

**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 7:35 p.m., Monday, December 13, 2010.

The Meeting was opened by Pledging Allegiance to the Flag followed by moment of silence.

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: Judy Stearns, Kevin Huette, Bernie Anderson, David Sage, Jennifer McDade, Steven Purcell, Karen Schmidt, Jim Fruin and Mayor Stephen F. Stockton.**

**Alderman absent: John Hanson.**

**City Manager David Hales, City Clerk Tracey Covert, and Corporate Counsel Todd Greenburg were also present.**

**The following was presented:**

**Rich Strle, Japan Sister City Committee Chairperson, introduced Yurika Mori. Ms. Mori was here as an exchange student from Asahikawa, Japan. Ms. Mori addressed the Council. She attended Normal Community High School. She expressed her appreciation for the opportunity to come to Bloomington – Normal. She enjoyed the community and her experiences here. This was her first trip to the United States. Mayor Stockton questioned if there were surprises. Ms. Mori stated there were many surprises. She would return to Japan in June 2011. When she returned home she planned tell her friends about the good times she had in America. Mayor Stockton requested Ms. Mori give regards to Asahikawa from the citizens of Bloomington – Normal. The City would be celebrating the 50<sup>th</sup> Anniversary of the Japan Sister Cities Exchange in 2012. He thanked Ms. Mori for attending this evening’s meeting. Becky Greckner, Sister’s City Host Family Subcommittee Chair, addressed the Council. The program was searching for a Bloomington host family.**

**Alderman Fruin read the same statement that appeared in the August 23, 2010 Council meeting regarding the Consent Agenda only prior to voting.**

**The following was presented:**

**SUBJECT: Review of an Administrative Determination of a Request for a Zoning Variation for 702 W. Washington St.**

**RECOMMENDATION:** That the appeal be denied, up holding City staff's recommendation and the Zoning Board of Appeals (ZBA) denial of this request.

**BACKGROUND:** On November 17, 2010, the ZBA held a public hearing on the Salvation Army's request for a Special Use Permit to allow an accessory garage/storage structure to a church and a noncommercial parking lot for the property located at 702 W. Washington Street.

The Petitioner requested three (3) variances from the Zoning Ordinance related to the construction of a garage/storage structure, as follows: 1.) increase to the maximum height of fourteen feet (14'); 2.) increase to the maximum 1,000 square foot floor area; and 3.) reduce the minimum number of parking spaces. The site is currently used as a parking lot. It is currently zoned R - 2, Mixed Residence District, and the petitioner desires to construct an accessory building to house a vehicle and for storage. Access will be taken from Washington Street.

The ZBA denied the three (3) variances by a vote of three to three (3 to 3). The Petitioner is appealing the denial of the height and parking space variances to Council. Staff does not support any of the variances in that they do not meet the Findings of Fact. If the proposed structure is used merely to store a vehicle and associated maintenance equipment, staff would not object to the Special Use. However this request pushes the structure to a use not permitted by the Zoning Ordinance. The denial of the variances should also insure that the building will be more in scale with other residential buildings nearby. There also should be no negative impact on providing services such as water, sewer and streets.

Staff has also recommended that Council deny the Special Use for the property located at 702 W. Washington Street. The ZBA is also not recommending approval of the Special Use, (the vote was three to three). Staff is recommending denial the appeal for this property.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Public notices in the Pantagraph, mailings to the nearby property owners and a public notice/identification sign was posted on the property.

**FINANCIAL IMPACT:** Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed by:

Mark Woolard  
City Planner

Mark Huber  
Director of PACE

Barbara J. Adkins  
Deputy City Manager

Recommended by:

David A. Hales  
City Hales

**Motion by Alderman Huette, seconded by Alderman Schmidt that the item be laid over until the Council's February 14, 2011 meeting.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Sage, Fruin and Purcell, (viva voce).**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Petition submitted by the Salvation Army, requesting a Special Use Permit for a garage/storage structure accessory to a church and a noncommercial parking lot for the property located at 702 W. Washington Street

**RECOMMENDATION:** That the Special Use Permit be denied.

**BACKGROUND:** The Zoning Board of Appeals (ZBA) held a public hearing on this petition on November 17, 2010. Two (2) people spoke against the petition and no one spoke in favor. Three (3) letters were submitted in opposition to the request. The objections pertained to 1.) obscuring the view of the nearby residences; 2.) increase traffic; 3.) preference for a repurposed building over a new building that was viewed as eyesore; 4.) appearance of a commercial property in a residential area; and 5.) possible relocation of the thrift store.

The ZBA does not recommend approval of the Special Use by a vote of three to three (3 to 3). Staff recommends that the Special Use for the property at 702 W. Washington Street be denied.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Public notices in the newspaper, mailings to the nearby property owners, and a public notice/identification sign was posted on the property.

**FINANCIAL IMPACT:** Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Mark R. Huber  
Director of PACE

Barbara J. Adkins  
Deputy City Manager

David A. Hales  
City Manager

Mayor Stockton noted the petitioner's request that the zoning variation and Special Use Permit be laid over until the Council's February 14, 2011 meeting. David Hales, City Manager, addressed the Council. It was Council's decision to honor the petitioner's request. Mayor Stockton recommended as a courtesy to the Salvation Army that the items be laid over.

Alderman Schmidt questioned if revised plans could be returned to the Zoning Board of Appeals (ZBA). Todd Greenburg, Corporate Counsel, addressed the Council. Future action was the Council's decision. Alderman Schmidt had been trying to connect with Captain Paul James of The Salvation Army. Mayor Stockton stated substantial changes to the requests would warrant a return to the ZBA.

Motion by Alderman Huette, seconded by Alderman Schmidt that the item be laid over until the Council's February 14, 2011 meeting.

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

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Sage, Fruin and Purcell, (viva voce).

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Council Proceedings of Council Proceedings of August 23, September 13, and November 8, 2010, and Executive Session Minutes of November 22, 2010

**RECOMMENDATION:** That the reading of the minutes of the previous Council Proceedings of August 23, September 13, and November 8, 2010, and Executive Session Minutes of November 22, 2010 be dispensed with and the minutes approved as printed.

**BACKGROUND:** The Council Proceedings of August 23, September 13, and November 8, 2010, and Executive Session Minutes of November 22, 2010 have been reviewed and certified as correct and complete by the City Clerk.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Not applicable.

**FINANCIAL IMPACT:** Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Tracey Covert  
City Clerk

David A. Hales  
City Manager

**Motion by Alderman McDade, seconded by Alderman Schmidt that the reading of the minutes of the previous Council Proceedings of August 23, September 13, and November 8, 2010, and Executive Session of November 22, 2010 be dispensed with and the minutes approved as printed**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Bills and Payroll

**RECOMMENDATION:** That the bills and payroll be allowed and orders drawn on the Treasurer for the various amounts as funds are available; in addition, the Treasurer is authorized to pay orders drawn on the City for the remainder of the month of December, 2010, which in the opinion of the Treasurer are the legal obligations of the City and for which there are sufficient funds on deposit for such payment, on the condition that all amounts so paid by the Treasurer for the month of December 2010 be submitted to the City Council for its review at the meeting of January 10, 2011.

**BACKGROUND:** The list of bills and payrolls will be posted on the City's website on Thursday, December 9, 2010 by posting via the City's web site.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Not applicable.

**FINANCIAL IMPACT:** Total disbursements information will be provided via addendum.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

Recommended by:

Timothy Ervin  
Director of Finance

J. Todd Greenburg  
Corporation Counsel

David A. Hales  
City Manager

(ON FILE IN CLERK'S OFFICE)

**Motion by Alderman McDade, seconded by Alderman Schmidt that the bills and payroll be allowed and orders drawn on the Treasurer for the various amounts as funds are available; in addition, the Treasurer is authorized to pay orders drawn on the City for the remainder of the month of December, 2010, which in the opinion of the Treasurer are the legal obligations of the City and for which there are sufficient funds on deposit for such payment, on the condition that all amounts so paid by the Treasurer for the month of December 2010 be submitted to the City Council for its review at the meeting of January 10, 2011.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT: Monthly Receipt & Expenditure Report for November, 2010**

**RECOMMENDATION:** That the report be received and placed on file.

**BACKGROUND:** The following report should be received and placed on file with the City Clerk:

1. Monthly Receipt & Expenditure Report, November, 2010.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Not applicable.

**FINANCIAL IMPACT:** Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Financial reviewed by:

Recommended by:

Tracey Covert  
City Clerk

Timothy Ervin  
Director of Finance

David A. Hales  
City Manager

**Motion by Alderman McDade, seconded by Alderman Schmidt that the report be placed on file and made a matter of record**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Final Payment in the amount of \$3,696.40 to the Grove at Kickapoo Creek, LLC for Ireland Grove Road Trunk Sewer – East Branch Over-Sizing

**RECOMMENDATION:** That the payment be approved.

**BACKGROUND:** On September 26, 2005, Council approved an Annexation Agreement with the Grove at Kickapoo Creek, LLC. The Annexation Agreement requires the City to pay for over sizing the sanitary trunk sewers in the Grove Subdivision. The east branch trunk sewers have been oversized to serve approximately 4,000 acres north and east of the Grove development and a portion of the Adams property south of Ireland Grove Road. Construction of the east branch trunk sewers is complete, the sewers have been televised and all punch list items have been resolved. A final invoice for \$3,696.40 has been received for the City's share of the east branch trunk sewer construction. The invoice and supporting documentation has been reviewed by staff and is sufficient for payment. The Annexation Agreement requires the City to pay the over sizing invoices within thirty (30) days of receipt of all documentation.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** The Grove at Kickapoo Creek, LLC.

**FINANCIAL IMPACT:** Final payment for this work in the amount of \$3,696.40 will be paid with Sewer Depreciation Funds (X52200-72550). As of April 30, 2010, the Sewer Depreciation Fund had a \$4,458,208 negative fund balance. Including this payment, the total cost for the City's share of this project is \$752,777.90. The current fiscal year budget includes \$205,000 for sanitary sewer over sizing in the Grove on Kickapoo Creek. This is the first payment of the year for this budget item.

Respectfully submitted for Council consideration.

Prepared by:

Financial review by:

Recommended by:

Jim Karch  
Director of Public Works

Tim Ervin  
Director of Finance

David A. Hales  
City Manager

**Ron Schultz, 1208 E. Oakland Ave., addressed the Council. He cited the total cost of the sewer system. He requested the City's costs for utilities and streets. David Hales, City Manager, addressed the Council. The information requested would be provided.**

**Motion by Alderman McDade, seconded by Alderman Schmidt that the payment be approved.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Analysis of Request for Proposals (RFP) for Fire Department Testing

**RECOMMENDATION:** That the RFP be awarded to Cooperative Personnel Services, d/b/a CPS Human Resource Services, (CPS) in the amount of \$50,000, and the Mayor and City Clerk be authorized to execute the necessary documents.

**BACKGROUND:** On September 22, 2010, Request for Proposals (RFP) was mailed to fifteen (15) testing firms in addition to providing public notification. The objective was to afford other firms an opportunity to provide services to the City and to consider a change that would allow possible new approaches. The Fire Department has previously contracted with several different companies to assist them in completing the required testing for sworn positions. The testing is for both new hires and promotions. The development of appropriate testing requires that job analyses be performed and valid job descriptions developed.

The RFP provided specifications regarding the cost of job analyses for seven (7) different ranks in the Fire Department, job descriptions, and costs for the testing process for the ranks of Assistant Chief, Captain, and Firefighter/Paramedics. The RFP required that the firm list any optional, separate, or one (1) time fee for implementation, setup, or other service expenses.



Two (2) providers responded by the deadline: Resource Management Associates and CPS. CPS's cost proposal for the testing process was less than Resource Management Associates. Resource Management Associates proposal for the job analyses and job descriptions was less than CPS s. This resulted in an effective tie in cost.

An evaluation committee, with guidance from the Purchasing Agent, reviewed and evaluated the proposals against the requirements of the RFP. The evaluation team consisted of members who have professional expertise and knowledge of the fire testing services: Mike Kimmerling, Fire Chief; Lester Siron, Deputy Fire Chief; Josh Walters, Human Resources Representative; and Ernestine Jackson, Equal Opportunity Associate.

### **Analysis and Recommendation**

Based on the committee review and comparative analysis, the evaluation committee agreed that CPS' proposal most closely met the City's needs and recommends that it be selected as the fire testing provider.

CPS provided a professional document in response to the RFP whereas Resource Management Associates provided only basic information. The committee was concerned with how the two (2) firms proposed to handle what is known as "adverse impact" which can be conceptualized as the consequences of developing a test that eliminates a protected group of applicants for other than job related reasons. Failure to recognize and properly deal with adverse impact can and does lead to legal problems for the employer.

Typically adverse impact is unintended and therefore an employer is best served by hiring a highly qualified and experienced testing firm that is very familiar with, and can handle the practical and legal implications of employment testing.

Resource Management Associates indicated within their proposal that adverse impact does exist with their tests yet offered no information in regard to its legal defensibility. CPS indicated that if adverse impact occurred, the documentation compiled would result in the legal defensibility of the testing. This indicated to the evaluation committee that CPS was the best qualified firm.

CPS has an extensive list of large City clients including Denver, CO's Fire Department and the Las Vegas Fire Department. Resource Management Associates did not provide a list of their clients. CPS will work with the Fire Department and Human Resources' staff to conduct job analyses and develop job descriptions from which appropriate testing will be designed. Job descriptions exist for some, not all positions. Job descriptions need to be updated to reflect the results of the analysis. They will also conduct the new hire and promotional testing.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Public notice of the RFP was placed in the Pantagraph. Fifteen (15) RFPs were mailed to appropriate vendors. Two (2) vendors submitted an RFP.

**FINANCIAL IMPACT:** The cost of these services will be approximately \$50,000 for all testing which will come from budgeted line item G15310-70220 and G11410-70990. The testing will

be performed at different times with the Assistant Chief test occurring May 2011, the Firefighter/Paramedic test occurring in July 2011, and the Captain test occurring in February 2012. Staff respectfully requests that Council award the contract to CPS Human Resource Services in the amount of \$50,000, and the Mayor and City Clerk be authorized to execute the necessary documents.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed by:

Josh Walters  
Human Resources  
Representative

Emily Bell, IPMA – CP  
Director of Human  
Resources

Mike Kimmerling  
Fire Chief

Reviewed as to legal sufficiency:

Recommended by:

Rosalee Dodson  
Asst. Corporation Counsel

David A. Hales  
City Manager

**Motion by Alderman McDade, seconded by Alderman Schmidt that the RFP be awarded to Cooperative Personnel Services, d/b/a CPS Human Resources in the amount of \$50,000, 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 Stearns, Huette, Schmidt, McDade, Anderson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Analysis of Bid for the Fire Station #2 Roof Replacement

**RECOMMENDATION:** That the bid in the amount of \$148,300 be awarded to Meyer Roofing, Inc., the agreement be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

**BACKGROUND:** The roof at Fire Station #2 has been a constant problem since the first year of occupancy. Attempts to correct the problems have worked temporarily but now almost thirteen (13) years later there are leaks severe enough that holes have been cut in the ceilings to allow

water to drain into buckets, and buckets placed in the attic area to catch water. The City has a history of using and occupying these buildings for more than thirty (30) years. A more permanent solution is needed to keep the integrity of the structure from further deterioration. At this time the architects have discovered rusting structural members and connections as well as damage to electrical and HVAC components in the attic. If these problems are not corrected, as well as the issue of air quality from mold and mildew much larger problems will result. The proposed roof will have a twenty (20) year warranty and provide a permanent solution.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Request for Bids were published in the Pantagraph on October 28, 2010. Only one (1) bid was received.

**FINANCIAL IMPACT:** The total bid for the roof replacement for Fire Station #2 was \$148,300. As of December 13, 2010, there is approximately \$67,000 left in the 2007 General Obligation Bond issuance available to fund this project. There may be additional funds available with this bond issue, but this information is unavailable until the invoices are finalized for Fire Station #5. Staff respectfully recommends that the roof replacement project be paid from account 4017-40170-72520 to ensure all bond proceeds are expended. Once the bond issuance is closed (which is projected to occur in FY 2012) any difference would be offset by a transfer from the General Fund. This transfer will be included as part of a future operating budget or a mid year budget amendment.

Respectfully submitted for Council consideration.

Prepared by:

Financial review:

Reviewed by:

Les Siron  
Deputy Fire Chief

Tim Ervin  
Director of Finance

Bob Floyd  
Facilities Manager

Reviewed by:

Recommended by:

Mike Kimmerling  
Fire Chief

David A. Hales  
City Manager

**Alderman Stearns cited the cost of this item. She noted the roof was built in 1997. She questioned if there was a performance bond in 1997. Mike Kimmerling, Fire Chief, addressed the Council. He did not know if there had been a performance bond in 1997. There was a performance bond for the current project. Alderman Stearns believed there had been a design flaw. Bob Floyd, Facilities Manager, addressed the Council. There may or may not have been a design flaw. The City would have to go to court to determine that.**

**Alderman Stearns questioned a legal remedy. Mr. Floyd did not believe there was a legal remedy. Alderman Stearns believed this was a lesson learned. She hoped for a twenty to thirty (20 – 30) year bond. Mr. Floyd stated there was a roofing system warranty for twenty (20) years. He recognized the installer who was present at the meeting.**

David Hales, City Manager, addressed the Council. He requested an explanation of a performance bond versus a long term warranty. Todd Greenburg, Corporate Counsel, addressed the Council. A performance bond was only for a set period of time. It was designed for certain cases, such as if the work was unable to be completed. In that case the bond company would hire someone to finish the work. The issues from 1997 were issues of fact. He was not prepared to discuss same. It would take two to three (2 – 3) months of research. Mr. Hales stated staff would research the issue before the documents were signed. Chief Kimmerling clarified that if the remaining bond funds were to be used on this project it had to be done before December 31, 2010.

Alderman Fruin noted that staff had been encouraging bidders. There were two (2) bidders for the roof project and one (1) for the Fire Department Training. The City had received very few responses from bidders.

Ron Schultz, 1208 E. Oakland Ave., addressed the Council. He questioned the value of a twenty (20) year warranty. Mayor Stockton believed it was better to have the warranty than not.

Motion by Alderman McDade, seconded by Alderman Schmidt that the bid in the amount of \$148,300 be awarded to Meyer Roofing, Inc., the agreement 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 Stearns, Huette, Schmidt, McDade, Anderson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Replacement of Fourteen (14) Panasonic Toughbook Laptop Computers

**RECOMMENDATION:** That fourteen (14) replacement Panasonic Toughbook laptop computers be purchased from PTC Select in the amount of \$26,190, and the Purchasing Agent be authorized to issue a Purchase Order for same.

**BACKGROUND:** Staff respectfully requests Council approval to replace fourteen (14) Panasonic Toughbook laptop computers. These laptops are semi-rugged laptops, designed for use in harsh environments. They will replace the currently used laptops by staff in both the Engineering and Water Departments. Semi-rugged laptops are typically used out of the office, either inside a vehicle or on a job site. Having access to information in the field is critical to maintaining efficiency of these employees.

The laptops to be replaced were purchased in 2005 and were originally due to be replaced in Fiscal Year 2008-2009 (four year replacement schedule). The replacements were delayed as part of the City's budget tightening process. These laptops are now approximately six (6) years old and are underperforming and failing.

Staff sought proposals for the replacement of these laptops and has received the following:

PTC Select	Peoria, IL	\$26,190.00	**recommended
CDS Office Technology	Addison, IL	\$27,122.46	
MNJ Technologies	Buffalo Grove, IL	\$26,539.80	
CDW Government	Vernon Hills, IL	\$26,672.99	

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Not applicable

**FINANCIAL IMPACT:** Funds for the replacement of these laptop computers have been budgeted within the Information Services (G11610-72120), Water Administration (X50110-72120) and Water Transmission and Distribution (X50120-72120) Capital Outlay Computer Equipment accounts.

Respectfully submitted for Council consideration.

Prepared by:

Financial reviewed by:

Reviewed by:

Scott A. Sprouls  
Director of Information Services

Tim Ervin  
Director of Finance

Craig Cummings  
Director of Water

Reviewed by:

Recommended by:

Barbara J. Adkins  
Deputy City Manager

David A. Hales  
City Manager

**Motion by Alderman McDade, seconded by Alderman Schmidt that fourteen (14) replacement Panasonic Toughbook laptop computers be purchased from PTC Select in the amount of \$26,190, and the Purchasing Agent be authorized to issue a Purchase Order for same.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Purchase of Two (2) Replacement Mowers for Parks Maintenance

**RECOMMENDATION:** That two (2) Kubota 72” Zero Turn mowers be purchased from Nord Outdoor Power utilizing the NJPA Procurement Program in the amount \$19,799 be approved, the Purchasing Agent be authorized to issue a Purchase Order for same, and the Resolution adopted.

**BACKGROUND:** National Joint Powers Alliance (NJPA) is a municipal agency that creates a business and service relationship alliance between buyers and suppliers. Focused on service and providing efficiency to its members, NJPA provides the opportunity to purchase through nationally leveraged, competitively bid contracts that offer the very best products and services from nearly one hundred (100) industry leading vendors.

Staff respectfully requests to purchase two (2) mowers for park maintenance by utilizing the NJPA Procurement Program through Nord’s Outdoor Power, who has the current contract for this equipment. The units recommended for purchase are two (2) Kubota 72” Zero Turn mowers. One (1) mower will be used at McGraw and Tipton Parks for mowing the athletic fields and small area mowing. The other mower will be used at O’Neil, Ewing and Pepper Ridge Parks for similar duties.

Staff recommends trading in a 2000 Jacobsen Turf Cat 72” upfront mower toward the purchase of these new mowers. This piece of equipment is currently in need of repairs to multiple hydraulic and associated hose problems. Estimated repair cost is a minimum of \$1,400. The maneuverability of this piece of equipment is limited by its wide turning radius. The Zero Turn mowers have a much tighter turning radius to allow closer mowing which will decrease the time spent on hand trimming areas an upfront mower misses. The increase in the number of acres mowed by the park maintenance staff due to the completion of McGraw Park and the public right of way mowing necessitate the need for one (1) additional mower in inventory.

The parts on the Jacobsen Turf Cat 72” upfront mower are not compatible with any other piece of equipment in inventory. The trade-in allowance from Nord’s Outdoor Power is the best value for this piece of equipment.

The contract price to purchase two (2) Kubota 72” Zero Turn mowers is \$26,084, minus trade-in allowance of \$6,285 for a net cost of \$19,799.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** City Purchasing Agent.

**FINANCIAL IMPACT:** The current FY 2010 - 2011 budget includes \$20,000 for the purchase of park maintenance mowing equipment in account X14110-72140. The contract price, including the \$6,285 trade-in allowance, for the two (2) mowers is \$19,799.

Respectfully submitted for Council consideration.

Prepared by: Financial reviewed by: Reviewed as to legal sufficiency

John R. Kennedy  
Director of Parks,  
Recreation & Cultural Arts

Timothy J. Ervin  
Director of Finance

J. Todd Greenburg  
Corporation Counsel

Reviewed by:

Recommended by:

Barbara J. Adkins  
Deputy City Manager

David A. Hales  
City Manager

**RESOLUTION NO. 2010 - 47**

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND  
AUTHORIZING THE PURCHASE OF TWO (2) KUBOTA 72" ZERO TURN MOWERS  
FOR THE PARKS DEPARTMENT FROM NORD OUTDOOR POWER UTILIZING  
THE NJPA PROCUREMENT PROGRAM AT A NET COST OF \$19,799**

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 two (2) Kubota 72" Zero Turn mowers in the amount of \$19,799.

ADOPTED this 13<sup>th</sup> day of December, 2010.

APPROVED this 14<sup>th</sup> day of December, 2010.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Motion by Alderman McDade, seconded by Alderman Schmidt that two (2) Kubota 72" Zero Turn mowers be purchased from Nord Outdoor Power utilizing the NJPA Procurement Program in the amount of \$19,799, the Purchasing Agent be 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 Stearns, Huette, Schmidt, McDade, Anderson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Change Order #1 in the amount of \$7,700 for Market St. Parking Garage Repair Project

**RECOMMENDATION:** That Change Order #1 be approved.

**BACKGROUND:** Prior to the completion of repairs to the Market St. Parking Garage approximately 300 linear feet of the precast concrete wall panels at the top level, at both the north and south ends, were found to be loose from their supports. The loose panels were an immediate life/safety hazard and had to be repaired. This work was not part of the original contract. The engineering firm retained for the project designed two (2) options to correct the problem and staff requested the contractor provide pricing for both.

Option 1. Pour a concrete curb with reinforcement bar that will tie the vertical wall panels and the horizontal decking together again. The cost for this option was \$28,475.

Option 2. Provide and install steel angle brackets that will tie the vertical wall panels and the horizontal decking together. The cost for this option was \$7,700.

After staff reviewed the prices with the engineering firm it was determined that the best option was #2 at the cost of \$7,700.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Not applicable.

**FINANCIAL IMPACT:** The impact of Change Order #1 will add \$7,700 or three percent (3%) to the original contract with Western Waterproofing Co. Funds for this Change Order are budgeted in Parking Repair/Maint. Building -54100-70510.

Original Contract Amount	\$216,997.50
Change Order 1	<u>7,700.00</u>
New Contract Amount	\$224,697.50

Respectfully submitted for Council consideration:



Prepared by:

Reviewed by:

Financial review by:

Robert F. Floyd  
Facilities Manager

Mark R. Huber  
Director of PACE

Tim Ervin  
Director of Finance

Reviewed by:

Recommended by:

Barbara J. Adkins  
Deputy City Manager

David A. Hales  
City Manager

**Alderman Stearns questioned why the loose panels were not included in the original contract. She believed this was a life threatening issue. Bob Floyd, Facilities Manager, addressed the Council. The City had hired a firm to evaluate the garage. The panels looked pristine and damage was not noticeable. The damage was discovered when a worker leaned on a panel and it swayed. The City would do its best to fix the problem.**

**Alton Franklin, 5 Andy Ct., Unit 1, addressed the Council. He questioned the figures provided in the email response to Alderman Schmidt. Barbara Adkins, Deputy City Manager, addressed the Council. Alderman Schmidt's question had been regarding replacement of the structure. The City would invest \$600,000 over the next six (6) years. The City hoped to gain an additional twelve (12) years of life. She also addressed Alderman Anderson's email. David Hales, City Manager, addressed the Council. The budget was for emergency life safety issues. He had not incorporated it into the five (5) year Capital Improvement Plan. Additional amounts were under discussion. There was no detailed Return on Investment regarding same. In addition, there would be discussions at budget time. Mayor Stockton added the City was looking at the Downtown Strategy's parking plan. The City would need to spend additional money to extend the life of the garage.**

**Motion by Alderman McDade, seconded by Alderman Schmidt that the Change Order be approved.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Government Center Operation and Maintenance Expenses in the amount of \$383,635 for Calendar Year 2011

**RECOMMENDATION:** That the Attachment No. Nine to Amendment to Lease and Operation and Maintenance Agreement for the City/County Office Building be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

**BACKGROUND:** The City and McLean County jointly lease the Government Center facility from the Public Building Commission (PBC). According to the terms of the lease, the County and City must each make an annual payment to the PBC to cover operation and maintenance expenses for that year. The amount of payment is determined each year based upon the previous year's experience and anticipated additional expenses. The City's share for calendar year 2011 has been determined to be \$383,635.

This year staff met with the County to discuss respective maintenance operations and the proposed budget for calendar year 2011. This proposal was found to be reasonable. The proposed budget represents a seven percent (7%) reduction from the current year's budget. Moreover, in the last two (2) years, two (2) positions have been eliminated – Visitor Aide and Custodian.

The lease requires the parties to execute an attachment to the lease every year to indicate the operation and maintenance expenses due for that year. Staff respectfully recommends approval of the attachment and authorization for payment.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Not applicable.

**FINANCIAL IMPACT:** The \$383,635 operation and maintenance expense is included as part of the 2010 Tax Bond and Interest Levy. The payment will be paid from account 1001-15485-70425, in Fiscal Year 2011-2012.

Respectfully submitted for Council consideration.

Prepared by:

Financial review by:

Recommended by:

Rosalee Dodson  
Asst. Corporation Counsel

Tim Ervin  
Director of Finance

David A. Hales  
City Manager

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

Pursuant to the provisions of that certain AMENDMENT TO LEASE AND OPERATION AND MAINTENANCE AGREEMENT for the City/County Office Building at 115 E. Washington Street, Bloomington, Illinois dated November 20<sup>th</sup>, 2001, between the undersigned parties, the

City and County agree to pay to the PBC for the period beginning January 1<sup>st</sup>, 2011 and ending December 31<sup>st</sup>, 2011 the sum of \$767,270.00. Of this total, the City agrees to pay \$383,635.00 and the County agrees to pay \$383,635.00.

The PBC agrees to perform the operation, maintenance, upkeep and safekeeping functions for the City/County Office Building for the one-year period beginning January 1, 2011 said functions being all pursuant to the provisions of Section III of the Lease, dated November 20<sup>th</sup>, 2001.

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

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

COUNTY OF MCLEAN

By: Matt Sorenson  
Chairman, County Board

Executed December 20, 2010

ATTEST:

Kathy Michaels  
County Clerk

PUBLIC BUILDING COMMISSION OF  
McLEAN COUNTY, ILLINOIS

By: Robert Rust Jr.  
Its Chairman

Executed January 4, 2011

ATTEST:

John Morel  
Its Secretary

CITY OF BLOOMINGTON

By: Stephen F. Stockton  
Its Mayor

Executed December 15, 2010

ATTEST:

Tracey Covert  
City Clerk

**Alderman Sage noted the seven percent (7%) reduction in the budget. He expressed appreciation for staff's work with McLean County's staff.**

**Motion by Alderman McDade, seconded by Alderman Schmidt that Attachment No. Nine to Amendment to Lease and Operation and Maintenance Agreement for the City/County Office Building be approved and the Mayor and City Clerk be authorized to execute the necessary documents.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT: Intergovernmental Agreement with District 87 for Providing Road Salt**

**RECOMMENDATION:** That the Intergovernmental Agreement with District 87 for road salt be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

**BACKGROUND:** The City purchases road salt every year for its snow operations through the Illinois state contract. In the past, the City has sold a small amount of road salt to District 87 to supplement their snow operations. In an effort to assist with the local school district, staff has negotiated an agreement to assist District 87 with a small amount of road salt for this year. The amount of road salt covered under the agreement is 2.8% of the normal amount used in any given year and should not affect the quality of the City's snow operations.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** District 87 and the State of Illinois Central Management System (CMS). CMS staff has given City staff a verbal approval to proceed with this agreement.

**FINANCIAL IMPACT:** District 87 will pay the City \$65.51 per ton (raw material cost of \$60.51 per ton plus storage, handling and loading fees of \$5 per ton).

Respectfully submitted for Council consideration.

Prepared by: Financial reviewed by: Reviewed as to legal sufficiency:

Jim Karch, PE CFM  
Director of Public Works

Timothy Ervin  
Director of Finance

Todd Greenburg  
Corporate Counsel

Recommended by:

David A. Hales  
City Manager

### **Intergovernmental Agreement Between the City of Bloomington and Bloomington Public Schools, District 87**

In order to better conserve taxpayer dollars, the City of Bloomington (hereafter “City”) and Bloomington Public Schools, District 87 (hereafter “District 87”) hereby enter into the following agreement regarding road salt from the date of its execution through April 30, 2011.

1. The City store and load the road salt from its 502 South East Street road salt storage facility. District 87 will provide the transportation from this road salt storage facility.
2. The City of Bloomington would prefer, but does not require, that the total road salt distribution be taken by District 87 at one time. Loading of the road salt will need to be arranged by District 87 with the City a minimum of 48 hours prior to the date of request. The City reserves the right to deny the timeline of pickup given based upon daily operations of the City.
3. The road salt will be paid for by District 87 at a cost of \$65.51 per ton (this cost includes the raw material cost of \$60.51 per ton plus storage, handling and loading fee of \$5 per ton).
4. The amount of road salt provided to District 87 shall not exceed 250 tons prior to April 30, 2010.
5. This agreement shall be effective as of the date it is passed by the final party to do so.

Passed this 13<sup>th</sup> day of December, 2010.

Stephen F. Stockton, Mayor  
City of Bloomington

ATTEST:

Tracey Covert  
City Clerk

Passed this 13<sup>th</sup> day of December, 2010

Millicent Roth, President  
Bloomington Public Schools, District 87

**Motion by Alderman McDade, seconded by Alderman Schmidt that the agreement 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 Stearns, Huette, Schmidt, McDade, Anderson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** A Resolution in Support of the Taylorville Energy Center Integrated Gasification Combined-Cycle (IGCC) Plant

**RECOMMENDATION:** That the Resolution be adopted.

**BACKGROUND:** The Christian County Generation, LLC is moving toward completion of plans to build and operate one (1) of the first IGCC electric generating stations with carbon capture. The managing partner, Tenaska has worked closely with the community of Taylorville, and Christian County to site and develop the project. Both national government and electric industry projections state that Illinois needs additional reliable base load electric generating capacity.

Central and Southern Illinois possess large reserves of high-sulfur coal that would be valued as fuel in an IGCC power plant at a projected rate of \$75 million per year (a total of 1.5 million to 1.8 million tons annually). The Taylorville Energy Center IGCC plant would be among the first power plants in the world with the ability to remove fuel impurities associated with emissions from coal-fueled power plants, including sulfur, mercury, and particulate matter. The plant's planners are committed to incorporating cutting edge technology to capture more than half of the carbon dioxide produced at the plant and prevent it from entering the atmosphere, giving the generating facility an emissions profile comparable to a natural gas fueled plant.

Illinois employment would be increased by more than 5,000 jobs during the construction phase of the power project, most in the Christian County area. The electric power generation facility will employ one hundred fifty-five (155) permanent employees and contractors and add indirect employment of an additional six hundred forty-four (644) full time and part time jobs in Christian County as a result of electric power generation operations. An added two hundred thirty-eight (238) long-term workers would be employed in coal mining in support of the plant's operations, which would create an additional two hundred ninety-seven (297) permanent indirect jobs. The local economic activity would increase by approximately \$126 million annually during commercial operation.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** City of Taylorville.

**FINANCIAL IMPACT:** Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Kathryn S. Buydos  
Executive Assistant

Stephen F. Stockton  
Mayor

### **RESOLUTION NO. 2010 - 48**

### **RESOLUTION OF SUPPORT**

WHEREAS, Christian County Generation, LLC is moving toward completion of plans to build and operate one of the first Integrated Gasification Combined-Cycle (IGCC) electric generating stations with carbon capture; and

WHEREAS, managing partner Tenaska has worked closely with the community of Taylorville, Illinois, and Christian County to site and develop the project; and

WHEREAS, both national government and electric industry projections state that Illinois needs additional reliable base load electric generating capacity; and

WHEREAS, central and southern Illinois possess large reserves of high-sulfur coal that would be valued as fuel in an IGCC power plant at a projected rate of \$75 million per year (a total of 1.5 million to 1.8 million tons annually); and

WHEREAS, the Taylorville Energy Center IGCC plant would be among the first power plants in the world with the ability to remove fuel impurities associated with emissions from coal-fueled power plants, including sulfur, mercury, and particulate matter; and

WHEREAS, the plant's planners are committed to incorporating cutting-edge technology to capture more than half of the carbon dioxide produced at the plant and prevent it from entering the atmosphere, giving the generating facility an emissions profile comparable to a natural gas-fueled plant; and

WHEREAS, Illinois employment would be increased by more than 5,000 jobs during the construction phase of the power project, most of them in the Christian County area; and

WHEREAS, the electric power generation facility will employ 155 permanent employees and contractors in Christian County, and add indirect employment of an additional 644 full-time and part-time jobs in the county as a result of electric power generation operations; and

WHEREAS, an added 238 long-term workers would be employed in coal mining in support of the plant's operations, which would create an additional 297 permanent indirect jobs; and

WHEREAS, local economic activity would increase by approximately \$126 million annually during commercial operation.

NOW THEREFORE, the City of Bloomington, Illinois hereby endorses the Taylorville Energy Center IGCC plant with carbon capture, which provides a new market for the long-struggling Illinois coal industry; incorporates the most advanced emission control technology, including carbon capture, to make it among the cleanest coal-fed power plants in the world; and brings thousands of needed jobs through construction and hundreds more through operation of the facility to Christian County and the surrounding region.

We further urge the State of Illinois and its elected representatives to take swift and positive action to review the Facility Cost Report and approve it to advance the project.

ADOPTED this 13<sup>th</sup> day of December, 2010.

Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk



AYES: Alderman Anderson, Huette, Stearns, Purcell, Schmidt, Fruin, Sage, and McDade.

NAYS: None.

ABSENT: Alderman Hanson.

FILED IN THE OFFICE OF THE CITY CLERK THIS 14<sup>th</sup> DAY OF DECMEBER, 2010.

**Motion by Alderman McDade, seconded by Alderman Schmidt that the Resolution be adopted.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Mutual Aid Network Resolution for Illinois Public Works Mutual Aid Network

**RECOMMENDATION:** That the Resolution be adopted.

**BACKGROUND:** On October 25, 2010, the Council approved entering into a Mutual Aid Agreement with the Illinois Public Works Mutual Aid Network, (IPWMAN). The agreement has been signed and executed. Unfortunately, due to a staff error a Resolution in support was not included with the Council Memorandum. The IPWMAN's Frequently Asked Questions states to become a member the City must submit a signed resolution authorizing the City to enter into the Mutual Aid Agreement.

Staff has prepared a Resolution for adoption and signature.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Not applicable.

**FINANCIAL IMPACT:** Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed as to legal sufficiency:

Tracey Covert  
City Clerk

Jim Karch  
Director of Public Works

J. Todd Greenburg  
Corporation Counsel

Recommended by:

David A. Hales  
City Manager

### **RESOLUTION NO. 2010 - 49**

#### **A RESOLUTION AUTHORIZING EXECUTION OF THE ILLINOIS PUBLIC WORKS MUTUAL AID NETWORK (IPWMAN) AGREEMENT**

WHEREAS, the Constitution of the State of Illinois, 1970, Article VII, Section 10, authorizes units of local government to contract or otherwise associate among themselves in any manner not prohibited by law or ordinance; and

WHEREAS, the “Intergovernmental Cooperation Act”, 5 ILCS 220/1 et seq., provides that any power or powers, privileges or authority exercised or which may be exercised by a unit of local government may be exercised and enjoyed jointly with any other unit of local government; and

WHEREAS, Section 5 of the “Intergovernmental Cooperation Act”, 5 ILCS 220/5, provides that any one or more public agencies may contract with any one or more public agencies to perform any governmental service, activity or undertaking which any of the public agencies entering into the contract is authorized by law to perform, provided that such contract shall be authorized by the governing body of each party to the contract; and

WHEREAS, the Mayor and the City Council of the City of Bloomington have determined that it is in the best interests of the City and its residents to enter into an intergovernmental agreement to secure to each the benefits of mutual aid in public works and the protection of life and property from an emergency or disaster and to provide for public works assistance, training and other necessary functions to further the response and recovery from said emergency or disaster. The principal objective of the public works mutual aid assistance being the response to and recovery from any emergency or disaster and the return of the community to as near normal as quickly as possible.

NOW, THEREFORE, BE IT RESOLVED by the City of Bloomington of McLean County, Illinois as follows:

That the Mayor be and is hereby authorized to execute an Agreement for participation in the Illinois Public Works Mutual Aid Network (IPWMAN), a copy of said Agreement being attached hereto and being made a part hereof.

ADOPTED this 13<sup>th</sup> day of December, 2010.

APPROVED this 14<sup>th</sup> day of December, 2010.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Motion by Alderman McDade, seconded by Alderman Schmidt that the Resolution be adopted.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Abatements of Tax Levy

**RECOMMENDATION:** That the Resolutions be adopted.

**BACKGROUND:** The adoption of nine (9) Resolutions are required to abate property taxes for multiple General Obligation Bond issuances, lease payments payable to the Public Building Commission, and payments for the 2004 Taxable General Obligation Bond Series. State law requires McLean County to levy property taxes for the payment of these bonds. During the debt issuance process, McLean County is notified to apply debt service payments on to the City's Tax Levy to ensure funds are available to pay the annual debt service. A municipality is permitted to abate the property tax if sufficient funds are available to make the required principal and interest payments. Rather than levy a tax for the payments of these obligations, the City has budgeted

sufficient sums from other sources within the General Fund to service the debt. The City must file abatements annually for each issuance to be abated.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Not applicable.

**FINANCIAL IMPACT:** In order to abate the 2010 Tax Levy, collectible in 2011, the Council must approve the proposed abatement Resolutions that will certify to the McLean County Clerk that sufficient funds are on hand or will be on hand when the principal and interest payments become due on June 1, 2011 and December 1, 2011, respectively:

1. Abatement for tax levy for \$4,965,000 General Obligation Refunding of Market Square Tax Increment Bonds Series 1994. This abatement pertains to Ordinance Number 1994 - 25. (The last debt service payment for this issue is December 1, 2013.)
2. Abatement for tax levy for \$4,965,000 of Market Square Increment General Obligation Bonds Series 1994. This abatement pertains to Ordinance Number 1994 - 26. (The last debt service payment for this issue is December 1, 2013.)
3. Partial abatement for the tax levy to pay the rent payable under the Lease Agreement between the Public Building Commission, McLean County and the City of Bloomington for the old Champion Building and the expansion of the parking garage. This abatement pertains to Ordinance Number 2001 - 121. (The last debt service payment for this issue is November 1, 2021.)
4. Abatement for 2003 addition to the tax levy to pay the rent payable under the Lease Agreement between the Public Building Commission, McLean County and the City of Bloomington for the old Champion Building and the expansion of the parking garage. This abatement pertains to Ordinance Number 2003 - 125. (The last debt service payment for this issue is November 1, 2022.)
5. Abatement for tax levy for \$15,600,000 Variable General Obligation Bonds, Series 2004. This bond issuance was issued to construct the Pepsi Ice Center, Coliseum Parking Garage, and for improvements at the Bloomington Center for the Performing Arts. This abatement pertains to Ordinance Number 2004 - 90. (The last debt service payment for this issue is June 1, 2024.)
6. Abatement for tax levy for \$29,455,000 Taxable General Obligation Bonds, Series 2004. This bond issuance was issued to construct the US Cellular Coliseum. This abatement pertains to Ordinance Number 2004 – 49. (The last debt service payment for this issue is June 1, 2034.)
7. Abatement for tax levy for \$9,900,000 General Obligation Bonds, Series 2005. This bond issuance was used to pay for capital infrastructure improvements within the Cultural District. This abatement pertains to Ordinance Number 2005 – 109. (The last debt service payment for this issue is June 1, 2026.)
8. Partial abatement for tax levy for \$10,000,000 General Obligation Bonds, Series 2007. This bond issuance was used to pay for capital infrastructure improvements within the sewer fund, construct McGraw Park, and Fire Station #5. This abatement pertains to Ordinance Number 2007 – 70. (The last debt service payment for this issue is June 1, 2032.)
9. Abatement for tax levy for \$2,840,000 General Obligation Refunding Bonds, Series 2009. This bond issuance was used to refund a portion of the General Obligation

Refunding Series 2001. This abatement pertains to Ordinance Number 2009 – 75. (The last debt service payment for this issue is June 1, 2025.)

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Timothy Ervin  
Director of Finance

David A. Hales  
City Manager

**RESOLUTION NO. 2010 - 50**  
**A RESOLUTION ABATING TAX LEVY FOR \$4,965,000 GENERAL OBLIGATION**  
**REFUNDING BONDS, SERIES 1994**

WHEREAS, the City of Bloomington is authorized under the provisions of the Tax Increment Allocation Redevelopment Act (65 ILCS 5/11-74.4-1, et seq.) to issue general obligation bonds for the purpose of financing improvements in the increment financing areas; and

WHEREAS, the City Council on March 28, 1994 passed Ordinance No. 1994-25, "An Ordinance Authorizing the Issuance of \$4,965,000 General Obligation Refunding Bonds, Series 1994 of the City of Bloomington"; and

WHEREAS, Section 8 of said Ordinance included a levy of taxes on all taxable real estate within the City of Bloomington corporate limits to pay principal and interest on the bonds issued thereby; and

WHEREAS, said Section 8 provided for the levy of \$453,900 in 2010 to pay off a portion of said principal and interest due in 2011, but the City of Bloomington has funds on hand available to pay such principal and interest,

NOW, THEREFORE, BE IT RESOLVED by the City of Bloomington, McLean County, Illinois, that the levy against taxable property in the City of Bloomington for the year 2010 and on account of the aforesaid \$4,965,000 in bonds be and the same is hereby abated for said taxable year, and the County Clerk of McLean County, Illinois is authorized and directed not to extend the \$450,213.00 in real estate taxes.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be delivered to the County Clerk of McLean County, Illinois under official seal of the Clerk of the City.

ADOPTED this 13<sup>th</sup> day of December, 2010.

APPROVED this 14<sup>th</sup> day of December 2010.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**RESOLUTION NO. 2010 - 51**  
**A RESOLUTION ABATING TAX LEVY FOR MARKET SQUARE TAX**  
**INCREMENT GENERAL OBLIGATION PURPOSE BONDS, SERIES 1994**

WHEREAS, the City of Bloomington is a home rule unit pursuant to the provisions of Article VII, Section 6 of the 1970 Constitution of the State of Illinois, which Section authorizes home rule units to incur debt without referendum; and

WHEREAS, the City of Bloomington, pursuant to procedures adopted in Ordinance No. 1975-30 as shown in Chapter 16, Article VI of the Bloomington City Code, 1960 as amended, decided to issue Four Million Nine Hundred Sixty Five Thousand Dollars (\$4,965,000) in Market Square Increment General Obligation Bonds pursuant to Ordinance No. 1994-26, passed March 28, 1994; and

WHEREAS, pursuant to the authority of said home rule ordinances in said election and provisions of all ordinances relating thereto, taxes would be extended against all the taxable property within the City of Bloomington for the year 2010, payable in the year 2011; and

WHEREAS, there are surplus funds on hand from incremental property and sales tax revenues and interest from the investment of these revenues in an amount sufficient to pay the principal and interest obligations due on said issues for the 2010 levy of \$450,213.00 payable in the year 2011.

NOW, THEREFORE, BE IT RESOLVED by the City of Bloomington, McLean County, Illinois, that the levy of \$450,213.00 against taxable property in the City of Bloomington for the year 2010, payable in 2011 and on account of the aforesaid Four Million Nine Hundred Sixty Five Thousand Dollars (\$4,965,000) in Market Square Tax Increment General Obligation Bonds Series 1994 is hereby abated for said taxable year, and the County Clerk of McLean County, Illinois is authorized and directed not to extend the same on the tax books of the City of Bloomington property for the levy year 2010.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be delivered to the County Clerk of McLean County, Illinois under official seal of the Clerk of the City.

ADOPTED this 13<sup>th</sup> day of December, 2010.

APPROVED this 14<sup>th</sup> day of December, 2010.

APPROVED:

Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

**RESOLUTION NO. 2010 - 52**

**A RESOLUTION ABATING TAX LEVY FOR RENT PAYABLE UNDER LEASE AGREEMENT BETWEEN THE PUBLIC BUILDING COMMISSION, MCLEAN COUNTY AND THE CITY OF BLOOMINGTON FOR THE OLD CHAMPION BUILDING AND THE EXPANSION OF THE PARKING GARAGE**

WHEREAS, the City of Bloomington is a home rule unit pursuant to the provisions of Article VII, Section 6 of the 1970 Constitution of the State of Illinois, which Section authorizes home rule units to incur debt without referendum; and

WHEREAS, the City of Bloomington, pursuant to procedures adopted in Ordinance No. 2001-121 as shown in Chapter 16, Article VI of the Bloomington City Code, 1960 as amended, decided to enter into an agreement with the Public Building Commission to lease a portion of the old Champion Building and to expand the parking garage, passed November 13, 2001; and

WHEREAS, pursuant to the authority of said home rule ordinances in said election and provisions of all ordinances relating thereto, taxes would be extended against all the taxable property within the City of Bloomington for the year 2010, payable in the year 2011; and

WHEREAS, there are surplus funds on hand from incremental property and sales tax revenues and interest from the investment of these revenues in an amount sufficient to pay the principal and interest obligations due on said issues in the year 2011.

NOW, THEREFORE, BE IT RESOLVED by the City of Bloomington, McLean County, Illinois, that the levy against taxable property in the City of Bloomington for the year 2010, payable in 2011 for \$382,556.00 and on account of the aforesaid agreement is hereby abated for said taxable year, and the County Clerk of McLean County, Illinois is authorized and directed not to extend the same on the tax books of the City of Bloomington property for the tax year levy 2010.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be delivered to the County Clerk of McLean County, Illinois under official seal of the Clerk of the City.

ADOPTED this 13<sup>th</sup> day of December, 2010.

APPROVED this 14<sup>th</sup> day of December, 2010.

APPROVED:

Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk



**RESOLUTION NO. 2010 - 53**

**A RESOLUTION ABATING TAX LEVY FOR RENT PAYABLE UNDER LEASE AGREEMENT BETWEEN THE PUBLIC BUILDING COMMISSION, MCLEAN COUNTY AND THE CITY OF BLOOMINGTON FOR THE OLD CHAMPION BUILDING AND THE EXPANSION OF THE PARKING GARAGE**

WHEREAS, the City of Bloomington is a home rule unit pursuant to the provisions of Article VII, Section 6 of the 1970 Constitution of the State of Illinois, which Section authorizes home rule units to incur debt without referendum; and

WHEREAS, the City of Bloomington, pursuant to procedures adopted in Ordinance No. 2003-125 as shown in Chapter 16, Article VI of the Bloomington City Code, 1960 as amended, decided to enter into an agreement with the Public Building Commission of McLean County, Illinois to lease a portion of the old Champion Building and to expand the parking garage, passed December 22, 2003; and

WHEREAS, pursuant to the authority of said home rule ordinances in said election and provisions of all ordinances relating thereto, taxes would be extended against all the taxable property within the City of Bloomington for the year 2010, payable in the year 2011; and

WHEREAS, there are surplus funds on hand from incremental property and sales tax revenues and interest from the investment of these revenues in an amount sufficient to pay the principal and interest obligations due on said issues in the year 2011.

NOW, THEREFORE, BE IT RESOLVED by the City of Bloomington, McLean County, Illinois, that the levy against taxable property in the City of Bloomington for the year 2010, payable in 2011 for \$229,000.00 and on account of the aforesaid agreement is hereby abated for said taxable year, and the County Clerk of McLean County, Illinois is authorized and directed not to extend the same on the tax books of the City of Bloomington property for the tax year levy 2010.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be delivered to the County Clerk of McLean County, Illinois under official seal of the Clerk of the City.

ADOPTED this 13<sup>th</sup> day of December, 2010.

APPROVED this 14<sup>th</sup> day of December, 2010.

APPROVED:

Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

**RESOLUTION NO. 2010 - 54**

**A RESOLUTION ABATING TAX LEVY FOR \$15,600,000 GENERAL  
OBLIGATION BONDS, SERIES 2004**

WHEREAS, the City of Bloomington is a home rule unit pursuant to the provisions of Article VII, Section 6 of the 1970 Constitution of the State of Illinois, which Section authorizes home rule units to incur debt without referendum; and

WHEREAS, the City Council on September 27, 2004 passed Ordinance No. 2004-90, "An Ordinance Providing For The Issue Of General Obligation Demand Bonds, Series 2004, Of The City Of Bloomington, McLean County, Illinois, And For The Levy Of A Direct Annual Tax Sufficient To Pay The Principal Of and Interest On Such Bonds And For Certain Revenue Sources To Pay The Principal Of And Interest On Such Bonds, And Related Matters."; and

WHEREAS, Article III of said Ordinance included a levy of taxes on all taxable real estate within the City of Bloomington corporate limits to pay principal and interest on the bonds issued thereby; and

WHEREAS, said Article III provided for the levy of \$1,180,880 in tax year 2010 to pay off a portion of said principal and interest due in 2011, but the City of Bloomington has funds on hand available to pay such principal and interest.

NOW, THEREFORE, BE IT RESOLVED by the City of Bloomington, McLean County, Illinois, that the levy against taxable property in the City of Bloomington for the levy year 2010 payable in 2011 and on account of the aforesaid \$15,600,000 in bonds be and the same is hereby abated for said taxable year, and the County Clerk of McLean County, Illinois is authorized and directed not to extend the \$1,180,880.00 in real estate taxes for levy 2010 payable in 2011.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be delivered to the County Clerk of McLean County, Illinois under official seal of the Clerk of the City.

ADOPTED this 13<sup>th</sup> day of December, 2010.

APPROVED this 14<sup>th</sup> day of December, 2010.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**RESOLUTION NO. 2010 - 55**

**A RESOLUTION ABATING TAX LEVY FOR \$29,445,000 TAXABLE  
GENERAL OBLIGATION BONDS, SERIES 2004**

WHEREAS, the City of Bloomington is a home rule unit pursuant to the provisions of Article VII, Section 6 of the 1970 Constitution of the State of Illinois, which Section authorizes home rule units to incur debt without referendum; and

WHEREAS, the City Council on April 12, 2004 passed Ordinance No. 2004-21, "An Ordinance of the City of Bloomington, McLean County, Illinois, Providing for the Issuance of Taxable General Obligation Bonds, Series 2004, Providing the Details of Such Bonds and for a Levy of Taxes to Pay the Principal of and Interest on Such Bonds, and Related Matters"; and was amended by Ordinance No, 2004-49 passed on June 28, 2004; and

WHEREAS, Section 8 of said Ordinance 2004-21 included a levy of taxes on all taxable real estate within the City of Bloomington corporate limits to pay principal and interest on the bonds issued thereby; and

WHEREAS, said Section 8 provided for the levy of \$2,850,000.00 in 2010 to pay off a portion of said principal and interest due in 2011, but the City of Bloomington has funds on hand available to pay such principal and interest, and that \$816,493 has previously been abated leaving a remaining balance for the 2010 levy of \$2,033,507.00.

NOW, THEREFORE, BE IT RESOLVED by the City of Bloomington, McLean County, Illinois, that the levy against taxable property in the City of Bloomington for the levy year 2010 payable in 2011 and on account of the aforesaid \$29,445,000 in bonds be and the same is hereby abated for said taxable year, and the County Clerk of McLean County, Illinois is authorized and directed not to extend the remaining \$2,033,507.00 in real estate taxes for levy 2010.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be delivered to the County Clerk of McLean County, Illinois under official seal of the Clerk of the City.

ADOPTED this 13<sup>th</sup> day of December, 2010.

APPROVED this 14<sup>th</sup> day of December, 2010.

APPROVED:

Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

**RESOLUTION NO. 2010 - 56**

**A RESOLUTION ABATING TAX LEVY FOR \$9,900,000 GENERAL  
OBLIGATION BONDS, SERIES 2005**

WHEREAS, the City of Bloomington is a home rule unit pursuant to the provisions of Article VII, Section 6 of the 1970 Constitution of the State of Illinois, which Section authorizes home rule units to incur debt without referendum; and

WHEREAS, the City Council on October 24, 2005 passed Ordinance No. 2005-109 "An Ordinance Of The City Of Bloomington, McLean County, Illinois, Providing For The Issuance Of General Obligation Demand Bonds, Series 2005, Providing the Details of Such Bonds And For The Levy Of Taxes To Pay The Principal Of and Interest On Such Bonds And For Certain Revenue Sources To Pay The Principal Of And Interest On Such Bonds, And Related Matters."; and

WHEREAS, Article 8 of said Ordinance included a levy of taxes on all taxable real estate within the City of Bloomington corporate limits to pay principal and interest on the bonds issued thereby; and

WHEREAS, said Article 8 provided for the levy of \$741,679 in tax year 2010 to pay off a portion of said principal and interest due in 2011, but the City of Bloomington has funds on hand available to pay such principal and interest.

NOW, THEREFORE, BE IT RESOLVED by the City of Bloomington, McLean County, Illinois, that the levy against taxable property in the City of Bloomington for the levy year 2010 payable in 2011 and on account of the aforesaid \$9,900,000 in bonds be and the same is hereby abated for said taxable year, and the County Clerk of McLean County, Illinois is authorized and directed not to extend the \$741,679 in real estate taxes for levy 2010 payable in 2011.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be delivered to the County Clerk of McLean County, Illinois under official seal of the Clerk of the City.

ADOPTED this 13<sup>th</sup> day of December, 2010.

APPROVED this 14<sup>th</sup> day of December, 2010.

APPROVED:

Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

**RESOLUTION NO. 2010 - 57**

**A RESOLUTION ABATING TAX LEVY FOR \$10,000,000 GENERAL OBLIGATION BONDS, SERIES 2007**

**ABATEMENT CERTIFICATE**

Pursuant to Ordinance No. 2007-70, AN ORDINANCE OF THE CITY OF BLOOMINGTON, McLEAN COUNTY, ILLINOIS, PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2007, PROVIDING THE DETAILS OF SUCH BONDS AND FOR A LEVY OF TAXES TO PAY THE PRINCIPAL OF AND INTEREST ON SUCH BONDS AND FOR CERTAIN REVENUE SOURCES TO PAY AND SECURE THE PRINCIPAL OF AND INTEREST ON SUCH BONDS, AND RELATED MATTERS, adopted by the City Council of the City of Bloomington, Illinois (the "Issuer") on July 23, 2007 (as supplemented and amended, with respect to which undefined terms herein shall have the meanings therein, collectively, the "Bond Ordinance"), the undersigned, as Mayor and City Treasurer of the City of Bloomington, Illinois, hereby certify to the McLean County Clerk that it is appropriate to reduce by abatement the tax levies for the year 2010 (to be received in 2011 as provided in Section 9 of the Bond Ordinance (filed on August 16, 2007, with such County Clerk), as follows:

<b>Tax Levy</b>	<b>Amount</b>	<b>New Levy Amount to Continue After Abatement</b>	
<b><u>For the Year:</u></b>	<b><u>Abated</u></b>	<b><u>A Tax Sufficient to Produce the Sum of:</u></b>	
2010	\$598,450.00	\$276,550.00	(instead of 875,000)

The County Clerk is hereby directed to abate taxes as set forth above and to ascertain the rate per cent required to produce the aggregate tax hereinabove provided to be levied in 2010, inclusive, as shown above to be levied, and to extend the same for collection on the tax books in connection with other taxes levied in such year, in and by the Issuer for general corporate purposes of the Issuer, and in such year levied and collected in like manner as taxes for general corporate purposes for such year is levied and collected and, when collected, such taxes shall be used solely for the purpose of paying the principal of and interest on the Bonds herein described as the same become due and payable. The tax levy shall be abated AND CONTINUED as shown above. Otherwise the Bond Ordinance shall be given effect according to its terms.

We certify compliance with the Bond Ordinance for this filing.

Tim Ervin  
City Treasurer

Stephen F. Stockton  
Mayor

**Receipt**

The County Clerk hereby acknowledges receipt of the above Abatement Certificate this 17<sup>th</sup> day of December, 2010 and agrees to abate (and continue to extend with respect to the Bond Ordinance, as shown above) the taxes as therein provided.

Kathy Michael  
County Clerk

**RESOLUTION NO. 2010 - 58**

**A RESOLUTION ABATING TAX LEVY FOR \$2,840,000 GENERAL  
OBLIGATION REFUNDING BONDS, SERIES 2009**

WHEREAS, the City of Bloomington is a home rule unit pursuant to the provisions of Article VII, Section 6 of the 1970 Constitution of the State of Illinois, which Section authorizes home rule units to incur debt without referendum; and

WHEREAS, the City Council on November 9, 2009 passed Ordinance No. 2009-75, "An Ordinance Authorizing the Issuance of \$2,840,000 General Obligation Refunding Bonds, Series 2009 of the City of Bloomington"; and

WHEREAS, Section 8 of said Ordinance included a levy of taxes on all taxable real estate within the City of Bloomington corporate limits to pay principal and interest on the bonds issued thereby; and

WHEREAS, said Section 8 provided for the levy of \$118,400 in 2010 to pay off a portion of said principal and interest due in 2011, but the City of Bloomington has funds on hand available to pay such principal and interest.

NOW, THEREFORE, BE IT RESOLVED by the City of Bloomington, McLean County, Illinois, that the levy against taxable property in the City of Bloomington for the levy year 2010 payable in 2011 and on account of the aforesaid \$2,840,000 in bonds be and the same is hereby abated for said taxable year, and the County Clerk of McLean County, Illinois is authorized and directed not to extend the remaining \$118,400 in real estate taxes for levy 2010.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be delivered to the County Clerk of McLean County, Illinois under official seal of the Clerk of the City.

ADOPTED this 13<sup>th</sup> day of December, 2010.

APPROVED this 14<sup>th</sup> day of December, 2010.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Motion by Alderman McDade, seconded by Alderman Schmidt that the Resolutions be adopted.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Suspension of Ordinances to Allow Consumption of Alcohol at Lake Bloomington's Davis Lodge on January 1, 2011

**RECOMMENDATION:** That the Ordinance suspending Section 26(d) of Chapter 6 and Section 701 of Chapter 31 to allow the suspension and consumption of alcohol at the Lake Bloomington Davis Lodge on January 1, 2011 be passed.

**BACKGROUND:** The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of Nicholas Barr and Claire Finnegan to allow moderate consumption of alcohol at their wedding reception on January 1, 2011 to be held at Davis Lodge at Lake Bloomington from 2:00 until 10:00 p.m. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Marabeth Clapp, Steve Petersen, Mark Gibson, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel and Tracey Covert, City Clerk; and Nicholas Barr and Claire Finnegan, requesters.

Commissioner Stockton opened the liquor hearing. The Commission had agreed to allow moderate consumption of alcohol at the Davis Lodge on a trial basis. Nicholas Barr and Claire Finnegan addressed the Commission. They hoped to offer beer and wine at their wedding reception. Mr. Barr questioned what the City would mandate. Commissioner Stockton noted that a licensed caterer, (class W liquor license holder), must provide the liquor service.

Commissioner Buchanan noted that the Commission's recommendation would be condition upon retaining a licensed caterer.

Commissioner Petersen questioned the responsible party. Commissioner Stockton noted that the City had the authority to allow liquor service at Davis Lodge. The Council would have to suspend City ordinance. The City did not allow cash bars at Davis Lodge. McLean County also had jurisdiction.



Commissioner Petersen questioned if Mr. Barr and Ms. Finnegan had spoken with City staff. Mr. Barr responded affirmatively. Staff had informed them that they did not have the authority to approve liquor service at Davis Lodge.

The Commission voted unanimously to recommend to the Council the suspension of City ordinances for a wedding reception being held at Davis Lodge on January 1, 2011.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** The Agenda for the November 9, 2010 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

**FINANCIAL IMPACT:** None.

Respectfully,

Stephen F. Stockton  
Chairman of Liquor Commission

Reviewed as to legal sufficiency

George Boyle  
Asst. Corporation Counsel

Reviewed by:

Craig Cummings  
Director of Water

Reviewed and concur:

Randall D. McKinley  
Police Chief

**ORDINANCE NO. 2010 - 54**

**AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND SECTION 26(d) OF CHAPTER 6 OF THE BLOOMINGTON CITY CODE FOR A WEDDING RECEPTION AT THE LAKE BLOOMINGTON DAVIS LODGE**

WHEREAS, Nicholas Barr and Claire Finnegan are planning to hold their wedding reception at the Lake Bloomington Davis Lodge from 2:00 p.m. to 10:00 p.m. on January 1, 2011; and

WHEREAS, Nicholas Barr and Claire Finnegan have requested permission from the City to serve beer and wine during this event; and

WHEREAS, in order to legally possess alcohol in a City Park, Section 701(a), (b) and (c) of Chapter 31 of the Bloomington City Code, which prohibits the drinking, selling and possessing alcohol beverages with the City parks and Section 26(d) of Chapter 6 of the Bloomington City Code, which prohibits possession of open alcohol on public property must be suspended.

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

Section 1: That Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, are suspended for the duration of the wedding reception at the Lake Bloomington Davis Lodge on January 1, 2011 under the conditions set forth in the rental agreement.

Section 2: Except for the date of date set forth in Section 1 of this Ordinance, Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, shall remain in full force and effect. Nothing in this Ordinance shall be interpreted as repealing said Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6.

Section 3: This Ordinance shall be effective on the date of its passage and approval.

Section 4: This Ordinance is adopted pursuant to the home rule authority granted the City of Bloomington by Article VII, Section 6 of the 1960 Illinois Constitution.

PASSED this 13<sup>th</sup> day of December, 2010.

APPROVED this 14<sup>th</sup> day of December, 2010.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Motion by Alderman McDade, seconded by Alderman Schmidt that the Ordinance suspending Section 26(d) of Chapter 6 and Section 701 of Chapter 31 to allow the suspension and consumption of alcohol at the Lake Bloomington Davis Lodge on January 1, 2011 be passed.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT: Ordinance Amending Certain Sections of Chapter 40 Pertaining to Taxis and Vehicles for Hire**

**RECOMMENDATION:** That the Text Amendment be approved and the Ordinance passed.

**BACKGROUND:** Chapter 40 was amended on October 25, 2010 at the request of the owners of Taxicab and Vehicle for Hire companies. However, at that time three (3) minor details were omitted from the draft, which are supplied by the proposed Ordinance.

The parties agreed that since the requirements for receiving a permit to drive a Vehicle for Hire and the requirements for receiving a permit to drive a Taxicab are identical, it would be more efficient for the Police and City Clerk Departments to allow persons holding a permit to drive Taxicabs to drive Vehicles for Hire, and vice versa. This provision was requested by the regulated parties.

The regulated parties also requested that October 31<sup>st</sup> (Halloween) be added as a date when Vehicles for Hire are permitted to operate. According to both the Vehicle for Hire owners and the Police, this is a popular date for frequenting the Downtown bar area.

Finally, the Ordinance clarifies how “grandfathered” Vehicles for Hire may be replaced without having to go through a completely new permitting process (safety inspections would still be required). The proposed ordinance permits a “grandfathered” vehicle to be replaced so long as

the seating capacity does not increase more than 50% and the increased capacity does not cause the vehicle to be a higher classification of vehicle as defined by the Illinois Secretary of State.

Staff respectfully recommends that the Ordinance be passed.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Owners of Taxicab and Vehicle for Hire companies.

**FINANCIAL IMPACT:** Nominal loss of fees for duplicate license permits, which is offset by the need to process identical paperwork and to perform two (2) identical background checks by City staff.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

J. Todd Greenburg  
Corporation Counsel

Barbara J. Adkins  
Deputy City Manager

David A. Hales  
City Manager

**ORDINANCE NO. 2010 - 57**

**AN ORDINANCE REVISING CERTAIN  
PROVISIONS OF CHAPTER 40 RELATING TO  
TAXICABS AND VEHICLES FOR HIRE**

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

SECTION 1: That Section 1031 (Penalties) of Chapter 40 of the Bloomington City Code, 1960, as amended, is repealed.

SECTION 2: That Section 1002 of Chapter 40 of the Bloomington City Code, 1960, as amended, is further amended as follows (additions are indicated by underlines; deletions are indicated by strikeouts):

Chapter 40: Section 1002: **ILLEGAL OPERATION OF VEHICLES FOR HIRE.**

No person or entity shall operate or drive a vehicle for hire without complying with the requirements of this Article. Vehicles for hire may only be operated on Thursdays, Fridays and Saturdays, commencing at 6:00 p.m. until 4:00 a.m. the following morning. Vehicles for hire may also be operated the following dates commencing at 6:00 p.m. through 4:00 a.m. on the following morning: Super Bowl Sunday, March 17<sup>th</sup>, October 31<sup>st</sup>, the day before Thanksgiving and the first dates on which students at Illinois State University and Illinois Wesleyan University move in or out of dormitories, and December 31<sup>st</sup>. Vehicles for hire may also be operated on any dated and times for which an official notice to do so has been issued by the Mayor acting as Liquor Commissioner. Persons or entities otherwise regulated pursuant to the remainder of Chapter 40 of the Bloomington City Code are exempt from the requirements of this Article X; however, all taxis and vehicles for hire must have a current permit which has been issued by the City of Bloomington.

SECTION 3: That Section 1002A of Chapter 40 of the Bloomington City Code, 1960, as amended, is further amended as follows (additions are indicated by underlines; deletions are indicated by strikeouts):

SECTION 1002A: **CERTIFICATE OF PUBLIC CONVENIENCE REQUIRED.**

No person shall operate or permit a vehicle for hire owned or controlled by him to be operated as a vehicle for hire upon the streets of the City of Bloomington or such other areas to which this Chapter applies pursuant to an intergovernmental cooperation agreement without having first obtained a certificate of public convenience from the City Manager. Notwithstanding anything to the contrary in this Article, any person or entity who obtained a permit to operate a vehicles for hire company from the City of Bloomington prior to November 4, 2010 shall have a certificate of public convenience issued in the name of the person or entity who obtained permits for said vehicles for the vehicles for hire which were so licensed prior to November 4, 2010; however, the person or entities holding certificates of public convenience shall be subject to all provisions of this article regarding suspension, revocation, renewal or transfer of such certificate of public convenience. However, all owners of vehicles for hire previously licensed by the City

shall complete the information required in the application for certificate set forth in Section 1002B; if such application is not completed and filed within 30 days from the date this ordinance is passed by the City Council. In addition, all owners who had licenses from the City prior to November 4, 2010 shall submit and be subject to the requirements of the background check. In the event an owner of a vehicle for hire replaces a vehicle which was legally in service prior to November 4, 2010, the replacement vehicle cannot have an increased passenger capacity of more than 50% of the replaced vehicle; but in any event cannot be replaced by a vehicle of a higher classification.

SECTION 4: That Section 401 of Chapter 40 of the Bloomington City Code, 1960, as amended, is further amended as follows (additions are indicated by underlines; deletions are indicated by strikeouts):

**SECTION 401: TAXICAB DRIVER'S PERMIT.**

It shall be illegal for any person to operate a licensed or unlicensed taxicab for hire upon the streets of the City of Bloomington, or such other areas to which this Chapter applies pursuant to an Intergovernmental Cooperation Agreement, and it shall be illegal for any person who owns or controls a taxicab to permit it to be so driven unless the driver of said taxicab shall have first obtained and shall have then in force a taxicab driver's permit issued under the provisions of this Article IV. A person who has obtained from the City a permit to drive a Vehicle for Hire pursuant to Section 1003 of this Chapter shall be deemed to have a taxicab driver's permit under this Chapter so long as the City permit to drive a Vehicle for Hire has not expired or has been suspended or revoked.

SECTION 5: That the first paragraph of Section 1003 of Chapter 40 of the Bloomington City Code, 1960, as amended, is further amended as follows (additions are indicated by underlines; deletions are indicated by strikeouts):

**SECTION 1003: PERMIT TO DRIVE VEHICLES FOR HIRE REQUIRED.**

No person shall drive a vehicle for hire ~~or operate a vehicle for hire company~~ without having applied to the City of Bloomington and having received from the City of Bloomington a permit to drive a vehicle for hire ~~and operate a vehicle for hire company~~. A person who has obtained from the City a permit to drive a taxicab pursuant to Section 401 of this Chapter shall be deemed to have a Vehicle for Hire driver's permit under this Chapter so long as the City permit to drive a taxicab has not expired or has been suspended or revoked.

SECTION 6: Except as provided for herein, the Bloomington City Code, 1960, as amended, shall remain in full force and effect.

SECTION 7: The City Clerk is authorized to publish this ordinance in pamphlet form as provided by law.

SECTION 8: This ordinance shall be effective ten days after the date of its publication.

SECTION 9: This ordinance is passed and approved pursuant to the home rule authority granted Article VII, Section 6 of the 1970 Illinois Constitution.

PASSED this 13<sup>th</sup> day of December, 2010.

APPROVED this 14<sup>th</sup> day of December, 2010.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

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

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Council Meeting Dates for Calendar Year 2011

**RECOMMENDATION:** That the Council Meeting dates be approved with the exception that the second meeting in December be held on December 19, 2011.

**BACKGROUND:** The Open Meeting Act, (OMA) requires that public notice be given of the regular schedule of meetings at the beginning of the calendar or fiscal year. The City has a history of preparing this list on the calendar year basis. City staff is currently in the process of preparing the Annual List of Meetings.

The Council's second meeting in December would fall on Monday, December 26, 2011, (the City's Christmas holiday). If this meeting is held on the regular meeting date it would be held on Tuesday, December 27, 2010. It is recommended that this meeting be moved to December 19, 2011. The OMA allows for a change to a single regular meeting date.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Not applicable.

**FINANCIAL IMPACT:** Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Tracey Covert  
City Clerk

David A. Hales  
City Manager

**Second and Fourth Monday of each month  
7:30 p.m. prevailing time – City Hall**

**01/10/11**

**01/24/11**

**02/14/11**      *(Valentine's Day)*

**02/28/11**

**03/14/11**

**03/28/11**

**04/11/11**

**04/25/11**

**05/09/11**

**05/23/11**

**06/13/11**

**06/27/11**

**07/11/11**

**07/25/11**

**08/08/11**

**08/22/11**

**09/12/11**

**09/26/11**

**10/10/11**

**10/24/11**

**11/14/11**

**11/28/11**

**12/12/11**

***12/19/11 – Third Monday***

**Motion by Alderman McDade, seconded by Alderman Schmidt that the Council Meeting dates be approved with the exception that the second meeting in December be held on December 19, 2011.**

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



**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Application of Tailwind BMI, LLC, d/b/a Tailwind Bar & Grill, located at 3201 CIRA 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

**RECOMMENDATION:** Based upon the report from the Liquor Hearing, the Liquor Commission recommends to the City Council that an RAS liquor license for Tailwind BMI, LLC, d/b/a Tailwind Bar & Grill, located at 3201 CIRA Dr., be created, contingent upon compliance with all applicable health and safety codes 1.) a financial statement /balance sheet for the LLC be submitted by December 6, 2010; and 2.) a recommendation by the City's Corporation Counsel regarding an LLC being a qualified license holder.

**BACKGROUND:** The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the application of Tailwind BMI, LLC, d/b/a Tailwind Bar & Grill, located at 3201 CIRA 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 Steve Stockton, Richard Buchanan, Marabeth Clapp, Steve Petersen, Mark Gibson, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel and Tracey Covert, City Clerk; and Jess Backhaus, Operations Manager and Applicant representative.

Commissioner Petersen informed the Commission that Tom Hubbard and Tim Davis, owner/operators of The Hanger located at 3201 CIRA Dr., currently holding an RAS liquor license, met with him briefly prior to today's hearing.

Commissioner Stockton opened the liquor hearing and requested that the Applicant explain this request. Jess Backhaus, Operations Manager and Applicant representative, addressed the Commission. He presented the Commission with a rendering of the facility. The space at the airport was currently framed out. Tailwind would offer a cook line, coffee service, and a small bar (twelve stools).

Commissioner Buchanan had looked at the facility. He noted that the "refuge" area was not part of the premise.

Commissioner Stockton questioned the food items offered. Mr. Backhaus noted that Tailwind was a regional airport concessionaire. Tailwind would offer paninis and other items which could

be prepared in a convection oven. The food offerings were described as grab and go. He restated that there would be a coffee bar.

Commissioner Stockton noted the 4:30 a.m. opening time. Mr. Backhaus questioned sale hours for alcohol. George Boyle, Asst. Corporation Counsel, addressed the Commission. Under the City Code, liquor sales were allowed at the airport commencing at 5:00 a.m. with the exception of Sunday, (sales could commence at 6:00 a.m.). Mr. Backhaus noted that Tailwind's standard business hours for liquor sales was 6:00 a.m. with the exception of Sunday, (sales commence at noon). At 4:30 a.m., the house lighting is on and employees arrive. The facility opened thirty to thirty-five (30 - 35) minutes prior to the first flight.

Commissioner Petersen questioned the General Manager. Mr. Backhaus informed the Commission that a General Manager had recently been hired.

Commissioner Petersen questioned the financial statement. Mr. Backhaus noted that it was a personal financial statement for Alan Giaquinto, Tailwind's sole member.

Commissioner Gibson questioned the percentage of sales from alcohol. Mr. Backhaus estimated liquor sales at twenty percent (20%). Commissioner Gibson questioned how critical liquor sales were to Tailwind's business model. Mr. Backhaus noted that Tailwind had been at the airport since August 2010 operating a gift shop. All of Tailwind's locations hold a liquor license.

Commissioner Stockton questioned how liquor sales would be handled. Mr. Backhaus noted that signs would be posted, ("No alcohol beyond this point"). Tailwinds would comply with the airport's policy and City Code. Commissioner Stockton noted that the premise must be defined. Mr. Backhaus noted that the facility's entrance was small. Seating would be limited. Tailwind would be interested in other options. He informed the Council that Tailwind also offered a retail kiosk.

Commissioner Buchanan informed the Commission that there were not any alcoholic items stocked in the kiosk. Mr. Backhaus described the kiosk as a mini shop.

Commissioner Tompkins expressed his concern regarding emergency contacts. Mr. Backhaus restated that the gift shop had been opened. A General Manager had been hired last Friday, November 5, 2010. The form would be updated prior to Tailwind's opening. Commissioner Tompkins questioned the number of liquor licenses held by this company. Mr. Backhaus noted that Tailwind had facilities in four (4) different airports. Each was held by a separate corporation. There was a sole company member.

Commissioner Gibson questioned if the Applicant was a resident. Commissioner Stockton noted that the Applicant was Tailwind BMI, LLC. The financial statement submitted was for the managing partner. A financial statement for the LLC could have been submitted.

Mr. Boyle addressed Chapter 6. Alcoholic Beverages, Section 4B. Disqualification. Tailwind was an out of state corporation. The City needed additional information regarding the company's assets. The City was interested in local control.

Commissioner Buchanan questioned the “phrase not a resident”. He noted that there were a number of liquor licenses issued to corporations. He questioned any concerns regarding Tailwind’s financial statement.

Commissioner Stockton acknowledged that the City would be granting a liquor license to a corporation. Tailwind BMI, LLC was a new corporation. He noted that the assets of the controlling individual may be more substantial than the new corporation. At the appropriate time, the City should request a financial statement for the new corporation.

Commissioner Gibson restated that the Commission needed to define the premise. In addition, he needed a better understanding of staffing and security. Mr. Backhaus stated security would be a joint effort between Tailwind and the airport. Alcohol would be kept in the determined area. At the beginning, alcohol would be kept within the restaurant. Commissioner Gibson questioned the gate area.

Carl Olson, Bloomington Normal Airport Authority’s Executive Director, addressed the Commission. Tailwind would be located in the post screening area. It was located in the boarding gate area. Alcohol must stay within the confined area. The airport had a host of security. Staff was available twenty-four (24) hours a day.

Commissioner Clapp restated that alcohol must remain within the restaurant area. Mr. Olson noted that the airport would allow grab n’ go items. The exception was alcohol which must remain within the restaurant space. He noted Tailwind’s confines. There were two (2) glass walls. The kitchen was located at the back of the facility. The “refuge” area was a safe area and not part of the premise. There would be a single entrance. He noted changes to the flooring which would mark the premise.

Commissioner Stockton noted that there would be no alcohol beyond this point. If liquor was found in the concourse area, the licensee would be held responsible. He noted that this would be the first liquor license beyond the security point. He noted TSA’s regulations. He questioned the City’s ability to access this area, (Police Department).

Mr. Olson informed the Commission that the airport had armed law enforcement, (McLean County Sheriff’s Deputies), within the area. Law enforcement personnel are allowed with the appropriate credentials. The Commission could also request permission from the BNAA.

Commissioner Tompkins questioned the lease. He recommended that this item be laid over until the Commission’s December 14, 2010 meeting. He requested updated financial information and information regarding the General Manager.

Tom Hubbard, co-owner/operator of The Hanger, located at 3201 CIRA Dr., addressed the Commission. He had held the only license at CIRA since 2003. He expressed his belief that his liquor license granted him access to the entire airport. This application would be located on the other side of security. The BNAA put out an RFP, (Request for Proposal). He expressed his concern regarding the BNAA’s response to the RFP process.

Commissioner Stockton noted that the Commission's role was to address the suitability of the applicant. The BNAA's selection process was beyond the purview of the Commission. A key question for the Commission was the need for the liquor license.

Mr. Hubbard stated that a liquor license was a privilege and not a right. He had held four (4) various liquor licenses during his career. He noted that Tailwind was built out. He cited the investment in the facility. Tailwind had recently filed an application for a liquor license. He expressed his belief that the Applicant made the assumption that a liquor license would be granted.

Commissioner Stockton cited the recent application by Super Pantry. Building construction started prior to application for a liquor license. The Commission recommended and the Council created a liquor license. He restated that the relevant question for the Commission was the need for an additional license.

Mr. Hubbard did not believe that there was a need. The BNAA had no complaints about his business. He was upset with same. He had been misled by Mr. Olson as he had questioned food and beverage sales. He did not believe that the Hanger would remain in business.

Phil Boulds, 1 Palm Court, addressed the Commission. He was the owner/operator of Mugsy's located at 1310 N. Main St., currently holding an RAS, (Restaurant, All types of alcohol, Sunday sales), liquor license and Coconut Louie's located at 2303 E. Washington St., currently holder a TAS (Tavern, All types of alcohol, Sunday sales), liquor license. He had been in the liquor business for over twenty-three (23) years. He hoped that there would be further discussion regarding the need for two (2) liquor licenses at the airport. He did not believe there was the need for same.

Kim Bartlow, ADDRESS, addressed the Commission. She had research Tailwind on the Internet. She had spoken with Mr. Olson and the airport's tenants. She questioned the possibility of another liquor license at the airport. She also questioned Tailwind's operations. The Applicant stated that staff would be knowledgeable regarding alcohol service. Tailwind had a violation for underage sales. Tailwind offered initial staff training. However, the company did not follow through. CIRA was the gateway to the community. She believed that the license holder needed to be a City resident and not a corporation with a single member. The BNAA should have been more diligent in its selection process. A line has been drawn. The Commission needed to do due diligence.

Tim Davis, co-owner/operator of The Hanger, located at 3201 CIRA Dr., addressed the Commission. He was Mr. Hubbard's business partner. He questioned Tailwind's credibility. The Commission needed to obtain additional information. He questioned the percentage of sales, (80% food and 20% alcohol). He also questioned Tailwind's seating capacity and staffing levels. The RFP included promised sales figures. He believed that Tailwind's numbers for sales and staffing were significant. He and Mr. Hubbard operated facilities on both sides at the Peoria airport. Peoria offered a preferred flight program. Total sales at their Peoria facilities equaled \$500,000.

Commissioner Stockton stated that he had heard several things. One was the question of need, (two licenses at the airport). He noted the security barrier. Another issue was applicant fitness. Questions had been raised regarding staff training and liquor violations. Tailwind was an LLC. A question was raised regarding residency. Finally, the percentage of liquor sales was questioned, (20% liquor/80% food). He restated that the Commission was not involved in the BNAA lease process.

Mr. Davis also questioned the ratio between patrons and sales.

Mr. Backhaus was given the opportunity to readdress the Commission. A number of things had been said. A violation occurred in North Carolina in 2009 and the staff person paid the fine. That facility had opened in 2005. He noted the nearby Marine base. The violation occurred as part of a police audit. Staff training was revisited. Today, there was an eighty (80) page manual. All staff at this location was retrained. Tailwind also held liquor licenses in Florida and Tennessee. These two (2) states required staff training in the area of liquor sales. He restated his belief that Tailwind did a good job of training staff.

Commissioner Stockton questioned seating and staffing. Mr. Backhaus noted twenty-five to forty (25 - 40) seats with counter service. There would be a manager plus three (3) staff positions. Individuals work eight to twelve (8 - 12) hour days. There would be two (2) staff person per shift and a bartender as needed. He restated that alcohol sales averaged twenty to twenty-five percent (20 - 25%).

Commissioner Gibson noted gross receipts. Mr. Backhaus responded affirmatively. The numbers provided to the BNAA were based upon Tailwind's other operations.

Commissioner Stockton questioned the acceptability of an LLC and residency. Mr. Boyle noted that the license would be held in the name of the LLC, (corporation), at a local address. He requested additional time to research same. He also addressed the financial responsibility of the Applicant.

Commissioner Tompkins requested additional information regarding the LLC. He was also interested in a financial statement for the LLC. He restated his request that this application be laid over until the Commission's December 14, 2010 meeting. Mr. Backhaus noted that an LLC was a Limited Liability Company. This was a brand new company with limited sales. The financial statement provided was for the company's sole member.

Commissioner Petersen expressed his concern regarding a venture of this size. He believed that the Commission needed additional information. Mr. Boyle restated his request to perform additional research. He noted that there was no prohibition against LLC.

Commissioner Stockton noted that there were company owned locations which held liquor licenses through a corporation. The application had been submitted by an LLC. Mr. Boyle did not see any reason to treat this application differently.

Commissioner Gibson noted that the question was raised. The Commission requested clarification. A lease was required to obtain a liquor license.

Mr. Backhaus noted that Tailwind was confident in its ability to obtain a liquor license. The company held more than one (1) liquor license.

Commissioner Stockton addressed the need for a liquor license. Commissioner Petersen questioned how serious the Applicant was about a liquor license. Mr. Backhaus noted that Tailwind had been selected by the BNAA. Commissioner Gibson stressed that the Commission would make a recommendation to the Council. The Applicant should provide a statement of need. Mr. Backhaus noted that Tailwind responded to the BNAA's RFP. The facility was located post security. He noted changes made at airports post 911, (September 11, 2001). He believed that there was a need.

Commissioner Gibson questioned Commissioner Tompkins' recommendation that this Application be laid over until the Commission's December 14, 2010 meeting. He did not see the need for this application. He believed that there were security concerns. He questioned two (2) liquor licenses at the airport. The question of need was fundamental.

Commissioner Stockton noted that these two (2) licenses would be held in two (2) different worlds, (land versus air).

Mr. Olson addressed the Commission. The BNAA hired a consultant to look at the airport's retail space. One recommendation was to offer food and beverage service on the air side of the airport. This recommendation included liquor service. An airport was a different environment. The Hanger was on the land side. It served the airport's meeters and greeters. Tailwind would serve departing passengers. There would be four to five (4 - 5) peak times a day. Each would last thirty to forty (30 - 40) minutes. The BNAA believed that there was sufficient traffic to support this facility. CIRA had seen traffic increases. Numbers exceeded 50,000 per month.

Commissioner Stockton summarized that the BNAA's consultant believed that there was room for two (2) liquor licenses at the airport. Arrivals might stop by Tailwind as the two (2) licenses would only be one hundred feet (100') apart. He restated that in an airport land and air were worlds apart. In addition, the BNAA believed that there was a need.

Mr. Olson informed the Commission that the BNAA had received inquiries and there was an interest in liquor service on the air side of the airport. Commissioner Stockton addressed a standard for issuance, the BNAA believed that there was a need.

Commissioner Buchanan noted that it was not the Commission's role to give consideration to the BNAA's RFP process. The Commission had become somewhat familiar with the process through today's hearing. There were those who were in disagreement with the BNAA's recommendation. He believed that the BNAA had made a conscientious effort to encourage RFP submittals from local companies. The question of need was subjective. The Commission has allowed the marketplace to decide. The application was not deficient in any significant areas. He expressed support for same.

Commissioner Clapp noted that the security requirements were two (2) worlds apart. She noted the average wait and airport delays. She believed that there was customer interest. The Commission had acknowledged the BNAA's RFP process. There would be a corporate owner with local representation.

Commissioner Stockton recognized the earlier request that this Application be laid over until the Commission's December 14, 2010 meeting. He noted Mr. Boyle's opinion that an LLC qualified as a license holder. The Commission could request a balance sheet one (1) week prior to the Council meeting.

Mr. Olson noted that the opening of Tailwind was scheduled for mid December 2010. Tailwind had preceded all of airport's deadlines. Commissioner Stockton noted that the Council was scheduled to meet on December 13, 2010.

Commissioner Tompkins stated that Mr. Olson had addressed all of his concerns.

Mr. Hubbard readdressed the Commission. He did not believe that local companies were encouraged to submit an RFP. The BNAA's consultant priced the RFP beyond reach. The Hanger was struggling to pay its rent.

Commissioner Stockton noted Mr. Hubbard's concern about his business.

Commissioner Gibson expressed his appreciation for the context. It was difficult to separate the two (2) issues. Tailwind had presented a viable business plan. There were unresolved issues. It would not be easy to police the area. He also questioned the need for a liquor license. The Applicant did not meet the standard. He was concerned as CIRA (Central Illinois Regional Airport) was a small airport. He believed that this application represented a revenue and service opportunity for the airport. He planned to vote against same.

Motion by Commissioner Buchanan, seconded by Commissioner Tompkins that that the application of Tailwind BMI, LLC, d/b/a Tailwind Bar & Grill located at 3201 CIRA 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 be approved with the following conditions: 1.) a financial statement /balance sheet for the LLC be submitted by December 6, 2010; and 2.) a recommendation by the City's Corporation Counsel regarding an LLC being a qualified license holder.

Ayes: Commissioner Stockton, Buchanan, Clapp, and Tompkins.

Nays: Commissioner Gibson and Petersen.

Motion carried.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Public notice was published in the Pantagraph in accordance with City Code. In accordance with City Code, approximately ten (10) courtesy copies of the Public Notice were mailed. In addition, the

Agenda for the November 9, 2010 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

**FINANCIAL IMPACT:** This would be a new RAS liquor license with an annual fee of \$2,210.

Respectfully,

Reviewed as to legal sufficiency

Reviewed and concur:

Stephen F. Stockton  
Chairman of Liquor  
Commission

George Boyle  
Asst. Corporation Counsel

Randall D. McKinley  
Police Chief

**Mayor Stockton introduced this item. He recognized the Bloomington - Normal Airport Authority (BNAA) who selected the tenant. The Liquor Commission addressed the need for two (2) liquor licenses in close proximity to each other. The two (2) licenses were separated by the Transportation Security Administration (TSA) area. There was a need for an airside facility. He cited personal experience over the past weekend at the Central Illinois Regional Airport (CIRA). He reminded Council that the liquor code was amended to accommodate CIRA and The Hanger, 3201 Cira Dr. He recommended Council accept the tenant, recognize the two (2) markets, and approve the license. He added that some believed the existing license holder should be protected from competition.**

**Alderman Anderson stated his purpose for pulling this item was to allow both sides to address the issue.**

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

**Motion carried.**

**Paul Harmon, 6 Clinton Pl., Normal, BNAA Chair, addressed the Council. There had been a lot of discussion regarding local business. BNAA used a bid process to select the tenant. The seven (7) members of the board all agreed on the same tenant. If the tenant was approved then they could apply for a liquor license. The tenant denied financial support from the airport. He clarified that CIRA was a regional airport. Fifty percent (50%) of their clients came from outside McLean County. There were no local airlines. CIRA had qualified staff. BNAA had held a public hearing and the bid selection was unanimous. The bid included a restaurant and a gift shop.**

**Alderman Purcell questioned if the tenant would be successful without a liquor license. Mr. Harmon stated CIRA had not had a liquor license beyond security before. He cited the investment by the tenant. He could not answer the questions regarding success or market impact.**

**Alderman Schmidt questioned if the liquor license was part of the business plan. Mr. Harmon did not believe it had been.**



**Alderman Stearns questioned the Request for Proposal (RFP) process and rejection of other vendors. Mr. Harmon stated Tailwind was the number one (1) choice. BNAA may have rejected the other bids. There were issues with the other two (2) bids.**

**Alderman Huette questioned the time line for a business to apply for a liquor license. Mayor Stockton stated there was no requirement for when to apply. There were no guarantees by the Commission. The Commission recommends having contingencies in the lease or making application prior to build out.**

**Alderman Purcell read from CIRA's bid documents. BNAA stated its approval to sell alcohol in the building. Mr. Harmon stated BNAA did not indicate that Tailwind did not have to apply for a liquor license.**

**Jess Backhaus, Tailwind's Operations Manager, 3440 Constable, Wilmington, NC, addressed the Council. Tailwind opened on Friday December 10, 2010. He was excited to move forward. He presented photographs of the facility to the Council. There was a need for liquor service past the security area. Tailwind was established in three (3) other airports. Tailwind believed there was a need past security. There had been many comments regarding liquor sales. Mayor Stockton clarified that there were three (3) parts to the build out. One was the coffee bar and the other was a deli. Mr. Backhaus stated all food products were made fresh. Mayor Stockton stated the third portion was the bar area. He clarified that no alcohol service was allowed outside the restaurant. Mr. Backhaus responded affirmatively. There had been many discussions on that topic.**

**Alderman Schmidt believed the unresolved issues revolved around employee training and underage drinking. Mr. Backhaus stated he had been with Tailwind for the last five (5) years and also had extensive training. The restaurant had a four (4) drink maximum. He acknowledged Kevin Scott, Tailwind's General Manager, who has been a long time resident of the City. Two (2) employees had attended a STEPS, (Safety Training to Encourage Profitable Services) program this day.**

**Alderman Stearns questioned the "Bar & Bistro" signage and if the restaurant would proceed without a liquor license. Mr. Backhaus stated the liquor license was an integral part of the business. He cited the investment made in the facility. It had been a long process and the business would continue. During contract negotiations, he had made two (2) visits to the City. Tailwind was awarded the RFP in September 2010. The goal was to be open by December 2010. The time line placed Tailwind's application on the Liquor Commission's November 9, 2010 meeting.**

**Barbara Taft, 121 Ruth Rd., addressed the Council. It had been stated that there was a need for a liquor license due to the different environment past security. She did not believe that need existed. A majority of the flights departed before noon. The Hanger was not open in the early mornings. She did not believe a second license would attract additional passengers. She believed security was not a deterrent. Tailwind had indicated that they would operate without a liquor license. She believed the airport was in need of a grab n' go establishment. The Ordinance (Chapter 6. Alcoholic Beverages, Section 4B.**

Creation of New License - Findings) placed the burden on the Council to not create a new liquor license unless there was a necessity. She believed the necessity did not exist. Children would be exposed to the alcohol. There would be more intoxicated individuals at the gate. The burden had not been met by Tailwind. There was a greater risk to citizens. Mayor Stockton noted that the Commission had determined there was a need. He added that the TSA did not encourage travelers to come and go through security.

Carl Olson, BNAA's Executive Director, 3201 CIRA Dr., addressed the Council. He provided some background on the BNAA's involvement with this issue. The BNAA wanted to introduce food and beverage on the air side of the airport due to trends in the industry and passenger feedback. In 2009, BNAA completed an analysis that benchmarked the facility against other airports in regards to concessions. They examined the return to the airport. It was determined that the passengers were interested in air side food and beverage. They went through the RFP process following the Federal Aviation Administration (FAA) guidelines. Tailwind was accepted. There were two (2) markets in the airport created by the security area. The prescreen area included The Hanger. Travelers could wait for a flight with "meeters and greeters". Past the security check point a boarding pass was required. Passengers were typically in this area for a shorter period of time. The BNAA was attempting to match customer needs and expectations.

Alderman Stearns questioned if he believed both vendors could do well. Mr. Olson responded affirmatively. Traffic was growing and customers were looking for those amenities. He believed both vendors would do well.

Alderman Purcell thanked Mr. Olson for the documentation he provided.

Mayor Stockton questioned the 5:00 a.m. opening. Mr. Olson stated Tailwind opened at 5:00 a.m. but liquor service would begin later. Mayor Stockton questioned The Hanger's opening time. Mr. Olson stated between 8:00 and 9:00 a.m.

Alderman Fruin questioned what other regional airports served liquor on the air side. Mr. Olson stated Peoria International Airport would begin serving alcohol in March 2011 and Quad City International Airport also served alcohol. Champaign's University of Illinois Willard Airport and Springfield's Abraham Lincoln Capitol Airport did not.

Alderman Fruin questioned if the BNAA had the authority to issue a liquor license. Mayor Stockton stated the agreement between the City and the BNAA was to work cooperatively with the City on this issue.

Alderman Sage questioned the record service increases. Mr. Olson stated that in seven (7) of the last eight (8) years traffic at the airport had increased. 2010 had set a new record. He did not believe people chose an airport because of access to alcohol. The increased traffic showed strength to support both airport vendors. Mayor Stockton clarified that CIRA was the fourth largest airport in Illinois. Mr. Olson responded affirmatively.

**Motion by Alderman Anderson, seconded by Alderman Stearns to return to order.**

**Motion carried.**

**Alderman Sage expressed his interest in the standards for creation. He read from Chapter 6. Alcoholic Beverages, Section 4B. Creation of New License - Findings. This was his basis of thought on this issue.**

**Alderman Anderson stated the airport passenger market was also outside the City limits. It was a free market. He noted airport security. He planned to support this item. He requested that CIRA work with both vendors to help them stay healthy. Mayor Stockton stated the question of need was interesting. The Commissions approach was broader. They had not acted as a shield to competition in the past. The Commission's larger concern was the impact on the neighborhood. There had been suggestions to limit the number of liquor licenses. Licenses had been traded in the past.**

**Alderman Sage had not been persuaded that a second license was needed. He relied on City Ordinance. He believed there was a lack of dialogue between the Council and Commission. Mayor Stockton stated staff was putting together a joint Work Session to be held in January 2011.**

**Alderman Fruin questioned if the items requested by the Commission had been received. Tracey Covert, City Clerk, responded affirmatively. Alderman Fruin noted the Council memorandum. Tailwind had invested \$400,000 and liquor sales were not critical. He suggested the Council revisit this item in a year. There were a number of outstanding issues.**

**Alderman Schmidt believed they should set aside competition and the RFP process. Council was guided by City Code. She believed there was a similar conversation regarding fitness of Downtown liquor licenses. She had heard concerns regarding passengers on planes. Council needed to question why liquor sales were a necessity. She questioned what the City would be encouraging and promoting.**

**Alderman Stearns echoed the comments by Aldermen Sage and Schmidt. She agreed with Ms. Taft's comments. The airport had a vendor with a liquor license. The Hanger also had a facility at the Peoria International Airport. She cited The Hanger's record. The Hanger was not an LLC and had a local manager. The airport had a known vendor. She believed the proliferation of alcohol was troubling. She would not support this item.**

**Alderman Purcell questioned if an LLC could hold a liquor license and who was responsible for following the license requirements. Mayor Stockton stated a local manager was required.**

**Alderman Purcell had reviewed the RFP and had spoken with all of the vendors except Tailwind. He questioned the differences between the two (2) sides at the airport.**

Mayor Stockton stated the security check point was the barrier for the two (2) markets. He believed there was a need for a liquor license on both sides. Alderman Purcell commented on the free market. A passenger needed a boarding pass to access Tailwind. This company could only sell alcohol to people who pass through security. He did not believe there would be enough business for both vendors. He doubted the sales figures provided.

Alderman Fruin presumed that the license would be denied and questioned the direction Tailwind should take.

Alderman Huette questioned if Tailwind could reapply at any time. Mayor Stockton responded affirmatively.

Motion by Alderman Stearns, seconded by Alderman Sage that an RAS liquor license for Tailwind BMI, LLC, d/b/a Tailwind Bar & Grill, located at 3201 CIRA Dr., be denied.

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

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Sage, Fruin and Purcell.

Nays: Alderman Anderson.

Motion carried.

The following was presented:

SUBJECT: Application of Sidecar Entertainment, Inc., (SEI), d/b/a Eleven, located at 105 W. Front St., for a TAS 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

**RECOMMENDATION:** Based upon the report from the Liquor Hearing, the Liquor Commission recommends to the City Council that a TAS liquor license for Sidecar Entertainment, Inc., d/b/a Eleven, located at 105 W. Front St., be created, contingent upon compliance with all applicable health and safety codes.

**BACKGROUND:** The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the application of Sidecar Entertainment, Inc., (SEI), d/b/a Eleven, located at 105 W. Front St., requesting a TAS 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 Steve Stockton, Richard Buchanan, Marabeth Clapp, Steve Petersen, Mark Gibson, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel and Tracey Covert, City Clerk; and Wade Nichols, SEI's CEO/Treasurer, Applicant representative and Todd Bugg, Applicants' attorney.

Commissioner Stockton opened the liquor hearing and requested that the Applicant update the Commission since the October 12, 2010 meeting. Todd Bugg, Applicant's attorney, addressed the Commission. His client had prepared additional documents. The business hours had been changed and the food offerings expanded. A floor plan had also been submitted. He noted that there had been an "R", Restaurant, liquor license at this address in the past.

Wade Nichols, SEI's CEO/Treasurer and Applicant representative, addressed the Commission. SEI had made a good faith effort. He cited the earlier closing hour. Eleven would open earlier on Saturday and Sunday. The food menu had been expanded and it would be sold by the staff. The business plan included hiring a dedicated kitchen manager. The comfort level was not there to request an "R", Restaurant, liquor license. He believed that food sales would be in the forty to forty-five percent (40 - 45%) range. Eleven would provide a casual environment, patrons would not feel rushed. On Saturday and Sunday, a brunch n' lunch would be offered. With an expanded food menu, Eleven would offer off-site catering. The upper level would also be available for catered events. Food service would be upfront. Each customer would be provided with a menu. The menu would also included nonalcoholic beverages such as French pressed coffees, cocoa, tea, etc. Cocktails would be prepared with fresh ingredients. The bar staff would also prepare nonalcoholic beverages. There would be table tents which would list alcohol free drink offerings. He believed that these items would become a significant part of beverage sales. He addressed marketing. There would be food specials between 4:00 - 6:00 p.m. Eleven would assertively present its food promotions. Eleven planned to work with events hosted at the US Cellular Coliseum (USCC). There would be discounts offered on food items with a ticket stub. Eleven would play classic rock music.

Commissioner Stockton noted that the Commission had received the revised menu. It went beyond bar food. He noted the brunch menu. He described this change as significant. Eleven would not be another Downtown tavern.

Commissioner Clapp stated that it sounded like there had been change since last month's presentation. She described the food offerings as good. The intended market was USCC customers/ticket holders. She noted that the market remained the same.

Commissioner Buchanan noted the business plan's intention. He stated the marketplace and the license holder's ability to control same. The Commission has used conditions placed upon the license to make an application acceptable. No one could guarantee success. Eleven may turn into a Downtown tavern. However the primary factor impacting a liquor business was the quality of the applicant/operator. He noted the proposed changes coupled with good judgment on behalf of the Applicant would allow Eleven to be successful. Eleven would be located on Front St. not on Main St. He expressed his support for the application.

Commissioner Tompkins noted that due diligence had been done. The Applicant owned the building. He believed it to be in the best interest of all involved to approve the application.

Mr. Nichols believed that Eleven would be an alternative. Eleven would not be the sole source of income for the ownership group. He encouraged the City to scrutinize their operations. He

was willing to take the risk of applying this idea in the marketplace. Eleven would be true to its business philosophy.

Commissioner Petersen questioned the building's stories. Mr. Nichols noted three (3). The building's second floor would offer a second bar/lounge, an office, rest rooms and liquor storage. It may be open for overflow on weekends. It would also be used for catered events. Commissioner Petersen questioned beautification of the building. Mr. Nichols noted that the facade would be upgraded. There was a lot of work planned. Commissioner Petersen stated that currently the building was vacant. Mr. Nichols noted that building's interior and exterior needed to be appealing. Two (2) properties were involved. The renovation budget was set at \$200,000. The plan included the basement, first floor, mechanicals, etc. The tin ceiling would be retained.

Commissioner Petersen questioned the former license at this location. Tracey Covert, City Clerk, noted Bangkok Thai Restaurant.

Commissioner Stockton restated that the Applicant had established that food sales would equal forty to forty-five percent (40 - 45%). Commissioner Petersen questioned if the City performed audits. Commissioner Stockton noted that the Commission had the authority to review the books.

Commissioner Stockton opened the hearing to public comment. No one came forward to address the Commission.

Commissioner Stockton noted that the Applicant had responded well. He cited the change to the business hours. He requested that Mr. Nichols describe Eleven on a Saturday at midnight. Mr. Nichols stated that there would be forty to fifty (40 - 50) people present. Eleven would track the coming and going of its patrons. He believed that the numbers would start to decline around 11:30 p.m. Commissioner Stockton questioned business on USCC event nights. Mr. Nichols acknowledged that there would be differences. On week nights, the crowd would be limited after 10:00 p.m. Commissioner Stockton believed that the Applicant understood the Commission's intentions. Mr. Nichols stated that it went beyond hours. Eleven would set the tone for patron behavior. Commissioner Stockton stated that the Commission would expect a good faith effort. The Applicant should continue to work with the City. The Commission reserved the right to address business hours, etc.

Commissioner Buchanan noted two (2) questions. The first was to clarify the impact if intention/expectations were not met.

Commissioner Gibson arrived at 4:30 p.m.

Commissioner Stockton stated that the Commission would sit down with the license holder if Eleven was not operated as anticipated. The Commission would determine how to address any issues.

Commissioner Buchanan questioned a busy Saturday night and the closing time for the kitchen. Mr. Nichols noted that the full menu would be available until 9:00 p.m. The kitchen would be

open until 11:00 - 11:30 with a limited menu. Commissioner Buchanan recommended a condition that there be no liquor sales thirty (30) minutes after the kitchen closed. Eleven would cease to be a restaurant when the kitchen was closed. Mr. Nichols stated that the numbers would have to be reviewed. Another alternative would be for Eleven to leave the kitchen open.

Commissioner Tompkins noted that the Commission would address any violations if they occurred.

Commissioner Stockton stated that conditions could be useful. He did not believe that conditions were necessary with this application. The Commission would retain the right to apply conditions if Eleven does not meet the shared vision.

Commissioner Petersen questioned occupancy. Mr. Nichols noted that seating would be offered for forty-five (45). He estimated first floor occupancy at seventy (70). He believed the maximum occupancy for both floors would be 130. The first floor would offer booths. The second floor would offer couches and chairs. Commissioner Buchanan suggested that the seating be secured to the floor. Mr. Nichols noted that the first floor had not been finalized. Commissioner Petersen expressed his appreciation for the reworked floor plan. Mr. Nichols restated that he did not believe that the second floor would be used during the week.

Commissioner Clapp noted that there was an understanding between the Commission and the Applicant. The Applicant had responded positively. The Commission has the intention to review Eleven's operations to insure that the understanding has been met. She described this application as a hybrid. She believed it was workable/achievable.

Commissioner Stockton restated his belief that there was an understanding between the parties.

Commissioner Buchanan noted that the Commission was not compelled to audit Eleven. However, he was in favor of same. He encouraged the Applicant to establish a bookkeeping system which would allow for the Commission's review.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Public notice was published in the Pantagraph in accordance with City Code. In accordance with City Code, approximately ninety-five (95) courtesy copies of the Public Notice were mailed. In addition, the Agenda for the November 9, 2010 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

**FINANCIAL IMPACT:** This would be a new TAS liquor license with an annual fee of \$2,210.

Respectfully,

Reviewed as to legal sufficiency:

Reviewed and concur:

Stephen F. Stockton  
Chairman of Liquor  
Commission

George Boyle  
Asst. Corporation Counsel

Randall D. McKinley  
Police Chief

Mayor Stockton introduced this item. The Liquor Commission requested safe guards be put in place to ensure the facility was not another “Tavern”. Food service would be available in the evenings and they would have earlier closing times.

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

Motion carried.

Todd Bugg, 1001 N Main St. #A, Attorney for the Applicant, addressed the Council. Sidecar Entertainment, Inc. was an Illinois corporation made up of five (5) business people who planned to open a pub. His client was very well prepared. There was another LLC with the same five (5) people who owned the building. They were willing to invest in the facility. They understood the current Downtown market. His clients were excited to compete in that market. They had hoped that Council would find in favor of the Commission’s recommendation. Mayor Stockton requested comments to assure the Commission. Mr. Bugg stated his clients agreed to earlier closing times. They would open earlier to serve brunch on weekends and lunch during the week. They also agreed to be accountable to the Commission’s reviews. They wanted to be an asset to the community.

Wade Nichols, 55 Boon Ct., Danvers, Sidecar Entertainment, Inc.’s CEO, addressed the Council. He wanted to open a pub. He wanted the clientele to discuss the day’s activities. He preferred the journey of a conversation. He welcomed scrutiny. All the owners have jobs and do not require the pub for financial gain. He desired all staff to be BASSET, (Beverage Alcohol Seller and Servers Education and Training), certified. He welcomed competition. He understood that times were difficult but he believed that the local economy was improving.

Alderman Schmidt had spoken with Mr. Nichols and he had estimated food sales at forty percent (40%). She questioned why he had changed his business plan after the first Commission hearing. Mr. Nichols stated there were two (2) reasons. The first was his confidence in the numbers. He could not make people order food. He loved the project but he liked his integrity more. The second reason was the feeling he was trying to accomplish with the venue. It was meant to be a meeting place. He did not want to hold tables for food service.

Alderman Schmidt had heard repeatedly from bars owners that they did not want to attract the college crowd. She questioned how he would accomplish that. Mr. Nichols was looking for a behavior demographic of one to two (1 – 2) drinks. The location on Front St. did not attract college students. There was a range of establishments on Front St. The marketing would be towards customers going to the US Cellular Coliseum (USCC) and the Bloomington Center for the Performing Arts (BCPA) events. They would not offer cheap specials on alcohol.



Alderman Purcell questioned who held the previous liquor license at that location. Mr. Nichols responded Bangkok Thai. Alderman Purcell believed Eleven sounded like a “Friend’s bar”. Mr. Nichols agreed.

Tyler Holloway, 2509 Kara Crossing, representative of the Downtown Bar Association (DBA), addressed the Council. The DBA was opposed to this establishment due to the oversaturation of liquor licenses in Downtown. When there were cheap drink specials there could be intoxication issues. The Town of Normal did not have that issue. The market was difficult. He believed someone may go out of business. He knew the manager for Eleven as she had worked for him in the past. He expressed concern for the business currently in the Downtown.

Shannon Patterson, 808 S Mercer Ave., addressed the Council. She had owned a Downtown business thirteen (13) years ago. She had met with then Mayor Judy Markowitz regarding a Downtown study. She requested liquor licenses be suspended until the study’s completion. Mayor Markowitz responded negatively. Her business had been located at 105 W. Front St. for eight (8) years. A month ago she found out the building had been purchased and would be turned into a bar. She believed the historical integrity of the Downtown was being abused by the number of bars. She did not believe there was a lot of passion for the Downtown.

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

Motion carried.

Mayor Stockton noted the letter from the Downtown Business Association in support of Eleven.

Alderman Schmidt expressed her disappointment regarding the Commission’s actions. She had spoken with Mr. Nichols and had read both sets of minutes. She was trying to look at the big picture. She believed an informal moratorium had been placed on liquor licenses about four to five (4 - 5) years ago. She requested more than a Work Session regarding this issue. All entities needed to come to a consensus on what the Downtown should be. She commented on uneven license conditions; hire back costs within the Police Department; and license management. She did not want to balance the issue on Eleven’s back. Everyone needed to be on the same page. Mayor Stockton stated the Commission believed there was a moratorium on “Tavern” licenses in the Downtown. The Commission let this establishment through because it would act more like a restaurant. He cited Six Strings, the Castle Theater, Reality Bites, and Main St. Grill (f/k/a Show Me’s). There had been management issues with some of the establishments. The Commission had been presented with rationales in the past.

Alderman Schmidt did not want to underestimate the Commission. She appreciated the changes Sidecar Entertainment made to their business plan. The City did not have a management plan for the Downtown. She believed some Downtown bar owners were

responsible. Mayor Stockton stated a time would be scheduled to speak with Randy McKinley, Police Chief, to discuss options.

Alderman Huette believed Alderman Schmidt raised some excellent points. He believed another Tavern license added to a growing problem. Unfortunately Eleven was the victim. He believed Sidecar Entertainment had great intentions and plans. It was just bad timing.

Alderman McDade wanted to support Downtown economic development without adding more liquor licenses. There was a larger community at stake. She would not support this item. She believed it would take more than a Work Session to solve the problem.

Alderman Sage read from the Commission minutes. He recognized the free market. He expressed concern for the impact on public safety. He believed Main St. was a flash point at closing time. He would support a restaurant license.

Alderman Fruin agreed with all comments made. He believed that the Council should establish a philosophical position but not during a Monday night Council meeting. The distinction for Eleven was its location on Front St. Council agreed there was an over proliferation on Main St. He expressed concern for a moratorium. He cited the number of Downtown restaurants. He believed the Downtown needed more food establishments. There were a number of liquor issues presented. Issues kept reoccurring. He believed the Council could learn from the Commission. It needed to be a two way conversation that would be helpful to both sides. Council needed to look at the Downtown in a broader sense.

Alderman Anderson agreed that there was a need for a deep conversation about the liquor issue. He believed the applicant was honest. He questioned if there was a moratorium. Mayor Stockton responded negatively. The Commission looked beyond the Tavern designation. They decided to give Council the choice. Eleven was technically a Tavern but it would function more as a restaurant with extensive food sales.

Alderman Anderson believed there was a need for more discussion. He believed in the free market. He would support this item.

Alderman Stearns echoed the comments made. She expressed appreciation for Ms. Patterson's passion. She had received an email from a constituent expressing concern that the Downtown was full of drunken college students. She questioned if the City was creating a healthy and positive environment. She questioned if there were enough specialty stores Downtown. Liquor was heavily regulated. She was appalled that Council was looking at more liquor licenses. She would not support this item.

Alderman Purcell cited the conditions required of Six Strings. Six Strings had done well. Eleven would be on the south side of the Downtown. It was another empty building Downtown. He questioned what type of restaurants citizens wanted Downtown. He would support this item. Mayor Stockton noted the Commission reserved the right to readdress

the stipulations for Eleven. The Commission would respond to complaints or concerns. This discussion was becoming about a number of issues.

Alderman Schmidt clarified that she would vote yes for this item. She expressed appreciation for the strong concern expressed by the Council. She believed the City needed a good management plan for the Downtown.

Mayor Stockton presented the Council with several options. This discussion was difficult. A number of issues were raised. He would like a joint meeting between the Council and Commission. The Commission needed some direction from Council.

Motion by Alderman Schmidt, seconded by Alderman Anderson that a TAS liquor license for Sidecar Entertainment, Inc., (SEI), d/b/a Eleven, located at 105 W. Front St., be created, contingent upon compliance with all applicable health and safety codes.

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

Ayes: Aldermen Schmidt, Anderson, Fruin and Purcell, and Mayor Stockton.

Nays: Aldermen McDade, Huette, Stearns and Sage.

Motion carried.

The following was presented:

SUBJECT: Text Amendment to Chapter 3, Advertizing Sign Code; Amending Language that Requires Notification of the Owner of an Illegally Placed Sign in the City's Right of Way

**RECOMMENDATION:** That the Text Amendment be approved and the Ordinance be passed.

**BACKGROUND:** During the Citizens Voice meetings of August 16 and November 15, 2010, complaints were raised by citizens concerning the proliferation of temporary signs in the public right of way. Placement of signs in the public right of way is prohibited by Chapter 3, Section 6.4. While staff has been making every effort to remove such signs with current staffing levels, our efforts have been somewhat hampered by the current code. Conversations between Council and staff have determined that one (1) of the detriments of timely removal is the existing code requirement that the owner of illegal temporary signs be notified a minimum of twenty-four (24) hours prior to removal of the sign (Chapter 3, Section 9.5 Removal of Signs by the Administrator). Staff proposes an amendment to the code that allows for immediate sign removal with notification following removal. This change would allow for the removal of illegal signs in the right of way and streamline the process allowing engagement of other City staff in the process. The change to the code is as follows:

The Administrator or his designee shall cause to be removed any sign known by him to be unlawfully placed on any public right of way or on any utility easement within the City. Any such unlawfully placed signs may be removed by the Administrator or his designee without notice to the owner thereof. The Administrator or his designee may notice the owner, if known, that their sign has been removed and they may redeem it from the Administrator provided for in this Section and Section 9.6 of this code.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** This Text Amendment is the direct result of comments made during the City's Citizens Voice meetings.

**FINANCIAL IMPACT:** There is no direct financial impact. Staff efficiency should be improved from less time expended on return trips to remove signs in violation of code.

Respectfully submitted for Council consideration.

Prepared by:

Mark R. Huber  
Director of PACE

Reviewed by:

Barbara J. Adkins  
Deputy City Manager

Reviewed as to legal sufficiency:

J. Todd Greenburg  
Corporation Counsel

Recommended by:

David A. Hales  
City Manager

**ORDINANCE NUMBER 2010 - 55**

**AN ORDINANCE AMENDING SECTION 9.5 OF  
CHAPTER 3 OF THE BLOOMINGTON CITY CODE  
TO ALLOW REMOVAL OF ILLEGAL SIGNS FROM THE RIGHT OF WAY WITH  
OUT PRIOR NOTICE**

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

SECTION 1: That Section 9.5 of Chapter 3 of the Bloomington City Code, 1960, as amended, shall be further amended as follows: (additions are indicated by underlines; deletions are indicated by strikeouts):

**Section 9.5: Removal of Signs by the Administrator**

The Administrator shall cause to be removed any sign known by him to be unlawfully placed on any public right-of-way or on any utility easement within the City, ~~if known, in an emergency; and otherwise within twenty-four (24) hours after the owner thereof, if known, has been notified by the Administrator.~~ Any such unlawfully placed signs may be removed by the Administrator without notice to the owner thereof. The Administrator may notice the owner, if known, that their sign has been removed and they may redeem it from the Administrator within seven (7) days and/or as provided in section 9.6 of this code.

The Administrator shall cause to be removed any sign believed by him to endanger the public safety. Such signs may be removed by the Administrator without notice to the owner thereof, if known, in an emergency and shall be removed by the Administrator in any case within twenty-four (24) hours after the owner thereof, if known, has been notified by the Administrator.

The Administrator shall cause to be removed an abandoned sign, a sign which is materially, electrically or structurally defective, a sign for which no permit has been issued, a sign which is not permitted by Articles 4 or 8 hereof, or a sign which otherwise has been declared to be unlawful. The Administrator shall prepare a notice to the owner, if known, which shall describe the sign and specify the violation or lack of compliance involved and which shall state that if the sign is not removed or the violation is not corrected within fourteen (14) days, the sign shall be removed in accordance with the provisions of this Article. During the time of removal, other new signs placed on the premises which are similarly in violation may be removed without advance notice.

The owner of any unlawfully placed or otherwise unlawful sign that has been removed by the Administrator may redeem such sign from the Administrator upon payment of the cost to the City of causing such sign to be removed. Such costs of removal for all such signs shall not be less than Twenty-five Dollars (\$25.00). Costs of any sign removal shall be recovered by the City as provided by Section 9.6 of this Code.

All notices mailed by the Administrator shall be sent by certified mail except those written notices which confirm oral notices and these may be sent by regular mail as may other notices so

specified. Any time periods provided in this Article shall be deemed to commence on the date of the receipt of notice, whether written or oral.

In the direction of the Administrator and except as otherwise provided herein notices may also be orally provided to, mailed to, or delivered to the owner of the property on which the sign is located as shown on the last equalized general real estate tax assessment roll and/or the occupant of the property, if known.

Any person having an interest in a sign or property associated therewith may appeal the determination of the Administrator ordering removal of the sign or compliance by filing a written notice of appeal with a written statement of the reasons in support of his/her position with the Sign Code Board of Review within fourteen (14) days after the date of receipt of a notice, whether written or oral, for removal of the sign.

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

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

SECTION 4: This ordinance shall be effective ten (10) days after the date of its publication.

SECTION 5: This ordinance is passed and approved pursuant to the home rule authority granted under Article VII, Section 6 of the 1970 Illinois Constitution.

PASSED this 13<sup>th</sup> day of December, 2010.

APPROVED this 14<sup>th</sup> day of December, 2010.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Alderman Huette stated signs in the public right of way were a nuisance. He requested clarification on the changes to the Ordinance. Mark Huber, Director – PACE, addressed the Council. The main change was the removal of the notification requirement**

prior to any staff member removing a sign. An Ordinance Violation could still be issued. There were a number of issues to address.

Alderman Huette cited weekend vendors as one source of the problem. He would like to send a message. David Hales, City Manager, addressed the Council. He requested that the Ordinance be clarified. Todd Greenburg, Corporate Counsel, addressed the Council. The owners could redeem their signs at \$25 a piece. It was not a fine as the owner had a choice to pay.

Alderman Huette questioned if the signs were thrown away. He also questioned repeat offenders. Mr. Greenburg stated it was difficult to prove intention to place a sign in the right of way. The City could not fine political speech. The Council could decide to confiscate a sign if it was in the right of way. There was a first amendment issue.

Alderman Anderson questioned if the same rules applied to utility poles. Mr. Greenburg responded affirmatively. Mayor Stockton questioned a time frame for keeping the signs. Mr. Greenburg stated they would be kept for a reasonable amount of time. Council could recommend a revision. It was Council's discretion.

Alderman Sage questioned areas that were not clear. He cited Veterans Parkway. He questioned how to identify what was public property and what was private. Mr. Huber stated many areas were obvious. If it was not clear then it should be verified by staff. The sign code required the property owner to obtain a permit to place a sign. He anticipated requests for returned signs would be for permanent signs only. Signs could be held for seven to fourteen (7 – 14) days.

Alderman Purcell questioned political signs. Mr. Huber stated he had requested relocation of signs in the past.

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

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

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Sage and Fruin.

Nays: Alderman Purcell.

Motion carried.

The following was presented:

SUBJECT: Text Amendment to Chapter 2 (Administration) Relating to Public Comment during City Council, Board and Commission Meetings

**RECOMMENDATION:** That the Text Amendment be approved and the Ordinance passed.

**BACKGROUND:** On August 23, 2010, Governor Quinn signed Public Act 96-1473, which among other things, added a new subsection (g) to Section 2.06 of the Open Meetings Act (5 ILCS 120/1 et seq.). Subsection (g) provides that “any person shall be permitted an opportunity to address public officials under the rules established and recorded by the public body.” The effective date of this legislation is January 1, 2011. Since this new law applies to the meetings of all public bodies, including committees and subsidiary organizations, the responsibility to establish “rules” regarding public comment would also apply to committees, plan commissions, boards of fire and police commissioners, pension boards, and all other kinds of local governmental bodies.

The City already has several provisions in the City Code which permit persons to address the Council. Section 17 of Chapter 2 states that under the “Appointments” section of the Council agenda “[p]ersons having business before the Council may speak at this time when prior arrangements to do so have been made with the Mayor.” Section 26 (c) and (d) of Chapter 2 state that “...the City Council may, upon passage of a proper motion to suspend the rules, permit one spokesman for each side a limited period of time not to exceed five (5) minutes to summarize his or her side’s position to the City Council” and “[w]hen, in the judgment of the City Council, unique circumstances require, the Council may, upon a proper motion to do so suspend the operation of this section [which prohibits the rehearing of matters which have already been referred to another body for hearing].” In addition to these cited provisions, there are several provisions in either the City Code or state statutes which mandate public hearings before the Council, such as the consideration of annexation agreements and whenever a proposed property tax levy is more than 105% of the previous year’s levy.

The proposed Ordinance amends Chapter 2 of the City Code. It provides that a public comment period not to exceed fifteen (15) minutes be held during the first regularly scheduled Council meeting of the month and during each Board and Commission meeting. Moreover, anyone desiring to address the Council, Board, or Commission must complete a public comment card available up to fifteen (15) minutes prior to the start of the meeting. There will be a maximum of five (5) speakers during the meeting with comments being limited to three (3) minutes per speaker.

While this amendment permits the public to have an opportunity to address public officials, it does not require the public officials to engage in a debate, make themselves available for abusive or harassing behavior by a member of the public, or to provide on the spot answers to members of the public on topics that are raised by the public.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Communications group.

**FINANCIAL IMPACT:** Not applicable.

Respectfully submitted for Council consideration.



Prepared by:

Reviewed by:

Recommended by:

Rosalee Dodson  
Asst. Corporation Counsel

J. Todd Greenburg  
Corporation Counsel

David A. Hales  
City Manager

**PROPOSED ORDINANCE NO: 2010 - \_\_\_\_\_**

**AN ORDINANCE AMENDING BLOOMINGTON CITY CODE CHAPTER 2  
(ADMINISTRATION)**

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

SECTION 1: That the Bloomington City Code, 1960, as amended, shall be further amended by making the following changes to Chapter 2, Section 17: (additions are indicated by underlining; deletions are indicated by strikeouts):

**Chapter 2: Section 17: Regular Meetings; Seating; Order of Business.**

All regular meetings of the Council shall convene promptly at the hour set by Section 2-15 of this Chapter. On the day of each regular meeting, the Mayor, the members of the Council, the City Manager, the Corporation Counsel, and the City Clerk shall take their regular stations in the Council Chambers, and the business of the Council shall be taken up for consideration in the following order:

- (1) Call to Order.
- (2) Pledge of Allegiance.
- (3) Moment of Silence~~Silent Prayer~~.
- (4) Roll Call~~Roll Call~~.
- (5) Public Comment.

(a) A public comment period not to exceed fifteen (15) minutes will be held during the first regularly scheduled City Council meeting of the month.

(b) Anyone desiring to address the City Council must complete and submit a public comment card available in the City Council chamber up to fifteen (15) minutes prior to the start of the meeting. The person must include their name and contact information.

(c) There shall be a maximum of five (5) speakers in any public comment period. In the event more than five (5) public comment cards are submitted, the Mayor shall randomly select the five (5) speakers. Comments are limited to three (3) minutes per speaker. A speaker can not give his or her allotted minutes to another speaker to increase that person's allotted time.

(d) Speakers will be acknowledged by the Mayor and shall address the City Council from the podium and not approach the City Council or City staff. Speakers will begin their statement by first stating their name and address for the record.

(e) Statements are to be directed to the City Council as a whole and not to individual Council members. Public comment is not intended to require Council members to provide any answer to the speaker. Discussions between speakers and members of the audience will not be allowed.

(f) Speakers will be courteous in their language and presentation.

(g) After the speaker has made his or her statement, he or she shall be seated with no further debate, dialogue or comment.

(h) If a speaker is afforded an opportunity to speak at a regular meeting of the City Council with public comment, he or she shall be ineligible to speak again during the public comment portion of the meeting for two (2) calendar months, inclusive of the month he or she originally spoke.

(6) (5) Appointments. Under this agenda item the Mayor may make appointments to offices and positions in the City of Bloomington, whether such appointments are subject to confirmation or not. Persons having business before the City Council may speak at this time when prior arrangements to do so have been made with the Mayor.

(7) (6) Consent Agenda.

(a) Items shown on the consent agenda are considered routine and, unless removed from the ~~consent~~ ~~onsent~~ agenda as herein provided, will be disposed of in one motion to approve the consent agenda. The effect of approval of said motion is to dispose of each matter contained therein according to the recommendation furnished to the Council by the City Manager. The Clerk shall record each council member's vote on the roll-call for approval of the consent agenda as his or her vote on each item contained therein, except that a council member may request and if so, the Clerk shall record a vote of "nay", "present", or "abstain" as to any matter or, any portion of a matter on the consent agenda.

(b) Any item shall be removed from the consent agenda at the request of a council member, City Manager, or Corporation Counsel and City staff member, ~~and may be removed at the request of a citizen.~~ Items removed from the consent agenda will be placed on the regular agenda and be taken up at that time.

(8) (7) Regular Agenda. This item includes all other business of the City, except as provided herein.

(9) (8) Mayor's Discussion. Under this item, the Mayor may bring to the Council's attention any matter not on the regular or consent agenda which, in his opinion, require official Council consideration, deliberation or action; it may include announcements, veto messages, and other matters.

~~(10)~~ ~~(9)~~ City Manager's Discussion. Under this item, the City Manager may bring to the Council's attention any matter not on the regular or consent agenda which, in his opinion, require official Council consideration, deliberation or action, it may include announcements and other matters.

~~(11)~~ ~~(10)~~ Alderman's Discussion. Under this item, an Alderman may bring to the Council's attention any matter not on the regular or consent agenda which, in his opinion, require official Council consideration, deliberation or action, it may include announcements and other matters.

~~(11)~~ ~~News Media Questions or Comments.~~

(12) Adjournment.

SECTION 2: That the Bloomington City Code, 1960, as amended, shall be further amended by adding the following Article V to Chapter 2:

**Article V. Public Comment During Board and Commission Meetings**

**Chapter 2: Section 85: Public Comment.**

(a) A public comment period not to exceed fifteen (15) minutes will be held during each Board and Commission meeting.

(b) Anyone desiring to address the Board or Commission must complete a public comment card available in the meeting location up to fifteen (15) minutes prior to the start of the meeting. The person must include their name and contact information.

(c) The public comment portion of the meeting will be placed at the end of the agenda.

(d) There shall be a maximum of five (5) speakers in any public comment period. In the event more than five (5) public comment cards are submitted, the Chair shall randomly select the five (5) speakers. Comments are limited to three (3) minutes per speaker. A speaker can not give his or her allotted minutes to another speaker to increase that person's allotted time.

(e) Speakers will be acknowledged by the Chair and shall address the Board or Commission from the designated area in the meeting location and not approach the Board or Commission or City staff. Speakers will begin their statement by first stating their name and address for the record.

(f) Statements are to be directed to the Board or Commission as a whole and not to individual Board or Commission members. Public comment is not intended to require Board or Commission members to provide any answer to the speaker. Discussions between speakers and members of the audience will not be allowed.

(g) Speakers will be courteous in their language and presentation.

(h) After the speaker has made his or her statement, he or she shall be seated with no further debate, dialogue or comment.

(i) If a speaker is afforded an opportunity to speak at a Board or Commission meeting, he or she shall be ineligible to speak again at that meeting for two (2) calendar months, inclusive of the month he or she originally spoke.

SECTION 3: Except as provided for herein, the Bloomington City Code, 1960, as amended, shall remain in full force and effect.

SECTION 4: The City Clerk is authorized to publish this ordinance in pamphlet form as provided by law.

SECTION 5: This ordinance shall be effective ten (10) days after the date of its publication.

SECTION 6: This ordinance is passed and approved pursuant to the home rule authority granted under Article VII, Section 6 of the 1970 Illinois Constitution.

PASSED this \_\_\_<sup>th</sup> day of December, 2010.

APPROVED this \_\_\_<sup>th</sup> day December, 2010.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**ORDINANCE NO: 2010 - 56**  
**AN ORDINANCE AMENDING BLOOMINGTON CITY CODE CHAPTER 2**  
**(ADMINISTRATION)**

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

SECTION 1: That the Bloomington City Code, 1960, as amended, shall be further amended by making the following changes to Chapter 2, Section 17: (additions are indicated by underlining; deletions are indicated by strikeouts):

**Chapter 2: Section 17: Regular Meetings; Seating; Order of Business.**

All regular meetings of the Council shall convene promptly at the hour set by Section 2-15 of this Chapter. On the day of each regular meeting, the Mayor, the members of the Council, the City Manager, the Corporation Counsel, and the City Clerk shall take their regular stations in the Council Chambers, and the business of the Council shall be taken up for consideration in the following order:

- (1) Call to Order.
- (2) Pledge of Allegiance.
- (3) Silent Prayer.
- (4) Roll Call.
- (5) Public Comment.

(a) A public comment period not to exceed fifteen (15) minutes will be held during the first regularly scheduled City Council meeting of the month.

(b) Anyone desiring to address the City Council must complete and submit a public comment card available in the City Council chamber up to fifteen (15) minutes prior to the start of the meeting. The person must include their name and contact information.

(c) There shall be a maximum of five (5) speakers in any public comment period. In the event more than five (5) public comment cards are submitted, the Mayor shall randomly select the five (5) speakers. Comments are limited to three (3) minutes per speaker. A speaker can not give his or her allotted minutes to another speaker to increase that person's allotted time.

(d) Speakers will be acknowledged by the Mayor and shall address the City Council from the podium and not approach the City Council or City staff. Speakers will begin their statement by first stating their name and address for the record.

(e) Statements are to be directed to the City Council as a whole and not to individual Council members. Public comment is not intended to require Council members to provide any answer to the speaker. Discussions between speakers and members of the audience will not be allowed.

(f) After the speaker has made his or her statement, he or she shall be seated with no further debate, dialogue or comment.

(6) (5) Appointments. Under this agenda item the Mayor may make appointments to offices and positions in the City of Bloomington, whether such appointments are subject to confirmation or not. Persons having business before the City Council may speak at this time when prior arrangements to do so have been made with the Mayor.

(7) (6) Consent Agenda.

(a) Items shown on the consent agenda are considered routine and, unless removed from the consent ~~onsent~~ agenda as herein provided, will be disposed of in one motion to approve the consent agenda. The effect of approval of said motion is to dispose of each matter contained therein according to the recommendation furnished to the Council by the City Manager. The Clerk shall record each council member's vote on the roll-call for approval of the consent agenda as his or her vote on each item contained therein, except that a council member may request and if so, the Clerk shall record a vote of "nay", "present", or "abstain" as to any matter or, any portion of a matter on the consent agenda.

(b) Any item shall be removed from the consent agenda at the request of a council member, City Manager, or Corporation Counsel ~~and City staff member~~, and may be removed at the request of a citizen. Items removed from the consent agenda will be placed on the regular agenda and be taken up at that time.

(8) (7) Regular Agenda. This item includes all other business of the City, except as provided herein.

(9) (8) Mayor's Discussion. Under this item, the Mayor may bring to the Council's attention any matter not on the regular or consent agenda which, in his opinion, require official Council consideration, deliberation or action; it may include announcements, veto messages, and other matters.

(10) (9) City Manager's Discussion. Under this item, the City Manager may bring to the Council's attention any matter not on the regular or consent agenda which, in his opinion, require official Council consideration, deliberation or action, it may include announcements and other matters.

(11) (10) Alderman's Discussion. Under this item, an Alderman may bring to the Council's attention any matter not on the regular or consent agenda which, in his opinion, require official Council consideration, deliberation or action, it may include announcements and other matters.

~~(11) News Media Questions or Comments.~~

(12) Adjournment.

SECTION 2: That the Bloomington City Code, 1960, as amended, shall be further amended by adding the following Article V to Chapter 2:

**Article V. Public Comment During Board and Commission Meetings**

**Chapter 2: Section 85: Public Comment.**

(a) A public comment period not to exceed fifteen (15) minutes will be held during each Board and Commission meeting.

(b) Anyone desiring to address the Board or Commission must complete a public comment card available in the meeting location up to fifteen (15) minutes prior to the start of the meeting. The person must include their name and contact information.

(c) The public comment portion of the meeting will be placed at the end of the agenda.

(d) There shall be a maximum of five (5) speakers in any public comment period. In the event more than five (5) public comment cards are submitted, the Chair shall randomly select the five (5) speakers. Comments are limited to three (3) minutes per speaker. A speaker can not give his or her allotted minutes to another speaker to increase that person's allotted time.

(e) Speakers will be acknowledged by the Chair and shall address the Board or Commission from the designated area in the meeting location and not approach the Board or Commission or City staff. Speakers will begin their statement by first stating their name and address for the record.

(f) Statements are to be directed to the Board or Commission as a whole and not to individual Board or Commission members. Public comment is not intended to require Board or Commission members to provide any answer to the speaker. Discussions between speakers and members of the audience will not be allowed.

(g) Speakers will be courteous in their language and presentation.

(h) After the speaker has made his or her statement, he or she shall be seated with no further debate, dialogue or comment.

(i) If a speaker is afforded an opportunity to speak at a Board or Commission meeting, he or she shall be ineligible to speak again at that meeting for two (2) calendar months, inclusive of the month he or she originally spoke.

SECTION 3: Except as provided for herein, the Bloomington City Code, 1960, as amended, shall remain in full force and effect.

SECTION 4: The City Clerk is authorized to publish this ordinance in pamphlet form as provided by law.

SECTION 5: This ordinance shall be effective ten (10) days after the date of its publication.

SECTION 6: This ordinance is passed and approved pursuant to the home rule authority granted under Article VII, Section 6 of the 1970 Illinois Constitution.

PASSED this 13<sup>th</sup> day of December, 2010.

APPROVED this 14<sup>th</sup> day December, 2010.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Alderman Huette questioned Chapter 2, Section 17(3) and if the change to “Moment of Silence” was part of state statute. David Hales, City Manager, addressed the Council. This change had been made to the agenda awhile ago. Staff was attempting to modify the Ordinance to keep with current practice. Alderman Huette requested that Section 17(3) remain as is (Moment of Silent Prayer).**

**Alderman Huette expressed concern for item 5(h), that a person who addressed the Council would be ineligible to speak to the Council again for two (2) months. It was a public forum. He believed this item was a step backwards. Mr. Hales stated the rule was proposed as a worst case scenario to prevent the same individual from speaking at every meeting. Todd Greenburg, Corporate Counsel, addressed the Council. Chapter 2. Section 26. Final Action of Matters After Public Hearing, would not change. The two (2) month rule only applied to the Public Comments portion of the meeting. Staff was trying to give texture to the statement in the new law. The intent was to permit a maximum number of persons to address the Council. Mayor Stockton reminded Council it could be modified.**

**Alderman Huette questioned if Section 7(b). Consent Agenda which stated that a citizen could not remove an item from the Consent Agenda. Mr. Greenburg responded affirmatively as the draft Ordinance was presented.**

**Alderman Schmidt questioned Section 5. Public Comments. Mr. Greenburg stated there was no constitutional right, under the first amendment, for a citizen to address a legislative body. The legislative body may voluntarily permits citizens to address them. The legislators may not discriminate the content or viewpoint of the person trying to address them. Reasonable time, place and manner needed to be applied to the law. The rules had to be applied uniformly. These rules were drafted by staff.**

**Alderman McDade noted that she and Alderman Anderson attended the Communities Special Interest Group. Rosalee Dodson, Asst. Corporate Counsel, had attended a seminar were twenty-five (25) other municipalities presented their interpretation of the law. Ms. Dodson advised that a Public Comments section be added. There also needed to be a uniformed application of the rules.**



**Alderman Stearns expressed concern regarding restrictive rules. She questioned the need for a Text Amendment. She wanted to revisit the once every two (2) months rule as it had become an issue. She expected good behavior by citizens. Citizens were the Council's bosses. She would not support the two (2) month rule.**

**Alderman McDade stated each meeting had to have the same time limit. She would support removal of the two (2) month rule.**

**Alderman Stearns expressed concern for the selection process.**

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

**Motion carried.**

**Ron Schultz, 1208 E. Oakland Ave., addressed the Council. He expressed his appreciation for being allowed to address Council in the past. The Council had always provided an opportunity by suspending the rules. Mayor Stockton always encouraged public openness. He believed Council was trying to fix something that was not broken. He was offended by Sections 5(h) and 7(b).**

**Alton Franklin, 5 Andy Ct., Unit 1, addressed the Council. He believed the restrictions were ridiculous. He had a right to free speech. The placement of restrictions was insulting. He echoed Mr. Schultz comments.**

**Alderman Anderson stated the intent was to provide equal opportunity to a variety of speakers. It was Council's decision. Mr. Franklin did not believe citizens would be provided additional opportunities. Mayor Stockton had been generous in the past. Mr. did not understand the reasoning behind the proposed Text Amendment.**

**Alderman Schmidt stated there was a new state law and a framework was needed. Mr. Franklin responded that he had the right to life, liberty and the pursuit of happiness. Part of liberty was to speak his mind. Mayor Stockton believed Council saw this as a way to provide new opportunities to the public with some guidelines.**

**Jeff Ready, 916 W. Front St., addressed the Council. He understood the concern regarding the two (2) month rule. He believed Council should not place any restrictions until the system was abused. He believed Council should err on the side of liberty.**

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

**Motion carried.**

**Alderman McDade clarified that this was a new opportunity for the public to speak. The new law was part of the Open Meetings Act (OMA). Council had to follow the law and guidelines were needed. Mr. Hales added that during Public Comment any topic could be**

addressed. Currently the public had to speak to the items on the agenda. It would be an open forum. It was a significant change.

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

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Petition submitted by The Links at Ireland Grove, requesting a Special Use Permit for Multiple Family Dwellings for the Property located at 1805 Tullamore Avenue

**RECOMMENDATION:** That the Special Use Permit be approved and the Ordinance passed.

**BACKGROUND:** The Zoning Board of Appeals (ZBA) held a public hearing on this petition on November 17, 2010. No one spoke in favor or against the petition. The ZBA voted 5-1 in favor of recommending approval of the Special Use Permit.

The subject site is currently vacant and zoned B-1 Highway Business. The petitioner desires to construct four (4) apartment buildings with twelve (12) units in each building. Two (2) garages designed to accommodate sixteen (16) parking spaces each is also planned. Access will be off Tullamore Avenue.

In addition to this petition for a Special Use Permit, the applicant requested a variance to exceed the floor area ratio by five percent (5%). This variance was approved by the ZBA at the November 17, 2010 meeting. There should be no negative impact upon the surrounding properties since there is much vacant land and offices. There also should be no negative impact on providing services.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Public notices in the newspaper, mailings to the nearby property owners, and a public notice/identification sign was posted on the property.

**FINANCIAL IMPACT:** Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed as to legal sufficiency

Mark R. Huber  
Director, PACE

Barbara J. Adkins  
Deputy City Manager

J. Todd Greenburg  
Corporation Counsel

Recommended by:

David A. Hales  
City Manager

**PETITION FOR A SPECIAL USE PERMIT FOR PROPERTY LOCATED AT: LOT 325  
IN THE RESUBDIVISION OF LOT 316 IN FIRST ADDITION TO THE LINKS AT  
IRELAND GROVE ROAD SUBDIVISION, BLOOMINGTON, ILLINOIS**

State of Illinois )  
 ) ss.  
County of McLean )

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

Now comes The Links at Ireland Grove Road, LLC hereinafter referred to as your petitioner,  
respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A, which is attached hereto and made a part hereof by this reference, or is a mortgagee or vendee in possession, assignee of rents: receiver, executor (executrix); trustee, lease, or any other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That said premises presently has a zoning classification of B-1 under the provisions of Chapter 44 of the Bloomington City Code, 1960;
3. That under the provisions of Chapter 44, Section 7, 30 (K) of said City Code Multiple Family Dwellings are allowed as a special use in a B-1 zoning district;
4. That the establishment, maintenance, or operation of said special use on said premises will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
5. That said special use on said premises will not be injurious to the use and enjoyment of other property in the immediate vicinity of said premises for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;

6. That the establishment of said special use on said premises will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the B-1 zoning district;

7. That the exterior architectural treatment and functional plan of any proposed structure on said premises will not be so at variance with either the exterior architectural treatment and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood adjacent to said premises;

8. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided to said premises for said special permitted use;

9. That adequate measures have been or will be taken to provide ingress and egress to and from said premises so designed as to minimize traffic congestion in the public streets; and

10. That said special permitted use on said premises shall, in all other respects, conform to the applicable regulations of the B-1 zoning district in which it is located except as such regulations may, in each instance, be modified by the City Council of the City of Bloomington pursuant to the recommendations of the Bloomington Board of Zoning Appeals.

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

Respectfully submitted,

The Links at Ireland Grove Road, LLC

By: Darren Rogers

**ORDINANCE NO. 2010 - 58**

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR  
MULTIPLE FAMILY DWELLINGS IN THE B-1 GENERAL BUSINESS DISTRICT  
FOR PROPERTY LOCATED AT: LOT 325 IN THE RESUBDIVISION OF LOT 316 IN  
FIRST ADDITION TO THE LINKS AT IRELAND GROVE ROAD SUBDIVISION,  
BLOOMINGTON, ILLINOIS**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting a Special Use Permit for Multiple Family Dwellings in the B-1 General Business District, for certain premises hereinafter described in Exhibit A; and

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

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

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

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

1. That the Special Use Permit for Multiple Family Dwellings in the B - 1, Highway Business District on the premises hereinafter described in Exhibit A shall be and the same is hereby approved.
2. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 13<sup>th</sup> day of December, 2010.

APPROVED this 14<sup>th</sup> day of December, 2010.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

### **EXHIBIT A**

Lot 325 in the Resubdivision of Lot 315 in the First Addition to the Links at Ireland Grove Road Subdivision, Bloomington, Illinois

P.I.N.: Part of 22-18-127-003

**Alderman Anderson questioned notification. He had been contacted by four (4) individuals who believed that they were not properly notified. Mark Huber, Director – PACE, addressed the Council. PACE was required by ordinance and state law to place a notice in the paper. The ordinance also required courtesy notices to be mailed to all residents within 500 feet of the property. There were eight or nine (8 or 9) notices mailed out with two (2) returned. This was a sparsely populated area. A sign was also posted on the property. PACE received one (1) comment from a neighbor that was over 2,500 feet from the property.**

**Alderman Anderson knew one (1) of the individuals who opposed this item. He planned to vote no. He requested the item be held over until those who wanted to comment were available.**

**Alderman Fruin believed that the petitioner was present and had been waiting all evening. It would not be fair for him to wait for opposing comment at a later date. David Hales, City Manager, addressed the Council. He had reviewed this item with staff. A fiscal impact analysis allowed multi family housing in the B – 1, Highway Business District. Council should give thought to this section of the Comprehensive Land Use Plan. This plan called for light industrial in this area. The land was zoned B – 1 which allowed multi family housing under a Special Use Permit. He believed further discussion was needed in the future.**

**Motion by Alderman Fruin, seconded by Alderman Purcell that the Special Use Permit be approved and the Ordinance passed**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Sage, Fruin and Purcell.**

**Nays: Alderman Anderson.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Settlement Agreement with State Farm Mutual Automobile Insurance Company, the City of Bloomington, City of Bloomington Township, and other taxing districts in McLean County, Illinois regarding the assessed value of parcels owned by State Farm, applicable to tax years 2011-2014

**RECOMMENDATION:** That the Agreement be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.

**BACKGROUND:** In 2009 State Farm filed a protest of the assessment of its Corporate Headquarters and Corporate South properties. The assessed value of those properties was set at \$132,976,696. State Farm alleged that those properties were worth approximately \$48,670,000. Had State Farm been successful in its appeal, the school districts alone would have lost \$4,000,000 in property tax revenues. State Farm withdrew its protest in return for a promise from representatives of the taxing bodies to address the issue of the assessment of State Farm's properties. (The City would not have been affected in the same manner as other taxing bodies had State Farm been successful since, having home rule powers; it is not limited on its property tax levy rate. However, other property taxpayers would have had to pay higher amounts to make up for the reduction in State Farm's assessment.)

Because the school districts would be most affected by a possible reduction in the assessed value of State Farm's properties, there was an informal agreement among the representatives of the other taxing bodies to allow the local school districts (Unit 5 and District 87) to take the lead in negotiating a settlement. The bulk of the work in negotiating this agreement was performed by John Pratt, attorney, on behalf of the taxing districts.

This agreement in effect freezes the assessed value of all State Farm properties for five (5) years. If the property tax bills exceed one percent (1%) of the previous year's tax bill for these properties, the taxing bodies agree to rebate the excess back to State Farm. However, the "cap" of one percent (1%) does not apply to any increase in property taxes which result from successful school tax referendums.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Representatives of the taxing bodies named in the agreement, Michael Ireland, City Township Assessor, and representatives of State Farm Mutual Automobile Insurance Company.

**FINANCIAL IMPACT:** The Agreement preserves the status quo regarding the property tax revenue the City and other taxing bodies receive from the parcels owned by State Farm. There is a possibility that in future years some property taxes received from State Farm may need to be abated by the City or the City Township if State Farm's property taxes go up by more than one percent (1%) from the year before. In the example used in Exhibit C of the Agreement (showing what would have happened last year when the City increased its property tax rate by 8.1%, the City would have been required to abate \$94,129.00 to State Farm. Of course, an abatement would only be made if the City's rate increased by more than one percent (1%) from the previous

year. This must be balanced against the possibility of substantially decreased taxes which would be paid by State Farm to the City in the event State Farm was successful in lowering the value of its assessed parcels as alleged in its protest. Last year, the City would have lost \$1,122,023.17 in property tax revenue from State Farm. This amount would have been paid by other commercial and residential property taxpayers to make up the difference. Since the school districts were taxing at their maximum statutory rate, they would not have been able to make up the difference and the school districts would have lost \$4,000,000 in property tax revenue. Surveys show that the quality of local schools is a large factor in how persons evaluate the quality of life in a community. This fact should not be overlooked by other local government units.

The City staff respectfully recommends passage and approval of the agreement.

Respectfully submitted for Council consideration.

Prepared by:

Financial review by:

Recommended by:

J. Todd Greenburg  
Corporation Counsel

Tim Ervin  
Director of Finance

David A. Hales  
City Manager

### **SETTLEMENT AGREEMENT**

THIS AGREEMENT is made and entered into as of the \_\_\_\_\_, 2010, by and between STATE FARM MUTUAL AUTOMOBILE INSURANCE CO. and its subsidiaries and affiliates, (hereinafter referred to as "STATE FARM") and CITY OF BLOOMINGTON, ILLINOIS, a municipal corporation, COUNTY OF McLEAN, ILLINOIS, a municipal corporation, BLOOMINGTON SCHOOL DISTRICT NO. 87, McLean County, Illinois, MCLEAN COUNTY UNIT DISTRICT NO. 5, McLean County, Illinois, HEARTLAND COMMUNITY COLLEGE DISTRICT 540, McLean County, Illinois, BLOOMINGTON NORMAL WATER RECLAMATION DISTRICT, McLean County, Illinois, BLOOMINGTON-NORMAL AIRPORT AUTHORITY, McLean County, Illinois, CITY OF BLOOMINGTON TOWNSHIP, a municipal corporation located in McLean County, Illinois, BLOOMINGTON TOWNSHIP, a municipal corporation located in McLean County, Illinois, and BLOOMINGTON TOWNSHIP ROAD DISTRICT, McLean County, Illinois (hereinafter each individually referred to as a "TAXING BODY" and collectively referred to as the "TAXING BODIES") and MICHAEL W. IRELAND, the CITY OF BLOOMINGTON TOWNSHIP ASSESSOR (hereinafter referred to as the "ASSESSOR").

WITNESSETH:

WHEREAS, STATE FARM owns certain parcels of land located in McLean County, Illinois, that are described by their respective parcel identification numbers in Exhibit A attached hereto and incorporated herein (hereinafter individually referred to as a "PARCEL" and collectively referred to as the "PARCELS");



WHEREAS, STATE FARM has from time to time filed complaints with the County Board of Review, McLean County, Illinois, with respect to the assessed value of certain PARCELS and desires a settlement agreement for property tax years 2010, 2011, 2012, 2013 and 2014; and

WHEREAS, the TAXING BODIES believe it is in the best interest of the public to enter into a settlement agreement with STATE FARM with respect to the PARCELS; and

WHEREAS, the parties hereto desire to settle any and all disputes relating to the assessed value of the PARCELS.

NOW, THEREFORE, in consideration of the promises and the mutual covenants of the parties hereto as hereinafter set forth, IT IS AGREED AS FOLLOWS:

1. The assessed value for each PARCEL as determined by the ASSESSOR set forth opposite the PARCEL in Exhibit A is accepted by the parties hereto for property tax year 2010.

2. STATE FARM shall not seek to reduce the assessed value for any PARCEL for property tax years 2011, 2012, 2013 and 2014 so long as the assessed value for the PARCEL remains the same as the assessed value set forth opposite the PARCEL in Exhibit A.

3. In the event STATE FARM's files a complaint, appeal or any other proceedings before the McLean County Board of Review, the Illinois Property Tax Appeal Board or any court of competent jurisdiction to reduce the assessed value of any PARCEL, the TAXING BODIES shall stipulate to the assessed value set forth opposite the PARCEL in Exhibit A.

4. The TAXING BODIES shall not seek to increase the assessed value for any PARCEL for property tax years 2011, 2012, 2013 and 2014 so long as the assessed value for the PARCEL remains the same as the assessed value set forth opposite the PARCEL in Exhibit A.

5. In the event one or more of the TAXING BODIES files a complaint, appeal or any other proceedings before the McLean County Board of Review, the Illinois Property Tax Appeal Board or any court of competent jurisdiction to increase the assessed value of any PARCEL, STATE FARM and the TAXING BODIES shall stipulate to the assessed value set forth opposite the PARCEL in Exhibit A.

6. In the event that STATE FARM constructs improvements that significantly increase the useable square footage of any PARCEL during property tax years 2011, 2012, 2013 or 2014 and the parties hereto are unable to reach an agreement that the assessed value of the PARCEL as determined by the ASSESSOR after the construction is acceptable, then said PARCEL shall not be subject to this Agreement commencing on the first day of January of the year following the completion of construction.

7. In the event that STATE FARM demolishes improvements or portions thereof and the useable square footage of any PARCEL during property tax years 2011, 2012, 2013 or 2014 significantly decreases and the parties hereto are unable to reach an agreement that the assessed value of the PARCEL as determined by the ASSESSOR after the demolition is acceptable, then said

PARCEL shall not be subject to this Agreement commencing on the first day of January of the year following the completion of the demolition.

8. In the event STATE FARM purchases real estate during 2010, 2011, 2012, 2013 or 2014, that real estate will not be subject to this Agreement. In the event STATE FARM disposes of a PARCEL to a party unrelated to STATE FARM during 2010, 2011, 2012, 2013 or 2014, said PARCEL shall not be subject to this Agreement commencing on the first day of January of the year following the disposition.

9. For property tax years 2010, 2011, 2012, 2013 and 2014, the TAXING BODIES shall abate to STATE FARM the amount by which the property tax paid by STATE FARM exceeds One Hundred One Percent (101%) of the preceding year's property tax (net of any abatement pursuant to this Agreement) paid by STATE FARM. The abatement shall be limited to PARCELS having an assessed value in excess of Twenty Five Thousand Dollars (\$25,000.00), which are listed on Exhibit B attached hereto and incorporated herein (hereinafter individually referred to as an "ABATEMENT PARCEL" and collectively referred to as the "ABATEMENT PARCELS"). There shall not be an abatement for any property tax increase that is the result of an assessment change due to construction improvements as set forth in Section 6 above.

10. In the event the registered voters of any TAXING BODY pass a referendum during property tax years 2010, 2011, 2012, 2013 or 2014, the TAXING BODIES shall not abate to STATE FARM the amount by which the property tax paid by STATE FARM is increased by said referendum in the first effective year of the rate increase from the referendum.

11. In the event an ABATEMENT PARCEL is annexed into a TAXING BODY's district during property tax years 2010, 2011, 2012, 2013 or 2014, the TAXING BODIES shall not abate to STATE FARM the amount by which the property tax paid by STATE FARM is increased by said annexation in the first effective year of the rate increase from the annexation.

12. Abatements to STATE FARM pursuant to Section 9 of this Agreement shall be calculated on a year by year and parcel by parcel basis. Property taxes in McLean County, Illinois, are paid a year in arrears. Therefore, any abatement for property tax year 2010 shall be calculated and paid in 2011 (hereinafter referred to as the "ABATEMENT YEAR"). Similarly, the ABATEMENT YEARS for property tax years 2011, 2012, 2013 and 2014 shall be 2012, 2013, 2014 and 2015, respectively.

13. On or before the first day of August in each ABATEMENT YEAR, STATE FARM and the CITY OF BLOOMINGTON, COUNTY OF McLEAN, BLOOMINGTON SCHOOL DISTRICT NO. 87 and McLEAN COUNTY UNIT DISTRICT NO. 5 shall stipulate as to the amount to be abated to STATE FARM per ABATEMENT PARCEL (hereinafter referred to as the "ABATEMENT AMOUNT").

14. Regardless of whether or not there is an ABATEMENT AMOUNT, STATE FARM shall pay its property tax in full in a timely manner.

15. Each TAXING BODY's share of the abatement amount shall be calculated as set forth in this Section. On or before the first day of August in each ABATEMENT YEAR, the CITY OF BLOOMINGTON, COUNTY OF McLEAN, BLOOMINGTON SCHOOL DISTRICT NO. 87 and McLEAN COUNTY UNIT DISTRICT NO. 5 shall jointly prepare a schedule detailing each TAXING BODY's share of the ABATEMENT AMOUNT and shall deliver the schedule to each TAXING BODY. On or before the first day of September in each ABATEMENT YEAR, each TAXING BODY shall stipulate to its share of the ABATEMENT AMOUNT pursuant to said schedule. An example of the abatement calculation is attached hereto and incorporated herein as Exhibit C. An example of the amount by which the property tax paid by STATE FARM exceeds One Hundred One Percent (101%) of the preceding year's property tax (net of any abatement pursuant to this Agreement) is attached hereto and incorporated herein as Exhibit D.

A. A TAXING BODY shall share in paying the ABATEMENT AMOUNT, if the TAXING BODY's portion of the total property tax for the ABATEMENT PARCEL (see Column 3 of Exhibit C) exceeds One Hundred One Percent (101%) of the TAXING BODY's portion of the total property tax for the ABATEMENT PARCEL the previous year net of any abatement pursuant to this Agreement (See Column 5 of Exhibit C). Column 6 of Exhibit C illustrates the percentage increase in property tax for each TAXING BODY and the sum of Column 7 of Exhibit C is the ABATEMENT AMOUNT. The TAXING BODIES having an increase of more than 101% shall share in paying the ABATEMENT AMOUNT (hereinafter individually referred to as an "ABATING TAXING BODY" and collectively referred to as the "ABATING TAXING BODIES"). However, any property tax increase due to a referendum referred to in Section 10 of this Agreement or due to an annexation referred to in Section 11 of this Agreement shall not be considered in determining whether or not a TAXING BODY is an ABATING TAXING BODY, since an increase in property tax related to a referendum or annexation is not subject to abatement to STATE FARM pursuant to Sections 10 and 11 of this Agreement. The TAXING BODIES having an increase in their share of property tax for an ABATEMENT PARCEL of 101% or less shall not share in paying the ABATEMENT AMOUNT.

B. An ABATING TAXING BODY's share of the ABATEMENT AMOUNT shall be equal to (i) the amount that the property tax for the ABATING TAXING BODY exceeds One Hundred One Percent (101%) of its portion of the property tax the previous year for the ABATEMENT PARCEL (see Column 8 of Exhibit C) multiplied by (ii) an "ABATEMENT FACTOR" which is calculated as set forth below (see Column 9 of Exhibit C). Again, any increase in property tax due to a referendum referred to Section 10 of this Agreement or any increase in property tax due to an annexation referred to Section 11 of this Agreement shall not be included.

C. The ABATEMENT FACTOR (see Column 9 of Exhibit C) shall be the same for each ABATING TAXING BODY and shall equal (i) the ABATEMENT AMOUNT (the numerator, which is the sum of Column 7 of Exhibit C) divided by (ii) the total sum that each and every ABATING TAXING BODY's property tax for the ABATEMENT PARCEL exceeds One Hundred One Percent (101%) of its portion of property tax for the ABATEMENT PARCEL the previous year (the denominator, which is the sum of Column 8 of Exhibit C). The denominator does not include any amount for the TAXING BODIES that do not share in paying the

ABATEMENT AMOUNT. The denominator shall not include any increase in property tax due to a referendum referred to in Section 10 of this Agreement or any increase in property tax due to an annexation referred to in Section 11 of this Agreement.

D. The sum of each ABATING TAXING BODY'S share of the ABATEMENT AMOUNT must equal the ABATEMENT AMOUNT (see Column 10 of Exhibit C).

16. Notwithstanding anything in this Agreement to the contrary, for ABATEMENT YEAR 2010 only, the portion of property tax attributable to the BLOOMINGTON-NORMAL AIRPORT AUTHORITY shall not be considered in calculating the ABATEMENT AMOUNT pursuant to Section 9 above and the BLOOMINGTON-NORMAL AIRPORT AUTHORITY shall not share in the allocation of the ABATEMENT AMOUNT pursuant to Section 15 above. After ABATEMENT YEAR 2010, the portion of property tax attributable to the BLOOMINGTON-NORMAL AIRPORT AUTHORITY shall be considered in calculating the ABATEMENT AMOUNT with all the other TAXING BODIES and the BLOOMINGTON-NORMAL AIRPORT AUTHORITY shall be subject to sharing the ABATEMENT AMOUNT pursuant to Section 15.

17. On or before first day of November in each ABATEMENT YEAR, the TREASURER OF McLEAN COUNTY, ILLINOIS shall pay STATE FARM the ABATEMENT AMOUNT.

18. Prior to paying an ABATING TAXING BODY its final installment of tax revenue for property tax years 2010, 2011, 2012, 2013 or 2014, the TREASURER OF McLEAN COUNTY, ILLINOIS shall deduct from said payment the ABATING TAXING BODY'S share of the ABATEMENT AMOUNT.

19. The parties understand and agree that one or more of the PARCELS are located in the Tax Increment Financing District in Downtown Bloomington, Illinois (hereinafter referred to as the "TIF District"). The TIF District does not impact the amount of money STATE FARM pays in taxes, but rather shifts property tax revenue from the TAXING BODIES to a fund administered by the CITY OF BLOOMINGTON. The TIF District is expiring during the term of this Agreement. Any increase in property taxes allocated to the TAXING BODIES due to the expiration of the TIF DISTRICT shall not be subject to abatement to STATE FARM, since the expiration of the TIF DISTRICT does not increase the taxes paid by STATE FARM.

20. On or before August 1, 2013, the ASSESSOR shall start obtaining market data and begin developing a plan, which will include opportunities for STATE FARM to present information and share thoughts, in an effort to reach an agreement concerning the assessed values of the PARCELS for property tax year 2015. The ASSESSOR will notify the TAXING BODIES of the projected assessed values for each of the PARCELS for 2015 as soon as practicable after that determination is made, but not later than July, 2015, and the TAXING BODIES agree to review the values for each of the PARCELS within a reasonable time after receiving the information from the ASSESSOR.

21. This Agreement may not be assigned by any of the parties hereto without the express written consent of all of the parties hereto.

22. This Agreement and the rights and obligations of the parties hereto shall be construed in accordance with and be governed by the laws of the State of Illinois.

23. This Agreement is the complete and exclusive statement of the agreement and understanding of the parties regarding the subject matter hereof and this Agreement supersedes and merges all prior proposals, agreements and understandings, oral or written, relating to the subject matter hereof. No subsequent agreements shall apply unless this Agreement is modified in writing and agreed to by both parties. In the unforeseen event that any provision of this Agreement is found to be void, it shall not affect the other provisions of this Agreement. This Agreement has been executed in multiple copies and each copy shall for all intents and purposes be regarded as an original.

24. The parties shall execute any and all documents reasonably necessary to effectuate the purposes of this Agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals as of the day and date first above written.

STATE FARM MUTUAL AUTOMOBILE INSURANCE CO. (“STATE FARM”)

By: Robert Brucker

Attest: Faye Fisher

CITY OF BLOOMINGTON, ILLINOIS, a municipal corporation,

By: Stephen F. Stockton

Attest: Tracey Covert

COUNTY OF McLEAN, ILLINOIS, a municipal corporation,

By: \_\_\_\_\_

Attest: \_\_\_\_\_

BLOOMINGTON SCHOOL DISTRICT NO. 87, McLean County, Illinois,

By: Millicent Roth

Attest: Wilma Gleason

MCLEAN COUNTY UNIT DISTRICT NO. 5, McLean County, Illinois,

By: \_\_\_\_\_

Attest: \_\_\_\_\_

HEARTLAND COMMUNITY COLLEGE DISTRICT 540, McLean County, Illinois,

By: \_\_\_\_\_ Attest: \_\_\_\_\_

BLOOMINGTON NORMAL WATER RECLAMATION DISTRICT, McLean County, Illinois,

By: Kenneth Schroder Attest: H. Donald Merritt

BLOOMINGTON-NORMAL AIRPORT AUTHORITY, McLean County, Illinois,

By: Carl Olson Attest: Stephanie Hindman

CITY OF BLOOMINGTON TOWNSHIP, located in McLean County, Illinois,

By: Joe Gibson Attest: Tracey Covert

BLOOMINGTON TOWNSHIP, a municipal corporation located in McLean County, Illinois,

By: \_\_\_\_\_ Attest: \_\_\_\_\_

BLOOMINGTON TOWNSHIP ROAD DISTRICT, McLean County, Illinois

By: \_\_\_\_\_ Attest: \_\_\_\_\_

CITY OF BLOOMINGTON TOWNSHIP ASSESSOR

By: Michael W. Ireland

(EXHIBIT A. STATE FARM PARCELS; EXHIBIT B. STATE FARM PARCELS IN EXCESS OF \$25,000; EXHIBIT C. CORPORATE HEADQUARTERS AND CORPORATE SOUTH; AND EXHIBIT D. EXAMPLE ABATEMENT AMOUNT ON FILE IN CLERK'S OFFICE)

**Mayor Stockton introduced this item. For some Council members this item was considered a conflict of interest.**

**Alderman Sage believed it was a conflict of interest for him as he was employed by State Farm. It was recommended that he physically leave the Council Chambers.**

**Alderman Fruin was also employed by State Farm. This item was different than other past State Farm issues. He would also physically leave the Council Chamber.**

**Alderman Fruin and Sage recused themselves and left the Council Chambers.**

**Mayor Stockton was a retired State Farm employee. He was informed by Corporation Counsel that his presence was not a conflict of interest. He summarized the discussion from the Township meeting regarding this topic. The agreement was negotiated by the school board. They requested Council's support. There was an extreme downside to the schools if State Farm's challenge was successful. The upside benefit was not as weighty as the downside risk. This item was designed to hold the basis with one percent (1%) improvement through 2014. It would only impact taxing bodies that raise the levy by more than one percent (1%).**

**Motion by Alderman Anderson, seconded by Alderman Huette that the Agreement 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 Stearns, Huette, Schmidt, McDade, Anderson and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Presentation of FY 2010-2011 Mid Year Financial Report – Tim Ervin, Director of Finance.**

**Tim Ervin, Finance Director, addressed the Council. The City was in a good position compared to the previous year. David Hales, City Manager, addressed the Council. Standard & Poors had improved the bond rating. He expressed appreciation for staff's efforts. Mr. Ervin noted the Table of Contents. Information regarding Cash Position added. Mr. Hales believed it was a strong report. The City should have a strong year end.**

**Alderman Purcell added that the report was easy to read and understand.**

**MAYOR'S DISCUSSION: This was the last meeting of the calendar year. He believed it had been a successful year. He commended Council and staff. Next year would bring more important topics to discuss.**

**CITY MANAGER'S DISCUSSION: An email was sent to Council with information regarding the state senate and house committees' efforts to address workers compensation**

reform. The house subcommittee meeting would be held on December 15, 2010 at the Illinois State University Bone Student Center at 1:30 p.m. Representative Dan Brady, Co-Chair, would be attending.

**ALDERMEN'S DISCUSSION:** Alderman McDade recognized a group present from Leadership McLean County.

Alderman McDade wished everyone Happy Holidays.

Aldermen Sage, Fruin, Schmidt and Anderson echoed Alderman McDade's sentiments.

Alderman Purcell thanked staff for a great year. He wished everyone a safe holiday season.

Alderman Stearns noted that a proposed noise ordinance would appear on Council meeting agenda in January 2011. She cited the City of Peoria's noise ordinance. This was a quality of life issue. She wished everyone a Merry Christmas and Happy New Year.

Alderman Huette had sent an email this date which stated that he would be moving out of Ward 3 and was therefore forced to step down as Alderman. Mayor Stockton had been given detailed information. Mayor Stockton read from a statement prepared for the media. Alderman Heutte's resignation would be effective after January 1, 2011. Anyone interested in his position should bring a statement of interest to the City Clerk's Office by 5:00 p.m. on January 7, 2011. He congratulated Alderman Huette on his service. Council would look for a worthy successor.

Motion by Alderman Purcell, seconded by Alderman Sage, that the meeting be adjourned. Time: 11:15 p.m.

Motion carried.

Tracey Covert  
City Clerk