alderman Schmidt cited the Mac's store which was located at the intersection of Oakland and Clinton. There were neighborhood issues which have been eliminated by the conditions placed upon the liquor license.

Motion by Alderman Matejka, seconded by Alderman Sprague that the item be laid over until the November 14, 2005 City Council meeting.

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

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

Nays: Alderman Purcell.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Public Hearing on the Petition submitted by ARK VI, LLC and Kraft Farms, LLC requesting approval of an Annexation Agreement that requests annexation and R-1C High Density Single Family Residence District, R-2 Mixed Residence District, S-2 Public Lands and Institutions District, and B-1 Highway Business District zoning for approximately 102.16 acres of agricultural land 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) (Case Z-18-05)

BACKGROUND INFORMATION:

Adjacent Zoning

north: R-1C - High Density Single Family Residence District & S2 Public Lands & Institutions District
 south: (County) Agriculture
 east: (County) Agriculture
 west: (County) Agriculture & B-1 – Highway Business District

Adjacent Land Uses

north: church & cropland
 south: cropland
 east: cropland
 west: dwellings, church, and landscape business

1998 Comprehensive Plan recommends: “Regional Highway Commercial” for the southern 25% and “Agriculture/Vacant” for the balance.

Proposed Comprehensive Plan recommends: “Conservation/Recreation” for the park site, “Regional Highway Commercial” for the land within the 60 Level Day/Night (LDN) Airport Noise Contour and “Low /Medium Density Residential” for the remainder.

The property in question is a 102.16 acre tract that is contiguous to the City’s corporate limits. The proposed agreement requests the following zoning classifications for the property in question:

- B-1 Highway Business District for southern 41.88 acres;
- S-2 Public Lands and Institutions District for the northeastern 13.2 acres for the future public park;

- R-2 Mixed Residence District for between 11.9 acres north and west of this aforementioned B-1 area; and
- R-1C High Density Single Family Residence District for the remaining 35.18 acres north of this aforementioned R-2 area.

Kraft Farms, LLC (a.k.a. “ OWNER B”) presently owns all of this 102.16 acre tract except for what had been previously dedicated for public right-of-way. ARK VI, LLC (a.k.a. “OWNER A”) is the contract buyer of the northern & western 65.61 acres legally described in Exhibit B. The Exhibit B property is to be known as the Eagle View South Subdivision which will be developed in phases. The 11.9 acre R-2 area will be planned for 60 “zero lot line” lots (60 dwelling units) and one outlot for a wet bottom storm water detention basin, while the 35.18 acre R-1C area will provide 65 conventional lots for single family dwellings. The B-1 area will be subdivided into 10 commercial lots and one outlot for a storm water detention basin. “OWNER B” will retain ownership of the southeastern 36.55 acres legally described in Exhibit A. That portion of the 102.16 acre property in question that is within the 60 LDN Airport Noise Contour should also be zoned into the S-3 Airport Noise Impact District.

The City Development Committee had reviewed the second draft of this Annexation Agreement and identified the following issues and concerns that were subsequently adequately addressed in the revised draft of this proposed agreement (recommended text deletions are “~~strikethroughs~~” & recommended new text insertions are in “*italics*”):

1. Page 2, item 2: Add the following sentence after the first sentence of item 2: “*That portion of the **PREMISES** that is within the 60 LDN Airport Noise Contour shall be zoned into the S-3 Airport Noise Impact District as an overlay zone.*” The last sentence in item 2 should be revised as follows: “~~The OWNERS~~ **OWNER A** may ~~develop~~ *develop* approximately ~~44.83~~ *11.9* acres of the ~~R-1C High Density Single Family Residential~~ *R-2 Mixed Residence* District parcel into a cluster subdivision under the bulk regulations for single family ~~attached~~ *attached* housing.”
2. Page 2, item 4: Revise the first sentence to read as follows: “~~The OWNERS~~ **OWNER** agrees to submit a preliminary subdivision or plans in substantial conformity with Exhibit ~~B- C~~, which is attached hereto and made a part hereof.” Revise the fifth sentence to read as follows: “Each initial preliminary plan shall be effective for ~~the duration of this agreement~~ *up to three years in compliance with the CITY’S Subdivision Code.*”
3. Page 3, item 7.: Revise the last sentence to read as follows: “~~Both dry and~~ wet bottom storm water detention facilities, after completion, shall be ~~accepted by the City~~ *owned and maintained by the property owner or the homeowners’ association.*”
4. Page 3, item 8.: Add the following sentence after the last sentence of item 8: “*The entrance sign location shall be subject to approval by the Director of Engineering for the CITY, and the OWNERS shall provide a hold harmless agreement to the CITY indemnifying the CITY from any liability for damages to said entrance sign.*”

5. Page 4, item 9.: Revise to read as follows: ~~The OWNERS~~ **OWNER A** shall satisfy the park land dedication requirements by making a dedication of the real estate as depicted on Exhibit ~~B- C~~ hereto.”
6. Page 4, item 11.: Revise the first sentence to read as follows: “The **OWNERS** shall have a ~~no~~ water main tap on *fee* payment requirements of \$25.00 per front foot of frontage for the water main along Towanda Barnes Road.” Delete the second sentence as follows: ~~Any water main over survey shall be at the expense of the City.~~
7. Page 4, item 16.: Revise the second and third sentences to read as follows: “The interior roads shall be constructed by **OWNER B- A** for the real estate described in Exhibit B which shall provide access to the proposed city park. The ~~—City—~~**CITY** agrees to reimburse **OWNER B- A** ½ of the cost of the road which is adjacent to the proposed city park.”

PLANNING COMMISSION PUBLIC HEARINGS:

The Planning Commission held public hearings on this petition on September 28, 2005 and October 12, 2005 and recommends the same. At the September 28th hearing, Mr. Kenneth Emmons, City Planner, noted that the City staff recommended that Case Z-18-05 be continued to allow more time for discussion with the petitioners regarding the remaining unclarified issues. He noted that a meeting was scheduled for October 3, 2005 to meet with the petitioners. Mr. Mercer Turner, Attorney at Law, #1 Brickyard Drive, #202, stated that the petitioners concurred with staff’s request to continue the public hearing. No testimony was presented in favor of or in opposition to this petition at this public hearing. The Commission continued the hearing until October 12, 2005 by a vote of 9 to 0.

At the October 12th hearing, Mr. Emmons recommended that the Planning Commission recommend Council approval of this Annexation Agreement in Case Z-18-05 subject to the recommended revisions cited herein. The following persons presented testimony in favor of Case Z-18-05 at this October 12th hearing:

- Mr. Mercer Turner, Attorney at Law, #1 Brickyard Drive, #202
- Mr. Neil Finlen, P.E. Farnsworth Group Inc. 2709 McGraw Drive

Mr. Turner stated that the petitioners were agreeable to staff’s concerns including the additional comments and that they be incorporated into the agreement. Mr. Finlen explained that the zoning of the development is designed to match recommended land use as illustrated in the recently adopted Bloomington Comprehensive Plan. He noted that two acres of park space from the development to the north (Eagle View Subdivision) would adjoin the park space of this development for a total of 15 acres. He testified that there would be areas for detached single family homes, attached single family homes, and business lots. He indicated that the County Highway Department had only allowed one new access onto Towanda Barnes Road, at Baywood Road.

Commissioner Baughan inquired regarding the use of a cul-de-sac north of G.E. Road. Mr. Finlen commented that the developers would have preferred to connect west to Towanda-Barnes

Road, but that it is more likely that a connection could be added to run eastward when the B-1 zoned tract to the east is developed. Commissioner Shaw inquired whether the proposed subdivision could be served with existing gravity sewer.

Mr. Finlen replied in the affirmative. Commissioner Rackauskas noted the proposed B-1 zoning would be adjacent to the south border of the proposed park. Chairperson Cain noted that the decision for B-1 zoning was likely influenced by the location, being within the 60 LDN airport noise contour area. Commissioner Rackauskas noted that it was her hope that the arrangement would prove an opportunity for creative and appropriate land use patterns.

Chairperson Cain inquired about the future of the grain silos located along G.E. Road. Mr. Finlen replied that there had been a purchase, that the lease runs for another four or five years, and that he expected to see development after that. Commissioner Shaw if there was a plan to extend Constitution Trail eastward along G.E. Road. Mr. Keith Rich, Director of Parks and Recreation, replied that there is a plan to do so, and that it was his hope to have it included in the five year City budget.

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

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission closed the public hearing on this petition on October 12, 2005, and passed a motion by a vote of 9 to 0 recommending Council approval of the Annexation Agreement in Case Z-18-05, as revised consistent with staff's concerns.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission's recommendation for approval of this petition in Case Z-18-05 provided that the first sentence in Item 16 on Page 4 of the proposed Annexation Agreement is revised to read as follows: "The **OWNERS** shall have ~~no~~ adjacent substandard street improvement obligations *for G.E. Road in compliance with the CITY'S Subdivision Code.*"

Respectfully,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

Tom Hamilton, City Manager, introduced the following items, (Annexation and Rezoning, and Preliminary Plan for Eagle View South Subdivision). These two (2) items laid out the plan for this development which was consistent with the Comprehensive Plan. He cited the requested zoning. There would also be a thirteen (13) acre park site. The park would be centrally located and allow access to three (3) of the four (4) sides. Storm water detention would be the responsibility of the property owner/developer. He cited the

noise contour issues which resulted in the request for residential and business zoning districts. McLean County would allow limited access to Towanda Barnes Rd. The developer has presented a good plan which met City Code.

Alderman Schmidt questioned who was on the Development Committee. Mr. Hamilton informed the Council that this committee consisted on the City's department heads. He added that the City would not pay for the street which abutted the park.

Mayor Stockton noted that there would be lots within the noise contour. Mr. Hamilton responded affirmatively. It was not possible to eliminate it. There were requirements which addressed insulation, windows, etc. Buildings can be built to be in compliance with same.

Alderman Sprague questioned if the area to be zoned B – 1, Highway Business District, would be kid friendly.

Mayor Stockton opened the Public Hearing.

Neil Finlen, Farnsworth Group, 2709 McGraw Dr., addressed the Council. He would speak on behalf of the developers. Constitution Trail would extended along G.E. Rd. This would be done to provide access to the park site. There would be sidewalks. He cited park access and the B – 1, Highway Business District, area. Residents of the subdivision would be informed in advance of same as the entire parcel would be zoned at one time.

Alderman Sprague questioned land south of the multi family zoning area. Mr. Finlen responded affirmatively. The L shaped tract would be developed and zoned residential and include the park site. Mr. Hamilton compared this development to the Handley property. Alderman Sprague questioned if there would be a berm and a fence. Mr. Finlen responded affirmatively with a combined height of six feet (6'). Alderman Sprague questioned if the subdivision's covenants would allow fences. Mr. Finlen responded negatively. The subdivision would be uniform. The access issue was resolved with McLean County. The plan had been reviewed by Airport Authority. It was in agreement with the layout. The developer made the concession regarding the street cost in return the City allowed an additional residential lot. The project had been a cooperative effort. The final concern involved the fee to be paid for the adjacent substandard street, (G.E. Rd.). The development would offer sixty-six (66) single family residential lots, sixty (60) mixed residence lots, and ten (10) commercial lots.

Mayor Stockton questioned access to the Trail. Mr. Finlen noted that there would be a right of way easement on the west side of Towanda Barnes Rd. from Ft. Jesse Rd. to G.E. Rd. There currently is a farmstead. The developers must address the intentions of the County Highway Department. Out lots were reserved land. The developers envisioned a berm to separate the residential area from the highway business area. There was room for the Trail. Mr. Hamilton added that commercial traffic would not travel through the residential area. Mayor Stockton cited his concern regarding pedestrian access.

Alderman Sprague requested a provision for foot traffic between the residential and business areas. He expressed a willingness to approve these two (2) items tonight if this item could be added. Mr. Finlen conceded that this request had never been considered. Mayor Stockton expressed his concern regarding the utility easement.

Mayor Stockton closed the Public Hearing. He noted that approval of the Annexation Agreement was subject to the Council's request for pedestrian access.

Motion by Alderman Matejka, seconded by Alderman Sprague that the revised Annexation Agreement be approved provided that the first sentence in Item 16 on Page 4 of the proposed Annexation Agreement is revised to read as follows: "The OWNERS shall have no adjacent substandard street improvement obligations for G.E. Road in compliance with the CITY'S Subdivision Code." ; the eight (8) corrections sited in the body of this memo included, 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 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: Petition submitted by ARK VI, LLC and Kraft Farms, LLC requesting approval of the Preliminary Plan for the Eagle View South Subdivision on approximately 65.61 acres of agricultural land located south of Eagle View Subdivision & 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) (Case PS-12-05)

BACKGROUND INFORMATION:

Adjacent Zoning

north: R-1C - High Density Single Family Residence District & S2 Public Lands & Institutions District

south: (County) Agriculture

east: (County) Agriculture

Adjacent Land Uses

north: church & cropland

south: cropland

east: cropland,

west: (County) Agriculture & B-1 - Highway
Business District

west: dwellings, church,
landscape co.

The 1998 Comprehensive Plan recommends: "Regional Highway Commercial" for the southern 25% and "Agriculture/Vacant" for the balance.

Proposed Comprehensive Plan recommends: "Conservation/Recreation" for the park site, "Regional Highway Commercial" for the land within the 60 LDN Airport Noise Contour and "Low /Medium Density Residential" for the remainder.

The property in question is a 65.61 acre tract that is now contiguous to the City's corporate limits. This is the northern and western 65.61 acres of the 102.16 acres that is the subject of the annexation agreement in Case Z-18-05. The Preliminary Plan proposes the following zoning classifications for the property in question:

- B-1 Highway Business District for Lots 126-135 & Outlot 136
- S-2 Public Lands and Institutions District for the future public park (Lot 139)
- R-2 Mixed Residence District for Lots 66-125 north of this aforementioned B-1 area; and
- R-1C High Density Single Family Residence District for Lots 1-65 & Outlots 137 & 138, the remaining area north of this aforementioned R-2 area

This property is to be known as the Eagle View South Subdivision which will be developed in phases. The R-2 is planned for 60 "zero lot line" lots (60 dwelling units) and one outlot (for a storm water detention basin), while the R-1C area will provide 65 conventional lots for single family dwellings. The B-1 area will be subdivided into 10 commercial lots and one outlot (for a wet bottom storm water detention basin). That portion of the property in question that is within the 60 LDN Airport Noise Contour will also be zoned into the S-3 - Airport Noise Impact District.

The Cover Sheet (Sheet 1 of 6) requests the following "WAIVERS":

1. Developer allowed to construct 6' high decorative fence or combination of decorative fence and berm with a maximum combined height of 6' along Towanda-Barnes Road.
2. Waiver to permit the centerline of the Towanda Barnes Road and Baywood Road intersection to be closer than 250 feet to the centerline of Escalade Road and Baywood Road intersection as depicted on the Preliminary Plan for the Eagle View South Subdivision.

PLANNING COMMISSION PUBLIC HEARINGS:

The Planning Commission held public hearings on this petition on September 28, 2005 and October 12, 2005 and recommends the same. At the September 28th hearing, Mr. Kenneth Emmons, City Planner, noted that City staff recommended that Case PS-12-05 be continued to allow more time for discussion with the petitioners regarding any remaining unclarified issues. He noted that a meeting was scheduled for October 3, 2005 to meet with the petitioners. Mr. Mercer Turner, Attorney at Law, #1 Brickyard Drive, #202, stated that the petitioners concurred

with staff's request to continue the public hearing. No testimony was presented in favor of or in opposition to this petition at this public hearing. The Commission continued the hearing until October 12, 2005 by a vote of 9 to 0.

At the October 12th hearing, Mr. Emmons recommended that the Planning Commission pass a motion recommending Council approval of the Preliminary Plan for the Eagle View South Subdivision in Case PS-12 05 with said requested waivers, provided that such plan be revised as follows:

Insert a Note # 17 on the Cover Sheet (Sheet # 1 of 6) to read as follows: "A 15 foot wide driveway constructed of Portland Cement Concrete with a minimum thickness of six inches (or a two inch bituminous concrete surface on an eight inch base of crushed gravel or crushed stone) shall be constructed by the Developer and depicted on the preliminary plan to provide a hard surface access for City maintenance vehicles to travel back to the sanitary sewer manholes located along the north edge of Lots # 135 and Outlot 136 and the south edge of Outlot 137."

Mr. Emmons referred to an October 7, 2005 "Consistency Review" in relation to the Bloomington Comprehensive Plan, from Mr. Paul E. Russell, AICP, Executive Director of the McLean County Regional Planning Commission, which states:

"The project as currently proposed is not consistent with the Comprehensive Plan because it does not provide for the planned east-west collector street through the property. Also, an additional street connection is needed for adequate access to the 60 housing units proposed on the south side of the residential development. The project would also be enhanced by a trail on the eastern edge of the property to connect the proposed park to G.E. Road, where it could eventually be connected to Constitution Trail."

Mr. Emmons noted that this subdivision would be entered through Baywood Road from the west, and exited east, through a road in the Eagle View Subdivision. Mr. Neil Finlen, P.E., Farnsworth Group, Inc., 2709 McGraw Drive, commented that they were unable to have a second access granted onto Towanda Barnes Road and that City staff did not favor the routing of commercial traffic through a residential area. Mr. Emmons inquired if the petitioners accepted the staff report's revision requesting a paved-surface access to the sanitary sewer manholes for City maintenance vehicles. Mr. Finlen indicated that the petitioners accepted the revisions.

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

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission closed the public hearing on this petition on October 12, 2005, and passed a motion by a vote of 9 to 0 recommending approval of Case PS-12-05 with requested waivers and as revised consistent with staff's concerns.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission's recommendation for approval of the Preliminary Plan for the Eagle View South Subdivision in Case PS-12 05, with said requested waivers provided that it is revised as follows:

Insert a Note # 17 on the Cover Sheet (Sheet # 1 of 6) to read as follows: "A 15 foot wide driveway constructed of Portland Cement Concrete with a minimum thickness of six inches (or a two inch bituminous concrete surface on an eight inch base of crushed gravel or crushed stone) shall be constructed by the Developer and depicted on the preliminary plan to provide a hard surface access for City maintenance vehicles to travel back to the sanitary sewer manholes located along the north edge of Lots # 135 and Outlot 136 and the south edge of Outlot 137."

Respectfully submitted,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

PETITION FOR APPROVAL OF PRELIMINARY PLAN

STATE OF ILLINOIS)
)SS
COUNTY OF MCLEAN)

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

NOW COMES ARKVI, LLC., an Illinois limited liability corporation, hereinafter referred to as your petitioners, respectfully representing and requesting as follows:

1. That your petitioners are the owners of the freehold estate of the premises hereinafter described in Exhibit A attached hereto and made a part hereof and made a part hereof by reference;
2. That your petitioners seek approval of the Preliminary Plan for the subdivision known and described as Eagle View South Subdivision, Bloomington, Illinois, which Preliminary Plan is attached hereto and made a part hereof.

Wherefore, your petitioners pray that the Preliminary Plan for Eagle View South Subdivision submitted herewith be approved and the exemptions or variations as requested herein.

Respectfully submitted,

ARK VI, LLC

By: Mercer Turner, their Attorney

STATE OF ILLINOIS)
)SS
MCLEAN COUNTY)

I, the undersign Notary Public in and for said County, in the State aforesaid, do hereby certify that Mercer turner, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act for the uses and purposes therein set forth.

Given under my hand and notarial seal, this 16th day of September, 2005.

Tammie Keener
Notary Public

ORDINANCE NO. 2005 - 110

**AN ORDINANCE APPROVING THE PRELIMINARY PLAN 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 Preliminary Plan 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 Preliminary Plan 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 Preliminary Plan 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.

PASSED this 24th day of October 2005.

APPROVED this 25th day of October 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

**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 sought 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 sad 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 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 Way 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 feet 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.

EXHIBIT B

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 said 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.

Tom Hamilton, City Manager, introduced this item. He stated that the Preliminary Plan would implant the Annexation Agreement, (previous item). All elements were addressed with the Preliminary Plan.

Motion by Alderman Matejka, seconded by Alderman Sprague that the Preliminary Plan be approved contingent upon it being revised as follows: Insert a Note # 17 on the Cover Sheet (Sheet # 1 of 6) to read as follows: "A 15 foot wide driveway constructed of Portland Cement Concrete with a minimum thickness of six inches (or a two inch bituminous concrete surface on an eight inch base of crushed gravel or crushed stone) shall be constructed by the Developer and depicted on the preliminary plan to provide a hard surface access for City maintenance vehicles to travel back to the sanitary sewer manholes located along the north edge of Lots # 135 and Outlot 136 and the south edge of Outlot 137", and the Ordinance be passed.

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

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

Nays: None.

Motion carried.

MAYOR'S DISCUSSION: Mayor Stockton informed the Council that the Neighborhood Traffic Calming Committee had met regarding Linden St. The vote was discussed. No street humps would be installed. It was the City's intention to continue to look at this street. Alderman Schmidt questioned if there was anything the Council could do. Mayor Stockton expressed his belief that not much would change in a year.

He informed the Council that discussions had continued regarding broadcasting Council meetings.

CITY MANAGER'S DISCUSSION: Tom Hamilton, City Manager, stated that a water report had been e:mailed to the Council. Lake Evergreen was being used as it was full and there was plenty of water. Lake Bloomington's water level was down. There were no restrictions at this time.

He reminded the Council that the City would be closed on Friday, November 11, 2005 for the Veterans Day holiday. Refuse pick up would be as usual.

ALDERMEN'S DISCUSSION: Alderman Purcell recognized the Parks & Recreation Department. He expressed his appreciation for the Miller Park Pavilion and Friendship Park.

Alderman Matejka questioned if the water report addressed long range water. He added that he was glad that the Liquor Commission was examining the single serve issue at establishments with a "G" Gasoline liquor license. Mayor Stockton noted that the concern went beyond the "G" license classification. It addressed any "P" Package liquor license.

Alderman Sprague thanked Keith Rich, Director, and Dean Kohn, Superintendent - Parks & Recreation, and Brian Brakebill, Director - Public Service, for attending a neighborhood meeting. They did an outstanding job.

He had attended a parks program on Saturday, October 22, 2005 which he compared to the 4th of July program.

He also questioned if the leases had been signed for the US Cellular Coliseum. Todd Greenburg, Corporation Counsel, noted that the management agreement was signed. The hockey team lease was in Michigan. The football team lease was with Ed Brady's attorney.

Alderman Sprague questioned if the Ensenberger Building's title had been encumbered, (Mr. Huff). Hannah Eisner, Deputy Corporation Counsel, addressed the Council. The agreement had been received two (2) months ago. This project had been secured by the Front-n-Center building. The title will not transfer until the project is completed. Mr. Hamilton informed the Council that the parties had acquired the parking lot located north of the structure.

Motion by Alderman Sprague, seconded by Alderman Matejka that the meeting be adjourned. Time: 9:45 p.m.

Motion carried.

Tracey Covert
City Clerk