

**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 7:45 p.m., Monday, June 14, 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, John Hanson, Jennifer McDade, Steven Purcell, Karen Schmidt, Jim Fruin and Mayor Stephen F. Stockton.**

**City Manager David Hales, City Clerk Tracey Covert, and Asst. Corporate Counsel George Boyle were also present.**

**Staff Absent: Todd Greenburg, Corporation Counsel.**

**The following was presented:**

Presentation of Retirement Plaque – Police Officer Michael Jordan.

Randy McKinley, Police Chief, addressed the Council. He recognized Officer Michael Jordan for over thirty (30) years of service. He had looked up to Officer Jordan for a number of years. He had become friends with Officer Jordan and his wife. Officer Jordan would be receiving an identification card under the Department of Homeland Security. Officers were awarded the card if they retired in good standing. Chief McKinley presented Officer Jordan with a plaque from the City. He thanked Officer Jordan for his service.

Mayor Stockton questioned if his thirty (30) years of service had been what he had expected. He also questioned if there had been any surprises. Officer Jordan stated he would do it again if he had to. He loved the job and working for the City. It was a great place to raise a family. He noted to be careful what you wish for because you may get it. It had been a great experience. Mayor Stockton thanked Officer Jordan for his years of service and wished him the best of luck in his future.

**The following was presented:**

**SUBJECT: Proclamation**

**RECOMMENDATION:** That the proclamation be made a matter of record.

**BACKGROUND:** The proclamation will be presented to:

1. Declaring June 19, 2010 at “Juneteeth” Celebration Day – Lorenzo Marshall.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:**

**FINANCIAL IMPACT:** Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Tracey Covert  
City Clerk

David A. Hales  
City Manager

**Mayor Stockton read and presented the Proclamation to Lorenzo Marshall. Mr. Marshall stated there would be a day of activities with local entertainment at Forrest Park on Saturday, June 19, 2010. He hoped for a sense of community. Everyone was invited. The event would be held from 11:30 a.m. to 4:30 p.m. There would be food and the event was free to the community. The sponsors of the event included local businesses and independent donors. Mayor Stockton urged all to attend. It was a family event.**

**Motion by Alderman Hanson, seconded by Alderman Stearns that the proclamation be 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, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT: Council Proceedings of April 23, 2007; March 24, 2008; June 9, 2008; June 23, 2008; July 28, 2008, and March 8, 2010; Work Session Minutes of June 9, 2008, and May 10, 2010, and Executive Session Minutes of April 5, and April 26, 2010**

**RECOMMENDATION:** That the reading of the minutes of the previous Council Proceedings of April 23, 2007; March 24, 2008; June 9, 2008; June 23, 2008; July 28, 2008, and March 8,

2010; Work Session Minutes of June 9, 2008, and May 10, 2010, and Executive Session Minutes of April 5, and April 26, 2010 be dispensed with and the minutes approved as printed.

**BACKGROUND:** The Council Proceedings of April 23, 2007; March 24, 2008; June 9, 2008; June 23, 2008; July 28, 2008, and March 8, 2010; Work Session Minutes of June 9, 2008, and May 10, 2010, and Executive Session Minutes of April 5, and April 26, 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

**David Hales, City Manager, addressed the Council. He complimented the City Clerk's Office for the number of Council Proceedings that had been completed. There were additional resources available. The Council would continue to see this progress. Mayor Stockton stated the Clerk's Office was pulled in many directions. Tracey Covert, City Clerk, worked hard to put the Record of Motions and Votes on the web site after every Council meeting. Council Proceedings were very detailed. The City had fallen behind in producing the Council Proceedings but this had been addressed.**

**Motion by Alderman Hanson, seconded by Alderman Stearns that the reading of the minutes of the previous Council Meetings of April 23, 2007; March 24, 2008; June 9, 2008; June 23, 2008; July 28, 2008, and March 8, 2010; Work Session Minutes of June 9, 2008, and May 10, 2010, and Executive Session Minutes of April 5, and April 26, 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, Hanson, 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.

**BACKGROUND:** The list of bills and payrolls will be furnished to you on Friday, June 11, 2010 by posting via the City's web site.

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

**FINANCIAL IMPACT:**

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Timothy Ervin  
Director of Finance

David A. Hales  
City Manager

(ON FILE IN CLERK'S OFFICE)

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

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Payments from Various Municipal Departments

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

**BACKGROUND:** All of the described payments are for planned and budgeted contracts previously approved by the City Council.

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

**FINANCIAL IMPACT:** As follows:

1. The first partial payment to Downtown Bloomington Association in the amount of \$14,625 on a contract amount of \$175,500 of which \$14,625 will have been paid to date for work certified as 8% complete for the Downtown Bloomington Association Annual Funding. Completion date – April 2011.
2. The second partial payment to Economic Development Council of Bloomington/Normal in the amount of \$6,000 on a contract amount of \$72,000 of which \$12,000 will have been paid to date for work certified as 17% complete for the McLean County Economic Development. Completion date – April 2011.
3. The fourteenth partial payment to Technical Design Services in the amount of \$2,000 on a contract amount of \$99,619 of which \$95,599.94 (\$6,290.06 in reimburseables) will have been paid to date for work certified as 90% complete for the Enterprise Resource Planning Full System Selection Process – Phase 1. Completion date – October 2010.
4. The fifth partial payment to Carl Walker, Inc. in the amount of \$333.91 on a contract amount of \$28,600 of which \$19,020.95 (\$411.95 in reimburseables) will have been paid to date for work certified as 65% complete for the Design for Market St. Garage Restoration. Completion date – June 2010.
5. The second partial payment to Planning Resources, Inc. in the amount of \$5,518.46 on a contract amount of \$49,915 of which \$6,658.96 will have been paid to date for work certified as 13% complete for the Gaelic Park Planning Development. Completion date – December 2010.
6. The third partial payment to Illinois Department of Transportation in the amount of \$119,334.67 on a contract amount of \$624,200 of which \$276,390.48 will have been paid to date for work certified as 44% complete for the Constitution Trail Project – Grove St. to Croxton Ave. Completion date – October 2010.
7. The third partial payment to Stark Excavating, Inc. in the amount of \$295,541.92 on a contract amount of \$1,318,948 of which \$1,088,080.12 will have been paid to date for work certified as 82% complete for the Kickapoo Creek Restoration – Phase II. Completion date – June 2010.
8. The fifth partial payment to Testing Services Corporation in the amount of \$484 on a per ton and hour contract of which \$7,104 will have been paid to date for work certified as ongoing for the 2010-2011 Asphalt & Portland Concrete Plant Inspection & Laboratory Testing. Completion date – December 2011.
9. The fourth partial payment to Stark Excavating, Inc. in the amount of \$41,334.75 on a contract amount of \$929,561.50 of which \$144,098 will have been paid to date for work certified as 16% complete for the Division B - TIF District Streetscape Improvements. Completion date – August 2010.

10. The twenty-seventh and final payment to Whittman Hydro Planning Associates, Inc. in the amount of \$11,344.50 on a contract amount of \$868,846 of which \$868,845.98 will have been paid to date for work certified as 100% complete for the Strategic Source Water Study. Completion date – June 2010.
11. The fifteenth partial payment to Clark Dietz in the amount of \$42.50 on a contract amount of \$15,000 of which \$12,940.10 will have been paid to date for work certified as 86% complete for the Permit Modification from IDNR Evergreen Reservoir Fish Barrier Completion date – December 2010.
12. The first partial payment to Clark Dietz in the amount of \$1,965 on a contract amount of \$93,400 of which \$1,965 will have been paid to date for work certified as 2% complete for the Design Regency Pump Station Rehabilitation. Completion date – January 2011.
13. The twenty-eighth partial payment to Clark Dietz in the amount of \$3,000 on a contract amount of \$305,000 of which \$221,710.40 will have been paid to date for work certified as 73% complete for the Locust/Colton St. Sewer Separation & Water Main Replacement Design (CSO Elimination Phase I). Completion date – October 2010.
14. The fourth partial payment to Shive Hattery Engineering & Architects, Inc. in the amount of \$17,276.41 on a contract amount of \$38,500 of which \$31,090.53 will have been paid to date for work certified as 81% complete for the Design for Water Main Replacement on Greenwood Ave. Completion date – December 2010.
15. The tenth partial payment to Clark Dietz in the amount of \$1,105 on a contract amount of \$20,000 of which \$16,181.14 will have been paid to date for work certified as 81% complete for the Inspection Services for Water Main Construction on E. Lincoln – Morrissey to McGregor. Completion date – December 2010.
16. The seventh and final payment to Clark Dietz in the amount of \$1,540 on a contract amount of \$20,000 of which \$19,978.26 will have been paid to date for work certified as 100% complete for the Inspection of Water Main Construction on Ireland Grove from Kickapoo Creek to Benjamin School. Completion date – December 2010.
17. The eighth partial payment to Gildner Plumbing, Inc. in the amount of \$127,351.55 on a contract amount of \$1,393,142.48 of which \$1,313,520.10 will have been paid to date for work certified as 94% complete for the Division D Pipeline Rd. 36 in. Transmission Main. Completion date – August 2010.
18. The seventh partial payment to Gildner Plumbing, Inc. in the amount of \$11,920.52 on a contract amount of \$116,421 of which \$103,620.30 will have been paid to date for work certified as 89% complete for the Detention Basin Improvements 2007-08. Completion date – August 2010.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Tracey Covert  
City Clerk

David A. Hales  
City Manager

**Motion by Alderman Hanson, seconded by Alderman Stearns that the payments be approved.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Request to Pay Stark Excavating, Inc. for Emergency Repair of City Sewer and Manhole on Center Street at Graham Street (Ward 7)

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

**BACKGROUND:** A sink hole was discovered below the pavement in the intersection of Center Street at Graham Street. The hole was related to a twenty-four inch (24”) brick sewer that collapsed which was built in 1885. This type of repair is beyond the scope of what City crews can handle. The work was of an emergency nature as the sink hole caused a lane of traffic to be shut down along a state highway which carries a large volume of traffic. Stark Excavating, Inc. repaired the brick sewer and replace the manhole. The excavation was backfilled and the street repaired. A time and materials bill has been submitted for this work in the amount of \$28,133.28. Staff has reviewed the bill and the time and materials used are consistent with repairs of this nature.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Adjacent property owners and residents.

**FINANCIAL IMPACT:** Payment in the amount of \$28,133.28 will be paid with Sewer Maintenance & Operations Funds, (X52100-70551). This fund currently has a negative fund balance.

Respectfully submitted for Council consideration.

Prepared by:

Financial review:

Recommended by:

Jim Karch  
Director of Public Works

Tim Ervin  
Director of Finance

David A. Hales  
City Manager

**Motion by Alderman Hanson, seconded by Alderman Stearns 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, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Request to Pay Stark Excavating, Inc. for Emergency Repair of City Sewer and Manhole on Woodland Avenue south of Jackson Street (Ward 4)

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

**BACKGROUND:** The residents at 1802 Jackson Street had sewage backup into their home. Public Works staff found a blockage in the fifteen inch (15”) sewer that is nineteen feet (19’) deep near the manhole on Woodland Avenue just south of Jackson Street. The blockage could not be resolved without excavating the sewer main. During the repair it was discovered that the old brick manhole was failing. The manhole was replaced. The work was of an emergency nature as sewage was backing up into a residence. Stark Excavating, Inc. was retained to repair the sewer and replace the manhole because of the depth involved. The excavation was backfilled and the street repaired. A time and materials bill has been submitted for this work in the amount of \$34,843.21. Staff has reviewed the bill and the time and materials used are consistent with repairs of this nature.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Adjacent property owners and residents.

**FINANCIAL IMPACT:** Payment in the amount of \$34,843.21 will be paid with Sewer Maintenance & Operations Funds, (X52100-70551). This fund currently has a negative fund balance.

Respectfully submitted for Council consideration.



Prepared by:

Financial review:

Recommended by:

Jim Karch  
Director of Public Works

Tim Ervin  
Director of Finance

David A. Hales  
City Manager

**Alderman Huette noted that Stark Excavating had been called as the contractor for both projects. It appeared that this firm was frequently chosen by the City. He questioned if the City could spread the work to other firms. David Hales, City Manager, addressed the Council. He would provide a written response to the Council. City staff researched who was available to suit the needs of the specific project.**

**Alderman Stearns expressed her interest in this information. Mr. Hales would provide a list of the available companies.**

**Motion by Alderman Hanson, seconded by Alderman Stearns 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, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT: Buchanan Communications Maintenance Agreement**

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

**BACKGROUND:** Staff respectfully requests to renew the maintenance agreement with Buchanan Communications. This maintenance agreement is for portable radio service repair for the Police Department. The maintenance agreement also covers critical Police radio infrastructure, including comparator, repeaters, satellite receivers, and multi coupler.

Buchanan Communications was selected as the preferred provider. The other provider, Supreme Communications, was not selected due to a history of service related experiences. There are limited providers in our area that can provide the required service, as Motorola must authorize them. The agreement is for the period of one (1) year, from May 1, 2010 to April 30, 2011.

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

**FINANCIAL IMPACT:** The cost for the one (1) year agreement with Buchanan Communications is \$20,503.25. Funds for this purpose have been budgeted in G15118-70540 (Repair/Maintenance Equipment – Other than Office.)

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Randall D. McKinley  
Chief of Police

Tim Ervin  
Director of Finance

David A. Hales  
City Manager

**SHORT FORM CONTRACT**  
(AGREEMENT WITH CUSTOMER)

2010/2011 ANNUAL CONTRACT

AGREEMENT BETWEEN City of Bloomington, Police Department (309) 434-2467  
(a Corporation, Partnership, as Individual), of 305 South East Street, Bloomington, Illinois

**Description of Work:**

1.) Repair and support agreement: Portable subscriber(s) & AR infrastructure  
Total (1) \$20,503.25 per year. (reflects 3% prompt pay discount)

Illinois Cooperative Association, Incorporated, dba Buchanan Communications (“BUCHANAN COMMUNICATIONS”) will be responsible for repair and support of one-hundred thirty four (134) Motorola HT1550XLS portable radios in addition to advanced repair and support of the existing land mobile radio system. Equipment serial and model number information is attached to this document.

Any out of contract repairs will be billed on a time and material basis and with an estimate provided prior to repair, at no extra charge. BUCHANAN COMMUNICATIONS will provide a “not to exceed” repair estimate with a technician statement as to why the radio is above contract coverage. In-shop/field service repairs will be billed at \$100.00/125.00 per hour plus equipment cost.

All work shall be performed at the direction of Marsha Ulrich (309) 434-2350

**AGREEMENT PRICE** Company shall pay BUCHANAN COMMUNICATIONS for said work as follows:

**Price not to exceed:** \$20,503.25 (reflects 3% prompt pay discount)

**Payment Terms:** Net 30 Days

PERIOD OF PERFORMANCE

Contractor shall begin work on the 1<sup>st</sup> day of May, 2010 and fully complete the same by 30<sup>th</sup> day of April, 2011.

FOR: City of Bloomington, Police Department

By: Stephen F. Stockton, Mayor

Date: June 15, 2010

FOR: BUCHANAN COMMUNICATIONS (contractor)

By: Jacob Fever, Account Representative

Date: April 29, 2010

(SERVICE AGREEMENT, SERVICE TERMS AND CONDITIONS AND STATEMENT OF WORK ON FILE IN CLERK'S OFFICE)

**Motion by Alderman Hanson, seconded by Alderman Stearns 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, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Renewal of Motorola Service Agreement

**RECOMMENDATION:** That a One (1) Year Agreement, for the period of July 1, 2010 to June 30, 2011 with Motorola be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

**BACKGROUND:** The maintenance agreement with Motorola covers the dispatch radios and equipment, including the Motorola Gold Elite positions; Conventional positions; Starcomm consolettes; combiner; switch, and control station. The service agreement will provide parts and labor for the repair of covered equipment. This agreement is a continuation of the previous

agreement with Motorola as Motorola is the sole source provider for this service. The agreement benefits the City in that it safeguards the police radio network and provides for advance repair and replacement of critical equipment. This current agreement expires on June 30, 2010. Staff respectfully recommends approval of the renewal agreement with Motorola in the amount of \$22,161, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

**FINANCIAL IMPACT:** A one (1) year agreement to maintain the dispatch radios and equipment is \$22,161, for the period of July 1, 2010 to June 30, 2011. The total cost has been budgeted in G15118-70990 (Other Contractual Services).

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Randall D. McKinley  
Chief of Police

Tim Ervin  
Director of Finance

David A. Hales  
City Manager

**Motion by Alderman Hanson, seconded by Alderman Stearns that a one (1) year Agreement with Motorola 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, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Annual Renewal of Software Maintenance Agreement for Bentley Systems, Inc. CADD, Civil Engineering & Design software, and Support

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

**BACKGROUND:** The annual software maintenance agreement with Bentley Systems, Inc., the engineering software provider, is due for renewal. This is a recurring annual renewal for the maintenance of the Computer Aided Drafting and Design (CADD) software that the Public Works, PACE, Parks, and Water Departments use for engineering and design of the City's facilities and infrastructure.

This suite of programs in Bentley System, Inc. is used by engineers in the design of sanitary, storm water, roadway, water and watershed modeling. Since these activities occur across multiple departments within the City, the expenditure from the \$16,945 invoice will be allocated across the appropriate departments. Last year this maintenance payment was \$15,808. This lower cost was the result of the reduction in the number of licenses and the elimination of the Educational Training System (ETS) program. For the current year, these changes resulted in the City losing the “Select Volume Discount” and the increase in price from the prior year to \$16,945.

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

**FINANCIAL IMPACT:** As follows:

1. Payment to Bentley Systems, Inc. in the amount of \$16,945 with payment to be made with the following:
  - a. Engineering Department G16210-71010 (\$11,295.00)
  - b. Water Administration X50110-71010 (\$2,770.00)
  - c. Water Purification X50130-71010 (2,880.00).

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Jim Karch  
Director of Public Works

Tim Ervin  
Director of Finance

David A. Hales  
City Manager

**Alton Franklin, 5 Andy Court, Unit 1, addressed the Council. He cited the City’s loss of the CADD software discount. He questioned if utilizing the City’s bid process for software or if there was a different product available. Kevin Kothe, City Engineer, addressed the Council. The Bentley software included a number of packages. The City had a previous agreement with McLean County and the Town of Normal. They all shared the costs. A decision was made that the training product was not needed. The product was upgraded. Illinois Department of Transportation (IDOT) also used the Bentley product. There would be considerable cost and time involved if the City changed products. This was the best product for civil engineering. Bentley was the sole source provider for this product which the City required. The City had lost the quantity discount. The City was not a \$100,000 plus customer. Bentley was restructuring their pricing. A discount may be available in the future.**

**Motion by Alderman Hanson, seconded by Alderman Stearns that the payments be approved.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Professional Services Contracts for the Bloomington Center for Performing Arts

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

**BACKGROUND:** Staff respectfully requests approval of contracts to engage persons and/or groups represented by: Agency for the Performing Arts, Inc., IMG Artists, International Music Network, Paradigm, William Morris Endeavor Entertainment, LLC, and Young Dubs, Inc. to perform services in the Bloomington Center for the Performing Arts, (BCPA) on dates agreed by staff. Contract expenses for the performances will be \$90,500. As is standard industry practice, some artist contracts require some additional expenses for items such as travel, meals and lodging that vary from artist to artist. Travel expenses and local lodging fees occur less often. Virtually all artists are provided with meals and non-alcoholic beverages.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** The selection of these artists was coordinated with the Cultural Commission and the BCPA's Programming Advisory Committee. Staff and community advisors agree that the visiting professionals would attract broad, positive community involvement and contribute to the public service mission of the BCPA.

**FINANCIAL IMPACT:** Funding for these contracts will come from account X21100-70220 of the BCPA's 2010-11 budget, to be offset by future revenues from ticket sales, grants, playbills, concessions, advertising, and sponsorships. These revenues are also targeted to offset the additional artist expenses for travel, meals and lodging.

Respectfully submitted for Council consideration.

Prepared by:

John Kennedy  
Director Parks, Recreation &  
Cultural Arts

Reviewed as to legal sufficiency by:

J. Todd Greenburg  
Corporation Counsel

Reviewed by:

Reviewed by:

Recommended by:

Tim Ervin  
Director of Finance

Barbara J. Adkins  
Deputy City Manager

David A. Hales  
City Manager

(CONTRACTS ON FILE IN CLERK'S OFFICE)

**Motion by Alderman Hanson, seconded by Alderman Stearns that the contracts 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, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Application of N & N Petroleum, Inc., d/b/a Bloomington BP, located at 1220 Towanda, for a GPBS liquor license, which will allow the sale of packaged beer and wine for consumption off the premises seven (7) days a week

**RECOMMENDATION:** Based upon the report from the Liquor Hearing, the Liquor Commission recommends to the City Council that a GPBS liquor license for N & N Petroleum, Inc., d/b/a Bloomington BP, located at 1220 Towanda, 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 the N & N Petroleum, Inc. d/b/a Bloomington BP, located at 1220 Towanda Ave., requesting a GPBS liquor license which allows the sale of packaged beer and wine for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Steve Petersen and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, and Tracey Covert, City Clerk; and Rod and Sam Daya, owners/operators and Applicant representatives.

Commissioner Stockton questioned the purpose of this application. Rod and Sam Daya, owners/operators and Applicant representatives, addressed the Commission. They currently owned and operated the Marathon station located on S. Main St. which was located in the county. Commissioner Stockton had watched the progress on this facility. Rod Daya noted that this would be his tenth location. The business plan included purchasing foreclosed properties. The property is renovated and brought up to date. He had a proven track record. The S. Main St.

store was purchased in 2006. Sales had increased dramatically. He also cited his experience with the site of former Hucks in Mattoon, IL. He anticipated that sales would increase four times over the previous owner. This store had been purchased for \$300,000. The investment in this property was the same. He had eight (8) years of experience and a number of liquor licenses. There had been no violations.

Commissioner Petersen questioned if there was anything special about this store. Sam Daya stated that the store would have a coffee house feel. There would be sofas and wifi. Their focus was on the area. People have stopped by to question the store's opening date. He hoped to add pizza, (limited offering).

Rod Daya noted that there would be no on premise consumption of alcohol. He hoped to offer prepared sandwiches. This store would be more high end compared to a Huck's/Casey's. There would be wood flooring. The store would offer new concepts.

Commissioner Buchanan noted that a key factor was the management and staff. Rod Daya informed the Commission that they had long term staff. Promotions are handled from within. He preferred to hire locally, (from the community). Some of their stores were operated by families. He cited the S. Main St. store which had been operated by a family from Clinton, IL for the past four (4) years. Sam Daya added that there was a general manager. This individual trained the new store manager for a period of six to eight (6 - 8) months.

Rod Daya noted that the S. Main St. store offered .99 per gallon gasoline for its grand opening. The plan was to make a big splash and hit the ground running. He anticipated a retention rate of seventy percent (70%) from the grand opening.

The store would have a fifteen (15) door cooler. Eight (8) doors would be stocked with beer and wine. Commissioner Stockton encouraged the Applicants to become familiar with the City's liquor code. Rod Daya believed that it was similar to the county's code with expanded sale hours. Commissioner Stockton cited the section of the code that addressed the class "G" liquor license. Mr. Daya referred the Commission to the floor plan. There would be a twenty foot (20') coffee bar. In addition, there would be thirty-two feet (32') of shelving for convenience items.

Commissioner Buchanan noted that there were additional conditions placed upon a class "G" liquor license. He also encouraged the Applicants to familiarize themselves with the City Code. Rod Daya encouraged the Commission to visit the S. Main St. store.

Commissioner Stockton presented three (3) questions: 1.) video surveillance; 2.) servicing the handicapped; and 3.) unobstructed view of sales counter, (safety reminder). Rod Daya informed the Commission that there would be full interior and exterior video surveillance. Generally, there would be two (2) staff members present. All of their stores meet the City of Chicago's access standards. An intercom system would offer assistance to customers at the pump. A window had also been added to the front of the building by the cash register. There would not be any exterior signage.



Commissioner Buchanan questioned times when only one (1) employee was on duty and there was an emergency at the pump. Rod Daya noted that an employee would make a judgment call. There was an emergency shut off by the register (within five feet/5'). This was done to comply with fire codes. Most issues could be resolved quickly. His preference was for staff not the leave the store if there were customers present. However, there was interior video surveillance for an emergency situation.

Commissioner Stockton noted that juveniles could create a distraction. Rod Daya noted that there was only one (1) point of access. This was a small property.

Commissioner Petersen questioned the business hours. Rod Daya noted the following: Monday through Saturday - 6:00 a.m. to 10:00 p.m. and Sunday - 7:00 or 8:00 a.m. to 10:00 p.m.

Commissioner Petersen noted that the previous owner had a drive up window. Rod Daya stated his plans to utilize same. He questioned if the City would have any issues with same.

Commissioner Stockton noted that the Commission only regulated liquor. Rod Daya restated that the store would have video surveillance. Commissioner Stockton expressed no concerns at this time. Mr. Daya believed that it could be an issue for the store. It was an opportunity to increase sales. He cited concerns regarding counterfeit bills.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Public notice was published in the Pantagraph in accordance with City Code. In accordance with City Code, approximately sixty-eight (68) courtesy copies of the Public Notice were mailed. In addition, the Agenda for the may 6, 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 application is for a new GPBS liquor license, annual revenue for same is \$1,180.

Respectfully,

Reviewed and concur:

Stephen F. Stockton  
Chairman of Liquor Commission

Randall D. McKinley  
Police Chief

**Motion by Alderman Hanson, seconded by Alderman Stearns that a GPBS liquor license for N & N Petroleum, Inc., d/b/a Bloomington BP, located at 1220 Towanda, 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 Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

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

**RECOMMENDATION:** Based upon the report from the Liquor Hearing, the Liquor Commission recommends to the City Council that a PAS liquor license for OHM Liquor, Inc., d/b/a Famous Wine & Liquors, located at 1404 Empire 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 the OHM Liquor, Inc. d/b/a Famous Wine & Liquors, located at 1404 E. Empire St., requesting a PAS liquor license which allows the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Steve Petersen and Geoffrey Tompkins, George Boyle, Asst. Corporation Counsel, and Tracey Covert, City Clerk; and Rakesh “Ray” Patel, owner/operator and Applicant representative.

Commissioner Stockton questioned the purpose of this application. Rakesh “Ray” Patel, owner/operator and Applicant representative, addressed the Commission. He informed the Commission that currently he owned Main St. Convenient located at 1919 S. Main St., and Amigo’s Express located at 502 N. Prospect Rd. Main St. Convenient held a GPAS, (Gasoline, Packaged, All types of alcohol, Sunday sales) liquor license. Amigo’s Express held a PAS, (Packaged, All types of alcohol, Sunday sales). He was in the process of acquiring Famous Wine & Liquors. This store had fallen on difficult times. He planned to improve same. The exterior had been painted and the parking lot had been repaired. The interior flooring has been replaced and spirits and wine have been added.

Commissioner Stockton questioned the inventory and stocking. Mr. Patel informed the Commission that inventory has been increased by fifty percent (50%). He added that there would be additional items. Additional inventory would mean more selection.

Commissioner Stockton questioned the difference between stores. Mr. Patel cited staffing. At Famous, there would be two (2) managers: one for the store and another for wine.

Commissioner Petersen questioned the business hours. Mr. Patel cited the following: Monday through Saturday - 10:00 a.m. to 10:00 p.m.; Sunday - 12 noon until 8:00 p.m. There would be little change to the overall business.

Commissioner Petersen questioned Mr. Patel’s interest in the keg business. Mr. Patel stated that he was not interested in same. There was little traffic for kegs.

Commissioner Tompkins questioned if there would be security video. Mr. Patel stated that the equipment was recently upgraded.

Commissioner Buchanan questioned the day to day operations. Mr. Patel stated his intention to be on site three to four (3 - 4) hours per day. In addition, he has a store manager.

George Boyle, Asst. Corporation Counsel, questioned the building's ownership. Mr. Patel stated his intention to purchase same. The property was currently involved in foreclosure.

Mr. Boyle questioned if Mr. Patel had any relationship with the current corporate owner. Mr. Patel responded negatively.

Mr. Boyle noted that the existing license holder owed the City packaged liquor sales taxes. Mr. Patel was not aware of same. Commissioner Stockton noted that the existing license holder has not paid this tax from July 2009 through March 2010. Mr. Patel believed that this should be a part of the contract for sale of the business. This fact needed to be taken care of by the current business owner.

Commissioner Buchanan cited the City's packaged liquor tax and the amount owed. Mr. Boyle informed the Commission that City staff had prepared an estimate of the amount owed. He recommended that the license be approved contingent upon payment of the outstanding tax. At this time, the information was preliminary in nature.

Commissioner Stockton recommended that the proceeds from the sale be used to pay the tax liability. Mr. Boyle encouraged Mr. Patel to work with the Finance Department's Office Manager.

Commissioner Buchanan requested that Mr. Patel provide the City with a copy of the contract. He added that the seller would be responsible for remitting these dollars to the City. Mr. Patel noted that the contract had already been filed with his application.

Commissioner Stockton restated that there would be no license until payment is received.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Public notice was published in the Pantagraph in accordance with City Code. In accordance with City Code, approximately eight (8) courtesy copies of the Public Notice were mailed. In addition, the Agenda for the May 6, 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. This application would replace an existing liquor license.

Respectfully,

Reviewed and concur:

Stephen F. Stockton  
Chairman of Liquor Commission

Randall D. McKinley  
Police Chief

Alderman Schmidt questioned the process to collect unpaid taxes. She also questioned if the back taxes for Famous Wine & Liquor had been paid. Mayor Stockton stated the collection was left to the Corporate Counsel Office. Failure to pay was brought to the Liquor Commission as a violation. Generally the taxes were brought up to date very quickly. He believed these taxes had been paid by certified check.

Alderman Schmidt wanted to make sure the City had a process collecting back taxes.

Alderman Anderson questioned the use of a lien. Mayor Stockton stated the City had not gone in this direction as the suspension of the liquor license was more effective.

Alderman Anderson questioned what would happen if the establishment went out of business. Mayor Stockton noted that the City would be a creditor. George Boyle, Asst. Corporation Counsel, addressed the Council. The license was the enforcement tool. The Finance Department worked well with license holders on collections. The City had the ability to bring an Ordinance Violation (OV) for collection of food and beverage taxes. An OV could turn into a lien on the property. A general lien was possible. He had not experienced any trouble with collections. Mayor Stockton added unpaid state taxes were handled with the same process.

Alderman Stearns requested assurance that there were no other outstanding package liquor taxes. David Hales, City Manager, stated the Council would be updated.

Alderman Stearns stated that Mr. Hales was going to provide a time line to document how this happened. It was a significant amount. Mr. Boyle was not aware of anything of this size in the past. Generally the issue was addressed in two to three (2 – 3) months. Mayor Stockton reiterated the City had received a certified check.

Motion by Alderman Hanson, seconded by Alderman Stearns that a PAS liquor license for OHM Liquor, Inc., d/b/a Famous Wine & Liquors, located at 1404 Empire St., be created, contingent upon compliance with all applicable health and safety codes.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Suspension of Chapter 6 Section 26(d) to Allow Possession of Open Alcohol on Public Property for the McLean County Arts Center Event on June 24, 2010

**RECOMMENDATION:** That the Ordinance be passed.

**BACKGROUND:** The McLean County Arts Center is hosting a Margarita Night for a fund raiser on June 24, 2010 from 5:00 p.m. until 9:00 p.m. As the name implies, they will be serving margaritas as well as wine and beer to the people who attend. They will be closing East Street in front of their building and will have a band performing in that area. The event organizers want to allow people to walk into the street with their drinks to enjoy the music and have requested Chapter 6 Section 26(d) of the City Code, which prohibits having open containers of alcohol on public rights of way, be suspended for the date, time and location of the event.

This has been done for other organizations. Most recently, Council suspended the Ordinance to allow consumption of alcohol on the street downtown during the WGLT summer concert on June 12, 2010. The Special Events Committee has reviewed plans for the Arts Center event with the organizers. Given the nature event, the type of crowd it attracts, and the high degree of involvement by event staff, all concerned believe that there would be no problem with suspending the ordinance as requested.

Staff prepared the necessary Ordinance suspending the code as needed for this event and respectfully requests Council approval.

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

**FINANCIAL IMPACT:** None.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed and concur:

Tracey Covert  
City Clerk

Randall D. McKinley  
Police Chief

Recommended by:

David A. Hales  
City Manager

**ORDINANCE NO. 2010 - 23**

**AN ORDINANCE SUSPENDING PORTIONS OF SECTION 26(d) OF CHAPTER 6 OF THE BLOOMINGTON CITY CODE TO ALLOW POSSESSION OF OPEN ALCOHOL ON PUBLIC PROPERTY DURING THE MARGARITA NIGHT – McLEAN COUNTY ARTS CENTER**

WHEREAS, McLean County Arts Center will hold a Margarita Night fundraiser on June 24, 2010; and

WHEREAS, McLean County Arts Center plans to have a band performing on East Street outside of the facility and has requested permission to allow the consumption of alcohol on East Street and the adjacent sidewalks in front of the Arts Center during the fundraiser; and

WHEREAS, to allow possession of an open container of alcohol on a public street, Section 26(d) of Chapter 6 of the Bloomington City Code, which prohibits the possession of open containers of alcohol on public streets, must be suspended.

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

Section 1: That Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, is suspended on the following dates during the following hours: June 24, 2010 between 5:00 o'clock p.m. and 9:00 o'clock p.m. in front of the Arts Center on East Street. This suspension shall be effective only as to persons inside the designated area and for alcohol provided by the McLean County Arts Center.

Section 2: Except for the dates, times and location set forth in Section 1 of this Ordinance, Section 26(d) of Chapter 6 of the Bloomington City Code, 1969, as amended, shall remain in full force and effect. Nothing in this ordinance shall be interpreted as repealing said Section 26(d).

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 14<sup>th</sup> day of June, 2010.

Approved this 15<sup>th</sup> day of June, 2010.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Motion by Alderman Hanson, seconded by Alderman Stearns that the Ordinance be passed.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, 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 August 21, 2010

**RECOMMENDATION:** Based upon the report from the Liquor Hearing, the Liquor Commission recommends that the City Council suspend the ordinance to allow liquor service at the Davis Lodge on August 21, 2010 under the conditions set forth in the rental agreement.

**BACKGROUND:** Commissioner Buchanan called the Liquor Hearing to order to hear the request of the Reunion Committee for the Normal Community High School (NCHS) Class of 1965 to allow moderate consumption of alcohol at the Davis Lodge at Lake Bloomington on August 21, 2010 for a class reunion. Present at the hearing were Liquor Commissioners Richard Buchanan, Steve Petersen and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, and Tracey Covert, City Clerk; and Richard Percy, NCHS Class of 1965 Reunion Committee representative.

Commissioner Buchanan questioned the purpose of this request. He added that the request would involve a suspension of the City Code. Richard Percy, NCHS Class of 1965 Reunion Committee representative, addressed the Commission. This summer would mark the 45th Class Reunion. On August 21, 2010, the committee would host a casual gathering. Davis Lodge would be a wonderful setting. He stated his understanding that liquor was generally not allowed. The request was for moderate consumption of alcohol. The committee had entered into a contract with Times Past Inn located at 1216 N. Towanda Ave.

Commissioner Buchanan noted that the Davis Lodge was City property that was located in McLean County. A county liquor license was not required. It was his understanding that the reunion would be a catered event. There would not be a cash bar.

Commissioner Buchanan encouraged Mr. Percy to work with Craig Cummings, Director - Water.

Commissioner Petersen questioned if there would be a cash bar. Mr. Percy responded negatively. This would be a catered event.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He noted past motions regarding Davis Lodge included the following condition: those set forth in the rental agreement, (1. restrict alcohol consumption to the building's interior and rear patio; 2. requiring a class "W", catering liquor license (no cash bar); and 3. setting the time of day). Commissioner Buchanan expressed his opinion that conditions were implicit in the contract with the City.

Commissioner Petersen questioned who would be the responsible party. Tracey Covert, City Clerk, addressed the Commission. She noted that Times Past held a class W, catering license. Mr. Boyle added that this could be dependent upon dram shop insurance. Mr. Percy expressed his opinion that it could fall to all, (individual, Class of 1965, and Times Past).

Commissioner Tompkins called for the question.

Commissioner Buchanan restated that the Council would have to vote to suspend the ordinance.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** The Agenda for the May 6, 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,

Reviewed and concur:

Stephen F. Stockton  
Chairman of Liquor Commission

George Boyle  
Asst. Corporation Counsel



**ORDINANCE NO. 2010 - 24**

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

WHEREAS, NCHS Class of 1965 Reunion Committee is planning to hold a class reunion at the Lake Bloomington Davis Lodge from 6:00 p.m. to 11:00 p.m. on August 21, 2010; and

WHEREAS, the NCHS Class of 1965 Reunion Committee has 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 class reunion at the Lake Bloomington Davis Lodge on August 21, 2010 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 14<sup>th</sup> day of June, 2010.

APPROVED this 15<sup>th</sup> day of June, 2010.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Motion by Alderman Hanson, seconded by Alderman Stearns that the Ordinance suspending Section 26(d) of Chapter 6 and Section 701 of Chapter 31 to allow the possession and consumption of alcohol at the Lake Bloomington Davis Lodge on August 21, 2010 be passed.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

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

**RECOMMENDATION:** That the ordinance be passed.

**BACKGROUND:** The Economic Development Council of Bloomington-Normal Area (EDC) seeks to extend the boundaries of the Bloomington/Normal/McLean County Enterprise Zone in order to cover approximately 111.34 acres located at and around 1010 Trinity Lane in east Bloomington. The land in question, “Empire Business Park” presents a sizable development opportunity for both the City and the larger McLean County community. It is the intention of the EDC to leverage the strengths of this business park to spur new investment in the community and to create jobs.

Enterprise Zone status would enable Empire Business Park to offer future projects a package of state incentives which will ultimately reduce costs to project developers. Already, the park has had some initial success in attracting new projects. The first to be built will be a new 90,000 square foot facility for Advocate BroMenn Medical Center, which will house approximately thirty (30) physicians and support staff, with a total of up to 200 employees working at this site. Advocate BroMenn’s expansion to Empire Business Park will take place concurrently with a larger expansion project at the hospital’s main campus. Advocate BroMenn joins this application in support of Enterprise Zone boundary extension because these incentives will help to attract complementary businesses and services to Empire Business Park.

In addition to the Advocate BroMenn project, Empire Business Park has another project pending, an 18,000 square foot community aquatic center to be operated by RKSA Inc. When built, this facility would offer swimming lessons for all ages, aquatic therapy, water exercise classes, life guarding classes, scuba lessons and more. RKSA Inc. would ultimately create fourteen (14) full-time equivalent positions.

The EDC supports this extension of the Enterprise Zone boundary for a number of reasons. First and foremost, the planned projects in Empire Business Park will create new jobs in the community and will increase the property tax base through new investment. Secondly, by leveraging the Enterprise Zone's package of state-based incentives, Empire Business Park could be a hotspot for future development activity.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Economic Development Council; Town of Normal; and County of McLean.

**FINANCIAL IMPACT:** Exact figures unknown, but as stated above, the planned projects in Empire Business Park will create new jobs, will increase the property tax base and could be a hotspot for future development activity.

Respectfully submitted for Council consideration.

Prepared by:

J. Todd Greenburg  
Corporation Counsel

Recommended by:

David A. Hales  
City Manager

**ORDINANCE NO. 2010 - 25**

**AN ORDINANCE AMENDING “AN ORDINANCE DESCRIBING AND DESIGNATING AN AREA LOCATED PARTIAL WITHIN THE CITY OF BLOOMINGTON, THE TOWN OF NORMAL, AND UNINCORPORATED MCLEAN COUNTY AS AN ENTERPRISE ZONE” – EMPIRE BUSINESS PARK SUBDIVISION**

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

WHEREAS, the City of Bloomington did, on numerous occasions after establishment of the Enterprise Zone, adopt Ordinances amending Ordinance No. 1984-131, including those lengthening the duration of the Enterprise Zone and amending the territory included within the Enterprise Zone; and

WHEREAS, the City of Bloomington now desires to amend the territory included within the Enterprise Zone and to memorialize the same by amending the Enterprise Zone Intergovernmental Agreement (as hereafter defined); and

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

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

SECTION ONE: That Appendix “A”, which is attached to Ordinance No. 1984-131 and incorporated by reference in Section One of said Ordinance, as amended by subsequent Ordinances modifying the boundary of the territory included within the Enterprise Zone, shall be, and the same is, hereby further amended by adding the territory described in Exhibit A to the territory of the Enterprise Zone.

SECTION TWO: That the Mayor of the City of Bloomington, Illinois shall have, and is hereby given authority to execute the Amendment to the Enterprise Zone Intergovernmental Agreement between the Town of Normal, Illinois, the City of Bloomington, Illinois, and the County of McLean, Illinois (the “Enterprise Zone Intergovernmental Agreement”) attached hereto as Exhibit B, which Amendment memorializes the addition to the territory identified as this Ordinance to the territory of the Enterprise Zone.

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

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

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

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

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

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

The foregoing ordinance was approved by the Mayor and City Council of the City of Bloomington on the 14<sup>th</sup> day of June, 2010.

The foregoing ordinance was published in pamphlet form on the 15<sup>th</sup> day of June, 2010.

(APPENDIX A – ORDINANCE NO. 1984 – 131 ON FILE IN CLERK’S OFFICE)

## **EXHIBIT B**

### **AMENDMENT TO ENTERPRISE ZONE INTERGOVERNMENTAL AGREEMENT -- EMPIRE BUSINESS PARK SUBDIVISION**

This Amendment is entered into the \_\_\_\_\_ day of \_\_\_\_\_, 2010, by and between the City of Bloomington, a municipal corporation, the Town of Normal, a municipal corporation, and the County of McLean, a body politic and incorporate, pursuant to the authority granted under Article VII, Section 10 of the Illinois Constitution and State law.

WHEREAS, the parties entered into an Intergovernmental Agreement in December, 1984, for the purpose of creating and operating an Enterprise Zone within the jurisdiction of said parties pursuant to the Illinois Enterprise Zone Act (the "Act"); and

WHEREAS, the Enterprise Zone was originally certified as an enterprise zone by the Department of Commerce and Economic Opportunity of the State of Illinois effective July 1, 1985; and

WHEREAS, the Enterprise Zone now compasses approximately 6.085 square miles; and

WHEREAS, the Act allows an enterprise zone to encompass up to 13 square miles if the zone is a joint effort of three or more units of government; and

WHEREAS, it has been determined that certain additional territory contiguous to the Enterprise Zone totaling up to approximately .17397 square miles would be benefitted by being encompassed within the boundaries of said Enterprise Zone; and

WHEREAS, it would be in the best interests of the citizens of the City of Bloomington, Illinois, the Town of Normal, Illinois, and the County of McLean, Illinois that said additional territory be included in the Enterprise Zone.

NOW, THEREFORE, BE IT AGREED BETWEEN THE PARTIES AS FOLLOWS:

1. That Section 2 "Description" of the Intergovernmental Agreement, and the property described in Exhibit "E1-a" and incorporated in said Section by reference, as subsequently amended, be and the same is hereby amended to include therein the area described in Exhibit A attached hereto (the "Amended Area"), and the Amended Area is hereby designated as part of the Enterprise Zone pursuant to and in accordance with the Act, subject to the approval of the State as provided in the Act.
2. Except to the extent amended hereby, that all provisions, agreements, stipulations, rights, obligations, and duties set forth in the original Intergovernmental Agreement, as subsequently amended, are hereby ratified and confirmed, and are hereby applied to the Amended Area of the Enterprise Zone in their entirety.

THE UNDERSIGNED PARTIES HAVE CAUSED THIS AMENDMENT TO INTERGOVERNMENTAL AGREEMENT TO BE EXECUTED BY THEIR DULY DESIGNATED OFFICIALS, PURSUANT TO AUTHORITY CONFERRED BY THEIR RESPECTIVE GOVERNING BODIES THE DATE FIRST SHOWN ABOVE.

City of Bloomington  
a Municipal Corporation

Town of Normal  
a Municipal Corporation

By: Stephen F. Stockton  
Mayor

By: Christopher Koos  
Mayor

Attest:

Attest:

Tracey Covert  
City Clerk

Wendellyn J. Briggs  
City Clerk

County of McLean  
a Body Politic and Corporate

By: Matt Sorenson  
County Board Chairman

Attest:

Petty Ann Milton  
County Clerk

### **EXHIBIT A**

Empire Business Park Enterprise Zone:

Tract 1:

A part of the Southwest Quarter of Section 31, Township 24 North, Range 3 East of the Third Principal Meridian, McLean County, Illinois, being a strip of land 3 feet in width, lying 1.50 feet on each side of the following described line: Beginning at the Southwest Corner of Trinity Lane as dedicated in Empire Business Park Subdivision per plat recorded as Document No. 2007-1452 in the McLean County Recorder's Office. From said Point of Beginning, thence south 64.90 feet along a line which is perpendicular to the South Line of said Trinity Lane to the South Line of said Southwest Quarter lying 1244.25 feet east of the Southwest Corner thereof. Said strip is bounded on the north by the South Line of said Trinity Lane and on the south by the South Line of said Southwest Quarter.

Tract 2:

A part of the Southwest Quarter of Section 31, Township 24 North, Range 3 East of the Third Principal Meridian, in the City of Bloomington, McLean County, Illinois, more particularly described as follows: Beginning at the Southeast Corner of Cornelius Road as dedicated per the final plat of Central Catholic/McGraw Park Subdivision in the City of Bloomington, Illinois, per

Ordinance No. 2002-90 approved by the Bloomington City Council, said Southeast Corner being a point lying 70.00 feet southeast of the Southeast Corner of Lot 2 in said Subdivision.

From said Point of Beginning, thence southwesterly 328.65 feet along the South Right of Way Line of said Cornelius Road being the arc of a curve concave to the northwest with a radius of 530.00 feet and a long chord of 323.41 feet to a point of tangency; thence west 1,245.00 feet along said South Right of Way Line which forms an angle to the right of  $197^{\circ}-45'-51''$  with the last described chord; thence southwest 64.37 feet along the Southeasterly Right of Way Line of Airport Road in the City of Bloomington which forms an angle to the right of  $148^{\circ}-32'-19''$  with the last described course to the East Right of Way Line of said Airport Road; thence south 843.23 feet along said East Right of Way Line which forms an angle to the right of  $120^{\circ}-46'-26''$  with the last described course; thence south 150.74 feet along said East Right of Way Line which forms an angle to the right of  $178^{\circ}-04'-06''$  with the last described course; thence south 290.00 feet along said East Right of Way Line which forms an angle to the right of  $182^{\circ}-49'-06''$  with the last described course; thence southeast 75.47 feet along said East Right of Way Line which forms an angle to the right of  $131^{\circ}-09'-39''$  with the last described course to the North Right of Way Line of FAP. 693 (Illinois Route 9) as shown on a plat recorded as Document No. 95-5258 in the McLean County Recorder's Office; thence east 226.27 feet along said North Right of Way Line which forms an angle to the right of  $140^{\circ}-29'-01''$  with the last described course; thence east 280.50 feet along said North Right of Way Line which forms an angle to the right of  $180^{\circ}-11'-51''$  with the last described course; thence east 150.35 feet along said North Right of Way Line which forms an angle to the right of  $176^{\circ}-11'-11''$  with the last described course; thence east 468.55 feet along said North Right of Way Line which forms an angle to the right of  $185^{\circ}-02'-28''$  with the last described course to the intersection of said North Right of Way Line with the West Right of Way Line of Trinity Lane as dedicated in the Empire Business Park Subdivision per plat recorded as Document No. 2007-1452 in said Recorder's Office; thence continuing east 231.70 feet along said North Right of Way Line which is also the South Right of Way Line and the Easterly Extension thereof of said Trinity Lane which forms an angle to the right of  $180^{\circ}-00'-00''$  with the last described course; thence east 500.34 feet along said North Right of Way Line which forms an angle to the right of  $176^{\circ}-28'-54''$  with the last described course; thence east 199.98 feet along said North Right of Way Line which forms an angle to the right of  $182^{\circ}-17'-27''$  with the last described course; thence east 600.23 feet along said North Right of Way Line which forms an angle to the right of  $181^{\circ}-54'-34''$  with the last described course; thence east 214.07 feet along a line which forms an angle to the right of  $178^{\circ}-05'-26''$  with the last described course to the last Line of the Survey of 355.15 acres off the West Side of said Section 31 as shown in Plat Book 12, page 120 in said Recorder's Office; thence north 2389.85 feet along said East Line which forms an angle to the right of  $88^{\circ}-01'-36''$  with the last described course to the Southeast Corner Golden Eagle South Subdivision in the City of Bloomington, Illinois, per plat recorded March 15, 1999 as Document No. 99-7564 in said Recorder's Office; thence west 561.48 feet along the South Line of said Golden Eagle South Subdivision which forms an angle to the right of  $90^{\circ}-00'-00''$  with the last described course; thence southwest 360.00 feet along said South Line which form an angle to the right of  $169^{\circ}-06'-43''$  with the last described course; thence west 461.13 feet along said South Line, the South Line of the First Addition to Golden Eagle Subdivision in the City of Bloomington, Illinois, per plat recorded July 7, 1999 as Document No. 99-21172 in said Recorder's Office and the South Line of the Third Addition to Golden Eagle Subdivision in the City of Bloomington, Illinois, per plat recorded February 24,



2000 as Document No. 2000-4395 in said Recorder's Office, which form an angle to the right of 190°-53'-17" with the last described course to the Northeast Corner of Lot 2 in said Central Catholic/McGraw Park Subdivision; thence south 694.15 feet along the Easternmost Line of said Lot 2 which forms an angle to the right of 90°-00'-00" with the last described to the Southeast Corner thereof; thence southeast 70.00 feet along the Northeast Line of said Cornelius Road which forms an angle to the right of 144°-24'-14" with the last described course to the Point of Beginning, except therefrom the following described tracts:

Commencing at the Southernmost Corner of Lot 1 in Empire Business Park Subdivision in the City of Bloomington, Illinois, per plat recorded January 17, 2007 as Document No. 2007-1452 in said Recorder's Office, thence northeast 245.35 feet along the Southeast Line of said Lot 1 to the Point of Beginning. From said Point of Beginning, thence southeast 158.00 feet along a line which forms an angle to the right of 270°-00'-00" with the last described course; thence east 127.41 feet along a line which forms an angle to the right of 120°-04'-18" with the last described course; thence northeast 194.91 feet along a line which forms an angle to the right of 149°-55'-42" with the last described course; thence northeast 135.59 feet along a line which forms an angle to the right of 202°-12'-00" with the last described course; thence east 285.69 feet along a line which forms an angle to the right of 187°-52'-18" with the last described course; thence north 566.33 feet along a line which forms an angle to the right of 90°-00'-00" with the last described course; thence west 45.63 feet along a line which forms an angle to the right of 90°-00'-00" with the last described course; thence northeast 639.87 feet along a line which forms an angle to the right of 297°-31'-00" with the last described course; thence north 72.35 feet along a line which forms an angle to the right of 152°-29'-00" with the last described course; thence west 18.69 feet along a line which forms an angle to the right of 90°-00'-00" with the last described course; thence southwest 721.45 feet along a line which forms an angle to the right of 152°-29' -00" with the last described course; thence west 46.14 feet along a line which forms an angle to the right of 242°-29'-00" with the last described course to a point on the Northeast Line of said Lot 1; thence southwest 95.50 feet along said Northeast Line which forms an angle to the right of 149°-55'-58" with the last described course to the Easternmost Corner of said Lot 1; thence southwest 209.48 feet along the East Line of said Lot 1 which forms an angle to the right of 135°-00'-00" with the last described course; thence southwest 589.89 feet along the Southeast Line of said Lot 1 which forms an angle to the right of 224°-59'-44" with the last described course to the Point of Beginning; and also, except: Beginning at the Southeast Corner of Outlot 70 in said Golden Eagle South Subdivision. From said Point of Beginning, thence west 525.84 feet along the South Line of said Golden Eagle South Subdivision; thence south 405.38 feet along a line which forms an angle to the right of 90°-00'-00" with the last described course; thence east 525.84 feet along a line which forms an angle to the right of 90°-00'-00" with the last described course to the Southerly Extension of the East Line of said Subdivision; thence north 405.38 feet along said East Line which forms an angle to the right of 90°-00'-00" with the last described course to the Point of Beginning.

Said property contains 111.34 acres, more or less.

**Alderman Purcell questioned incentives for the Enterprise Zone. David Hales, City Manager, requested that Ken Springer, Economic Development Council (EDC) Project and Data Analyst, be allowed to address the Council. There was still a lot of undeveloped land.**

**The Enterprise Fund (EF) could take advantage of the sales tax incentive for state taxes only.**

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

**Motion carried.**

**Mr. Springer addressed the Council. The EDC incentivized complementary business to enhance development.**

**Alderman Purcell questioned why the EDC provided assistance to certain areas. He read from the 1984 Ordinance. He understood enticing business as a good thing. He cited the old rail yard as an example. Mr. Springer stated the EDC had a criteria list. Two (2) of the three (3) criteria had to be met to qualify. The criteria served as a guideline.**

**Alderman Purcell questioned if new jobs would be created. Mr. Springer responded affirmatively.**

**Alton Franklin, 5 Andy Court, Unit 1, addressed the Council. He questioned when unknown costs would be known and how that information would be available to the public. Mr. Hales stated concerning the costs, the state foregoes sales tax revenue from any Enterprise Zone projects. There were no infrastructure costs as part of the Enterprise Zone. Mayor Stockton added that the City, the Town of Normal and McLean County must approve the ordinance.**

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

**Motion carried.**

**Motion by Alderman Hanson, seconded by Alderman Stearns that the Ordinance be passed, the amended 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, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Vacation of a Front Building Setback for Property Located at 2102 Oakwood Ave

**RECOMMENDATION:** That the Vacation be approved and the Ordinance passed.

**BACKGROUND:** In April 2010 a plan was presented to PACE staff for the construction of a new front porch on the home owned by the Dr. and Mrs. Sikora at 2102 Oakwood Ave. Upon review of the plan staff noted a conflict with the City's zoning ordinance of the required front yard setback and an encroachment into a plated front yard.

On May 19, 2010, Russel Francois, Architect, acting as an agent for the owners, presented a case before the Zoning Board of Appeals, (ZBA) requesting a front yard setback variance. The variance would permit the construction of a new front porch and landscaping details, updating the homes architecture. Mr. Francois provided information supporting the Findings of Fact needed for this request. The case was based primarily on the fact the house with the new front porch would remain in substantial alignment with the existing homes and it was a curve or off-set in the street that caused the need for a variation. No one was present or provided information in opposition to the request. The ZBA voted 7-0 in support of this variance.

With their variance approved the petitioner is now requesting the second part of this process, approval of the vacation of seven feet (7') of the thirty-six ft. (36') platted front building setback. This action would permit the construction of a new front porch and up dated architecture for the subject home.

Staff respectfully recommends that Council approve the vacation of seven feet (7') of the thirty-six ft. (36') front building setback for the property located at 2102 Oakwood Ave., and that the Ordinance be passed.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Public notice was published fifteen (15) days prior to the ZBA meeting as well as direct mailings to all property owners within 500 ft. of the subject property.

**FINANCIAL IMPACT:** Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Mark R. Huber  
Director, PACE

Barbara J. Adkins  
Deputy City Manager

David A. Hales  
City Manager

**PETITION FOR VACATION OF  
FRONT BUILDING SETBACK**

STATE OF ILLINOIS        )  
  ) ss.  
COUNTY OF MCLEAN     )

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

Now comes Dr. Richard and Mrs. Catherine Sikora, hereinafter referred to as your Petitioners, respectfully representing and requesting as follows:

1. That your Petitioners are interested as Owners in the premises hereinafter described in Exhibit A attached hereto and made a part hereof by this reference;
2. That your Petitioners seek approval of the vacation of 7' of 36' Front Building Setback;
3. That said vacation of 7' of 36' Front Building Setback is reasonable, proper and is required for the construction of a Residential Porch Addition (8' x 19').

WHEREFORE, your Petitioners pray that 7' of 36' Front Building Setback be vacated.

Respectfully submitted,

By: Russel L. Francois ALA

**ORDINANCE NO. 2010 - 26**

**AN ORDINANCE PROVIDING FOR THE VACATION OF  
FRONT BUILDING SETBACK**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting the vacation of 7' of 36' Front Building Setback; and

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

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

WHEREAS, it is reasonable and proper to vacate said 7' of 36' Front Building Setback as requested in this case.

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

1. That 7' of 36' Front Building Setback is hereby vacated.
2. That this ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 14<sup>th</sup> day of June, 2010.

APPROVED this 15<sup>th</sup> day of June, 2010.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**EXHIBIT A**

Lot 14 of the Hedgewood Subdivision, a/k/a 2102 Oakwood Avenue.

PIN # 14-25-326-015

**Alderman Sage requested that Mark Huber, Director – PACE, clarify the Public Notice process to help the Council be more aware and have a better understanding. Mr. Huber addressed the Council. The Planning Commission (PC) does three (3) things when a case is ready: 1.) City Clerk places a publication in the Pantagraph fifteen (15) days prior to a meeting; 2.) a sign is placed on the subject’s property; and 3.) notice mailed to neighbors within 500’ and neighborhood associations which informs them of same. The Zoning Board of Appeals (ZBA) also requires public notice but there may not be a sign on the subject’s property. The last step was the same.**

**Alderman Sage added that the notice included a web site address and phone number.**

**Motion by Alderman Hanson, seconded by Alderman Stearns that the Vacation be approved and the Ordinance passed.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Presentation by Kevin Kothe, City Engineer – FY 2011 Street, Alley and Utility Projects.**

**Kevin Kothe, City Engineer, addressed the Council. He provided a map with an overview of the road work taking place over the summer. The reason for two (2) contracts was to fulfill the goal of having more than one (1) bidder. The General Fund (GF) bid would cover alleys, low volume and collector streets, and patch work. The Motor Fuel Tax (MFT) bid would come to Council in July 2010. This bid would utilize state funding which also required the state’s approval. The highlighted areas on the map had been projects returned to the project list.**

**Alderman Sage questioned the Alexander Road project. Mr. Kothe stated a portion of the road was within the City’s limits. The City provided minor maintenance to the sections in the Bloomington Township. David Hales, City Manager, addressed the Council. Jim Karch, Director - Public Works, had contacted the Chuck Fitzgerald, Township Road Commissioner. There was no money available. The Township was asked to enter into an agreement with the City for future repayment.**

**Alderman Sage expressed appreciation for the efforts to collaborate with other groups. He questioned if this process would continue in the future. Citizens might wonder why only one section of a road was repaired. They needed to understand that the City did**

not control the entire road. He believed there would be an increase to the number of vehicles per day on the road.

**Motion by Alderman Hanson, seconded by Alderman Stearns to amend the Agenda in order to address the Analysis of Bids and Approval of Contract for General Fund Resurfacing (Citywide) and Analysis of Bids and Approval of Contract for Street and Alley Repair (Citywide) prior to reviewing the Presentation by Kevin Kothe, City Engineer – Illinois Department of Transportation (IDOT) Project/Veterans Parkway and Morris Avenue.**

**Motion carried.**

**The following was presented:**

SUBJECT: Analysis of Bids and Approval of Contract for General Fund Resurfacing (Citywide)

**RECOMMENDATION:** That the unit prices be accepted from UCM/Rowe Construction Company, the contract total be limited to \$500,000 for General Fund Resurfacing, and the Mayor and City Clerk be authorized to execute the necessary documents.

**BACKGROUND:** The City’s Annual Resurfacing Program is used to perform major street repairs, including milling and replacement of hot mix asphalt, at various locations. One (1) bid was received and opened at 11:00 a.m. on May 28, 2010 in the City Hall Conference Room.

Rowe Construction	\$576,549.79
Engineers Estimate	\$573,172.50

Since the bid is in excess of the budgeted amount, some of the miscellaneous work such as upgrading sidewalk ramps will be deferred. In addition, the section of Alexander Road shown on the map will not be milled in its entirety prior to being overlaid.

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

**FINANCIAL IMPACT:** The total dollars allocated for this project is \$500,000 which will be paid for from the Capital Improvement Fund (X40100-72530).

The current amounts allocated for road repair are as follows:

<b>Project</b>	<b>Amount</b>
MFT Resurfacing	\$ 500,000
<b>General Fund Resurfacing **</b>	<b>\$ 500,000</b>
General Fund Street and Alley Repair	\$ 980,000
General Fund Brick Street Repair	\$ 15,000
General Fund Preventative Maintenance Treatment	\$ 5,000

Total: \$2,000,000

**\*\*Funds available for this item.**

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Jim Karch  
Director of Public Works

David A. Hales  
City Manager

(CONTRACT ON FILE IN CLERK'S OFFICE)

**David Hales, City Manager, addressed the Council. He recommended accepting and fully funding the bid award. It would allow the City to incorporate the three (3) highlighted areas of the map.**

**Motion by Alderman Purcell, seconded by Alderman McDade that the bid for General Fund Resurfacing be awarded to UCM/Rowe Construction Company in the amount of \$576,549.79, 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, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Analysis of Bids and Approval of Contract for Street and Alley Repair (Citywide)

**RECOMMENDATION:** That the unit prices be accepted from UCM/Rowe Construction Company for Alternate 2, the contract total be limited to \$980,000 for Street and Alley Repair, and the Mayor and City Clerk be authorized to execute the necessary documents.

**BACKGROUND:** The Street and Alley Repair Program was traditionally included with the City's annual resurfacing program. Given the large amount of street and alley repair to be done this year it was decided to bid this portion of work as a separate contract from the General Fund resurfacing program. Two (2) alternates were bid in order to evaluate the most cost effective



solution. Two (2) bids were received and opened at 11:00 am on May 28, 2010 in the City Hall Conference Room.

<b>Company</b>	<b>Base Bid</b>	<b>Alt 1 Total</b>	<b>Alt 2 Total</b>
<b>Rowe Construction*</b>	<b>\$793,282.28</b>	\$1,108,946.48	<b>\$1,094,081.72</b>
McLean County Asphalt	\$813,925.70	\$1,152,423.98	\$1,143,945.98

**\*Low Bid**

Engineer's Estimate - \$1,057,799.35

Due to the bids being in excess of the budgeted amount, two (2) streets and one (1) patching location were eliminated from this year's list. The two (2) streets eliminated were O'Connell Street from Croxton to Maizefield, and Maysel Street from Four Seasons westward to the dead end. The patching location that was eliminated was Miller Street, east of Morris Ave.

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

**FINANCIAL IMPACT:** The total dollars allocated for this project is \$980,000 which will be paid for from the Capital Improvement Fund (X40100-72530).

The current amounts allocated for road repair in 2010 are as follows:

<b>Project</b>	<b>Amount</b>
MFT Resurfacing	\$500,000
General Fund Resurfacing	\$500,000
<b>General Fund Street and Alley Repair **</b>	<b>\$980,000</b>
General Fund Brick Street Repair	\$ 15,000
General Fund Preventative Maintenance Treatment	\$ 5,000
Total:	\$2,000,000

**\*\*Funds available for this item.**

Respectfully submitted for Council consideration.

Prepared by:

Jim Karch  
Director of Public Works

Recommended by:

David A. Hales  
City Manager

(CONTRACT ON FILE IN CLERK'S OFFICE)

**David Hales, City Manager, addressed the Council. He recommended accepting and fully funding the bid award. He believed the City could accommodate the two (2) bid awards. There would be a mid year budget amendment. In thirty (30) days there would be**

a presentation of the Fiscal Year (FY) 2009 – 2010 preliminary report. It contained positive news. The City would continue to be conservative with the budget process. He believed the City could cover these increased costs.

Alderman Stearns did not want to reduce funding. She questioned where these funds would come from. Mr. Hales stated it was due to cost controls in the budget. He noted that the City fully funded employees who were eligible for retirement. A fewer number of employees retired than the City had planned for. These savings were a one (1) time example. The only issue in the current year that was unknown was the Local Government Distributive Funds (LGDF). The state legislature had granted authority to the Governor. This would only delay the distribution of the money to the City. He believed it was a non-issue. Street resurfacing was a high priority to the Council. Mayor Stockton stated the other priority of the Council was financial stability and rebuilding the reserves.

Mayor Stockton questioned the reserves. Mr. Hales stated all revenues were not posted. Revenue exceeded projections by over \$1 million. Staff was working with the outside auditors to provide final numbers. The departments held the line on expenditures to remain under budget. Mayor Stockton stated the City was in a great position to afford these projects. This was a priority for the Council. The City benefited from cost controls.

Alderman Purcell noted the money available. He wished there was more. Mr. Hales add that a list of street projects were available on the City's web site.

Kevin Kothe, City Engineer, addressed the Council. The total amount associated with construction for street resurfacing was over \$3.7 million. Mr. Hales added staff was considering a utility bill insert to inform citizens of these projects. Mr. Kothe added that the table of project information was updated constantly.

Motion by Alderman Purcell, seconded by Alderman McDade that the bid for Street and Alley Repair be awarded to UCM/Rowe Construction Company for Alternate 2, in the amount of \$1,094,081.72, 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, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

Presentation by Kevin Kothe, City Engineer – Illinois Department of Transportation (IDOT) Project/Veterans Parkway and Morris Avenue.

**Kevin Kothe, City Engineer, addressed the Council. This project would impact Greenwood Ave. and Springfield Rd. He provided an overview of the project. IDOT scheduled this project for a November 2010 letting. Construction would begin in spring 2011. It would take more than one (1) construction season and would be completed in phases. The project costs totaled \$7 million. There was a City/State agreement. Some utility work would be done ahead of time at Greenwood Ave. on the water main. He did not have the City's cost.**

**Alderman Sage noted over time costs and water main breaks.**

**Alderman Anderson questioned if the water main phase would begin this year. Craig Cummings, Director of Water, responded affirmatively. Others would be included in the November letting.**

**Alderman Sage noted that the information was available on the City's web site. He understood specific dates were not available. He would like to see the sequence of events to enhance citizen understanding. Concerns had been raised. The City needed to communicate with citizens. Mr. Hales stated IDOT would be a partner. Staff would include information regarding the project in utility bills.**

**Mr. Kothe addressed the Tanner St. project. The City would be adding a roundabout. Tanner St. would align with Butchers Ln. at Morris Ave. The connection would be provided after Springfield Rd. closed. The construction cost was estimated at \$1.3 million. It was ready to be taken from the general fund. Mr. Hales stated this was a critical project that needed to be done. Staff would develop a timeline and coordinate with IDOT.**

**Alderman Sage would like to communicate with the citizens a sequence of events.**

**Alderman Anderson had also been contacted by citizens. The City should hold a neighborhood meeting at Miller Park for residents of Ward 1 and 2. Mr. Hales supported a funding time line for Tanner St. Construction would not begin until spring 2011. The City would also notify citizens in writing. It would be important to do both.**

**Alderman Anderson questioned the timing, Tanner St. needed to be open prior to the closure of Springfield Rd. Mr. Kothe stated IDOT's current plan included six (6) phases.**

**Alderman Purcell questioned the roundabout lanes. Mr. Kothe stated it would be a single lane.**

**Alderman Purcell questioned the total cost. Mr. Kothe cited estimated construction costs at \$1.3 million. Mayor Stockton noted there were currently two (2) smaller roundabouts on Springfield Rd. He questioned removal of the same. Mr. Kothe believed they were traffic circles. This project would be the City's first roundabout. Mr. Hales clarified that traffic circles were being evaluated.**

Mr. Kothe introduced Phase 2 – Morris Ave. project. The best time to begin work on this project was after IDOT completed its project. The construction costs were estimated at \$1.3 million. Mr. Hales stated this project would potentially be included in the FY 2013 – 2014 budget.

Alderman Anderson questioned payments to IDOT. Mr. Hales stated reimbursement would occur towards the end of the project.

Alderman Purcell questioned if Morris Ave. would be closed and any affect to the Fire Station #4. Mr. Kothe noted that road had not been designed yet. The Fire Station #4 was part of the IDOT project. Mr. Hales added that would be part of the public meeting. Citizens needed to understand each stage and how it would affect the ingress and egress of their property.

Mr. Kothe introduced Lafayette St., the last phase of the project. The design was seventy percent (70%) complete. The City needed funding to complete the design. Mr. Hales reiterated that some design work had been completed. The map showed the east section of Lafayette St. The cost would be approximately \$1 million. FY 2011 – 2012 would focus on Tanner St. and Lafayette St. Staff was trying to put together a package to address all projects discussed. The City needed an additional \$800,000 in the General Fund (GF) from the current year to accommodate the package. The City had a contractual obligation to extend Hershey Rd. south of Hamilton Rd. Mr. Kothe stated that the project would be completed in 2012. Construction costs were estimated at \$1.4 million. Mr. Hales stated the road would need to cross the railroad tracks. There were a number of projects. Staff informed the Council that there was a lot of work to do to put together a five (5) year Capital Improvement Plan. The City had insufficient resources. The goal by fall 2010 was to receive Council commitment to start projects. By spring 2011, the City needed to be ready when the construction season began. He hoped some work could be postponed. Staff was not requesting a commitment this evening.

Alderman Purcell questioned the railroad crossing. Mr. Hales stated the key party was the Interstate Commerce Commission (ICC). The City had to obtain a permit. It was a complex situation. Alderman Purcell noted there was not an agreement with ICC. The City could not extend the road until after ICC approval.

Alderman Fruin questioned the Hershey Rd. extension and annexation agreement. Mr. Kothe stated it was a ten (10) year agreement that began in 2002. The road would be extended to the south end of the development. Alderman Fruin questioned the distance to Rt. 150. Mr. Hales stated it was not close. The full extension costs were estimated from \$3 - \$5 million.

Alderman Fruin questioned if the City had received complete cooperation from City Beverage. He also questioned if City Beverage would use the south egress. Mr. Hales stated the issue was the truck drivers. Staff had met with the drivers and would continue to follow-up with them. Mr. Kothe stated a skilled driver was needed to stay on the road.

Mayor Stockton added that Jim Karch, Director – Public Works, had contacted City Beverage.

Alderman Stearns stated the issue went beyond City Beverage. The road needed curbs and drainage. Citizens believed that the City had promised to complete this project. Mayor Stockton stated the City would work on the projects as soon as possible. Alderman Stearns noted that the City made a commitment to citizens during the Citizens Voice (May 3, 2010) meeting to complete the work.

**MAYOR'S DISCUSSION:** None.

**CITY MANAGER'S DISCUSSION:** David Hales, City Manager, addressed the Council. On June 28, 2010 the Work Session would begin at 5:00 p.m. The topic was the long range financial planning. Staff would begin to lay the ground work for the same. Discussion would include improving the bond rating and the affect on big issues such as: pensions, maintenance, and revenues sources. An updated Action Agenda was provided. It was described as a status report. There would be periodic updates. There would be staff discussions. Some items may need to be postponed. He cited Fiscal Impact Analysis as an example. This had five (5) recommendations that could take a year to examine. Staff needed a realistic Action Plan which included the scope of work involved. A meeting needed to be scheduled.

Mr. Hales presented a copy of the FY 2010 – 2011 budget. It was also available on the City's web site. He recognized Tim Ervin, Director – Finance, Pam Reel, Chief Accountant, Chris Tomerlin, Fixed Asset Manager, Katie Buydos, Executive Assistant, and Ben McCready, Special Projects Analyst. This had been a great educational tool. It provided basic information on different services levels.

Alderman Stearns questioned when Carson Bise, TischlerBise, would return. Mr. Hales stated the engagement with Mr. Bise was complete. There was a feasibility study being done. Staff needed to decide how to proceed. They would look at utilizing a competitive Request for Proposal (RFP) process.

Alderman McDade questioned the steps needed to schedule a meeting. Mr. Hales suggested a July 12, 2010 Work Session. Council could consider other dates. He would provide a report on his performance evaluation by Thursday, June 17, 2010. He would be on vacation from June 16 – 27, 2010. Barbara Adkins, Deputy City Manager, would fill in and prepare Council packets. Mayor Stockton noted that the City Manager's performance evaluation was headed up by Aldermen Sage and Fruin. Mr. Hales expressed his appreciation for the comments made. He also suggested a July 12, 2010 Executive Session as a possible meeting date.

**ALDERMEN'S DISCUSSION:** Alderman Stearns questioned if the Council planned to discuss Council and Mayor's salaries.

**Alderman Fruin noted Carson Bise's presentation at the June 14, 2010 Work Session. WGN in Chicago had promoted the David Davis Mansion this week. He liked the Letter to the Editor from the Mayor regarding mayoral responsibilities. Information regarding these responsibilities should be placed on the City's web site. There was an election cycle coming soon. Citizens needed to understand the time commitment and expectations of this position. It was important for people to understand the Mayor's contributions. Mayor Stockton clarified that Alderman Fruin was no longer interested in continued discussion regarding salary increase.**

**Alderman Fruin wanted to postpone the discussion. He believed information would have been distributed to the Council at the end of May. He requested the discussion take place during the Council's June 14, 2010 meeting. He had discussed the issue with people in the community. It was determined that this was not the appropriate time. Many people believed there was never a good time to discuss this issue. The Council needed to decide what was best for the future. He believed now was the best time but it needed to be set aside for now. There were other topics to address.**

**Alderman Huetten did not disagree. He believed the Mayor's salary was out dated. There was never an ideal time to discuss the issue. These were challenging times. Department heads had not received a salary increase. The Council had requested a zero percent increase from the bargaining units. Now was not the time to discuss this.**

**Alderman Stearns noted that the subject had been introduced at a Council meeting. She believed it should be discussed in public. This was not the proper course of action. She had provided her position to citizens.**

**Alderman Fruin wanted to review a time line. His intention had been for a public discussion.**

**Alderman Sage recognized Miller Park's Birthday party. He noted the caliber of the zoo and quality of the event. Bob Evans had been the event's sponsor.**

**Alderman McDade commented on the Downtown Tax Increment Financing (TIF) update. It had been quick and easy to understand. She had seen significant improvement. She commended staff involved.**

**She also noted this had been the second police officer to retire in the last month. Both had served the City for at least thirty (30) years and had commented on what a wonderful City this was. She believed there was something special about the City in light of their comments.**

**Motion by Alderman Anderson, seconded by Alderman McDade, that the meeting be adjourned. Time: 9:45 p.m.**

**Motion carried.**

**Tracey Covert  
City Clerk**

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