

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

The Council convened in regular Session in the Council Chambers, City Hall Building, at 7:30 p.m., Monday, August 25, 2008.

The Meeting was opened by Pledging Allegiance to the Flag followed by Silent Prayer.

The Meeting was called to order by the Mayor who directed the City Clerk to call the roll and the following members answered present:

**Aldermen: Judy Stearns, Kevin Huette, Allen Gibson, David Sage, John Hanson, Jim Finnegan, Steven Purcell, Karen Schmidt, Jim Fruin and Mayor Stephen F. Stockton.**

**City Manager Tom Hamilton, Deputy City Clerk Julie Phillips, and Corporate Counsel Todd Greenburg were also present.**

**Absent: Tracey Covert, City Clerk.**

**The following was presented:**

**Rick Clem, Director of Public Service addressed the Council. He introduced Roosevelt “JJ” Keys. Mr. Keys was retiring from the Public Service Department after thirty-two (32) years. Mr. Clem stated that Mr. Keys had taken pride and ownership in his job and thanked him for his service to the City.**

**Tom Hamilton, City Manager stated that in addition to being a hard working employee, Mr. Keys was an even bigger fan of the Prairie Thunder hockey team and the Bloomington Extreme. Mr. Keys has a season seat directly in front of his own.**

**Alderman Schmidt inquired what was in store for Mr. Keys after his retirement. Mr. Keys responded that he would take a break from work for a while and maybe travel. He may consider taking a new job later on down the road. He noted that he had worked all of his adult life and he was not sure that he would be happy without some kind of work.**

**Mayor Stockton congratulated Mr. Keys and hoped to continue seeing him at the US Cellular Coliseum.**

**The following was presented.**

**Stan Cain, Beautification Committee Chairman, presented the 2008 Beautification Awards. Ninety (90) nominations had been received in 2008, the highest number ever received. The Committee spent three (3) evenings reviewing the nominations, resulting in fourteen (14) residential and nine (9) non-residential awards.**

**Mr. Cain thanked the Committee for their hard work selecting the recipients. The Beautification Committee prepared a video presentation. He thanked the recipients for their efforts to improve the community.**

**Residential awards were given to the following: Dorothy Allen, 308 S. Morris; Stephen & JoAnn Sweeney, 407 E. Beecher St.; Arden Nowers and Gene Drager, 421 E. Grove St.; Andrew & Erica Hartman, 703 E. Monroe St.; Ed & Chris Kraft, 7 Breckenridge Dr.; Tom & Sue Ocheltree, 15 Sunset Rd.; Judy & Howard Henrichs, 17 Sunset Rd.; Charles Patrick Hartley, 715 E. Bissell; Bobby Zenor, 909 S. Mercer Ave.; Thomas & DeAnn Anderson, 1101 Maple St.; Izola Tyus, 1202 W. Jackson St.; Jack & Patsy Bowles, 1208 Elmwood St.; John & Joan Gum, 1306 Crown Ct., and Mark & Kelli Klinzing, 2002 Stone Mountain Blvd. The Ocheltrees were not present to receive their award.**

**Non-residential awards: Bloomington Condominiums, 102 W. Locust; Bent Elementary School, 904 N. Roosevelt; Parke Hotel & Conference Center, 1414 Towanda Barnes Rd.; Sarah's Garden at David Davis Mansion, 1000 E. Monroe; Washington Commons, 101 N. Veterans Parkway; Wesley United Methodist Church, 502 E. Front; Illinois Wesleyan University – Ames Library and Sesquicentennial Gateway, East Empire Street and Park Street; Bloomington High School, 1202 E. Locust, and Genevieve Green Gardens at Ewing Cultural Center, 48 Sunset Rd.**

**Mayor Stockton congratulated all of the recipients. He stated that their efforts helped to make the community more pleasant.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Council Proceedings of February 13, 2006

The Council Proceedings of February 13, 2006 have been reviewed and certified as correct and complete by the City Clerk.

Respectfully,

Tracey Covert  
City Clerk

Tom Hamilton  
City Manager

**Motion by Alderman Gibson, seconded by Alderman Purcell that the reading of the minutes of the previous Council Proceedings of February 13, 2006 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, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Bills and Payroll

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

Respectfully,

Barbara J. Adkins  
Deputy City Manager

Tom Hamilton  
City Manager

(ON FILE IN CLERK'S OFFICE)

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Payments from Various Municipal Departments

1. The third partial payment to Peace Meal in the amount of \$625 on a contract amount of \$7,500 of which \$1,875 will have been paid to date for work certified as 25% complete for the John M. Scott Home Delivered Meals. Completion date – April 2009.
2. The third partial payment to Peace Meal in the amount of \$2,082 on a contract amount of \$25,000 of which \$6,246 will have been paid to date for work certified as 25% complete for the Peace Meal. Completion date – May 2009.
3. The twenty-fourth partial payment to Economic Development Council of Bloomington/Normal in the amount of \$6,666.66 on a contract amount of \$400,000 of which \$159,999.84 will have been paid to date for work certified as 40% complete for the McLean County Economic Development. Completion date – August 2011.
4. The second partial payment to the Pantagraph in the amount of \$2,130 on a contract amount of \$40,097.92 of which \$3,541.40 will have been paid to date for work certified as 9% complete for the 2008-209 Seasonal Advertising Services. Completion date – April 2009.
5. The third partial payment to Peoria Metro Construction in the amount of \$137,750.40 on a contract amount of \$2,895,600 of which \$314,052.30 will have been paid to date for work certified as 11% complete for the Construction of Fire Station #5. Completion date – February 2009.
6. The fourth partial payment to Peoria Metro Construction in the amount of \$157,131.90 on a contract amount of \$2,895,600 of which \$471,183.20 will have been paid to date for work certified as 16% complete for the Construction of Fire Station #5. Completion date – February 2009.
7. The twelfth partial payment to Farnsworth Group in the amount of \$61,799.43 on a contract amount of \$246,100 of which \$214,455.39 will have been paid to date for work certified as 87% complete for the Comprehensive Parks & Recreation Plan – Kickapoo Creek Restoration. Completion date – October 2008.
8. The third partial payment to 3 D Design Studio in the amount of \$4,528.05 on a contract amount of \$39,625 of which \$9,525 will have been paid to date for work certified as 24% complete for the Comprehensive Parks & Recreation Plan Update. Completion date – October 2008.

9. The third partial payment to JG Stewart Contractors in the amount of \$15,633.15 on a contract amount of \$200,000 of which \$98,008.87 will have been paid to date for work certified as 49% complete for the 2008-2009 Sidewalk Replacement and Handicap Ramp Program. Completion date – November 2008.
10. The third partial payment to Testing Services Corporation in the amount of \$5,132.25 on a per ton and hour contract of which \$7,687.25 will have been paid to date for work certified as ongoing for the 2008-2009 Asphalt & Portland Concrete Plant Inspection and Laboratory Testing. Completion date – July 2009.
11. The sixth partial payment to Rowe Construction Co. in the amount of \$51,091.72 on a contract amount of \$2,376,000 of which \$2,214,508.71 will have been paid to date for work certified as 93% complete for the 2008-2009 General Resurfacing. Completion date – October 2008.
12. The fourteenth partial payment to Rowe Construction Co. in the amount of \$165,718.21 on a contract amount of \$2,940,450.76 of which \$1,648,784.90 will have been paid to date for work certified as 56.1% complete for the Mitsubishi Motorway – Six Points to Sugar Creek. Completion date – September 2008.
13. The thirteenth partial payment to Stark Excavating, Inc. in the amount of \$24,532 on a contract amount of \$1,925,274.55 of which \$1,127,175.52 will have been paid to date for work certified as 59% complete for the Morris Avenue – Miller to Fox Hill Apartments. Completion date – January 2009.
14. The second partial payment to CTE in the amount of \$2,439.42 on a contract amount of \$9,350 of which \$5,786.20 will have been paid to date for work certified as 62% complete for the Knowledge Transfer Project. Completion date – December 2008.
15. The twenty-second partial payment to Consoer Townsend & Associates in the amount of \$1,288.76 on a contract amount of \$185,000 of which \$122,176.55 will have been paid to date for work certified as 66% complete for the Electrical Improvements at Lake Bloomington. Completion date – December 2008.
16. The seventh partial payment to WHPA Inc. in the amount of \$60,504 on a contract amount of \$518,546 of which \$175,164 will have been paid to date for work certified as 34% complete for the Strategic Source Water Study. Completion date – September 2009.
17. The third partial payment to Clark Dietz, Inc. in the amount of \$532.10 on a contract amount of \$18,600 of which \$12,859.84 will have been paid to date for work certified as 69% complete for the Inspection Services for the Division St. Lighting Services. Completion date – December 2008.

18. The sixth partial payment to Clark Dietz in the amount of \$85 on a contract amount of \$15,000 of which \$10,751.35 will have been paid to date for work certified as 72% complete for the Permit Modification from IDNR Evergreen Reservoir Fish Barrier. Completion date – December 2008.
19. The third partial payment to Clark Dietz in the amount of \$892.50 on a contract amount of \$50,000 of which \$5,996.32 will have been paid to date for work certified as 12% complete for the Water Mapping Services. Completion date – December 2008.
20. The fourth partial payment to Lewis, Yockey, & Brown, Inc. in the amount of \$2,056.50 on a contract amount of \$12,000 of which \$9,598.50 will have been paid to date for work certified as 80% complete for the Design of the Water Main on S. Main – Miller to Oakland. Completion date – December 2008.
21. The third partial payment to Farnsworth Group in the amount of \$11,874.19 on a contract amount of \$36,500 of which \$33,280.69 will have been paid to date for work certified as 91% complete for the Design Services for Water Main Replacement on Ireland Grove Rd. – Hershey to Streid. Completion date – October 2008.
22. The second partial payment to Farnsworth Group in the amount of \$3,070.73 on a contract amount of \$24,200 of which \$3,474.73 will have been paid to date for work certified as 14% complete for the Design Services for Water Main Replacement on Towanda Barnes – Victory to Ireland Grove. Completion date – October 2008.
23. The third and final payment to Farnsworth Group in the amount of \$395 on a contract amount of \$12,100 of which \$12,095.25 will have been paid to date for work certified as 100% complete for the Design Services for Water Main Replacement on Towanda Barnes – Route 9 to Oakland. Completion date – October 2008.
24. The first partial payment to Farnsworth Group in the amount of \$5,322.70 on a contract amount of \$13,500 of which \$5,322.70 will have been paid to date for work certified as 39% complete for the Water Main Replacement on Illinois Street. Completion date – December 2008.
25. The first partial payment to Stark Excavating, Inc. in the amount of \$50,143.50 on a contract amount of \$82,996.60 of which \$50,143.50 will have been paid to date for work certified as 60% complete for the Water Main Improvements for Miller Street. Completion date – December 2008.
26. The third partial payment to Clark Dietz, Inc. in the amount of \$5,160 on a contract amount of \$20,000 of which \$6,804.77 will have been paid to date for work certified as 34% complete for the Inspection Services for Water Main Installation on West Miller Street. Completion date – December 2008.

27. The third partial payment to Clark Dietz, Inc. in the amount of \$1,422.50 on a contract amount of \$20,000 of which \$5,106.09 will have been paid to date for work certified as 26% complete for the Inspection Services for Water Main Construction on E. Lincoln from Morrissey to McGregor. Completion date – December 2008.
28. The seventh and final payment to Gildner Plumbing, Inc. in the amount of \$16,545.33 on a contract amount of \$281,907.33 of which \$281,907.33 will have been paid to date for work certified as 100% complete for the Water Main Replacement Parkview Project Phase 1 – Livingston from Beyer to Tokio. Completion date – December 2008.
29. The twelfth partial payment to Clark Dietz in the amount of \$475 on a contract amount of \$47,000 of which \$43,898.59 will have been paid to date for work certified as 93% complete for the Construction Observation James/Charles. Completion date – November 2008.
30. The tenth partial payment to Clark Dietz in the amount of \$4,252.50 on a contract amount of \$60,000 of which \$49,647.68 will have been paid to date for work certified as 83% complete for the Observation/Inspection of Parkview Phase 1 Water Main Replacement. Completion date – October 2008.
31. The seventh partial payment to Clark Dietz in the amount of \$16.63 on a contract amount of \$25,000 of which \$22,370.69 will have been paid to date for work certified as 89% complete for the Main Replacement on Oak and Roosevelt. Completion date - December 2008.
32. The thirteenth partial payment to Clark Dietz in the amount of \$350 on a contract amount of \$84,600 of which \$56,249.22 will have been paid to date for work certified as 65% complete for the Parmon Rd. Water Main Replacement. Completion date – December 2008.
33. The third partial payment to Gildner Plumbing, Inc. in the amount of \$59,189.33 on a contract amount of \$178,384 of which \$146,788.09 will have been paid to date for work certified as 82% complete for the Water Main Extension on Lincoln – Morrissey to McGregor St. Completion date – December 2008.

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

Respectfully,

Tom Hamilton  
City Manager

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

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

**Ayes: Aldermen Stearns, Huette, Schmidt, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Audit of the Accounts for the Township Supervisor of General Assistance Fund and General Town Fund for the Month of July, 2008

Audit of the Accounts for the Township Supervisor of General Assistance Fund and General Town Fund for the month of July, 2008 were presented for Audit by the Township Supervisor.

The Audit of these accounts took place on Monday, August 25, 2008 at 6:30 p.m. in the Conference Room of Bloomington City Hall and should, at this time, be made a matter of record.

Respectfully,

Tracey Covert  
City Clerk

**Motion by Alderman Gibson, seconded by Alderman Purcell that the audit of the bills and payrolls for the Township for the month of July, 2008 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, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**



To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Report

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

1. Monthly Receipt & Expenditure Report, July 2008.

Respectfully,

Tracey Covert  
City Clerk

Tom Hamilton  
City Manager

(REPORT ON FILE IN CLERK'S OFFICE)

**Motion by Alderman Gibson, seconded by Alderman Purcell that the audit of the report be received and placed on file.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Approve Payment to FOB Development Inc. for the Additional Width of Cornelius Road in Empire Business Park

A request for payment in the amount of \$88,406.46 has been received from Farnsworth Group, Inc., acting as agent for FOB Development Inc., for the cost of additional width of Cornelius Road in Empire Business Park Subdivision. There is no money budgeted for this expense.

On August 12, 2002, Council approved an agreement with Central Catholic High School and the Deneen family to share the cost for infrastructure beneficial to all parties. FOB Development, Inc. is the successor to the Deneen Brothers Farms, the signers of the original agreement.

The agreement obligates the City to pay for the extra width of Cornelius Road over that required by the City's Manual of Practice (MOP). The MOP requires thirty feet (30') face to face of curb. The road was constructed thirty-nine feet (39') face to face of curb to accommodate traffic from adjacent developments.

Staff respectfully recommends that Council approve the payment to FOB Development Inc. for the additional width of Cornelius Road in the amount of \$88,406.46 with payment to be made from Capital Improvement Funds (40100-72530).

Respectfully,

Douglas G. Grovesteen  
Director of Engineering

Tom Hamilton  
City Manager

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

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

**Ayes: Aldermen Stearns, Huette, Schmidt, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council  
From: Staff  
Subject: Analysis of Bids for Lincoln Street from Bunn Street to Morrissey Drive - MFT Section No. 92-00283-00-RP

Bidding proposals for the construction of Lincoln Street from Bunn Street to Morrissey Drive were received until 10:00 AM, Thursday, July 31, 2008, in the office of the City Clerk. Only one (1) bid was received and it is City policy in situations where only one bid is received to have the bid opened and read at the Council Meeting. The bid was opened at the August 11, 2008, Council Meeting.

The bid read as follows:

	<u>Total Bid</u>
Rowe Construction Co. (Low Bid)	\$3,476,726.41
Engineer's Estimate	\$3,120,833.50

Budget:           \$1,630,000   -Motor Fuel Tax (MFT) Funds (X20300-72530)  
                      \$600,000    -State of IL Contribution to MFT Funds (X20300-72530)  
                      \$100,000    -Sewer Depreciation Funds (X52200-72550)  
                      \$270,000    -Water Depreciation Funds (X50200-72540)

Sufficient Motor Fuel Tax funds are available to cover the increase over the budgeted amount.

The Lincoln Street improvements include rebuilding the 1000 & 1100 blocks of E. Lincoln Street immediately west of Morrissey Drive and constructing a new section of Lincoln Street from Bunn Street to the current terminus west of Morrissey Drive. This improvement will provide a direct east-west route from Main Street to Hershey Road via Lincoln Street. Morrissey Drive (US 150) will also be improved from Redwood Avenue to 500' north of Lincoln Street as part of a City-State Agreement approved by Council on April 14, 2008. The State of Illinois is contributing \$600,000 to the project.

Traffic signals will be installed at the Lincoln and Morrissey intersection and a new 8-10' pedestrian/bike trail will be built on the south side of Lincoln Street from Bunn Street to McGregor Street.

In addition to the proposed transportation improvements, the project will also provide City water and sanitary sewer to properties in the 900 & 1000 blocks of E. Lincoln Street where these services were previously unavailable to City residents.

Staff respectfully recommends that Council accept the lone bid from Rowe Construction Co. in the amount of \$3,476,726.41 and, further, that the Mayor and City Clerk be authorized to enter into a contract for the said work with payment to be made with MFT Funds (X20300-72530, \$2,453,931.61), State of IL Contribution to MFT Funds (X20300-72530, \$600,000.00), Water Depreciation Funds (X50200-72540, \$295,391.20), and Sewer Depreciation Funds (X55200-72550, \$127,403.60).

Respectfully,

Douglas G. Grovesteen  
Director of Engineering

Tom Hamilton  
City Manager

**Motion by Alderman Gibson, seconded by Alderman Purcell that the bid be awarded to Rowe Construction Co. in the amount of \$3,476,726.41, 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, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council  
From: Staff  
Subject: Analysis of Bids - Printing Services for the Cultural District

On Tuesday, August 5, 2008, at 11:00 a.m., bids were publicly opened and read from businesses seeking to print playbills for the Bloomington Center for the Performing Arts (BCPA). Project details include printing an initial order of 13,000 program covers (Cover I), a mid-season printing of up to 7,000 additional covers (Cover II), and up to 1,000 playbills with a maximum 32 pages for the 27 performances in the BCPA's 2008-09 season. The bids were as follows:

FIRM	Cover I	Cover II	Interior pgs.	TOTAL
AlphaGraphics	\$2,272.90	\$1,458.80	\$36,801	\$40,532.70*
BOPI	\$2,245	\$1,732	\$55,404	\$59,381
Darnall Printing	\$2,835	\$1,945	\$47,567.25	\$52,347.25
Illinois Graphics	\$1,974	\$1,167	\$43,119	\$46,260
Pro-Type Printing	\$1,993	\$1,438	\$37,557	\$40,988
Ron Smith Printing	\$2,000	\$1,000	\$37,800	\$40,800

\* Low and recommended bid

Staff respectfully requests that the Council approve the low bid of \$40,532.70 submitted by AlphaGraphics. Funding for this printing will come from account X21100-70740 of the Cultural District budget.

Respectfully,

C. Bruce Marquis  
Executive Director, Cultural District

Tom Hamilton  
City Manager

**Motion by Alderman Gibson, seconded by Alderman Purcell that the bid be awarded to AlphaGraphics in the amount of \$40,532.70, and the Purchasing Agent be authorized to issue a Purchase Order for same.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Change Order and Payment for the Ireland Grove Road Trunk Sewers at Kickapoo Creek

On September 26, 2005, Council approved an Annexation Agreement with The Grove on Kickapoo Creek, LLC (formerly Eastlake LLC). Section IV-C-5 of agreement obligates the City to pay for the additional pipe capacity in the trunk sewers to serve developments other than the Grove on Kickapoo Creek.

The original bid submitted by Stark to the developer was for \$665,984.00. Of this contract amount, the City's share was calculated to be \$630,468.81 based on percentages of flows. The project is complete and the final cost of construction is \$671,101.00. The City's share of the final cost is calculated to be \$635,578.12, an increase of \$5,109.31 over the awarded amount. The increased cost is primarily due to concrete encasement of the sewer pipe under Kickapoo Creek as required by the City's Manual of Practice.

Staff has reviewed the final quantities and costs and believes them to be in order. Staff respectfully requests that Council approve a change order in the amount of \$5,109.31 to the City's share of the contract for a new total of \$635,578.12 with payment to be made from Sewer Depreciation Funds (X52200-72550).

Respectfully,

Douglas G. Grovesteen  
Director of Engineering

Tom Hamilton  
City Manager

**Motion by Alderman Gibson, seconded by Alderman Purcell that the Change Order in the amount of \$5,109.31, for a total payment amount of \$635,578.12, be approved.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council  
From: Staff  
Subject: Change Order to the Professional Services Agreement with Lewis, Yockey & Brown, Inc., (LYB) for the Design of Dr. Martin Luther King Jr. Drive

On February 23, 2004, Council approved a contract for professional services with LYB in the amount of \$120,000 for the design of Dr. Martin Luther King Jr. (MLK) Drive from Oakland Avenue to Washington Street. The catalyst was an Annexation Agreement with David Stark which obligated him to dedicate right-of-way and contribute toward the construction of MLK Drive.

Since signing the contract with LYB, significant changes in the project scope took place to include a new intersection design study (IDS) at both of the intersections of MLK Drive with Washington Street, and MLK Drive with Oakland Avenue; and additional work on Oakland Avenue. This project is now predicted to cost in excess of \$2.5 million. LYB has requested a change order in the amount of \$30,000. Staff believes this to be reasonable given the estimated construction cost of this project.

Staff respectfully recommends that Council approve a change order to the professional services agreement with Lewis, Yockey & Brown, Inc. for the Design of the Dr. Martin Luther King Jr. Drive from Washington Street to Oakland Avenue (MFT No. 82-00240-00-PV) in the amount of \$30,000 increasing the maximum not to exceed total to \$150,000.00 with payment to be made from Motor Fuel Tax Funds (X20300-72530).

Respectfully,

Douglas G. Grovesteen  
Director of Engineering

Tom Hamilton  
City Manager

**RESOLUTION NO. 2008 - 55**

**A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE  
AMOUNT OF \$30,000 IN THE CONTRACT BETWEEN THE CITY OF  
BLOOMINGTON AND LEWIS, YOCKEY & BROWN, INC., (LYB) FOR THE DESIGN  
OF DR. MARTIN LUTHER KING JR. DRIVE**

WHEREAS, the City of Bloomington has previously entered into a contract with Lewis, Yockey & Brown, Inc., (LYB) for the Design of Dr. Martin Luther King Jr. Drive; and

WHEREAS, for the reasons set forth in a staff report dated August 25, 2008, it was necessary to perform a new intersection design study (IDS) at both of the intersections of MLK Drive with Washington Street, and MLK Drive with Oakland Avenue; and perform additional work on Oakland Avenue;

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the August 25, 2008 memo was in the best interest of the citizens of the City of Bloomington.

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

That a change order in the amount of \$30,000 in the contract between the City of Bloomington and LYB for the Design of Dr. Martin Luther King Jr. Drive be approved.

ADOPTED this 25th day of August, 2008.

APPROVED this 26th day of August, 2008.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Motion by Alderman Gibson, seconded by Alderman Purcell that the Change Order in the amount of \$30,000 be approved and the Resolution adopted.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council  
From: Staff  
Subject: Proposed Water Main Extension Agreement from Stephen L. Kindred and Lisa M. Kindred for Property Located at 2004 Towanda Barnes Road in McLean County

Stephen L. Kindred and Lisa M. Kindred, property owners of 2004 Towanda Barnes Road in McLean County (Tax ID 15-30-400-019), have requested permission to tap-on to the City's water main to serve their property. Currently, the property is outside the City's Corporate Limits. Stephen L. Kindred and Lisa M. Kindred have signed a Water Main Extension Agreement with the City wherein the property can be annexed to the City whenever the City so requests. The required one-third tap on fee due for this property has been paid to date.

As all items are in order, staff respectfully recommends that Council approve a Water Main Extension Agreement with Stephen L. Kindred and Lisa M. Kindred, property owners of 2004 Towanda Barnes Road in McLean County (Tax ID 15-30-400-019).

Respectfully,

Douglas G. Grovesteen  
Director of Engineering

Tom Hamilton  
City Manager

**WATER & PROPOSED WATER MAIN EXTENSION AGREEMENT**

THIS AGREEMENT made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2008, by and between the City of Bloomington, a Municipal Corporation, hereinafter called "CITY" and Stephen L. Kindred and Lisa M. Kindred, husband and wife, owners of the real property hereinafter described and hereinafter called "CUSTOMER", WITNESSETH:

For and in consideration of the mutual covenants and undertakings herein made, CITY and CUSTOMER herein covenant and agree as follows:

1. CITY agrees to plan, supervise and permit the construction of approximately 400 feet of 12 inch water main to be extended along the street(s) and highway (s) known as Hawthorne II Water Main for use of the CUSTOMER in obtaining water service from the water reservoir and water main system of CITY to and for the benefit of the property or properties in McLean County owned by CUSTOMER and legally described as:

A part of the Southeast Quarter of Section 30, Township 24 North, Range 3 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Beginning



at a point on the East line of said Southeast Quarter lying 974 feet south of the Northeast Quarter thereof. From said Point of beginning, thence west 600 Feet at right angles to said east line; thence south 400 feet at right angles to the last described course; thence east 600 feet at right angles to the last described course to said East Line; thence north 400 feet along said East Line and at right angles to the last described course to the Point of Beginning, EXCEPTING THEREFROM a tract described as follows: Beginning at a point on the East line of said southeast ¼ lying 974 feet South of the Northeast corner thereof. From said Point of Beginning, thence West 600 feet at right angles to said East Line; thence South 400 feet at right angles to the last described course; thence East at right angles a distance of 100 feet to a point; thence Northwesterly on a diagonal line to a point 600 feet West of the Point of Beginning, more or less, ALSO EXCEPTING THEREFROM that part conveyed to the People of McLean County and the State of Illinois in Warranty Deed recorded November 27, 2001 as Document No. 2001R39407, in McLean County, Illinois.

PIN: 15-30-400-019 commonly known as 2004 Towanda Barnes Road, Bloomington Illinois 61704 f/k/a 1910 Towanda Barnes Road.

and shown by plat of said area attached hereto and made a part hereof, and in accordance with specifications approved by the CITY.

2. CUSTOMER agrees to pay his share of the cost of the water main completed as follows: the total cost of the water main divided by the number of lineal feet of said main, divided by two, multiplied by the frontage of the above described property. CUSTOMER's contribution is \$11,200.00 payable in advance, or the CUSTOMER agrees that he may pay the amount in three (3) installments. The first installment is payable prior to the customer connecting to the water main. The second installment plus interest is due one year from the date of this agreement. The third installment plus interest is due two years from the date of this agreement. Interest on the unpaid balance shall be 6%. The City may disconnect water if any payment is more than 30 days past due. The payment schedule is attached.

3. CUSTOMER agrees that said extended water main shall become the property of and subject to the control of the CITY as a part of its water distribution system and that CUSTOMER and his/her property shall become subject to and shall be obligated to conform to all ordinances and other rules and regulations of the CITY with regard to the construction, use and maintenance of water mains and for the payment of charges for water services now in effect and as hereinafter enacted and amended from time to time.

4. CUSTOMER certifies that Stephen L Kindred and Lisa M. Kindred are all of the owners and their spouses and mortgagees of said above-described property and there are no other parties who have any other right, title or interest in said property.

5. As a covenant running with the land, CUSTOMER agrees that in the event any portion of the above-described property hereafter becomes contiguous with the corporate boundaries of the City of Bloomington, CUSTOMER will within one hundred eighty (180) days after the City Council adopts a Resolution requiring him to do so, annex said property to the City of Bloomington by petition or if required by the City, by an annexation agreement. Simultaneously or at the earliest time CUSTOMER could legally petition to do so, CUSTOMER will petition for annexation to the Bloomington-Normal Water Reclamation District. Upon failure of CUSTOMER to do any of the foregoing, the CITY in its sole discretion may discontinue water service to said property and may refuse and continue to refuse water service to such property until all such annexations have been completed.

6. This Agreement does not affect the operation of City ordinances. At the time of annexation, CUSTOMER will in an Annexation Agreement:

- (1) be required to agree to dedicate street right-of-way abutting his property in such amounts as may be required in the then current street plan;
- (2) be required to agree to dedicate any utility easements requested by the CITY at that time;
- (3) be required to agree to participate financially to the cost of making local improvements affecting customer's property.

7. CUSTOMER covenants and agrees that he/she will not permit or allow any other person, firm or corporation to connect or annex to said water main or use water therefrom or in any other way benefit from the service provided to CUSTOMER under the terms of this AGREEMENT, except where express written permission has been procured therefore from CITY.

8. CUSTOMER and CITY agree that covenants herein contained are the essence of this Agreement.

IN WITNESSETH WHEREOF the parties have hereunto set their hands and seals the day and year above written.

Stephen L. Kindred

Lisa M. Kindred



To: Honorable Mayor and Members of the City Council  
From: Staff  
Subject: Proposed Sewer Main Extension Agreement from Stephen L. Kindred and Lisa M. Kindred for Property Located at 2004 Towanda Barnes Road in McLean County

Stephen L. Kindred and Lisa M. Kindred, property owners of 2004 Towanda Barnes Road in McLean County (Tax ID 15-30-400-019) have requested permission to tap-on to the City's sewer main to serve their property. Currently, the property is outside the City's Corporate Limits. Stephen L. Kindred and Lisa M. Kindred have signed a Sewer Main Extension Agreement with the City wherein the property can be annexed to the City whenever the City so requests. The required one-third tap on fee due for this property has been paid to date.

As all items are in order, staff respectfully recommends that Council approve a Sewer Main Extension Agreement with Stephen L. Kindred and Lisa M. Kindred, property owners of 2004 Towanda Barnes Road in McLean County (Tax ID 15-30-400-019).

Respectfully,

Douglas G. Grovesteen  
Director of Engineering

Tom Hamilton  
City Manager

**SEWER & PROPOSED SEWER EXTENSION AGREEMENT**

THIS AGREEMENT made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2008, by and between the City of Bloomington, a Municipal Corporation, hereinafter called "CITY" and , Stephen L. Kindred and Lisa M. Kindred, husband and wife, owners of the real property hereinafter described and hereinafter called "CUSTOMER", WITNESSETH:

For and in consideration of the mutual covenants and undertakings herein made, CITY and CUSTOMER herein covenant and agree as follows:

1. CITY agrees to plan, supervise and permit the construction of approximately 400 feet of 12" inch sewer to be extended along the street(s) and highway (s) known as Eagle Crest East Sanitary Force Main for use of the CUSTOMER in obtaining sewer service from the sewer system of CITY to and for the benefit of the property or properties in McLean County owned by CUSTOMER & legally described as:

A part of the Southeast Quarter of Section 30, Township 24 North, Range 3 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Beginning at a point on the East line of said Southeast Quarter lying 974 feet south of the Northeast Quarter

thereof. From said Point of beginning, thence west 600 Feet at right angles to said east line; thence south 400 feet at right angles to the last described course; thence east 600 feet at right angles to the last described course to said East Line; thence north 400 feet along said East Line and at right angles to the last described course to the Point of Beginning, EXCEPTING THEREFROM a tract described as follows: Beginning at a point on the East line of said southeast ¼ lying 974 feet South of the Northeast corner thereof. From said Point of Beginning, thence West 600 feet at right angles to said East Line; thence South 400 feet at right angles to the last described course; thence East at right angles a distance of 100 feet to a point; thence Northwesterly on a diagonal line to a point 600 feet West of the Point of Beginning, more or less, ALSO EXCEPTING THEREFROM that part conveyed to the People of McLean County and the State of Illinois in Warranty Deed recorded November 27, 2001 as Document No. 2001R39407, in McLean County, Illinois.

PIN: 15-30-400-019 commonly known as 2004 Towanda Barnes Road, Bloomington Illinois 61704 f/k/a 1910 Towanda Barnes Road.

and shown by plat of said area attached hereto and made a part hereof, and in accordance with specifications approved by the CITY.

2. CUSTOMER agrees to pay his/her share of the cost of the sewer completed as follows: the total cost of the sewer divided by the number of lineal feet of said sewer, divided by two, multiplied by the frontage of the above described property. CUSTOMER's contribution is \$3,514.45 payable in advance, or the CUSTOMER agrees that he/she may pay the amount in three (3) installments on an annual basis but that the interest on the unpaid balance will then be 0.06% per year. CUSTOMER agrees that the first installment shall be due and payable following approval of City Council.

3. CUSTOMER agrees that said extended sewer shall become the property of and subject to the control of the CITY as a part of its sewer collection system and that CUSTOMER and his/her property shall become subject to and shall be obligated to conform to all ordinances and other rules and regulations of the CITY with regard to the construction, use and maintenance of sewers and for the payment of charges for sewer services now in effect and as hereinafter enacted and amended from time to time.

4. CUSTOMER certifies that Stephen L. Kindred and Lisa M. Kindred are the owners and his/her spouse and mortgagees of said above-described property and there are no other parties who have any other right, title or interest in said property.

5. As a covenant running with the land, CUSTOMER agrees that in the event any portion of the above-described property hereafter becomes contiguous with the corporate boundaries of



I, Lois A. Detloff, a Notary Public in and for said County in the State aforesaid, do hereby certify that Stephen L. Kindred and Lisa M. Kindred are personally known to me to be the same person(s) whose name(s) is/are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that the person or persons named in Paragraph 4 of said instrument is/are the only person or persons who have any right, title or interest of record in and to the property described in said instrument, and that he/she signed, sealed, and delivered said instrument as his/her free and voluntary act for the uses and purposes therein set forth, including release and waiver of the right of homestead.

Given under my hand and notarial seal this 5th day of August, 2008, A.D.

Lois A. Detloff  
(Notary Public)

My Commission Expires:

03/05/2010

ATTEST:

CITY OF BLOOMINGTON

Tracey Covert, City Clerk

Stephen F. Stockton, Mayor

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Dedication of Right of Way for Longdon Avenue

A Quit Claim Deed and Plat has been received to accept the dedicated one foot (1') wide strip of property as right of way (ROW) on the west side of Longdon Avenue, between Six Points Road and Welling Street, adjacent to the Timbers Subdivision. This strip of land was left over when the original forty-four foot (44') wide ROW for Longdon Avenue was dedicated as part of Benson's Oak Grove Subdivision, (outside the City limits,) in the 1950's. The final plat for the Timber's Subdivision dedicated an additional fifteen feet (15') of ROW for Longdon Avenue, leaving this one foot (1') strip sandwiched between the two (2) dedications.

Staff respectfully recommends that Council adopt a Resolution accepting the right of way dedication for Longdon Avenue and that the Mayor and City Clerk be authorized to execute the necessary documents.

Respectfully,

Douglas G. Grovesteen  
Director of Engineering

Tom Hamilton  
City Manager

**RESOLUTION NO. 2008 – 56**

**A RESOLUTION ACCEPTING THE DEDICATION OF PUBLIC RIGHT-OF-WAY  
FOR LONGDON AVENUE**

WHEREAS, the City of Bloomington has approved the preliminary plan and final plat for The Timbers Subdivision at the northwest corner of Longdon Avenue and Six Points Road, and

WHEREAS, the proposed right of way as described in exhibit A and shown on the Right of Way Plat labeled Exhibit B, attached hereto and made a part of this resolution is in conformance with said preliminary plan, and

WHEREAS, the grantor Larry D. Bielfeldt has executed a Quit Claim Deed for the right of way, and

WHEREAS, the City Council of said City has the power to adopt the Resolution and grant said dedication, and

WHEREAS, it is reasonable and proper to dedicate said right of way for Longdon Avenue, and



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

1. That said public right of way for Longdon Avenue is hereby dedicated.
2. That the Quit Claim Deed and Right of Way Plat are accepted and the City Clerk is directed to record same.

ADOPTED this 25<sup>th</sup> day of August, 2008.

APPROVED this 26<sup>th</sup> day of August, 2008

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

## **EXHIBIT A**

### LEGAL DESCRIPTION

#### Permanent Road Right-of-way for Longdon Avenue

A 1-foot wide strip of land being a portion of lot 34 in Benson's Oak Grove Subdivision of a part of Lots 4 and 15 in the Subdivision of the Southeast Quarter of Section 8, Township 23 North, Range 2 East of the Third Principal Meridian, according to the plat thereof recorded July 13, 1954 as Document No. 26736 lying south of the south line extended east of Woodland Ridge Subdivision to the City of Bloomington, according to a plat thereof recorded July 20, 1984 as Document No. 84-9019, in McLean County, Illinois. Said strip contains 503 square feet, more or less.

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

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

**Ayes: Aldermen Stearns, Huette, Schmidt, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Resolution Opposing the Closure of Pontiac Correctional Facility in Pontiac, Illinois

On August 20, 2008, I submitted testimony in opposition to the closure of Pontiac Correctional Facility at a Public Hearing before the Commission on Government Forecasting and Accountability. I agreed with the importance of the prison to our economy, and acknowledged that the City shares in the dollars generated by hundreds of employees and suppliers of the facility.

I also believe that there are other issues that are of concern to the entire state, including the necessary and vital need of prisons to law enforcement. Mild sentences handed down to offenders, especially repeat offenders are often attributed to the increasing costs of incarceration and the shortage of prison space.

The Pontiac Correctional facility is an older facility, however it is functional and offers specialized units such as segregated populations and mental health. Additionally, it is closer to our larger population centers, with 1.1 million within one (1) hour's drive, and within 60 to 90 minutes drive from the larger Chicago area.

I understand the need to make tough choices in our budget processes, but believe that law enforcement must remain a priority. Therefore, it is my belief that it is not in the best interest of our community or for the rehabilitation of offenders that the Pontiac Correctional Center be closed, and respectfully request that the Resolution in opposition be adopted.

Respectfully,

Stephen F. Stockton,  
Mayor

#### **RESOLUTION NO. 2008 - 57**

### **A RESOLUTION RECOGNIZING THE ECONOMIC IMPACT OF AND DECLARING OPPOSITION TO THE CLOSING OF PONTIAC CORRECTIONAL CENTER IN PONTIAC, ILLINOIS**

WHEREAS, prisons are necessary and vital to law enforcement;

WHEREAS, American citizens are often frustrated when offenders, especially repeat offenders receive mild sentences due to the cost of incarceration and the shortage of prison space; and

WHEREAS, the City recognizes that the Pontiac Correctional Center is older, however, functional; it has necessary specialized units including segregated populations, and mental health units; and

WHEREAS, the City considers the Pontiac Correctional Center a necessary facility to protect American citizens from crime, and that its closure is not in the best interest of our community or for the rehabilitation of offenders; and

WHEREAS, the City acknowledges the economic impact of closing Pontiac Correctional Center on the local community and surrounding areas, including the dollars generated, and the loss of many jobs and services; and

WHEREAS, the City recognizes the need to make tough decisions in the budgeting processes, but believes law enforcement must remain a priority.

THEREFORE BE IT RESOLVED, that the City of Bloomington opposes the closing of Pontiac Correctional Center in Pontiac, Illinois.

ADOPTED this 25th day of August, 2008.

APPROVED this 26th day of August, 2008.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

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

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

**Ayes: Aldermen Stearns, Huette, Schmidt, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Suspension of Ordinances to Allow Consumption of Alcohol Inside the Miller Park Pavilion on December 21, 2008

A long time resident of the City is planning a wedding reception at the Miller Park Pavilion on December 21, 2008 from 6:00 p.m. until 11:00 p.m. There will be a dinner catered by Lancaster's Restaurant and the host would like to have Lancaster's also serve champagne, wine and beer to the guests. Section 26(d) of Chapter 6 and Section 701 of Chapter 31 of the City Code prohibit the possession of open containers of alcohol on public property and the sale and possession of alcohol in the parks respectively. Both of these ordinances must be suspended temporarily to allow alcohol to be sold, served and consumed at this event.

There is some precedent for this. Council has suspended the ordinances to allow alcohol to be served at fund raisers for the Miller Park Zoo Society and the Alzheimer's Association. However, Council has never been requested to consider allowing alcohol at a private reception at the Miller Park Pavilion. Alcohol is allowed at private events held at Prairie Vista and the Den.

Given that this is a formal evening wedding reception during the winter, staff believes that it will not disrupt or interfere with public use of the park. Staff therefore recommends that Council suspend the ordinances to allow alcohol to be served as requested, but with the following conditions: 1.) the suspension is limited to the inside of the pavilion; no alcohol will be allowed outside, including on the porches and balconies; 2.) the alcohol must be provided by Lancaster's or some other person with a class W catering license, and 3.) no cash bar will be allowed. These are essentially the same conditions under which alcohol is allowed at the two (2) golf courses.

Respectfully,

Hannah R. Eisner  
Deputy Corporation Council

Tom Hamilton  
City Manager

**ORDINANCE NO. 2008 - 54**

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

Whereas, a resident of the City of Bloomington is planning to have a wedding reception at the Miller Park Pavilion from 6:00 p.m. to 11:00 p.m. on December 21, 2008; and

Whereas, the resident has requested permission from the City to serve beer and wine during this event; and

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

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

Section 1: That Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, are suspended for the duration of the wedding reception in Miller Park Pavilion on December 21, 2008 on the following conditions: a) This suspension shall be effective only for guests at the reception and shall be restricted to the interior of the building, no alcohol shall be allowed outside of the building, including any porches and balconies; b) alcohol shall only be provided by a person holding a Class W catering license, and c) there shall be no sales of alcohol.

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 25th day of August, 2008.

APPROVED this 26th day of August, 2008.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Motion by Alderman Gibson, seconded by Alderman Purcell 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 Miller Park Pavilion on December 21, 2008 be passed.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Members of the City Council

From: Liquor Commission

Subject: Application of Aryan Hospitality Group, Inc., d/b/a Flavors of India, located at 503 N. Prospect, Unit 104, for an RBS liquor license, which will allow the sale of beer and wine by the glass for consumption on the premises seven (7) days a week

The Bloomington Liquor Commissioner Steve Stockton called the Liquor Hearing to hear the application of Aryan Hospitality Group, Inc., d/b/a Flavors of India, located at 503 N. Prospect, Unit 104, requesting an RBS liquor license which allows the sale of beer and wine by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Steve Stockton, Rich Buchanan, Marabeth Clapp, and Steve Petersen; Hannah Eisner, Deputy Corporation Counsel; Tracey Covert, City Clerk; and Shyam Tummala and Madhavi Balla, owners/operators, and Soeya Kumar Boyana, manager, and Applicant representatives.

Commissioner Stockton opened the liquor hearing. He requested that the Applicants present the business plan. Shyam Tummala, owner/operator and Applicant representative, addressed the Commission. Flavors of India offered authentic Indian cuisine. It was family owned and operated. The restaurant currently seats forty (40).

He hoped to expand the facility with a seating capacity of seventy (70). This application was prompted by their customers' requests. It was limited to beer and wine only.

Commissioner Stockton questioned if Flavors would offer bar seating. Mr. Tummala responded negatively. Beer and wine would be offered as part of the table service. The alcohol would be stored in the kitchen. To insure proper handling, initially only the managers would be allowed to serve same.

Commissioner Stockton questioned the Applicants' previous experience. Mr. Tummala informed the Commission that this was his first application. He provided the Commission with a copy of the menu.

Commissioner Clapp questioned if the wait staff had any liquor sales experience. Mr. Tummala restated that the alcohol would only be handled by the manager. Staff would attend alcohol sales training before commencing sales of same.

Commissioner Petersen arrived at 4:10 p.m.

Commissioner Buchanan questioned parking. He noted a past practice of sectioning off the parking lot. He noted that it currently appeared that patrons of any business were allowed to park anywhere. Mr. Tummala responded affirmatively to the latter. There were only two (2) reserved parking spaces in the lot at this time.

Commissioner Stockton questioned the selection offered. Mr. Tummala expressed his plan to offer domestic lines of beer and wine. He would also attempt to obtain Indian products.

Commissioner Buchanan questioned the floor plan. He believed that it reflected the future expansion into the adjoining space. Mr. Tummala responded affirmatively.

Commissioner Stockton questioned staff training. Mr. Tummala noted that there would always be at least two (2) staff members present. Commissioner Stockton questioned liquor sales training. Mr. Tummala restated that any staff member who would be allowed to handle liquor would have to attend training first. Commissioner Stockton questioned if the Applicant was familiar with the City Alcoholic Beverage Code. Soeya Kumar Boyana, restaurant manager and Applicant representative, responded affirmatively. Commissioner Stockton questioned if the Applicants understood the age restrictions. Mr. Tummala responded affirmatively. He added that identification would be checked.

Commissioner Petersen noted that this was the Applicants' first restaurant. They had not liquor sales experience. Mr. Tummala responded affirmatively. Management staff would attend

courses and training before offering liquor for sale. Flavors of India plans to be responsible. Management staff would check identification. They would be cautious before serving alcohol.

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

Based on the above, the Liquor Commission recommends to the City Council that an RBS liquor license for Aryan Hospitality Group, Inc., d/b/a Flavors of India, located at 503 N. Prospect, Unit 104, be created, contingent upon compliance with all applicable health and safety codes.

Respectfully,

Stephen F. Stockton  
Chairman of Liquor Commission

**Motion by Alderman Gibson, seconded by Alderman Purcell that an RBS liquor license for Aryan Hospitality Group, Inc., d/b/a Flavors of India located at 503 N. Prospect, Unit 104, 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, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Members of the City Council

From: Liquor Commission

Subject: Application of Mahitha, Inc., d/b/a Food Energy Mart, located at 1901 W. Market St., for a GPBS liquor license, which will allow the sale of packaged beer and wine for consumption off the premises seven (7) days a week

The Bloomington Liquor Commissioner Steve Stockton called the Liquor Hearing to hear the application of Mahitha, Inc., d/b/a Food Energy Mart, located at 1901 W. Market St., 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 Steve Stockton, Rich Buchanan, Marabeth Clapp, and Steve Petersen; Hannah Eisner, Deputy



Corporation Counsel; Tracey Covert, City Clerk; and Venu Danda, owner/operator and Applicant representative.

Commissioner Stockton opened the liquor hearing. He requested that the Applicant present the business plan. Venu Danda, owner/operator and Applicant representative, addressed the Commission. He had been a resident of the City for five (5) years. In the past, he had operated Pop's Grocery located at 918 W. Market St. without a liquor license.

Currently, he was the owner/operator of W. Market Groceries located 301 W. Market St. which held a liquor license. He had held this license for two (2) years.

He cited his interest in acquiring additional convenient stores. He understood the convenient store business. He noted that the store located at 1901 W. Market was closed. It did not offer liquor or lottery sales. A number of customers have left the store due to the lack of same. In addition, fuel sales were down. He planned to lease the property for ten (10) years. He had assumed operations on July 24, 2008.

Commissioner Petersen questioned the stores location. The station sits on the northeast corner of Market St. and Truckers Ln. Mr. Danda expressed his opinion that this store was easier to access than the adjoining BP station. He restated that gasoline sales were down.

Commissioner Clapp questioned if Mr. Danda still operated Pops. Mr. Danda responded negatively. Commissioner Clapp questioned if the Applicant still operated W. Market Groceries. Mr. Danda responded affirmatively. He added that he had attended the West Side Summit meetings.

Commissioner Petersen questioned why the previous owner did not offer liquor and/or lottery sales. Mr. Danda cited cultural issues, (no liquor, tobacco and gambling).

Commissioner Buchanan questioned the store's liquor inventory. Mr. Danda cited currently that there was none. The store was 2,500 square feet. There was a reach in cooler. A number of doors would be dedicated to liquor inventory.

Commissioner Petersen noted that Mr. Danda still operated W. Market Groceries. Mr. Danda noted that this store closed at 10:00 p.m. The gas station would be open from 5:00 a.m. until midnight. If the liquor license is approved, the station might remain open until 1:00 a.m. on Friday and Saturday nights.

Commissioner Buchanan questioned management of the station. Mr. Danda stated his intention to be on site. In addition, staff has been hired to manage same. Both he and his manager have retail experience which included liquor sales. He noted that currently he was spending more time at 1901 W. Market. Commissioner Buchanan questioned if there would be times when only one (1) employee would be present. Mr. Danda responded affirmatively. He cited 5:00 a.m. If there is an issue at the gasoline pumps, there is an emergency shut off which is accessible from the store's interior. If an employee must leave the store, then the store's door is locked.

Commissioner Petersen noted that the application stated Mr. Danda's intention to remain open twenty-four (24) hours. Mr. Danda replied eventually. Commissioner Petersen questioned if the Applicant understood that the City's liquor code restricted sale hours. Mr. Danda responded affirmatively.

Commissioner Buchanan questioned if the Applicant was familiar with the conditions placed upon a "G" Gasoline liquor license. He cited the square footage limitations, (fifteen percent of total public space). This store must be in compliance with same.

Mr. Danda stated that the liquor inventory would be limited. Commissioner Buchanan noted that other product lines must be offered for sale, (five of seven categories). He again cited the City's liquor code, (see Chapter 6, Section 1).

Commissioner Stockton noted that Mr. Danda anticipated a ten percent (10%) increase in traffic with the addition of liquor and lottery sales. Mr. Danda stated that if traffic did not increase by twenty to twenty-five percent, (gross sales), then the store will have to be closed.

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

The Applicant was reminded to keep the windows clear. This request was made to insure the safety of the staff and the store's patrons.

Based on the above, the Liquor Commission recommends to the City Council that a GPBS liquor license for Mahitha, Inc., d/b/a Food Energy Mart, located at 1901 W. Market, be created, contingent upon compliance with all applicable health and safety codes.

Respectfully,

Stephen F. Stockton  
Chairman of Liquor Commission

**Motion by Alderman Gibson, seconded by Alderman Purcell that a GPBS liquor license for Mahitha, Inc., d/b/a Food Energy Mart located at 1901 W. Market, 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, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Members of the City Council

From: Liquor Commission

Subject: Application of Hurley Consolidated Enterprises, LLC, d/b/a Drifters, located at 612 N. Main St., for a TAS liquor license, which will allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week

Commissioner Steve Stockton called the Liquor Hearing to hear the application of Hurley Consolidated Enterprises, LLC, d/b/a Drifters, located at 612 N. Main St., requesting a TAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Steve Stockton, Rich Buchanan, Marabeth Clapp, and Steve Petersen; Hannah Eisner, Deputy Corporation Counsel; Tracey Covert, City Clerk; and Nick and Aaron Hurley, owners/operators, and Applicant representatives, and Ann Luhcs, landlord.

Commissioner Stockton opened the liquor hearing. He requested that the Applicants present the business plan. He cited the written plan submitted by the Applicants. Aaron Hurley, owner/operator and Applicant representative, addressed the Commission. He cited the intention to rehab the space. The plan stated the Hurleys intention to attract the business community and patrons from the Bloomington Center for the Performing Arts, (BCPA). By offering a broad product mix, their goal would be customer retention. Nick Hurley, owner/operator and Applicant representative, addressed the Commission. Drifters would be the opposite of Paulie's, (current liquor license holder). The plan was to spend \$160,000 on renovating the space. Drifters would be more than live music. It would not be geared towards the college crowd. Drifters would be bright and inviting.

Commissioner Petersen questioned the plan for the basement area. Mr. A. Hurley stated that their efforts would be directed at the upper floor/street level. The basement might be addressed in the future.

Commissioner Stockton noted that the Applicants had applied for a facade grant. Mr. A. Hurley noted that \$10,000 would be invested in windows and doors. The ceiling would be raised to restore the building's historic appearance. Mr. N. Hurley stated that the space would be regentrified.

Commissioner Stockton questioned the target demographics. He noted that college students had been mentioned. Mr. A. Hurley noted that Drifters would open at 3:00 p.m. The goal was to attract the business class early in the evening. They hoped to attract the BCPA crowd - before and after events. Late night, Drifters could not afford to ignore the college crowd. Mr. N. Hurley added that the college age traffic was already there in the Downtown.

Commissioner Stockton questioned expectations for early mornings on Saturdays and Sundays. Mr. A. Hurley stated upbeat but low key. The music will not be loud. Customers would not have to yell over the music. Mr. N. Hurley added that Drifters would be service focused. Seating would be provided and there would be wait staff.

Commissioner Clapp questioned the Applicants' experience with liquor sales. Mr. A. Hurley stated that he had obtained the necessary skill set while working for the rail road. Mr. N. Hurley informed the Commission that he was employed in management with a contracting company. He also had bartending experience. Both brothers had general business knowledge. They planned to hire experienced staff, from bar management to security to wait staff.

Commissioner Buchanan addressed the pie chart contained in the business plan that addressed the demographic breakdown. He estimated college students at forty-five to fifty percent, (45 - 50%). He described the business plan as practical. Drifters would attract a portion of the Downtown taverns' customers. He questioned the described ambiance/atmosphere mixed with a college age crowd. Mr. N. Hurley acknowledged that the majority of sales might come from the college age crowd. However, the business plan applied targeted marketing which was geared towards older, upscale clientele. Mr. A. Hurley added that college age is defined as twenty-one to twenty-six year, (21 - 26), olds.

Commissioner Buchanan questioned the Applicants' confidence in their ability to control this age group. He questioned the condition of some of their patrons and the Applicants' comfort level. Mr. A. Hurley informed the Commission of their plan to hire off duty law enforcement personnel. These individuals would have the necessary training. Mr. N. Hurley added that there would be a dress code. Drifters would offer a Caribbean theme. They anticipated strong wine sales. Pitchers of beer will not be offered for sale.

Commissioner Petersen noted that the building's interior would be changed. Mr. N. Hurley noted that the interior would be gutted. They had a funding plan.

Commissioner Buchanan noted that there would apartments located above, (two each above Paulie's and Flingers). These apartments were not a part of the premise but were currently occupied. Ann Luhcs, landlord, addressed the Commission. Her response was affirmative.

Commissioner Buchanan questioned the design/layout of the entrance. Mr. N. Hurley noted that it would remain in its current location.

Commissioner Petersen questioned occupancy. Mr. N. Hurley stated his expectation that it would be set at less than 100. Mr. A. Hurley added that this figure would be determined by the fire inspector.

Commissioner Stockton stated that the City had a close watch on the Downtown. He cited the recently approved study, (Farr Associates). He acknowledged that the area needed to be upgraded. He added the need for balance - retail, entertainment, jobs, etc. The goal was to bring diversity to the Downtown. He cited recent additions - Six Strings and Show Me's. He expressed his hope that Drifters would be something different. He cited the Hurleys' investment

in the project. He questioned if at 1:00 a.m. would people be packed in until closing. He cited the different ambiance. Mr. N. Hurley stated that Drifters would be easy, functional and light. It would offer adequate seating and rest rooms. He cited the business plan. The lower level contained the mechanical rooms.

Hannah Eisner, Deputy Corporation Counsel, addressed the Commission. The liquor license could be limited to the upstairs/ground level. Commissioner Petersen acknowledged that the City may need to restrict access to the lower level.

Commissioner Buchanan noted that an issue may be the provision of live music on Saturday nights. Mr. A. Hurley noted that there would not be any heavy bass. Drifters would offer bands with an established audience. These bands would bring a clientele with them. The plan called for a variety of music to be offered. Commissioner Buchanan requested an example of the type of music to be offered. Mr. N. Hurley cited acoustic - Jimmy Buffet. The music would be of a lower tone/key. Commissioner Buchanan questioned if the seating and/or stage would be elevated. Mr. A. Hurley described the interior as similar to Fat Jack's.

Commissioner Stockton questioned the plan to hire off duty law enforcement personnel. Mr. N. Hurley estimated the cost at \$30 per hour. He knew individuals locally who were employed in law enforcement.

Commissioner Petersen questioned the current tenant. Ms. Luhcs informed the Commission that the lease would not be renewed. She had had other applicants whose plans were not as convincing. There had been discussions regarding a restaurant. The parking situation remains an issue. The facility would also require a new ventilation system to house a restaurant. Today's economic climate is not favorable towards restaurants. She expressed her interest in a higher scale tavern. The Hurleys' plan addressed the floors, walls, ceilings and rest rooms.

Commissioner Petersen stated that it would be nice to see additional restaurants in the Downtown. However, if appeared that the interest was not there. Ms. Luhcs informed the Commission that she had an idea of what a restaurant would cost. She restated the parking issue. Commissioner Stockton questioned if bar food would be offered. Ms. Luhcs noted that Flingers was located next door. Commissioner Stockton noted that BCPA events had been cited in the business plan. Ms. Luhcs stated that a restaurant could not survive on h'ors d'oeuvres. Commissioner Stockton was encouraged that the idea had been given some consideration.

Commissioner Stockton questioned surveillance equipment. Mr. A. Hurley informed the Commission that a sixteen to twenty-four, (16 - 24), camera system had been priced and would be put in place. Commissioner Stockton questioned if the system would include the alley. Mr. A. Hurley stated that it could be done.

Commissioner Petersen questioned the plan to keep patrons out of the basement. Mr. N. Hurley stated that this area would house the office and would be locked off.

Commissioner Stockton requested that the Commission give consideration to the following conditions: 1.) limit occupancy (ability to sit) and 2.) limits be placed on live music. The

Commission was interested in an upgrade to the normal Downtown bar. Additional conditions may be placed upon Drifters at some time in future based upon performance.

Commissioner Buchanan noted that the Hurleys had participated in a formal public hearing. Statements of intention regarding the environment had been provided by the Applicants. He cited the annual renewal process. The Hurleys could be brought in for a formal hearing. They, as Applicants, had expressed their intentions in their business plan. Commissioner Buchanan liked the business plan. The Hurleys had provided the Commission with the rules for operations of same. He wanted them to be successful. The Commission takes a critical view of the Downtown.

Commissioner Stockton agreed that the business plan was attractive. If the Applicants needed to deviate from same, he requested that they contact the Commission.

Commissioner Stockton opened the hearing to public comment.

Dan Rolph, owner/operator and license holder for Six Strings, 525 N. Center St., addressed the Commission. He cited his experience appearing before the Commission and City Council. He noted that no restrictions had been proposed to address security. He added that this business would have limited occupancy. He acknowledged that the college students were a part of the Downtown's bread and butter. Drifters will have an opportunity to become a part of the Downtown, (a destination). He cited recent business losses. He encouraged Drifters to partner with other Downtown establishments in order to grow the Downtown.

Commissioner Stockton questioned if the Hurleys had spoken with Pat Fruin, owner/operator of Flingers Pizza, 608 N. Main St. He questioned if the two (2) establishments had considered entering into an agreement, (pizza delivery). Mr. Rolph readdressed the Commission. Six Strings carries a variety of Downtown restaurants' menus. Each provided delivery to Six Strings. Downtown's businesses were very supportive of each other.

Peg Flynn, Downtown Business Association's, (DBA), Executive Director, 104 W. Monroe, addressed the Commission. The DBA had worked with the Hurleys. She described the business plan and the proposed business as strong.

Commissioner Stockton cited the recent agreement between the DBA and Farr Associates. New establishments must be a notch up. This will put pressure on existing businesses. Ms. Flynn noted that the DBA is supportive of all responsible businesses. She wanted the Hurleys to be successful.

Tyler Holloway, owner/operator and license holder for Fat Jack's, 507 - 511 N. Main St., addressed the Commission. He addressed the Commission as the Downtown Bar Association's President. He had not met formally with the Hurleys. Drifters would be a welcomed upgrade. It appeared to be a quality establishment. He requested that the Applicants be held accountable. He cited familiarity with the City's liquor code. In addition, he recommended that the Hurleys complete the STEPS, (Safety Training to Encourage Profitable Services), Program.

Ms. Eisner questioned if the front windows would open. Mr. A. Hurley responded negatively.

Commissioner Stockton expressed his expectations that drink prices would be competitive during late night hours. Mr. N. Hurley responded that Drifters' pricing would be comparable. He added that specialty drinks would have higher costs.

Commissioner Stockton suggested that there were four (4) areas which needed to be addressed: 1.) control of live music; 2.) occupancy; 3.) windows and doors, (stage will be located near the front of the establishment); and 4.) video security, (specifically cited the establishment's main room plus the front and rear of the building). He noted that Six Strings had a Cadillac system. He added that the Commission might need to address business hours if an issue arose.

Commissioner Stockton noted that the Commission was aware that the Downtown's taverns were a sensitive issue. He liked the Hurleys' business plan. The City wanted to see the Downtown's continual improvement.

Based on the above, the Liquor Commission recommends to the City Council that a TAS liquor license for Hurley Consolidated Enterprises, LLC, d/b/a Drifters located at 612 N. Main St., be created, contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) the Commission reserves the right to address the use of live and/or amplified music; 2.) the Commission reserves the right to address occupancy if issues arise; 3.) the Commission reserves the right to regulate the environment's surroundings, (windows and doors); 4.) video cameras be installed on the building's interior and exterior with the Commission reserving the right to request modification of same; and 5.) the Commission reserves the right to address business hours if issues arise.

Respectfully,

Stephen F. Stockton  
Chairman of Liquor Commission

**Motion by Alderman Gibson, seconded by Alderman Purcell that a TAS liquor license for Hurley Consolidated Enterprises, LLC, d/b/a Drifters located at 612 N. Main St., be created, contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) the Commission reserves the right to address the use of live and/or amplified music; 2.) the Commission reserves the right to address occupancy if issues arise; 3.) the Commission reserves the right to regulate the environment's surroundings, (windows and doors); 4.) video cameras be installed on the building's interior and exterior with the Commission reserving the right to request modification of same; and 5.) the Commission reserves the right to address business hours if issues arise.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council  
From: Staff  
Subject: Lake Bloomington Lease Transfer request for Lot 2, Block 4 in Camp Kickapoo from Arthur Dornaus, Trustee to Joseph G. and Sally S. Diemer.

Staff has reviewed the Lake Bloomington Lease Transfer request and septic system evaluation report for Lot 2, Block 4 in Camp Kickapoo from Arthur Dornaus, Trustee to Joseph G. and Sally S. Diemer. The inspection did not note any deficiencies in the septic system.

Staff respectfully requests Council approval of the Lake Bloomington Lease Transfer request for Lot 2, Block 4 in Camp Kickapoo from Arthur Dornaus, Trustee to Joseph G. and Sally S. Diemer.

Respectfully,

Craig M. Cummings  
Director of Water

Tom Hamilton  
City Manager

**Motion by Alderman Gibson, seconded by Alderman Purcell that the Lake Lease 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, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**



To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition from Land Trust CC-1 Requesting Renewal of the Preliminary Development Plan for Fox Creek Village Planned Unit Development

A petition has been received from Mercer Turner as Trustee of Land Trust CC-1 requesting that Council renew the Preliminary Development Plan for Fox Creek Village Planned Unit Development (PUD). This development is located south of Pepper Ridge Subdivision, and west of the Union Pacific Railroad. The Preliminary Development Plan for this PUD was approved on May 27, 2003. Preliminary plans expire after three (3) years if no final plat is submitted in that time period to reset the clock. No final plat has been submitted for this development since 2003.

Staff respectfully recommends that Council approve the Petition and adopt an Ordinance renewing the Preliminary Development Plan for Fox Creek Village PUD.

Respectfully,

Douglas G. Grovesteen  
Director of Engineering

Tom Hamilton  
City Manager

**PETITION FOR APPROVAL OF PRELIMINARY PLAN FOR A SUBDIVISION**

State of Illinois                    )  
  )ss.  
County of McLean                 )

To:                 The Honorable Mayor and City Council of the City of Bloomington, McLean County, Illinois.

Now comes Commerce Bank as Trustee of PBB-232, hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

1.         That your petitioner is the petitioner for the preliminary plan for the Fox Creek Village approved on or about May 27, 2003.
  
2.         That your petitioner hereby seeks an extension of the term of the preliminary plan for Fox Creek Village for 5 more additional years from the approval of the petition.

WHEREFORE, your Petitioner pray that the expiration of Preliminary Plan for Fox Creek Village will be approved with the exemptions or variations as requested herein.

Respectfully submitted,  
  
Commerce Bank as Trustee of PBB-232  
  
By: Mercer Turner, Its Attorney

**ORDINANCE NO. 2008 - 55**

**AN ORDINANCE APPROVING THE EXTENSION OF PRELIMINARY PLAN FOR  
FOX CREEK VILLAGE**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition approving the extension of Preliminary Plan for Fox Creek Village, Bloomington, Illinois;

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

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

1. That the Petition for the extension of the term of the Preliminary Plan for Fox Creek Village for 5 more years from the approval of the petition is hereby approved.
2. That this Ordinance shall be in full force and effective as the time of its passage and approval.

PASSED this 25<sup>th</sup> day of August, 2008

APPROVED this 26<sup>th</sup> day of August, 2008.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Motion by Alderman Gibson, seconded by Alderman Purcell that the Preliminary Plan be reinstated and the Ordinance passed.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition from Land Trust CC-1 Requesting Approval of a Final Plat for Second Addition to Fox Creek Village Subdivision, a Planned Unit Development

A petition has been received from Mercer Turner as Trustee of Land Trust CC-1 requesting approval of a Final Plat for Second Addition to Fox Creek Village Subdivision, a Planned Unit Development (PUD). This subdivision is located south of Pepper Ridge Subdivision and west of the Union Pacific Railroad. The Final Plat is in basic conformance with the Preliminary Development Plan for this PUD approved on May 27, 2003, and renewed August 25, 2008. However, the Council should note that there are nineteen (19) lots included in the Second Addition final plat in an area which showed eighteen (18) lots on the preliminary development plan. Staff believes this to be a minor change and all lots appear to meet the minimum area and dimensional requirements of the City Code. There are various tap on fees which are due for this addition.

Staff respectfully recommends that Council approve the Petition and adopt an Ordinance approving the Final Plat for the Second Addition to Fox Creek Village Subdivision PUD, subject to the Petitioner paying the necessary tap on fees prior to recording the plat.

Respectfully,

Douglas G. Grovesteen  
Director of Engineering

Tom Hamilton  
City Manager

**PETITION FOR APPROVAL OF FINAL PLAT**

State of Illinois )  
 )ss.  
County of McLean )

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

Now comes Mercer Turner as Trustee of Land Trust CC-1, hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A which is attached hereto and made a part hereof by this reference;
2. That your petitioner seeks approval of the Final Plat for the subdivision of said premises to be known and described as Second Addition to Fox Creek Village, Bloomington, Illinois, which Final Plat is attached hereto and made a part hereof;

WHEREFORE, your petitioner pray that said Final Plat for the Second Addition to Fox Creek Village Subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

By: Mercer Turner, as Trustee of Land Trust CC-1

SUBSCRIBED AND SWORN to before me this 14<sup>th</sup> day of August, 2008.

Heather Doza  
Notary Public

**ORDINANCE NO. 2008 - 56**

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE  
SECOND ADDITION FOX CREEK VILLAGE SUBDIVISION**

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

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

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

1. That the Final Plat of the Second Addition to Fox Creek Village Subdivision is hereby approved.
2. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 25<sup>th</sup> day of August, 2008.

APPROVED this 26<sup>th</sup> day of August, 2008.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**EXHIBIT A**

A part of Lot 2 in Fox Creek Country Club in the City of Bloomington, McLean County, Illinois, according to the plat recorded as Document No. 95-26592 in the McLean County Recorder's Office, being a part of the Northwest Quarter of Section 19, Township 23 North, Range 2 East of the Third Principal Meridian, and a part of Lot 4 in Capen's Subdivision of Part of Sections 13 and 24, Township 23 North, Range 1 East of the Third Principal Meridian, and of part of Sections 18 and 19, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Beginning at the Northernmost Corner of Lot 23 in Fox Creek Village Subdivision Planned Unit Development in the City of

Bloomington, Illinois, according to the plat recorded as Document No. 2003-46554 in said Recorder's Office. From said Point of Beginning, thence southwest 247.95 feet along the Northwesterly Line of said Lot 23 and the Northwesterly Lines of Barclay Court and Lot 24 in said Subdivision to the Westernmost Corner of said Lot 24; thence southeast 56.85 feet along the Southwesterly Line of said Lot 24 which forms an angle to the left of 270°-00'-00" with the last described course to the Northwesterly Line of Outlot 25 in said Subdivision; thence southwest 18.00 feet along said Northwesterly Line which forms an angle to the left of 90°-00'-00" with the last described course to the Westernmost Corner of said Outlot 25; thence southeast 18.00 feet along the Southwesterly Line of said Outlot 25 which forms an angle to the left of 270°-00'-00" with the last described course to the Southernmost Corner of said Outlot 25, said Corner being on the Northwesterly Right-of-Way Line of Winding Way, a private street right-of-way in said Fox Creek Village Subdivision; thence southwest 70.00 feet along said Northwesterly Right-of-Way Line which forms an angle to the left of 90°-00'-00" with the last described course to the Westernmost Corner of said Winding Way; thence southeast 25.00 feet along the Southwesterly Line of said Winding Way which forms an angle to the left of 270°-00'-00" with the last described course to the Southernmost Corner of said Winding Way, said Corner being on the Northwesterly Line of Lot 7 in said Fox Creek Village Subdivision lying 2.97 feet northeast of the Westernmost Corner thereof; thence southwest 155.00 feet along said Northwesterly Line and the Southwesterly Extension of said Northwesterly Line which form an angle to the left of 90°-00'-00" with the last described course; thence northwest 99.11 feet along a line which forms an angle to the left of 90°00'-00" with the last described course; thence west 301.75 feet along a line which forms an angle to the left of 206°-01'-07" with the last described course; thence north 301.91 feet along a line which forms an angle to the left of 90°-00'-00" with the last described course; thence northwest 98.69 feet along a line which forms an angle to the left of 230°-11'-30" with the last described course to a point on the Common Line between said Lot 2 and Lot 6 in said Fox Creek Country Club lying 55.51 feet southwest of Reference Point No. 986 as shown on said Fox Creek Country Club plat, said Common Line being the line connecting said Reference Point No. 986 with Reference Point No. 987 on said plat; thence northeast 55.51 feet along said Common Line which forms an angle to the left of 90°-00'-00" with the last described course to said Point No. 986; thence northeast 287.64 feet along said Common Line said Common Line being the line connecting said Reference Point No. 986 with Reference Point No. 985 of said plat and which forms an angle to the left of 211°-00'-10" with the last described course to the Southwest Corner of Fox Creek Village Condominium Units 97 A&B, 98 A&B and 99 A&B in the City of Bloomington, Illinois, according to the plat recorded as Document No. 97-9178 in said Recorder's Office; thence southeast 570.58 feet along the Southwesterly Line of said Units 97 A&B, 98 A&B and 99 A&B and along the Southwesterly Lines of Fox Creek Village Condominium Units 96 A&B, 95 A&B 94 A&B and 93 A&B in the City of Bloomington, Illinois, according to the plats recorded as Document No.'s 98-36495, 2001-21012, 2001-19671 and 2003-293, respectively, which form an angle to the left of 72°-46'-12" with the last described course to the Point of Beginning, containing 6.368 acres, more or less.

**Motion by Alderman Gibson, seconded by Alderman Purcell that the Final Plat be approved and the Ordinance passed.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition from Hershey Grove, LLC Requesting Approval of a Final Plat for Fourth Addition to Brookridge Apartments Subdivision

A petition has been received from Hershey Grove, LLC requesting Council approval of a Final Plat for Fourth Addition to Brookridge Apartments Subdivision. This subdivision is located south of Ireland Grove Road, east of Hershey Road, and north of Hamilton Road. The Final Plat is in conformance with the Hershey Grove Subdivision Preliminary Plan approved on April 22, 2002, and the Brookridge Heights Apartments Street Name Plan dated July 15, 2003. There are various tap on fees which are due for this addition.

Staff respectfully recommends that Council approve the Petition and adopt an Ordinance approving the Final Plat for the Fourth Addition to Brookridge Apartments Subdivision, subject to the Petitioner paying the necessary tap on fees prior to recording the plat.

Respectfully,

Douglas G. Grovesteen  
Director of Engineering

Tom Hamilton  
City Manager



**PETITION FOR APPROVAL OF FINAL PLAT**

State of Illinois )  
 )ss.  
County of McLean )

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

Now comes Hershey Grove, LLC, hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A which is attached hereto and made a part hereof by this reference;
2. That your petitioner seeks approval of the Final Plat for the subdivision of said premises to be known and described as Fourth Addition to Brookridge Apartments, Bloomington, Illinois, which Final Plat is attached hereto and made a part hereof;

WHEREFORE, your petitioner pray that said Final Plat for the Fourth Addition to Brookridge Apartments Subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

By: Mercer Turner, as its attorney

SUBSCRIBED AND SWORN to before me this 14<sup>th</sup> day of August, 2008.

Heather Doza  
Notary Public

**ORDINANCE NO. 2008 - 57**

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE  
FOURTH ADDITION TO BROOKRIDGE APARTMENTS SUBDIVISION**

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

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

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

1. That the Final Plat of the Fourth Addition to Brookridge Apartments Subdivision is hereby approved.
2. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 25<sup>th</sup> day of August, 2008.

APPROVED this 26<sup>th</sup> day of August, 2008.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**EXHIBIT A**

Outlot 11 in the Third Addition to Brookridge Apartments Subdivision in the City of Bloomington, McLean County, Illinois, according to the Plat recorded as Document No. 2007-28110 in the McLean County Recorder's Office.

**Motion by Alderman Gibson, seconded by Alderman Purcell that the Final Plat be approved and the Ordinance passed.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**MAYOR'S DISCUSSION:** Mayor Stockton announced that there had been a press release announcing a Town Hall Meeting to be held on September 4, 2008 to address juvenile crime prevention. Several agencies had been invited, including state legislators and area churches. There would be two (2) hours allotted for discussion and an opportunity for the public to ask questions.

Alderman Schmidt requested that the press release be sent to the Council in electronic format so that they may forward it on to their constituents. Alderman Fruin suggested that it also be placed on the City's website.

Mayor Stockton noted that the second "Hot August Nights" event had been held in the Downtown on Saturday, August 23, 2008. The event had been a success, and the Police Department experienced no problems with the event. Additionally, the second "Festival of India" had been held in and around the McLean County Museum of History. He attended both events and recommended attendance by all in 2009.

The Council had been invited to participate in the upcoming 2008 Labor Day Parade. He requested that the Council confirm their attendance.

A Work Session to discuss satisfaction surveys would be held prior to the Council's September 8, 2008 meeting. He stated his belief that the surveys would be a good way to start thinking about the City's stakeholders, starting with City employees.

The Liquor Commission would be recommending a Text Amendment to the City Code changing Chapter 6, Alcoholic Beverages. The proposed ordinance would address the purchase of beer kegs from liquor retailers. A form would be filled out by customers, with a copy kept by the store and a copy provided to the customers. There would also be educational information included on the form addressing underage drinking. Additionally, a recommendation regarding the proposed closing time for the Downtown liquor establishments might appear sometime in the future.

**CITY MANAGER'S DISCUSSION:** Tom Hamilton, City Manager, informed the Council that there would be no garbage pick up on Monday, September 1, 2008 in observance of Labor Day.

He informed the Council that four (4) large Ash trees located on the City's right of way on Riley and Bradley Drive had been infested with the Emerald Ash Borer. All of the trees were dead. This confirmed that the pest has been in the community far longer than staff had realized. The action plan for dealing with this insect would be accelerated.

**ALDERMEN'S DISCUSSION:** Alderman Sage noted the significant progress made regarding an interim water supply. He appreciated staff's diligence in a well laid out plan.

Craig Cummings, Director of Water, addressed the Council. A consultant had been hired to study the City's source water supply as a whole. The study included such impacts as climate change, droughts, and evaporation. A proposed drought ordinance would be recommended at the September 8, 2008 Council meeting.

Thousands of well records had been reviewed and staff was optimistic that the south and southeast sections of the City were locations of possible ground water supply. Drill rigging locations are in place. There would be a public meeting at The Den on August 26, 2008 at 7:00 p.m. and one to be held at the Davis Lodge on August 27, 2008 at 7:00 p.m. Both meetings would address the objectives of the use of the ground water in those sectors of the City.

Mayor Stockton stated that the City's objective of finding a long range water supply was not being abandoned. The work involving the Mahomet Aquifer was ongoing. He noted that the City also provides water to surrounding communities such as Towanda and Hudson.

Mr. Cummings stated that staff had invited the water authorities of the communities that are serviced by the City to the public meetings on the long range water supply as well as the interim water supply.

Alderman Purcell questioned funding for entering the Mahomet Aquifer. Mr. Cummings responded that federal funds were available through the Mahomet Aquifer Consortium, (MAC.) Supplying the City with water from the aquifer was unfunded. MAC was researching funding sources for supplying the City. Alderman Purcell questioned the water usage from Lake Bloomington. Mr. Cummings responded that the City was using approximately 15 million gallons per day. The City is practicing water conservation with an aggressive leak detection program in place and by researching ways to reuse water from the sanitation district, perhaps to water the golf courses. Mayor Stockton stated that these plans were all part of the "Back to Basics" plan.

Alderman Fruin stated that there were two (2) items that he wanted to bring before the Council. He thanked staff for providing the Council with periodic updates, and thanked the Council for passing the Resolution in support of the Pontiac Correctional Facility. He requested that the Council consider passing future resolutions in support of other items such as education.

The first item for discussion was the Mayor's and Council's salaries. He noted that the timing was never right, nor did anyone enjoy discussing salary increases. His intention had nothing to do with timing or the current Council, but to assist future Council members. He understood that newly elected and members exiting office were hesitant to vote for a salary increase. There was also concern about how such a vote would affect future elections. He stated that the last discussion regarding a salary increase was in 2003. Any new increase would not take effect until 2009. Serving in these positions caused personal expenses. Additionally, public criticism discouraged individuals from public service. He stated that the last three (3) Mayors would attest that the Mayor's position is a twenty-four hour, seven day a week job. He encouraged the Council to review the Mayor/Council salaries so that the responsibility would not be passed on to future Councils. He had surveyed surrounding communities. The annual mayor's salary for City of Champaign was \$25,000, and for the City of Peoria was \$27,000. It was his belief that the salaries of the Mayor and Council should at least cover expenses incurred. He believed that a better salary would attract well informed and interested members of the community to serve. As a benefit to all sitting Councils, he suggested that the Mayor/Council salaries be reviewed periodically as a normal part of City business.

Alderman Gibson stated that he agreed that the salaries should be reviewed, but it was his belief that interest in serving the City would be limited if salary was the attraction. Additionally, he believed that it was not an appropriate time to vote for increasing the Mayor/Council salary, considering the economy and the Council's direction to make budget cuts.

Alderman Huette echoed Alderman Fruin's comments. The Mayor's position was a full time job. He believed that increasing the Mayor's salary would open the position to many more people. The City as a whole would benefit from a broader range of interested candidates. It was important that the Council look beyond the timing of a salary increase and consider what was important for the City.

Alderman Finnegan suggested that the Mayor appoint a committee of three (3) people to review and make a recommendation to the Council.

Alderman Schmidt stated that she was not in support of raising the Alderman's salaries, but agreed that the Mayor's salary should be reviewed. Alderman Hanson agreed, and stated that a process and review period should be in place.

Mayor Stockton stated for the record that he was not seeking a raise. He donated his current salary to charity. He ran for the office of Mayor because of his interest in the City. A higher salary might generate more interest in the position, but even if it were raised to \$25,000, it would not be sufficient for people to leave their full time employment. He stated that he would appoint a group if there was a consensus to review the Mayor's salary, but he was not interested in a raise.

**Alderman Fruin stated that it would be necessary for the Council to remove themselves from their roles, and agree that there should be some process or procedure for salary reviews.**

**Alderman Huette questioned the need for a committee to be appointed if there was no consensus among the Council. Alderman Fruin agreed that there was no Council majority on this issue. Alderman Hanson stated that he did not believe that there was any disagreement among the members that a review process should be put into place. This action did not obligate the Council to vote up a raise.**

**Mayor Stockton suggested that a review be held the summer of every even numbered year. Any salary changes had to be made six (6) months prior to an election.**

**Alderman Stearns encouraged the citizens of the City to voice their opinions. She noted that she considered the position of Alderman as a volunteer position. She ran for office because of her love of the City and genuine concern for the people of Bloomington.**

**Alderman Purcell stated that the Mayor's position is a full time job, and suggested that the City consider switching to the strong mayor form of government. The salary could be increased to reflect the full time responsibilities. Mayor Stockton agreed that the Mayor's responsibilities were a full time job.**

**Alderman Fruin noted that there seemed to be little interest among the Council to study or act upon an increase in the Mayor/Council salaries. He requested that the Council review the option in the future. Mayor Stockton stated that the Council would schedule a review of the Mayor/Council salaries in the year 2010.**

**Alderman Stearns referenced a letter that she had received regarding job satisfaction surveys. She believed that it was time to link job satisfaction with how crime is handled. Satisfaction within the Police and Fire Departments was important. These departments appreciated the support of the Council. She encouraged the Council and Mayor to respond to the Police Benevolent Protection Association in support of an employee survey.**

**Mayor Stockton stated that the Council should educate themselves about employee opinion surveys prior to making any commitments. It was important that the surveys not be used as weapons. Alderman Schmidt stated that a survey should benchmark previous employee surveys. It could be used as tools for future surveys.**

**Mayor Stockton responded that staff was moving ahead with the employee survey process, and would involve universities and outside firms. There were employee concerns that their comments and concerns would be traceable. Alderman Fruin stated that he would be in support of future surveys. He noted that they should be planned. He added that citizen surveys would be beneficial as well. He encouraged the hiring an outside firm to handle the surveys. He believed that the Human Resources Department was busy enough.**

**Mayor Stockton stated that a Work Session would be held on September 8, 2008 at 6:30 p.m. to discuss employee surveys.**

**Motion by Alderman Finnegan, seconded by Alderman Schmidt, that the meeting be adjourned. Time: 9:07 p.m.**

**Motion carried.**

**Julie Phillips  
Deputy City Clerk**