

**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, March 26, 2007.

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: Kevin Huette, Allen Gibson, Jim Finnegan, Steven Purcell, Karen Schmidt, Joseph "Skip" Crawford, Michael Matejka and Mayor Stephen F. Stockton.**

**Alderman Absent: John Hanson.**

**City Manager Tom Hamilton, City Clerk Tracey Covert, and Deputy Corporate Counsel Hannah Eisner were also present.**

**Staff Absent: Corporate Counsel Todd Greenburg.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Bills and Payroll

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

Respectfully,

Brian J. Barnes  
Director of Finance

Tom Hamilton  
City Manager

(ON FILE IN CLERK'S OFFICE)

**Motion by Alderman Crawford, 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 Huette, Crawford, Purcell, Schmidt, Finnegan, Gibson, and Matejka.**

**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 tenth partial payment to Peace Meal in the amount of \$624 on a contract amount of \$7,500 of which \$6,240 will have been paid to date for work certified as 83% complete for the John M. Scott Home Delivered Meals. Completion date – May 2007.
2. The tenth partial payment to Peace Meal in the amount of \$2,082 on a contract amount of \$25,000 of which \$20,820 will have been paid to date for work certified as 83% complete for the Peace Meals. Completion date – April 2007.
3. The second partial payment to Al Treiber Associates in the amount of \$4,457.88 on a contract amount of \$45,531.88 of which \$45,435 will have been paid to date for work certified as 99.78% complete for the Library Expansion. Completion date – November 2006.
4. The thirteenth partial payment to Interchange City West, LLC in the amount of \$119,265.59 on a contract amount of \$1,657,313.09 of which \$1,527,835.15 will have been paid to date for work certified as 92% complete for the Wal Mart Sales Tax Rebate. Completion date – November 2010.
5. The fourteenth partial payment to Town of Normal in the amount of \$223,325.77 on a percentage basis contract of which \$2,357,483.53 will have been paid to date for work certified as ongoing for the Wal Mart Sales Tax Rebate and Metro Zone. Completion date – November 2010.
6. The third partial payment to Economic Development Council of Bloomington/Normal in the amount of \$6,666.66 on a contract amount of \$80,000 per year of which \$19,999.98 will have been paid to date for work certified as 25% complete for the McLean County Economic Development. Completion date – December 2008.

7. The forty-eighth partial payment to Brisbin, Brook, Beynon Architects in the amount of \$2,137.66 on a contract amount of \$1,446,000 of which \$1,443,129.66 will have been paid to date for work certified as 99.80% complete for the US Cellular Coliseum Architects. Completion date – April 2006.
8. The fifth partial payment to Farr Associates in the amount of \$1,035 on a contract amount of \$49,000 of which \$33,040 will have been paid to date for work certified as 69% complete for the Bloomington Gridley Allen Pricketts Neighborhood Form Based Zoning. Completion date – April 2007.
9. The first partial payment to Shive Hattery, Inc. in the amount of \$14,966.50 on a contract amount of \$29,900 of which \$14,966.50 will have been paid to date for work certified as 52% complete for the City Hall HVAC Study. Completion date – May 2007.
10. The first partial payment to Farnsworth Group in the amount of \$8,692.30 on a contract amount of \$11,250 of which \$7,256.75 will have been paid to date for work certified as 77% complete for the Police Parking Deck Repair. Completion date – May 2007.
11. The eleventh partial payment to McLean County Health Department in the amount of \$9,015 on a contract amount of \$108,180 of which \$99,165 will have been paid to date for work certified as 92% complete for the Animal Control & Shelter Services. Completion date – April 2007.
12. The fourth partial payment to Thompson Dyke & Associates in the amount of \$33,750 on a contract amount of \$248,500 of which \$126,000 will have been paid to date for work certified as 51% complete for the McGraw Park – Phase II. Completion date – December 2007.
13. The ninth partial payment to JG Stewart Contractors in the amount of \$2,347.95 on a contract amount of \$210,000 of which \$145,383.46 will have been paid to date for work certified as 69% complete for the 2006-2007 Sidewalk Replacement and Handicap Ramp Program. Completion date – March 2007.
14. The fourth and final payment to McLean County Soil & Water Conservation in the amount of \$16,290.75 on a contract amount of \$65,163 of which \$65,163 will have been paid to date for work certified as 100% complete for the Professional Services. Completion date – Annual.
15. The eighth partial payment to Alvord, Burdick & Howson LLC in the amount of \$1,185 on a contract amount of \$33,000 of which \$27,373.18 will have been paid to date for work certified as 83% complete for the Water Department Rate Study. Completion date – December 2007.

16. The fourth partial payment to Cochran & Wilken, Inc. in the amount of \$460 on a contract amount of \$11,500 of which \$11,385 will have been paid to date for work certified as 99% complete for the Feasibility Study of Asian Carp Disbursal. Completion date – December 2007.
17. The second partial payment to Farnsworth Group in the amount of \$6,009.04 on a contract amount of \$50,000 of which \$7,509.04 will have been paid to date for work certified as 15% complete for the Ultraviolet Light and Hydrogen Peroxide Feasibility Study. Completion date – October 2007.
18. The second partial payment to Leak Detection Services in the amount of \$5,940 on a contract amount of \$35,640 of which \$11,880 will have been paid to date for work certified as 33% complete for the Leak Detection. Completion date – December 2007.
19. The first partial payment to McLean County Soil and Water Conservation District in the amount of \$9,861.20 on a contract amount of \$100,000 of which \$9,861.20 will have been paid to date for work certified as 10% complete for the Nutrient Management Program. Completion date - December 2007.
20. The sixth partial payment to Consoer Townsend & Associates in the amount of \$6,124.78 on a contract amount of \$38,400 of which \$29,555.91 will have been paid to date for work certified as 77% complete for the Study of Metering at the Water Treatment Plant. Completion date – December 2007.
21. The fourteenth partial payment to Clark Dietz, Inc. in the amount of \$825.33 on a contract amount of \$22,000 of which \$13,118.74 will have been paid to date for work certified as 56% complete for the Emergency Response Plan. Completion date – December 2007.
22. The eighteenth partial payment to Farnsworth Group in the amount of \$13,061.52 on a contract amount of \$295,300 of which \$282,149.94 will have been paid to date for work certified as 96% complete for the Kickapoo Force Main Design, Property Surveys and Brokaw Road Surveys. Completion date – March 2007.
23. The fourth partial payment to Gildner Plumbing, Inc. in the amount of \$25,497 on a contract amount of \$621,783 of which \$391,277 will have been paid to date for work certified as 62.9% complete for the Fox Creek Road 16” Water Main – Beich to Old Cabintown. Completion date – May 2007.
24. The second and final payment to Global Engineering Technology, LLC in the amount of \$2,630 on a contract amount of \$10,230 of which \$10,230 will have been paid to date for work certified as 100% complete for the Design for Water Main Replacement on Stewart and East St. Completion date – October 2007.

25. The eighth partial payment to Clark Dietz in the amount of \$2,018.51 on a contract amount of \$68,800 of which \$46,716.99 will have been paid to date for work certified as 83% complete for the Main Replacement on Hinshaw/Barker. Completion date – December 2007.
26. The first partial payment to Concord Engineering and Science in the amount of \$14,572.03 on a contract amount of \$23,000 of which \$14,572.03 will have been paid to date for work certified as 63% complete for the Design of Water Main Replacements on Olive, Taylor and Jackson Streets. 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 Crawford, 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 Huette, Crawford, Purcell, Schmidt, Finnegan, Gibson, and Matejka.**

**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 February, 2007

Audit of the Accounts for the Township Supervisor of General Assistance Fund and General Town Fund for the month of February, 2007 were presented for Audit by the Township Supervisor.

The Audit of these accounts took place on Monday, March 26, 2007 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 Crawford, seconded by Alderman Purcell that the audit of the bills and payrolls for the Township for the month of February, 2007 be made a matter of record.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Reports

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

1. Motor Fuel Tax Allotment for the month of February, 2007.
2. Monthly Receipt & Expenditure Report, February, 2007.
3. Bloomington Police Department 2006 Annual Report.

Respectfully,

Tracey Covert  
City Clerk

Tom Hamilton  
City Manager

(REPORTS ON FILE IN CLERK'S OFFICE)

**Motion by Alderman Crawford, seconded by Alderman Purcell that the reports be received and placed on file.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Members of the City Council

From: Stephen Stockton, Mayor

Subject: Appointment(s) and Reappointment(s) to Various Boards and Commissions

I ask that you concur with the following appointment to the Scott Health Care Commission:

Representing the McLean County Dental Association – Dr. Steve Doran, 109 N. Regency Dr. He is replacing Dr. Jonathan Hume. His term will expire on May 31, 2011.

I ask that you concur with the following reappointments to the Scott Health Care Commission:

Representing the Ninth District Nurses Association – Donna Redding, 1218 Jersey Ave., Normal, IL 61761. Her term will expire May 31, 2009.

Representing United Way of McLean County – Rebecca Lysohir, 3 State Farm Plaza South. Her term will expire May 31, 2009.

Respectfully,

Stephen F. Stockton  
Mayor

**Motion by Alderman Crawford, seconded by Alderman Purcell that the appointment and reappointments be approved.**

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

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

**Nays: None.**

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

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Request for Payment of \$22,778 to Bielfeldt Realty and Construction for the City's Share of the Construction Cost of Over Sizing the Water Main in the Hawthorne Commercial Park Subdivision

On November 26, 2001, Council approved an Annexation Agreement with Bielfeldt Realty and Construction for the Hawthorne Commercial Park Subdivision. Hawthorne Commercial Park Subdivision is located on the west side of Towanda Barnes Road, and south of GE Road. The Annexation Agreement obligated the City to pay for the over sizing of any water mains above eight (8") inches. The developer constructed approximately 375 feet of sixteen (16") inch water main in this development.

Farnsworth Group, acting as the developer's agent, has submitted a request for payment in the amount of \$22,778. Staff has reviewed the bill and finds it to be reasonable. There are funds budgeted for this expense of "Upsize Misc. Developer Mains." Staff respectfully recommends that Council approve the payment of \$22,778 to Bielfeldt Realty and Construction with payment to be made from Water Depreciation Funds (X50200-72540).

Respectfully,

Craig M. Cummings  
Director of Water

Douglas G. Grovesteen  
Director of Engineering

Tom Hamilton  
City Manager

**Motion by Alderman Crawford, 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 Huette, Crawford, Purcell, Schmidt, Finnegan, Gibson, and Matejka.**

**Nays: None.**

**Motion carried.**

**The following was presented:**



To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Waive the Formal Bidding Process and Approve a Professional Services Agreement with Consoer, Townsend Envirodyne, Inc. for the Draining, Inspection and Emergency Repairs of the Ten (10) Million Gallon Reservoir at the Division Street Pump Station

Staff respectfully requests Council approval of a Professional Services Agreement with Consoer, Townsend Envirodyne, Inc. for the draining, inspection and emergency repairs of the ten (10) million gallon reservoir at the Division Street Pump Station.

This underground reservoir dates back to the turn-of-the-century and is in need of a comprehensive inspection. The reservoir must be drained and a structural engineer will then enter the reservoir and assess the condition of the concrete walls, roof and structural supports. It is anticipated, but unknown at this time, that the reservoir will need some emergency repairs to address any sanitary defects such as loose grout at the wall-to-roof interface, caulking between roof slabs and any other problems that need immediate attention. Once the inspection is completed, a report will be prepared, outlining the anticipated longer term repair needs and will be accompanied by an estimated budget for the work.

Consoer, Townsend Envirodyne, Inc. has been selected from a group of engineering firms that were requested to present qualifications for water treatment and distribution projects at the beginning of the fiscal year.

Staff respectfully requests that the formal bidding process be waived for this professional service and that the Agreement with Consoer, Townsend Envirodyne, Inc. be approved in an amount not-to-exceed \$250,000, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted. Payment for this work will be made from funds from the Water Department, Depreciation Funds, Account # X50200-72620. This is a FY 2007 budgeted capital project in the amount of \$250,000.

Respectfully,

Craig M. Cummings  
Director of Water

Tom Hamilton  
City Manager

**RESOLUTION NO. 2007 – 23****A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND  
AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH CONSOER,  
TOWNSEND ENVIRODYNE, INC. FOR THE DRAINING, INSPECTION AND  
EMERGENCY REPAIRS OF THE TEN (10) MILLION GALLON RESERVOIR AT  
THE DIVISION STREET PUMP STATION IN AN AMOUNT NOT TO EXCEED  
\$250,000**

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

1. That the bidding process be waived and authorizing a Professional Services Agreement with Consoer, Townsend Envirodyne, Inc. for the Draining, Inspection and Emergency Repairs of the Ten (10) Million Gallon Reservoir at the Division Street Pump Station in an amount not to exceed \$250,000.

ADOPTED this 26<sup>th</sup> day of March, 2007.

APPROVED this 27<sup>th</sup> day of March, 2007.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Motion by Alderman Crawford, seconded by Alderman Purcell that the formal bidding process be waived, the Agreement with Consoer, Townsend Envirodyne, Inc. be approved in an amount not to exceed \$250,000, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Waive the Formal Bidding Process and Hire Midwest Forestry to Grind Wood Wastes at the Forrest Park Maintenance Facility

In the years 2000 through 2005, Ceres Environmental has ground the wood wastes that City forestry crews have generated from tree removals. This mulch is used for various landscaping projects. As was the case in 2006, it appears that Ceres Environmental is still working to clean up from the aftermath of hurricane Katrina as they have not responded to the City's requests for a quote.

This work has been let for bid in the past, but only one bid was received as not many firms have a grinder large enough to grind the size of material the City has stockpiled. In 2006, staff located a firm, Midwest Forestry, LLC from East Dundee, Illinois that has a 1300 Morbark tub grinder and completed the grinding of the wood waste. They have provided a quote of \$440 per hour and a mobilization charge of \$1,000. This is the same price charged in 2006. Staff was very satisfied with the quality of work performed by Midwest Forestry last year.

Staff, respectfully requests that the Council waive the formal bidding process and accept the quote of \$440 per hour, not to exceed \$15,000, submitted by Midwest Forestry, and authorize the Purchasing Agent to issue a purchase order for same. There are sufficient funds in the Forestry Division budget, account G14146-70990 for this work.

Respectfully,

John Kennedy  
Asst. Dir. of Parks & Recreation

Dean Kohn  
Director of Parks & Recreation

Tom Hamilton  
City Manager

**RESOLUTION NO. 2007 - 24**

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND  
AUTHORIZING THE PURCHASE OF WOOD GRINDING SERVICES FOR THE  
FORESTRY DIVISION OF THE PARKS DEPARTMENT FROM MIDWEST  
FORESTRY AT A PURCHASE PRICE OF \$440 PER HOUR, NOT TO EXCEED  
\$15,000**

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

1. That the bidding process be waived and the Purchasing Agent be authorized to Purchase Wood Grinding Services for the Forestry Division of the Parks Department from Midwest Forestry at a Purchase Price of \$440 per hour, not to exceed \$15,000.

ADOPTED this 26<sup>th</sup> day of March, 2007.

APPROVED this 27<sup>th</sup> day of March, 2007.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Motion by Alderman Crawford, seconded by Alderman Purcell that the formal bidding process be waived, the wood grinding service awarded to Midwest Forestry in the amount of \$440 per hour, not to exceed \$15,000, the Purchasing Agent be authorized to issue a Purchase Order for same, and the Resolution adopted.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Replacement of Police Department File Server

Staff respectfully requests that Council approve the replacement of a fully depreciated network server scheduled and budgeted for replacement in fiscal year 2006-2007. This server is the Police Department's file server. It has been in service for over five (5) years and is need of replacement. The replacement server would be purchased under the current waiver of the bidding process, whereby Council authorized staff to purchase directly from the Hewlett Packard Western States Contracting Alliance.

Police Department File Server	HP WSCA Contract	\$6,823.01
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Staff respectfully requests that Council authorize the purchase of a new file server for the Police Department in the amount of \$6,823.01 from HP Western States Contracting Alliance, and further, that the Purchasing Agent be authorized to issue a Purchase Order for same. Payment for this purchase will come from funds budgeted in the Information Services Equipment Fixed Asset account (F11610-72120).

Respectfully,

Scott Sprouls  
Director of Information Services

Tom Hamilton  
City Manager

**Motion by Alderman Crawford, seconded by Alderman Purcell that the replacement file server for the Police Department be approved in the amount of \$6,823.01, 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 Huette, Crawford, Purcell, Schmidt, Finnegan, Gibson, and Matejka.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Analysis of Bids - Miller Park Playground

On January 22, 2007, staff opened a single bid from Felmley Dickerson for the construction of the Miller Park Playground. This is the second bid opening for this project. The previous bid opening did not include complete bids, causing the second bid letting. The one bid submitted by Felmley Dickerson for the project was for the amount of \$1,098,000. This is 15% higher than the estimate. Staff has worked over the last month in an attempt to value engineer the project down to meet the projected budget. The size of the project does not lend itself to much adjustment.

Miller Park is one of the community's most heavily used park/recreation facilities and it is staff's belief that to change this project at this stage to accommodate the 15% higher bid would not serve the public well. There is an Open Space Land Acquisition Development (OSLAD) grant from the Illinois Department of Natural Resources in the amount of \$366,000 for this project. Additionally, staff has been able to complete several projects this fiscal year under the budgeted amount. Staff believes that by pooling all of these funds together and using money from the Park

Dedication Fund for this project is a good use of tax dollars and should complete the Miller Park Playground.

Staff respectfully requests that Council award the bid to Felmley Dickerson Company in the amount of \$1,098,000 and further that the Mayor and City Clerk be authorized to execute the necessary documents.

Respectfully,

Dean Kohn  
Director of Parks & Recreation

Tom Hamilton  
City Manager

(CONTRACT ON FILE IN CLERK'S OFFICE)

**Alderman Gibson questioned the cost of this item. Tom Hamilton, City Manager, explained that the cost included a complete remodel of the south end of Miller Park. It will be fully accessible, include a spray park, new restrooms, expanded playgrounds, etc.**

**Motion by Alderman Crawford, seconded by Alderman Purcell that the bid be awarded to Felmley Dickerson Company in the amount of \$1,098,000, and the Mayor and City Clerk be authorized to execute the necessary documents.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Analysis of Sealed Bids to Purchase One (1) Pickup Truck for PACE

PACE has in its FY 06/07 budget the purchase of an additional small regular cab pickup truck to be used by Parking and Facility Management. There are not any contracts on the State of Illinois Joint Purchasing Program to purchase this vehicle. Bid specifications were prepared and published on February 26, 2007. Bids were sent to more than eleven (11) dealers with five (5) respondents. The bids were opened on March 13, 2007 with the following results;

Bidder	Addendum Returned	Bid Amount
Landmark Automotive, Springfield		No Bid
Geiser Ford, Roanoke	Yes	\$13,681.45
Court Ford, Bourbonnais	No	\$13,918.00
Bob Riding, Taylorville	No	\$12,950.00
Barker Motors, Bloomington	Yes	\$12,489.00

All bidders properly completed the bid packages. There was one addendum sent out to provide clarification on the bid form, the bidders from Court Ford and Bob Riding did not return the addendum. The low bid from Barkers met all of the minimum bid requirements with exception of one area; the specifications require a Gross Vehicle Weight (GVW) of 5,000 lbs. Their bid was for a GVW of 4,850 lbs. This variation is acceptable to staff. The other three (3) bidders took the same exception by bidding a GVW of 4,700 lbs, as well as two (2) other minor exceptions.

Staff respectfully recommends accepting the low bid of Barker Motors in the amount of \$12,489 for a 2007 GMC Canyon pickup truck. Funds are available in the Equipment Replacement Fund, F54200-72130

Respectfully,

Daniel E. Augstin  
Director of Fleet Management

Tom Hamilton  
City Manager

**Motion by Alderman Crawford, seconded by Alderman Purcell that the bid be awarded to Barker Motors in the amount of \$12,489 for a 2007 GMC Canyon pickup truck, 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 Huette, Crawford, Purcell, Schmidt, Finnegan, Gibson, and Matejka.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Bid for Replacement of Carpet at Fire Station #1

On December 11, 2006, Council awarded the bid for carpet replacement at Fire Station #1 to Flooring America, in the amount of \$6,111.95. Before any work is started the successful contractor is required to supply the City with a performance bond in the amount of their bid. Flooring America has not met this requirement. Staff contacted the second lowest bidder, Carpet Weavers Commercial Carpet, whom indicated that they could complete the work for their original bid of \$7,380.

Staff respectfully recommends that Council rescind its previous action of awarding the bid to Flooring America, and approve the second lowest bid of Carpet Weavers Commercial Carpet in the amount of \$7,380 and the Purchasing Agent be authorized to issue a Purchase Order for same.

The December 11, 2006, bids are listed below:

Commercial Floor Covering Champaign	\$9,825.00
Cushing Commercial Carpet Bloomington	\$7,850.00
** Carpet Weavers Commercial Bloomington	\$7,380.00
Flooring America Bloomington	\$6,111.95

**\*\* Recommended Service Provider**

Funds for this work are available in account #G-15210-72620.

Respectfully,

Keith Ranney  
Fire Chief

Tom Hamilton  
City Manager

**Motion by Alderman Crawford, seconded by Alderman Purcell that the previous award to Flooring America be rescinded and the bid be awarded to Carpet Weavers Commercial in the amount of \$7,380, 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 Huette, Crawford, Purcell, Schmidt, Finnegan, Gibson, and Matejka.**



**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Change Order for a Professional Services Agreement with Global Engineering and Technology, LLC for a Water Department Water Main Design Project

Staff requested the design of a project to replace the water mains on Stewart/East and MacArthur/Elm Streets where the mains are old, undersized and the site of frequent water main breaks. That design is now complete and it was discovered during the survey and design process that several changes to the original design concept were needed. Staff directed the design firm, Global Engineering and Technology, LLC, to make the necessary changes. These changes added an additional amount of \$1,600 to the contract.

The original contract amount and the change order are as follows:

Original contract for the water main design	\$10,230.00
Change Order Number 1 for the additional design work	<u>\$ 1,600.00</u>
Total	\$11,830.00

Staff respectfully recommends that Council approve this Change Order in the amount of \$1,600 to Global Engineering and Technology, LLC for the extra work involved in the design of the water mains on Stewart/East and MacArthur/Elm Streets. Funds for this additional work will be paid from the Water Department/Depreciation Fund, Consultant Services (Account # X50200-70050).

Respectfully,

Craig M. Cummings  
 Director of Water

Tom Hamilton  
 City Manager

**Motion by Alderman Crawford, seconded by Alderman Purcell that the Change Order be approved.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council  
From: Staff  
Subject: Police Range Ground Maintenance Renewal

Staff respectfully requests to renew the bid from JMV Lawn Care Service in accordance with the March 2005 bid for grass and weed mowing at the police training facility located at 14047 N 3000 East Road, Colfax, Illinois. The cost per mow for this season is \$250, which due to the increased cost in fuel (for travel and fuel for equipment) is an increase from the previous season's amount of \$226 per mow. All other conditions and terms shall remain the same.

Per specification, this service shall be extended past October 1, 2007, if warm weather prompts continued growth into the fall season. Past experience has proven that mowing actually needs to begin prior to May 1<sup>st</sup> which in that event the vendor is contacted by the City for mowing and paid at the previous season's amount. This is the last renewal for mowing service. The service will be let for bid in 2008.

Respectfully,

Kim Nicholson  
Purchasing Agent

Tom Hamilton  
City Manager

**Motion by Alderman Crawford, seconded by Alderman Purcell that the bid from JMV Lawn Care Service for mowing the police training facility be renewed for the fiscal year 2007, 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 Huette, Crawford, Purcell, Schmidt, Finnegan, Gibson, and Matejka.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

March 26, 2007

1697

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Request to Renew Agreement for Office Supplies

Per the 2003 proposal for common/stock office supply products, the City has the option to renew the agreement with OfficeMax until April 30, 2008. The terms of renewal are conditional upon mutual agreement, quality and performance. OfficeMax has met all of the terms and continues to provide excellent service to the City.

Staff respectfully requests to retain OfficeMax as the office supply provider for the 2008 fiscal year, ending April 30, 2008. The agreement and renewal options end in 2008 and will be let for bid.

Respectfully,

Kim Nicholson  
Purchasing Agent

Tom Hamilton  
City Manager

**Motion by Alderman Crawford, seconded by Alderman Purcell that OfficeMax be retained as the office supply products provider for FY 2008, ending April 30, 2008, 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 Huette, Crawford, Purcell, Schmidt, Finnegan, Gibson, and Matejka.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Amended Redevelopment Agreement for the Upper Floors of the Castle Theater

Council is aware of the fact that the Redevelopment Agreement for the Castle Theater upper floors that was approved in April, 2005 has expired. It has expired due to the fact that the redevelopment work was never completed and no funds were disbursed. Attached is an amended Redevelopment Agreement for the upper floors of the Castle Theater that is being presented to

the Council by Mr. Fred Wollrab. Mr. Wollrab is now the sole owner of the Castle Properties of Bloomington LLC.

Mr. Wollrab has requested that Council approve an amended Redevelopment Agreement for the upper floors of the Castle under the same terms and conditions as were originally approved for Mr. Wollrab and his then partner Mr. Ben Slotky. The upper floors of the property are owned by Mr. Wollrab as they were separated from the Theater as part of a condominium. The amount of TIF money requested remains \$215,000 to be disbursed in equal installments over a three year term. The project is to be completed by December 31, 2007. The City's funds are to be used to offset the costs of exterior windows and a new elevator. The windows are now being installed. These two items account for \$314,000 of the total project cost. The total project cost has increased from the initial estimate of \$679,400 to \$908,600. This means the subsidy ratio has dropped to 23% which is just under the TIF program average of 26%.

Approval of this project will not affect the current financial position of the TIF program as the funds approved in 2005 are encumbered and have been factored into the current fund balance for the program. Staff anticipates the fund balance to be at or near a positive balance by the end of 2007. This year staff anticipates revenues to the fund to be over \$1,100,000. Staff respectfully recommends that Council approve the Amended Redevelopment Agreement for the upper floors of the Castle Theater as presented.

Respectfully,

Tom Hamilton  
City Manager

(AGREEMENT ON FILE IN CLERK'S OFFICE)

**Motion by Alderman Crawford, seconded by Alderman Purcell that the Amended Redevelopment 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 Huette, Crawford, Purcell, Schmidt, Finnegan, Gibson, and Matejka.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

March 26, 2007

1699

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Professional Services Contracts

Staff respectfully requests approval of contracts to engage persons and/or groups represented by Cadence Arts Network, Inc., Monterey International and Ted Kurland Associates to perform services in the Bloomington Center for the Performing Arts on dates agreed by staff. Base expenses for the contracts will be \$72,500.

Staff further respectfully advises Council that contract provisions prohibit public announcements of any persons/groups and/or dates of services until said contracts have been executed by both parties.

The selection of these groups was coordinated with the Cultural Commission and the Cultural District's Programming Advisory Committee. Staff and community advisors agree that the visiting professionals would attract broad, positive community involvement and contribute to the public service mission of the Cultural District and the Bloomington Center for the Performing Arts.

Staff respectfully recommends accepting the contract for the performances and further that the Mayor and City Clerk be authorized to execute the necessary documents. Funding for these contracts will come from account X21100-70220 of the Cultural District budget, to be offset by future revenues.

Respectfully,

C. Bruce Marquis  
Executive Director, Cultural District

Tom Hamilton  
City Manager

(CONTRACTS WITH CADENCE ARTS NETWORK, INC., MONTEREY INTERNATIONAL, AND TED KURLAND ASSOCIATES ON FILE IN CLERK'S OFFICE)

**Motion by Alderman Crawford, seconded by Alderman Purcell that the contracts be approved and the Mayor and City Clerk be authorized to execute the necessary documents.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: AFT Letter of Intent – Cooperation between the Village of Downs and the City of Bloomington

Staff respectfully requests that Council authorize entering into an Intergovernmental Agreement between the Village of Downs and the City. This cooperative effort would entail a commitment from the City to extend water service from the end of the existing water distribution system on the City's southeast side (at Towanda Barnes and Ireland Grove Road) to US Route 150 and Towanda Barnes Road, approximately four (4) miles to the south on Towanda Barnes Road.

The extension of water service to this site is necessary to supply a development that the Village of Downs is anticipating at this location and cannot serve with its existing water system. The water demand of this development is expected to be minimal. This project is in line with the regional nature of the existing City water supply system which currently services the Village of Towanda, the Village of Hudson, the Bloomington Township Public Water District, Crestwicke area, the Bloomington Township Public Water District West area, and the Lake Bloomington area. The existing City water supply has more than adequate water for the current system needs as well as that of this proposed development.

The Village has applied for a grant and low interest loan through the United States Department of Agriculture- Rural Development, Rural Economic Development Loan and Grant program to fund this project. This grant and low interest loan would allow the City to access funds to allow it to extend its water main to a to-be-agreed upon location on Towanda Barnes Road where the Village of Downs would continue the water main extension to the project site.

Staff respectfully requests that Council authorize an Intergovernmental Agreement between the Village of Downs and the City to extend water service from the end of the existing water distribution system on the City's southeast side (at Towanda Barnes and Ireland Grove Road) to US Route 150 and Towanda Barnes Road, approximately four (4) miles to the south on Towanda Barnes Road.

Respectfully,

Craig M. Cummings  
Director of Water

Tom Hamilton  
City Manager

**AFT LETTER OF INTENT COOPERATION BETWEEN THE VILLAGE OF DOWNS  
& THE CITY OF BLOOMINGTON**

The Village of Downs, Illinois and the City of Bloomington, Illinois seek to enter into an intergovernmental agreement, for the purpose of a cooperative effort, to extend a water main from the terminus of the City of Bloomington water supply (Ireland Grove Road) to the “Downs Crossing” development area (US 150 & County Highway 29/Towanda-Barnes Road). The formalization of this agreement allows for the pursuit of the means to equitably involve both parties in the regionalization of area water systems. The potential for this regionalization was studied in 1990 following a period of drought. The water main extension is to be designed for the delivery of potable water to “Downs Crossing”.

The Village has applied for a grant and low interest loan through Corn Belt Energy and in conjunction with the USDA - RD Rural Economic Development Loan & Grant (REDLeG) program for water system improvements to support development at “Downs Crossing”. Further development of the water main extension may be pursued contingent upon receipt of appropriate levels of financing. This “Letter of Intent” contemplates the initial development stages.

The Village of Downs has targeted the “Downs Crossing” property for development. For such development to occur, an adequate potable water supply must be available. The “Downs Crossing” development anticipates the creation of needed jobs as well as affordable housing and other services for senior adults. The Village is unable to prudently provide potable water to “Downs Crossing” due to limited supply, delivery logistics and treatment capacity inherent to Downs’ existing water treatment facility. Several alternatives were explored for potable water and the proposed water main extension was found to be the most effective solution. The extension of a City of Bloomington water main is needed to economically support the development of the project.

This proposed coordinated effort between the Village and the City to determine the most economical approach to the water main extension is necessary for the project to succeed. Additional details pertaining to implementation of this joint project are to be determined at a later date, as more information becomes available and as may be initiated by the Village or the City.

The Village of Downs is designated as the lead agency for this project and will be applicant for said USDA - RD Funds. The Village of Downs will have primary financial responsibility for the project. The Village will be responsible for all program administration functions should the grant and loan be awarded.

Mayor Jeffrey A. Schwartz  
Village of Downs

Mayor Steve Stockton  
City of Bloomington

ATTEST:

ATTEST:

Tammie Keener

Tracey Covert

March 1, 2007

March 27, 2007

**Alderman Schmidt questioned this item. She noted that there were homes located along Towanda Barnes Road which currently were served by wells. She specifically questioned if these homes would be allowed to tap on to the water main. Tom Hamilton, City Manager, stated that this agreement would allow the Village of Downs to bring their system up to IEPA, (Illinois Environmental Protection Agency), and City standards. Similar action has been done before. Small water companies have been established.**

**Mayor Stockton recognized that Jeff Schwartz, Village of Downs Mayor, and Justin Woith, Water Trustee, were present at this evening's meeting.**

**Motion by Alderman Crawford, 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 Huette, Crawford, Purcell, Schmidt, Finnegan, Gibson, and Matejka.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Intergovernmental Agreement between the City and McLean County Board of Health for Use of the McLean County Animal Shelter

For the past several years, the City and the McLean County Health Department have had an agreement wherein the County Board of Health provides shelter for stray animals. The present contract expires April 30, 2007. For the period of May 1, 2007 through April 30, 2008, the contract being proposed by the McLean County Board of Health shows an increase of 6.88%, or \$2,485 per month from \$2,325 per month. This has been budgeted in line item G15110-70990.



Staff has reviewed the proposed intergovernmental agreement and believes its terms to be fair and in the best interest of the citizens of the City. The intergovernmental agreement will be renewed on a year to year basis, renewable on May 1 of each year. Staff respectfully recommends that Council approve the agreement with McLean County Board of Health and that the Mayor and City Clerk be authorized to execute the necessary documents.

Respectfully,

Roger J. Aikin  
Chief of Police

Tom Hamilton  
City Manager

### **ANIMAL CONTROL CENTER AGREEMENT**

This AGREEMENT for Animal Control Center Services is made this 1<sup>st</sup> day of April, 2007 by and between the MCLEAN COUNTY BOARD OF HEALTH, the governing body of the McLean County Health Department located in the City of Bloomington, Illinois (hereinafter called "Board of Health"), and the City of Bloomington, a Municipal Corporation located in the State of Illinois, County of McLean (hereafter called "Municipality").

WHEREAS there is a need to provide prompt and quality shelter for stray or straying dogs, cats and other animals subject to impoundment that are picked up by a McLean County Animal Control Officer or any other authorized representative of the City of Bloomington; and

WHEREAS the Municipality wishes to contract for prompt and quality shelter for stray or straying dogs, cats and other animals subject to impoundment that are picked up within its jurisdictional boundaries; and

WHEREAS the Board of Health has the capacity to provide such services and will permit 24 hour, seven days per week access to the McLean County Animal Control Center; and

WHEREAS the Board of Health wishes to provide such services to the Municipality through this AGREEMENT.

IT IS, THEREFORE, AGREED by and between the Board of Health and the Municipality as follows:

1. The parties enter into this AGREEMENT for the period May 1, 2007 through April 30, 2008.
2. The Board of Health agrees to provide immediate shelter to stray or straying dogs and cats placed in the Animal Control Center by any authorized representative of the Municipality.

3. The Board of Health agrees to assist the Municipality in enforcing its municipal ordinances through any or all of the following: collecting reclamation/release fees, issuing ordinance violation complaints, reporting the names and addresses of persons reclaiming animals placed in the Animal Control Center by an authorized representative of the Municipality and providing within the Shelter information and education materials to residents of the Municipality concerning ordinances prohibiting animals from running at large.

4. The Municipality agrees to pay to the Board of Health for such services not more than \$2,485.00 per month while this AGREEMENT is in effect.

5. Payments for services rendered pursuant to this AGREEMENT will be made by the Municipality to the MCLEAN COUNTY HEALTH DEPARTMENT monthly no later than the 15<sup>th</sup> day of each month.

6. The County will indemnify and hold the City of Bloomington harmless from all causes of action, whether judicial or administrative, and the costs of defending any such actions resulting from any intentional or negligent act performed by the County, its employees and/or its agents which arise out of the performance of this agreement. Such actions shall include, but are not limited to, civil rights actions, property damage actions, personal injury actions, or any actions seeking recovery of money or other remedies.

7. The City of Bloomington will indemnify and hold harmless the County of McLean from all causes of action, whether judicial or administrative, and the costs of defending any such actions resulting from any intentional or negligent acts performed by the Town, its employees and/or its agents which arise out of the performance of this agreement. Such actions shall include but are not limited to civil rights actions, property damage actions, personal injury actions, or any actions seeking recovery of money or other remedies.

8. All animals placed in the Animal Control Center by a representative of the City of Bloomington shall be subject to all of the rules and regulations which are applicable to animals of a similar type. The persons reclaiming such animals shall be required to first pay all such return, boarding, registration, and veterinarian fees associated with such rules and regulations in addition to the reclamation/release fee of the Municipality.

9. This AGREEMENT may be terminated at the request of the Municipality or of the Board of Health upon ninety days written notice being provided by either party to the other.

10. It is understood that the terms of this AGREEMENT include all of the agreements made by the BOARD OF HEALTH and the Municipality without regard to any oral conversations which may have taken place prior to its execution or subsequent thereto, and that any changes must be agreed to by both parties in writing.

11. If any provision of this AGREEMENT shall be held invalid or unenforceable the remainder of the AGREEMENT shall nevertheless remain in full force and effect. If any provision is held invalid or unenforceable with respect to particular situations or circumstances, it shall nevertheless remain in full force and effect in all other situations or circumstances.

March 26, 2007

1705

CITY OF BLOOMINGTON  
a Municipal Corporation

By: Stephen F. Stockton  
Mayor

Date: March 27, 2007

ATTEST:

Tracey Covert  
Bloomington City Clerk

Date: March 27, 2007

MCLEAN COUNTY BOARD OF HEALTH

By: Robert J. Keller

Date: April 2, 2007

**Motion by Alderman Crawford, 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 Huette, Crawford, Purcell, Schmidt, Finnegan, Gibson, and Matejka.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Intergovernmental Agreement between the City and McLean County Board of Health for Animal Control Services

For the past several years, an intergovernmental agreement has been in effect between the City and McLean County Board of Health for animal control services. Under this agreement, the Board of Health assumes all responsibilities for the duties of animal control on a 24-hour a day basis within the corporate limits of the City, enforcing all Illinois animal control laws and City ordinances relating to animals. Services and conditions are outlined in the intergovernmental agreement.

The new agreement reflects a 3.96% increase from \$80,280 to \$83,460, which has been budgeted in line item G15110-70990. Staff has reviewed the proposed intergovernmental agreement and believes its terms to be fair and in the best interest of the citizens of the City. The agreement will be renewable on a year to year basis and will be in effect from May 1, 2007 through April 30, 2008, and renewable on May 1 of each additional year. Staff respectfully recommends that Council approve the agreement with McLean County Board of Health and that the Mayor and City Clerk be authorized to execute the necessary documents.

Respectfully,

Roger J. Aikin  
Chief of Police

Tom Hamilton  
City Manager

### **AGREEMENT FOR ANIMAL CONTROL WARDEN SERVICES**

This AGREEMENT for twenty-four hour Animal Control Warden Service made this 1<sup>st</sup> day of April, 2007 by and between the MCLEAN COUNTY BOARD OF HEALTH, the governing body of the McLean County Health Department located in the City of Bloomington, Illinois (hereinafter called "Board of Health"), and the City of Bloomington, a Municipal Corporation, located in the State of Illinois, County of McLean (hereafter called "Municipality").

WHEREAS, there is a need to respond to citizen and police requests for animal control services twenty-four hours (24) per day within the corporate limits of the Municipality; and

WHEREAS, there is a need to remove stray or straying dogs and other animals subject to impoundment from within the corporate limits of the Municipality upon the request of the Municipality; and

WHEREAS, there is a need to remove dead animals from within public areas of the corporate limits of the Municipality upon the request of the Municipality. The Board of Health also agrees to remove dead dogs and cats in residential areas where the owner is unknown. When any dead animal, except a dog or cat with no known owner, shall be found on any private land in the Municipality it shall be the responsibility of the person owning or occupying such land to remove or arrange for the removal of said dead animal; and

WHEREAS, there is a need to remove wild animals from residential areas in situations where there is a potential rabies hazard, upon request from the Municipality during these time periods; and

WHEREAS, the Board of Health has the capacity to provide such services through its Animal Control Wardens; and

WHEREAS, the Board of Health, by and through the McLean County Health Department, has been designated as the supervising and administrative agent to administer and oversee all animal

control functions as defined in the Illinois Animal Control Act and County ordinances attendant thereto by the County of McLean; and

WHEREAS, the Board of Health wishes to provide such services to the Municipality through its Animal Control Wardens.

IT IS THEREFORE AGREED AS FOLLOWS:

1. That parties enter this AGREEMENT for the period May 1, 2007 through April 30, 2008.

A. The Board of Health agrees to provide contracted animal control services twenty-four (24) hours day within the corporate limits of the Municipality within a reasonable period of time.

B. The Board of Health agrees to provide removal of stray or straying dogs and other animal subject to impoundment from within the corporate limits of the Municipality, upon request of the Municipality.

\*PLEASE NOTE: The McLean County Health Department Animal Control Program does not hold a nuisance wildlife control permit from the Department of Natural Resources. Therefore nuisance wildlife identified in Section 525 of the Illinois Administrative Code, not posing an eminent potential of rabies exposure, must be removed by a licensed trapper. See Paragraph D.

C. The Board of Health agrees to provide removal of dead animals within the public areas of the corporate limits of the Municipality, providing the Municipality provides a disposal site for said carcasses.

D. Animal Wardens will be responsible for removal of nuisance wild animals only when said animal has entered an actual living space of a dwelling or if the potential of exposure to rabies is increased due to high levels of interaction with said animal.

E. The Board of Health agrees to continue to collect and remit to the Municipality all release fees associated with owner reclamation of impounded animals in accordance with Chapter 8 Section 53 of the Municipality's ordinance governing animal and fowls.

2. During the period of this agreement, the Municipality agrees to pay the Board of Health for such services Eighty-three thousand four hundred and sixty dollars (\$83,460), payable as follows:

A. Six thousand, nine hundred and fifty-five dollars (\$6,955) monthly beginning May 1, 2007, and continuing throughout the term of this agreement.

3. The Board of Health agrees to provide the Municipality written evidence, in a manner acceptable to the Municipality, detailing the hours expended by its Animal Control Wardens pursuant to this Agreement.

4. The County will indemnify and hold the City of Bloomington harmless from all causes of action, whether judicial or administrative, and the costs of defending any such actions resulting from any intentional or negligent act performed by the County, its employees and/or its agents which arise out of the performance of this agreement. Such actions shall include, but are not limited to, civil rights actions, property damage actions, personal injury actions, or any actions seeking recovery of money or other remedies.

5. The City of Bloomington will indemnify and hold harmless the County of McLean from all causes of action, whether judicial or administrative, and the costs of defending any such actions resulting from any intentional or negligent acts performed by the Town, its employees and/or its agents which arise out of the performance of this agreement. Such actions shall include but are not limited to civil rights actions, property damage actions, personal injury actions, or any actions seeking recovery of money or other remedies.

6. The parties recognize that the Municipality shall have the right to assign tasks to Animal Control Wardens pursuant to this agreement; however, supervision and the means by which tasks are accomplished shall be the responsibility of the Board of Health.

7. This agreement may be terminated for any of the following reasons:

A. At the request of the Municipality upon ninety (90) days written notice

B. At the request of the Board of Health upon ninety (90) days written notice

8. In the event this Agreement is terminated prior to its expiration, then the Municipality agrees to pay the Board of Health for any services outstanding rendered by the Board of Health.

9. It is understood that the terms of this Agreement include all of the agreements made by the Board of Health and the Municipality without regard to any oral conversations which may have taken place prior to execution or subsequent thereto and that any changes shall be made in writing and agreed to by both parties.

10. If any provision of this Agreement shall be held invalid or unenforceable, the remainder of this Agreement shall nevertheless remain in full force and effect. If any provision is held invalid or enforceable with respect to a particular circumstance, it shall nevertheless remain in full force and effect in all other circumstances.

11. Any issues pertaining to the sheltering of animals shall come under the Inter Governmental Agreement for Animal Control Center Services.

CITY OF BLOOMINGTON  
a Municipal Corporation

By: Stephen F. Stockton  
Mayor

Date: March 27, 2007

ATTEST:

Tracey Covert  
Bloomington City Clerk

Date: March 27, 2007

MCLEAN COUNTY BOARD OF HEALTH

By: Robert J. Keller

Date: April 2, 2007

**Motion by Alderman Crawford, 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 Huette, Crawford, Purcell, Schmidt, Finnegan, Gibson, and Matejka.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Members of the City Council

From: Liquor Commission

Subject: Application of Adelphia, Inc., d/b/a Entourage Lounge, located at 909 Hershey Rd., for an RA liquor license, which will allow the sale of all types of alcohol by the glass for consumption on the premises six (6) days a week

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to hear the application of Adelphia, Inc., d/b/a Entourage Lounge, located at 909 Hershey Rd., requesting an RA liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises six (6) days a week. Present at the hearing were Liquor Commissioners Stephen Stockton, Rich Buchanan, and Marabeth Clapp; Hannah Eisner, Deputy Corporation Counsel; Lt. Tim Stanesa, Police Department; and Tracey Covert, City Clerk; and Karen Murukas and Nick Murukas, owners/operators and Applicant representatives.

Commissioner Stockton opened the liquor hearing. He noted that Entourage would be located in the former ViV. He requested that the Applicants present the business plan. Karen and Nick Murukas, owners/operators and Applicant representatives, informed the Commission that they were siblings. Entourage Lounge would offer good food and exotic cocktails. Ms. Murukas

noted that Entourage would not offer the college scene. She had relocated to the community three (3) years ago from Chicago.

Commissioner Stockton noted that the application was for an RA liquor license. He noted that more than fifty percent (50%) of revenue must come from food sales. Ms. Murukas presented the Commission with Entourage's menu. Entourage would be open Monday through Thursday from 11:00 a.m. to midnight; Friday and Saturday from 11:00 a.m. to 1:00 a.m. Entourage would offer lunch and dinner. The kitchen would need work prior to opening.

Nick Murukas restated that the plans included an improvement to the kitchen. Plans have been filed with the McLean County Health Department. Commissioner Stockton questioned the investment. Mr. Murukas noted that the layout was there. They planned to invest \$30,000 to \$40,000. These funds would be directed at inventory and the kitchen improvement.

Commissioner Stockton questioned the use of space. Ms. Murukas stated that there would be a pool table and a couple of dart boards in the former retail space. The main room would serve as the dining room and offer minimal bar stools. The small space would offer high tables.

Commissioner Stockton questioned late night on Fridays and Saturdays. Mr. Murukas informed the Commission that the kitchen would close at 11:00 p.m. Commissioner Stockton informed the Applicants that the Commission has had the practice of restricting access to those twenty-one (21) years of age or older once an establishment becomes a tavern environment. Ms. Murukas expressed her opinion that 9:00 p.m. would be appropriate. Commissioner Buchanan noted the normal recommendation has been one (1) hour after the kitchen closes. He added that the owner/operator can choose to be more restrictive.

Commissioner Stockton questioned if entertainment would be offered. Ms. Murukas responded negatively. She was after a different customer base. Entourage would offer good food and great drinks. Commissioner Stockton noted that the siblings would be co-owners. Ms. Murukas informed the Commission that she also operated Uncle Tom's in Normal. Their sister would also assist in the operations of Entourage.

Commissioner Clapp questioned if Ms. Murukas had experience in alcohol sales/service. Ms. Murukas responded affirmatively. She had six (6) years experience in the Chicago area. Commissioner Clapp questioned bar service. Ms. Murukas stated that there would be eight to ten (8 - 10) bar stools. Commissioner Stockton noted that the menu presented offered more than traditional bar food.

Commissioner Buchanan questioned the filed parking variance. Mr. Murukas informed the Commission that the property owner had filed for a parking variance with the City's Zoning Board of Appeals. Commissioner Buchanan described the variance as informal. He noted that the City would watch it closely. Mr. Murukas informed the Commission that their lease was contingent upon the creation of the liquor license and the granting of the parking variance.



Hannah Eisner, Deputy Corporation Counsel addressed the Applicants. She questioned the corporate name. She informed the Applicants that the lease would need to be in the corporate name as the license holder must also hold the lease.

Commissioner Stockton questioned lunch service. Ms. Murukas noted that the menu would remain the same.

Commissioner Buchanan questioned if the Applicants planned to lease the restaurant out for private parties. These events are usually closed to the public and have often times been problematic. Commissioner Stockton added that allowing such is not a problem. However, he cautioned the Applicants that the City Code would still be applicable. He agreed that there have been problems and cited underage drinking as an example. Ms. Murukas stated that she was not interested in this type of activity.

Based on the above, the Liquor Commission recommends to the City Council that an RA liquor license for Adelpia, Inc., d/b/a Entourage Lounge, located at 409 Hershey Rd., be created, contingent upon compliance with all applicable health and safety codes with the following condition: 1.) that tavern rules apply one (1) hour after the kitchen closes.

Respectfully,

Stephen F. Stockton  
Chairman of Liquor Commission

**Motion by Alderman Crawford, seconded by Alderman Purcell that an RA liquor license for Adelpia, Inc., d/b/a Entourage Lounge located at 409 Hershey Rd., be created, contingent upon compliance with all applicable health and safety codes with the following condition: 1.) that tavern rules apply one (1) hour after the kitchen closes.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Members of the City Council

From: Liquor Commission

Subject: Application of Western Tap Bar & Grill, Inc, d/b/a Western Tap, located at 1301 N. Western Ave., 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

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to hear the application of Western Bar & Grill, Inc., d/b/a Western Tap, located at 1301 N. Western Ave., requesting a TAPS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week and the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Stephen Stockton, Rich Buchanan, and Marabeth Clapp; Hannah Eisner, Deputy Corporation Counsel; Lt. Tim Stanesa, Police Department; and Tracey Covert, City Clerk; and George Gibson, owner/operator and Applicant representative.

Commissioner Stockton opened the liquor hearing. He requested that the Applicant present the business plan. George Gibson, owner/operator and Applicant representative, addressed the Commission. He requested that the "P" packaged be dropped from his application. Commissioner Stockton noted that this application was filed due to a change of ownership. Mr. Gibson informed the Commission that he had over twenty-eight (28) years of experience in the food and beverage industry. He had spent seventeen (17) years at Mugsy's. He had been with Midwest Electronics for the past three (3) years. His experience included fast food, fine dining, hotel/motel, and country club.

Commissioner Stockton questioned if there had been any problems/violations at this location. Mr. Gibson responded negatively.

Commissioner Stockton questioned the business plan. Mr. Gibson informed the Commission that he had assisted with the building's remodel/re-designed. The business became available. He described the building and neighborhood as nice. He had planned no changes to the business.

Commissioner Stockton noted that in January 2006 the Commission approved a change of classification from a TB, Tavern, Beer & Wine Only to a TA, Tavern, All Types of Alcohol. A major concern was compatibility with the neighborhood. Mr. Gibson cited the restricted closing time: 11:00 p.m. on week nights and 12 midnight on weekends. He noted that the Western Tap was located in the middle of a residential neighborhood. The Western Tap had a lot of regular customers. He planned to have his staff police the area.

Commissioner Stockton noted that there were six (6) conditions which have been placed upon the current liquor license. He read same. He added that there had been a limited number of complaints. Mr. Gibson thanked the Commission for reviewing the conditions. He restated that the Western Tap was in the middle of a residential neighborhood. Commissioner Stockton noted that a compromise was reached regarding occupancy due to the parking issues. He cited the issues due to open windows and doors. The City had received complaints this week. He

described the list of conditions as significant. They were drafted in an attempt to fit this establishment into the surrounding residential neighborhood. Commissioner Stockton questioned if Mr. Gibson had visited with the neighbors. Mr. Gibson had addressed some of the concerns. The vents have been baffled. He had no problems with the conditions which were stated. He added that the sound issues would be addressed. Commissioner Stockton encouraged Mr. Gibson to work with his neighbors. Mr. Gibson informed the Commission that he had been acting as the General Manager for the last couple of weeks. The refuse issues had been addressed. He added that this should never have been an issue.

Commissioner Clapp cited Mr. Gibson's recent experience at the establishment. She questioned if Mr. Gibson had any concerns or if there were any pending issues. Mr. Gibson noted that the neighbors seemed please that there would be a change of ownership.

Commissioner Clapp questioned if entertainment would be offered. Mr. Gibson expressed his opinion that entertainment had been offered too frequently. He cited twice during the weekend. It would be a business move to do less. He added that based upon the fact that the space was small the volume needed to be lowered.

Hannah Eisner, Deputy Corporation Counsel, addressed the Applicant. She wanted to clarify the application. Mr. Gibson had recently been approved to hold a liquor license for the Treehouse located at 2060 Ireland Grove Rd. The application stated that this license had been revoked. She questioned if Mr. Gibson was still involved with this establishment. Mr. Gibson responded affirmatively. He expressed his intention to operate both establishments. Ms. Eisner questioned Mr. Gibson's ability to manage both businesses. She also questioned staffing. Mr. Gibson expressed his opinion that there was good management at the Western Tap. There would be two (2) managers at the Treehouse. He planned to frequent both places.

Ms. Eisner questioned financing. Mr. Gibson described the Western Tap buy out as inexpensive. The current tenant was being evicted. The business was almost closed. Mr. Gibson would be responsible for catching up the utilities. He estimated the buy in at \$20,000 - \$25,000. Ms. Eisner described the lease as unusual. The rent was tied to machine revenue. Mr. Gibson responded affirmatively. There were a variety of machines, (darts, pool, poker, etc.). The Western Tap hosted dart teams. He described the machines as a good source of revenue. He added that the rent was still under negotiation. Ms. Eisner noted that Midwest Electronics owns the building. Mr. Gibson responded affirmatively.

Mr. Gibson informed the Commission that the correct corporate name would be Western Tap Bar & Grill, Inc.

Commissioner Stockton returned to the buy in. He noted that Mr. Gibson would have the right to assume the lease and the business rights. Mr. Gibson added plus the equipment. Commissioner Buchanan added contingent upon the liquor license being issued. Mr. Gibson restated that the lease had not been finalized. A draft lease had been filed to show intent.

Commissioner Buchanan questioned how Mr. Gibson planned to divide his time between the two (2) businesses. Mr. Gibson planned to spend thirty-five (35) hours per week at each business. He would not have a set schedule. He believed that each business had competent staff.

Commissioner Stockton noted that the lease should contain an Exhibit A which would be a listing a vending machines on the premise. Mr. Gibson restated that the final lease had not been negotiated. Commissioner Stockton questioned if these vending machines made any pay outs. Mr. Gibson responded negatively.

Ms. Eisner questioned how Mr. Gibson planned to finance the operations. She also questioned if Midwest Electronics held any financial interest in the bar and if it was a source of funding. Mr. Gibson noted the inventory purchase price was \$4,000. He restated the estimated buy in at \$20,000 to \$25,000. The existing tenant had financial problems which lead to other problems. Ms. Eisner questioned if there were other financial backers. Mr. Gibson informed the Commission that he had set aside \$30,000. Overhead at the Western Tap was low. The business had a positive cash flow.

Commissioner Stockton questioned if there were any intangible costs. Mr. Gibson cited the purchase of a POS (Point of Sale) system. Commissioner Stockton restated that the Applicant anticipated a positive cash flow.

Ms. Eisner noted that Mr. Gibson's comments lead her to believe that he was operating the business. Mr. Gibson restated that he was acting as the General Manager.

Commissioner Stockton opened the hearing to public comment.

Chuck Crawford, 1303 N. Western Ave., addressed the Commission. He had purchased the adjacent residence in May 2006. He was proud to live next door to the Western Tap. He had recently met Mr. Gibson and described him as a good neighbor. There was an agreement between the two (2) parties. Mr. Crawford managed the Blair House and was only home two (2) days a week. There had not been any noise problems.

Based on the above, the Liquor Commission recommends to the City Council that a TAS liquor license for Western Tap Bar & Grill, Inc., d/b/a Western Tap, located at 1301 N. Western Ave., be created, contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) the business' closing hours would be set at 11:00 p.m. on Sunday through Thursday and midnight on Friday and Saturday; 2.) the beer garden would be closed by 10:00 p.m.; 3.) no amplified music would be allowed at the beer garden, with the exception of special events which would be limited to two to three (2 - 3) times per year with a closing time of 7:00 p.m.; the license holder must request the City's permission in writing; 4.) occupancy would be restricted to 85 subject to review if additional parking is provided; and 5.) the establishment doors and windows must be closed to contain indoor amplified music.

Respectfully,

Stephen F. Stockton  
Chairman of Liquor Commission

**Motion by Alderman Crawford, seconded by Alderman Purcell that a TAS liquor license for Western Tap Bar & Grill, Inc., d/b/a Western Tap located at 1301 N. Western Ave., be created, contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) the business' closing hours would be set at 11:00 p.m. on Sunday through Thursday and midnight on Friday and Saturday; 2.) the beer garden would be closed by 10:00 p.m.; 3.) no amplified music would be allowed at the beer garden, with the exception of special events which would be limited to two to three (2 - 3) times per year with a closing time of 7:00 p.m.; the license holder must request the City's permission in writing; 4.) occupancy would be restricted to 85 subject to review if additional parking is provided; and 5.) the establishment doors and windows must be closed to contain indoor amplified music.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Amendment to Chapter 6 Section 7A and 7B Changing the Definition and Fees for SA and SB Licenses

The liquor code has two classifications of licenses, SA and SB that allow liquor license holders to use their licenses to sell alcohol at secondary locations. The licenses are restricted to a maximum of three (3) days each and each license holder is limited to twelve (12) per year. These licenses have typically been used to provide cash bars at special events such as wedding receptions, retirement parties and fund raisers. The restriction on the number of days and annual number of licenses has not been a problem because the events themselves are isolated and of limited duration. However, the licenses have been used to provide alcohol at venues, such as the Bloomington Center for Performing Arts and the Illinois Shakespeare Festival, which do not have a large enough demand to warrant applying for and holding a liquor license, but nonetheless want to offer alcohol as an amenity to those attending the event. The limitations on the SA and

SB license have created problems when used for these functions. The three (3) day restriction requires the issuance of multiple licenses which then causes the license holder to meet the yearly maximum very quickly.

The Liquor Commission reviewed the current ordinance and determined that the restriction on days and number of the SA and SB licenses should be removed to make them more suitable for use at venues such as the Bloomington Center for Performing Arts and the Shakespeare Festival. The licenses will be subject to approval by the Liquor Commission (as they are now) and the Commission believes that the proposed language provides adequate protection from any potential abuse. The proposed ordinance amends Section 7A of Chapter 6 by changing the definition of the SA and SB license and amends Section 7B by revising the fee structure. The fees were previously \$100 for the first day and \$50 for each additional day. Those fees remain the same, but the amendment establishes a maximum charge of \$500. Otherwise the license would be cost prohibitive.

Staff believes the change in the ordinance will help promote cultural events in the community and recommends Council pass the ordinance amending the code as proposed.

Respectfully,

Hannah R. Eisner  
Deputy Corporation Counsel

Tom Hamilton  
City Manager

**ORDINANCE NO. 2007 - 19****AN ORDINANCE AMENDING BLOOMINGTON CITY CODE  
CHAPTER 6 SECTIONS 7A AND 7B**

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

SECTION 1. That Bloomington City Code Chapter 6, Section 7A (16) and (17), be amended to read as follows (additions are indicated by underlining; deletions are indicated by strikeouts):

(16) SA (Secondary Premises - All Types of Alcohol) authorizes the retail sale of all types of alcoholic liquor by the current holder of a TA, TB, RA, RB, PA or PB license at nonresidential public premises other than the premises covered by the existing license ~~for a period of three (3) days or less as determined by the local Liquor Commissioner with the following conditions. No license holder shall be issued more than twelve (12) SA licenses in any twelve (12) month period.~~ at locations and on days approved by the Liquor Commissioner. All of the terms and conditions of the license holder's primary license shall extend to and apply to the license issued. The license holder must submit proof of adequate Dram Shop Insurance covering the premises licensed under the SA license prior to being issued such license. Any violation of the terms of the SA license shall be considered a violation of the license holder's primary license and shall subject the license holder to penalties and/or sanctions directed at the primary license.

(17) SB (Secondary Premises - Beer and Wine Only) authorizes the retail sale of beer and wine by the current holder of a TA, TB, RA, RB, PA or PB license at nonresidential public premises other than the premises covered by the existing license ~~for a period of three (3) days or less as determined by the local Liquor Commissioner with the following conditions. No license holder shall be issued more than twelve (12) SB licenses in any twelve (12) month period.~~ at locations and days approved by the Liquor Commissioner. All of the terms and conditions of the license holder's primary license shall extend to and apply to the license issued. The license holder must submit proof of adequate Dram Shop Insurance covering the premises licensed under the SB license prior to being issued such license. Any violation of the terms of the SB license shall be considered a violation of the license holder's primary license and shall subject the license holder to penalties and/or sanctions directed at the primary license.

SECTION 2. That Bloomington City Code Chapter 6, Section 7B(b), be amended to read as follows (additions are indicated by underlining; deletions are indicated by strikeouts):

(b) The ~~license~~ fee for each Class LA, LB, SA and SB licenses issued shall be One Hundred Dollars (\$100.00) for the first day any such license is in effect and Fifty Dollars (\$50.00) for each subsequent day up to a maximum of \$500.00 per license. A separate license is required for each premise for which a license is issued. A separate license is also required for each event at a single premise, provided however that a series of performances at a single premise sponsored, hosted, produced or organized by the same person, entity, group or

organization shall be considered a single related event and such related events shall require only one license.

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

SECTION 4. The City Clerk shall be, and she is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 5. This Ordinance is enacted pursuant to the authority granted to the City as a home rule unit by Article VII, Section 6 of the 1970 Illinois Constitution.

SECTION 6. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 26<sup>th</sup> day of March, 2007.

APPROVED this 27<sup>th</sup> day of March, 2007.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

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

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**



March 26, 2007

1719

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Suspension of Section 26(d) of Chapter 6 and Section 701 of Chapter 31 of the Bloomington City Code to Allow Consumption of Alcohol Inside the Miller Park Pavilion on April 20, 2007

The Alzheimer's Association is holding a fundraising event at the Miller Park Pavilion on April 20, 2007 from 6:00 o'clock p.m. until 9:00 o'clock p.m. The organizers wish to have a cash bar available to those attending the event. The DoubleTree Hotel has agreed to operate the cash bar. Section 26(d) of Chapter 6 and Section 701 of Chapter 31 of the Bloomington City Code prohibits the possession of open containers of alcohol on public property and the sale and possession of alcohol in the parks respectively. These ordinances need to be suspended temporarily to allow alcohol to be sold, served and consumed at this event.

These ordinances have been suspended allowing alcohol at events for other organizations using the pavilion in the past, specifically, the Miller Park Zoo Society. Staff respectfully recommends that Council suspend Section 26(d) of Chapter 6 and Section 701 of Chapter 31 of the Bloomington City Code to allow Consumption of Alcohol for the Alzheimer's Association fundraiser.

Respectfully,

Hannah R. Eisner  
Deputy Corporation Council

Tom Hamilton  
City Manager

**ORDINANCE NO. 2007 - 20****AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND SECTION 26(d) OF CHAPTER 6 OF THE BLOOMINGTON CITY CODE DURING THE ALZHEIMER'S ASSOCIATION DINNER AT THE MILLER PARK PAVILION**

WHEREAS, the Alzheimer's Association will have a dinner, auction, entertainment and a short program at the Miller Park Pavilion from 6:00 p.m. to 9:00 p.m. on April 20, 2007; and

WHEREAS, the Alzheimer's Association has requested permission from the City to serve alcoholic beverages 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 Alzheimer's Association dinner in Miller Park Pavilion on April 20, 2007, but only for persons attending said event.

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 27<sup>th</sup> day of March, 2007.

APPROVED this 27<sup>th</sup> day of March, 2007.

APPROVED:

Stephan F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Alderman Gibson voiced his concern regarding suspending the liquor code. It was his belief that liquor should not be served in City parks. There were enough taverns and places that served alcohol within the City.**

**Mayor Stockton questioned if Alderman Gibson would like to have this item removed from the Consent Agenda. Alderman Gibson only wanted to voice his opposition to the item.**

**Motion by Alderman Crawford, 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 April, 20, 2007 be passed.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition from Interchange City West, LLC, Requesting Approval of an Easement Vacation Plat for Interchange City West Subdivision, First Addition

A Petition has been received from Interchange City West, LLC, requesting approval of an Easement Vacation Plat for Interchange City West Subdivision, 1st Addition. The request is to vacate the existing utility easement on the north six (6) feet of Lot 5-B, except the west ten (10) feet and the east fifteen (15) feet and on the south six (6) feet of Lot 6-B, except the west ten (10) feet and the east fifteen (15) feet. These lots are located on the west side of Wylie Drive, between Bettis Drive and Valley View Drive. All relevant private utility companies have reviewed the Plat and granted their approval of the easement vacation. Staff has also reviewed the plat and finds no conflict with the existing or proposed public utilities and drainage ways.

Staff respectfully recommends that Council approve the Petition and adopt an Ordinance approving the Easement Vacation Plat for Lots 5-B and 6-B of Interchange City West Subdivision, 1st Addition.

Respectfully,

Douglas G. Grovesteen  
Director of Engineering

Tom Hamilton  
City Manager



**ORDINANCE NO. 2007 - 21****AN ORDINANCE PROVIDING FOR THE VACATION OF  
GENERAL UTILITY EASEMENT**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition requesting the vacation of the general utility easement; and

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

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

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

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

1. That the general utility easement is hereby vacated.
2. That this ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 26<sup>th</sup> day of March, 2007.

APPROVED this 27<sup>th</sup> day of March, 2007.

APPROVED

Stephan F. Stockton  
Mayor

ATTEST:

Tracey Cover  
City Clerk

**EXHIBIT A**

**TRACT I:** The North 6 feet of Lot 5-B in Interchange City West Subdivision 1<sup>st</sup> Addition, according to the Plat thereof recorded as Document No. 95-14665 in the McLean County Recorder of Deeds Office, being a part of the SW ¼ of Section 31, Township 24 North, Range 2

East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois, EXCEPT the East 15 feet thereof and also EXCEPT the West 10 feet thereof.

**TRACT II:** The South 6 feet of Lot 6-B in Interchange City West Subdivision 1<sup>st</sup> Addition, according to the Plat thereof recorded as Document No. 95-14665 in the McLean County Recorder of Deeds Office, being a part of the SW ¼ of Section 31, Township 24 North, Range 2 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois, EXCEPT the East 15 feet thereof and also EXCEPT the West 10 feet thereof.

**Motion by Alderman Crawford, seconded by Alderman Purcell that the Vacation be approved and the Ordinance passed.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition Submitted by Armstrong Grove, Inc., Rave Homes, LLC, Doud Land Development, Inc., Kaisner Corporation, Franke Grove, Inc., and R. & H. Homes, Requesting Approval of the Final Plat for the Grove on Kickapoo Creek Subdivision

A Petition has been submitted by Armstrong Grove, Inc., Rave Homes, LLC, Doud Land Development, Inc., Kaisner Corporation, Franke Grove, Inc., and R. & H. Homes, requesting approval of the Final Plat for the Grove on Kickapoo Creek Subdivision. This subdivision is located on the north side of Ireland Grove Road, approximately 3/4 mile east of Towanda Barnes Road. Staff has reviewed the Final Plat and found it in conformance with the provisions of the Preliminary Plan approved March 13, 2006. Staff has requested that the surveyor add a utility easement between lots 19 and 20. In accordance with the Annexation Agreement dated September 26, 2005, tap on fees and a performance bond for the uncompleted public improvements are due for this subdivision.

Staff respectfully recommends that Council approve the Petition and adopt an Ordinance approving the Final Plat for the Grove on Kickapoo Creek Subdivision subject to the Petitioner paying the required tap on fees and submitting a performance bond prior to recording of the plat.





**ORDINANCE NO. 2007 - 22**

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE GROVE ON KICKAPOO CREEK 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 Grove on Kickapoo Creek 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 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 Final Plat of The Grove on Kickapoo Creek 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 26<sup>th</sup> day of March, 2007.

APPROVED this 27<sup>th</sup> day of March, 2007.

APPROVED:

Stephan F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**EXHIBIT A**  
The Grove on Kickapoo Creek  
Boundary Description

A part of the Southeast Quarter of Section 8 and a part of the Southwest Quarter of Section 9, Township 23 North, Range 3 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Beginning at the Southwest Corner of the Southwest Quarter of said Section 9. From said Point of Beginning, thence east 894.72 feet along the South

Line of said Southwest Quarter; thence north 100.00 feet along a line which forms an angle to the right of  $90^{\circ}-00'-00''$  with said South Line; thence northeast 161.79 feet along a line which forms an angle to the right of  $200^{\circ}-07'-39''$  with the last described course; thence northwest 150.00 feet along a line which forms an angle to the right of  $90^{\circ}-00'-00''$  with the last described course; thence northeast 66.13 feet along a line which forms an angle to the right of  $270^{\circ}-00'-00''$  with the last described course; thence northwest 210.00 feet along a line which forms an angle to the right of  $90^{\circ}-00'-00''$  with the last described course; thence southwest 79.45 feet along a line which forms an angle to the right of  $90^{\circ}-00'-00''$  with the last described course; thence northwest 180.00 feet along a line which forms an angle to the right of  $270^{\circ}-00'-00''$  with the last described course; thence southwest 25.28 feet along a line which forms an angle to the right of  $90^{\circ}-00'-00''$  with the last described course to a Point of Curvature; thence southwest 25.10 feet along the arc of a curve concave to the southeast with a radius of 332.00 feet and the 25.09 foot chord of said arc forms an angle to the right of  $177^{\circ}-50'-04''$  with the last described course; thence northwest 121.30 feet along a line which forms an angle to the right of  $267^{\circ}-50'-04''$  with the last described chord; thence southwest 50.34 feet along a line which forms an angle to the right of  $94^{\circ}-19'-53''$  with the last described course; thence northwest 165.34 feet along a line which forms an angle to the right of  $267^{\circ}-46'-44''$  with the last described course; thence northeast 40.20 feet along the arc of a curve concave to the southeast with a radius of 1,037.00 feet and the 40.20 foot chord of said arc forms an angle to the right of  $271^{\circ}-06'-38''$  with the last described course; thence northwest 86.00 feet along a line which forms an angle to the right of  $91^{\circ}-06'-38''$  with the last described chord; thence southwest 8.17 feet along the arc of a curve concave to the southeast with a radius of 1,123.00 feet and the 8.17 foot chord of said arc forms an angle to the right of  $89^{\circ}-47'-29''$  with the last described course; thence northwest 438.92 feet along a line which forms an angle to the right of  $258^{\circ}-41'-57''$  with the last described chord; thence southwest 163.31 feet along a line which forms an angle to the right of  $90^{\circ}-00'-00''$  with the last described course; thence west 209.75 feet along a line which forms an angle to the right of  $261^{\circ}-09'-28''$  with the last described course; thence south 8.53 feet along the arc of a curve concave to the east with a radius of 332.00 feet and the 8.53 foot chord of said arc forms an angle to the right of  $90^{\circ}-44'-08''$  with the last described course to a Point of Tangency; thence south 4.47 feet along a line which forms an angle to the right of  $179^{\circ}-15'-50''$  with the last described chord; thence west 120.00 feet along a line which forms an angle to the right of  $270^{\circ}-00'-00''$  with the last described course; thence north 13.00 feet along a line which forms an angle to the right of  $270^{\circ}-00'-00''$  with the last described course; thence west 316.72 feet along a line which forms an angle to the right of  $90^{\circ}-00'-00''$  with the last described course; thence south 30.42 feet along a line which forms an angle to the right of  $88^{\circ}-45'-12''$  with the last described course; thence west 180.00 feet along a line which forms an angle to the right of  $270^{\circ}-00'-00''$  with the last described course; thence south 275.74 feet along a line which forms an angle to the right of  $90^{\circ}-00'-00''$  with the last described course; thence southwest 27.98 feet along a line which forms an angle to the right of  $225^{\circ}-37'-24''$  with the last described course; thence west 100.03 feet along a line which forms an angle to the right of  $225^{\circ}-37'-24''$  with the last described course to a point on the West Line of the East Half of the Southeast Quarter of said Section 8 lying 50.01 feet north of the Southwest Corner thereof as measured along said West Line; thence south 50.01 feet along said West Line which forms an angle to the right of  $88^{\circ}-45'-12''$  with the last described course to the Southwest Corner of the East Half of said Southeast Quarter; thence east 1,334.77 feet along the South Line of the East Half of said Southeast Quarter which forms an

angle to the right of 91°-14'-48" with said West Line to the Point of Beginning, containing 20.087 acres, more or less.

**Motion by Alderman Crawford, 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 Huette, Crawford, Purcell, Schmidt, Finnegan, Gibson, and Matejka.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Members of the City Council

From: Liquor Commission

Subject: Request of Tjolo's Corp., d/b/a Show Me's, located at 517 N. Main St., currently holding an RAS liquor license, which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week to extend the premise to 521 N. Main St.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to hear the request of Tjolo's Corp., d/b/a Show Me's, located at 517 N. Main St., currently holding an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week to extend the premise to 521 N. Main St. Present at the hearing were Liquor Commissioners Stephen Stockton, Rich Buchanan, and Marabeth Clapp; Hannah Eisner, Deputy Corporation Counsel; Lt. Tim Stanesa, Police Department; and Tracey Covert, City Clerk; and Brian Novotny, owner/operator and license holder.

Commissioner Stockton opened the liquor hearing. He noted that this request would allow Show Me's to extend the premise to the open area directly north of the establishment. Brian Novotny, owner/operator and license holder, addressed the Commission. He affirmed that this expansion would be to the open area to the north of the establishment. This land had been purchased from Fred Wollrab. He planned to turn the area into patio dining. The patio would be open from 11:00 a.m. until 1:15 a.m. He presented the Commission with a layout. The patio dining area would operate the same as the existing restaurant. The plan has been submitted the City's Building Safety office.

He informed the Commission that at this time Show Me's has demonstrated sixty percent (60%) in food sales. He expressed his belief that as the business matures the percentage of food sales would grow. He requested permission to install speakers on the patio. Generally, classic rock is

played at Show Me's. Volume would be kept to an acceptable level. He restated that the patio would be open the same business hours at the restaurant.

Hannah Eisner, Deputy Corporation Counsel, addressed the Commission. She informed them that this expansion of premise would replace the roof top patio. The Commission should make a motion to change the premise by removing the roof top patio. Commissioner Stockton reviewed the conditions which had been placed upon the roof top patio.

Mr. Novotny informed the Commission that a compromise had been attempted. He noted that there were a variety of issues. He was proposing a new location which was between two (2) businesses. He described the area as secluded. He also noted that it was twice the size of the original roof top patio. He also requested that the restrictions be removed and added if warranted.

Commissioner Stockton expressed his opinion that it would be appropriate to impose limited conditions to start. He noted that the proposed patio would change Show Me's occupancy. Once Mr. Novotny had a proven track record then the conditions could be modified. He added that the conditions had been imposed by the Council. However, the Commission could approve the request for an extension of premise.

Mr. Novotny estimated the occupancy of the patio at seventy (70). He added that there were other existing beer gardens in the Downtown. Ms. Eisner noted that there were pending hearings for outdoor smoking areas/beer gardens/patios. She noted that City staff would have to review the existing ones. She added that sidewalk cafes were limited to midnight. Mr. Novotny noted that these patios would serve as smoking locations.

Commissioner Stockton noted that patio gates and questioned the purpose. Mr. Novotny informed the Commission that deliveries will be made through the patio. The alley behind the business is not large enough. Commissioner Stockton questioned if these gates would be used for egress. Mr. Novotny expressed his interest in flexibility. He questioned if it would be possible to lock the gates. Commissioner Stockton recommended that the gates be alarmed. He also cited the fifteen foot (15') limitation as part of regulations regarding smoking in public spaces.

Commissioner Stockton returned to the current license's conditions. He noted that there were other restaurants nearby. The Commission also needed to address occupancy.

Commissioner Buchanan stated that the premise upon which the conditions were based no longer exists, i.e. roof top patio. These conditions were no longer relevant. He questioned the license holder's sound system plan. He questioned if Mr. Novotny would be using the existing system. He expressed his opinion that the patio's occupancy would be forty to fifty (40 - 50) persons. He expressed his opinion that the area was not really secluded. He noted that it might serve as a sound tunnel.

Mr. Novotny responded affirmatively regarding the sound system. He encouraged the Commission to set restriction based upon decibels. The music would add to the ambiance. Ms. Eisner noted that the sidewalk cafe ordinance allows music within the area.

Commissioner Stockton stated that the basic concerns regarding noise would still apply. He cited the ability to baffle the patio with vegetation. He added his opposition to this request without an attempt to address the issue of noise.

Commissioner Buchanan noted that the same conditions would apply or the Commission could create new ones.

Commissioner Clapp noted that the categories would still be the same. The particulars were different. Commissioner Stockton noted the Commission's right to regulate an outdoor use. Commissioner Clapp noted that she was more concerned about crowd noise. She added that occupancy was also a concern.

Commissioner Stockton recommended that the Commission request that the Council delete the sixth condition, (the total occupancy of the patio may not exceed thirty (30) people). He added that the fourth condition should be amended (the Commission reserves the right to regulate the use of the patio dining area to include the time of use, the time for liquor sales, and sound/visual baffling/barrier). This condition should also address occupancy. He recommended that no number be cited.

Mr. Novotny expressed his belief that the conditions had been based upon the proximity to the adjoining tenants. He added his expectation that there would not be any issues with this location. He cited budget concerns.

Commissioner Stockton restated that the City reserved the right to re-address. Commissioner Buchanan noted that noise would not be addressed by the decibel level. Noise was a subjective issue. Commissioner Buchanan questioned the sound system's specifications. Mr. Novotny informed the Commission that the area had been wired and has the ability for external speakers.

Commissioner Buchanan informed the Commission that he had frequented this establishment. He noted that forty to fifty (40 - 50) persons on the patio with music could be problematic. He added that baffling could also be problematic. Mr. Novotny informed the Commission that he had the ability to control the volume by area.

Commissioner Stockton cited the fifth condition (the patio dining area may not be occupied after 11:00 p.m.). He recommended that occupancy be added to the fourth condition and that the fifth and sixth condition be deleted. He noted that the City did not want a problem. He informed Mr. Novotny that if careful the City would not have to address this area with additional conditions.

Ms. Eisner questioned if the Commission wanted to apply a time limit for outdoor music and alcohol service. Commissioner Stockton expressed his opinion that it would be hard to place restrictions due to the number of unknowns. He was not prepared to give specifics. Ms. Eisner acknowledged that restrictions could be applied after opening.

Commissioner Stockton requested public comment. No one came forward to address the Commission. It was noted that a representative from the Downtown Bar Association (Tyler Holloway) and Downtown Business Association (Peg Flynn) were present at the meeting. Commissioner Stockton noted that if individuals refuse to address the Commission than he would not allow them to address the Council. Public hearings are held by the City's Boards and/or Commissions.

Commissioner Buchanan challenged the thought process. He questioned what was relevant. He questioned what was applicable to this ground level patio. He added his opinion that Council action was not required.

Commissioner Stockton noted that there would be a patio dining area. The Council memorandum does not say "roof top". Ms. Eisner supported Commissioner Stockton's position. Commissioner Buchanan expressed his hope that common sense would prevail. Ms. Eisner cited the motion from the Council memorandum.

Commissioner Stockton noted that the Commission needed to make two (2) motions. One (1) would address the extension of premise. The second would be recommendations to the Council regarding license conditions.

Commissioner Buchanan expressed his objection to linking the two (2) items. Ms. Eisner noted that there was a system. The creation of a liquor license was a legislative act. Any action regarding the license conditions should be returned to the Council. Commissioner Stockton expressed his comfort at returning the issue of license conditions to the Council. The Commission could recommend that the conditions be liberalized.

Motion by Commissioner Clapp, seconded by Commissioner Buchanan that the request by Tjolo's Corp., d/b/a Show Me's, located at 517 N. Main St., currently holding an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week to extend the premise to 521 N. Main St. be approved.

Motion carried.

Motion by Commissioner Buchanan, seconded Commissioner Clapp to delete the roof top patio from the premise for Tjolo's Corp., d/b/a Show Me's, located at 517 N. Main St., currently holding an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week.

Motion carried.

Based on the above, the Liquor Commission recommends to the City Council that the following amendment to the original conditions placed upon Tjolo's Corp., d/b/a Show Me's, located at 517 N. Main St., currently holding an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week with the following conditions: 1.) the Commission reserves the right to impose tavern ("T") liquor license rules after 8:00 p.m., if the nature of the environment so justifies; 2.) the Commission reserves the right to

regulate the environment 's surroundings, (French Doors), with regard to music and sound baffling; 3.) said openings must be closed by midnight or anytime live or amplified music is offered; 4.) the Commission reserves the right to regulate the use of the patio dining area to include the time of use, the time for liquor sales, sound/visual baffling/barrier, and occupancy; and 5.) no music on the patio - live and/or amplified.

Respectfully,

Stephen F. Stockton  
Chairman of Liquor Commission

**Mayor Stockton introduced this item by stating this request by Show Me's initially had come before the Council as a rooftop patio. Due to compromises between Show Me's and others within the vicinity, the beer garden was moved to an alleyway immediately north of their establishment.**

**Show Me's had appeared before the Liquor Commission on March 14, 2007 to receive permission for an extension of premise. Normally, this type of request does not come before the Council. Due to the conditions that were initially specified as part of the license, the Commission did not have the authority to alter the conditions that were a part of the license and therefore the final decision rests with the Council.**

**Alderman Schmidt expressed her belief that there was a difference of opinion regarding what the conditions were. She specifically cited condition #5 which states: no music on the patio - live and/or amplified. She had spoken with Brian Novotny, Show Me's owner, over the past weekend. He believed amplified music would be allowed on the patio. Rich Buchanan, Liquor Commissioner, stated his intention was that music would be allowed to the extent that the Commission would approve its use. Condition #5 was included initially because Show Me's license specified a rooftop patio. Show Me's now has the patio in an alleyway adjacent to the building. This condition no longer made sense.**

**Alderman Schmidt questioned why condition #4 was listed. Her belief was that the Commission always held the right to regulate liquor establishments. Mayor Stockton confirmed that the Commission has the right to review every license annually and may add conditions at that time. However, this wording added further limits and allowed the Commission more flexibility. He recommended that condition #4 could be changed to the following: the Commission reserves the right to regulate use of patio/dining area to include time of use, time for liquor sales, any needed sound/visual baffling or barrier, and occupancy.**

**Alderman Huette had no problem changing the occupancy restrictions because there no longer was a rooftop patio. He questioned if the conditions could be tied to registered complaints so that residents would not have to wait six (6) months to have their voices heard. Alderman Schmidt agreed in that this was a mixed use permit within a**

residential environment. Mayor Stockton said that the complaints are addressed by circumstance because conditions change.

The question was raised if there were other outdoor tavern/dining areas with similar wording. Hannah Eisner, Deputy Corporation Counsel, addressed the Council and stated that Mulligan's located at 531 N. Main St., has similar language regarding the Commission's rights to regulate. Alderman Schmidt questioned why condition #5 was included. Ms. Eisner noted that when this application was initially presented, it had six (6) conditions and the Council added a seventh, which is the current condition #5. Ms. Eisner added that this was due to the fact the Commission did not reference the Council memorandum and the focus of the discussion was on business operations.

Mayor Stockton stated that during the March 22, 2007 Commission meeting, the Commission considered three (3) extension of premises. The first was for Diggers located at 230 E. Front St., the second for Elroy's located at 102 W. Washington St., and the third for CII East, 102 S. East St. He added that in all three (3) instances, outdoor music was not prohibited. Show Me's offered a rooftop patio. This was considered different and The Commission thought it should be more restrictive.

Motion by Alderman Crawford, seconded by Alderman Matejka to suspend the rule to allow someone to speak.

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

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

Nays: None.

Motion carried.

Brian Novotny, 519 N. Main St., addressed the Council. He presented a layout of the patio with seating, etc., as well as the previous month's sales report showing that sixty percent (60%) of Show Me's sales were from food. Show Me's was not only a tavern, it was a restaurant. Amplified music added to the ambiance. Classic rock is played, but not blared into the neighborhood. Alderman Huette questioned if Mr. Novotny would have an issue with a permit that allowed amplified music, but not live music. Mr. Novotny had no plans to offer live music. He did not believe that sound would be an issue.

Alderman Purcell had walked through the alleyway and questioned Mr. Novotny's intentions regarding the installation of a fence. Mr. Novotny has had conversations with Bloomington Fence. The plan was for a six foot (6') aluminum/steel commercial grade fence that would constitute a commercial grade enclosure.

Alderman Finnegan questioned if there were any plans for any type of baffling around the area and who the adjacent users were. Mr. Novotny had no plans for baffling



thus far. The adjacent users were a parking lot, Common Ground Grocery located at 516 N. Main St., and The Chocolatier located at 514 N. Main St. Mayor Stockton thought that crowd noise may be more of an issue than the amplified music which could be addressed as a condition.

Peggy Flynn, Downtown Business Association's (DBA) Executive Director, 106 W. Monroe St., addressed the Council. The DBA supported the extension of premises request and believed that it would be a great addition to Downtown.

**Motion by Alderman Matejka, seconded by Alderman Crawford to return to order.**

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

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

**Nays: None.**

**Motion carried.**

**Motion by Alderman Matejka, seconded by Alderman Schmidt that the following amendment to the original conditions placed upon Tjolo's Corp., d/b/a Show Me's, located at 517 N. Main St., currently holding an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week with the following conditions: 1.) the Commission reserves the right to impose tavern ("T") liquor license rules after 8:00 p.m., if the nature of the environment so justifies; 2.) the Commission reserves the right to regulate the environment's surroundings, (French Doors), with regard to music and sound baffling; 3.) said openings must be closed by midnight or anytime live or amplified music is offered; and 4.) the Commission reserves the right to regulate the use of the patio dining area to include the time of use, the time for liquor sales, time live and/or amplified music is allowed, sound/visual baffling/barrier, and occupancy.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Public Hearing on the Petition submitted by Bloomington-Normal Airport Authority requesting approval of an Annexation Agreement providing for annexation to the City of Bloomington and A-Agriculture District zoning for 17 acres and commonly located north and south of the Norfolk Southern Railroad, east of Township Road 1800 E (Abraham Road) along Brokaw Road (Case Z-02-07) (south of Ward #8)

The Planning Commission opened a public hearing on this petition on March 14, 2007 and continued the public hearing until April 11, 2007 at the request of the Bloomington- Normal Airport Authority. Staff respectfully recommends that Council open this public hearing and continue it until the April 23, 2007 Council meeting.

Respectfully submitted,

Kenneth Emmons  
City Planner

Tom Hamilton  
City Manager

**Mayor Stockton introduced this item. Tom Hamilton, City Manager, informed the Council that the Planning Commission held this item over until its April 11, 2007 meeting. The Council has nothing to act upon at this time.**

**Mayor Stockton opened the Public Hearing.**

**Phil Reynolds, 1870 N. 2200 Road, Old Town Township Road Commissioner, addressed the Council. He had concerns regarding construction traffic. There have been issues with construction traffic for the Grove Subdivision. Mayor Stockton clarified Old Town Township believed that some of the promises made regarding construction traffic for this subdivision have not been kept. Mr. Reynolds explained that nothing was resolved because trucks were still passing through the township. The township does not have the ability to control this traffic. The township will have problems with maintenance during construction. He cited two (2) accidents. He restated his concerns involving construction traffic. Old Town Township's attorney will be contacting Mr. Hamilton.**

**Mayor Stockton expressed his appreciation for Mr. Reynold's input. The City would live up to its commitments.**

**Alderman Huette requested a map of the area specified prior to the April 23, 2007 public hearing.**

**Mayor Stockton closed the Public Hearing.**

**Motion by Alderman Finnegan, seconded by Alderman Matejka that the public hearing be opened and laid over until April 23, 2007 Council meeting.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Public Hearing on the Petition submitted by Cedar Ridge of Bloomington, LLC, f/k/a Cedar Ridge, LLC, requesting approval of an Amended Annexation Agreement providing for annexation to the City of Bloomington and R-1C Single Family Residence District zoning for 4.41 acres previously known as the “Philby property” and commonly located east of U. S. Route 51 and north of I-74 (Case Z-01-07) (south of Ward #1)

**BACKGROUND INFORMATION:**

Adjacent Zoning

north - R-1C, High Density Single Family Residence District  
south - A- Agriculture (County Zoning)  
east - R-1 C, same as above  
west - R-1C, same as above & C- Commercial (County Zoning)

Adjacent Land Uses

north - vacant/agriculture  
south - interstate highway  
east - vacant/agriculture  
west - interstate highway exit ramp

Comprehensive Plan: recommends “low to medium density residential use” (single family dwellings) for this property.

This is a proposed amendment to the annexation agreement previously approved by Council on June 12, 2006, for the Cedar Ridge Subdivision (Case Z-12-06). This amendment adds the 4.41 acre “Philby property” to the approved annexation agreement so that it can be annexed to the City and zoned R-1C, Single Family Residence District. Cedar Ridge of Bloomington, LLC, has now acquired fee simple title to this 4.41 acres and the long winding access easement from it to Bunn Street through the proposed Cedar Ridge Subdivision.

This acquisition eliminates any potential need for the City to exercise its power of eminent domain to obtain such easement as noted in paragraph 11 of the June 12, 2006 agreement. Such

easement had previously been acquired by the State of Illinois in order to provide access to the Philby property from Bunn Street after Interstate 74 was built. The houses, silo and barns presently located on the Philby property are to be removed so that this land can be added to the Cedar Ridge Subdivision.

Cedar Ridge of Bloomington, LLC plans to develop the Cedar Ridge Subdivision for more affordable single family homes with floor areas ranging from 1,000 to 2,200 square feet and for estimated prices ranging from \$135,000 to \$220,000. Therefore, the June 12, 2006 annexation agreement included the approval of waivers and other concessions by the City (including waiver of tap on fees and off site infrastructure expenses) in order to lower the initial development costs paid by Cedar Ridge to develop this proposed subdivision.

Under the terms of that agreement, the City agreed to waive annexation fees, subdivision plan review and inspection fees, construction permit fees and water meter purchase costs. All the terms and conditions of that original agreement would also apply to the subject 4.41 acres, except that maximum waiver of the described fees would be increased from \$868,384 to \$910,323 due to the increase from the 352 residential lots shown on the approved preliminary plan to the 369 residential lots shown on the proposed amended preliminary plan.

#### PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission held a public hearing on this petition on February 28, 2007 and recommends the same. Mr. Kenneth Emmons, City Planner, recommended that the Planning Commission pass a motion to recommend Council approval of this "First Amendment to Annexation Agreement," the annexation and R-1C, Single Family Residence District zoning being requested in Case Z-01-07, provided that the following revision is made to the annexation plat:

The annexation plat for Tracts 4 and 5 submitted with the "First Amendment to Annexation Agreement" has an identical title to the existing annexation plat for Tracts 1, 2 and 3 approved December 26, 2006, as Ordinance 2006-142. The title for this document should be revised to be unique, such as: "Supplemental Annexation Plat," or "Additional Annexation Plat," or "Second Annexation Plat."

Mr. Mercer Turner, Attorney at Law, 14 Currency Drive, Suite 4, presented testimony at this hearing in favor this petition on behalf of Cedar Ridge of Bloomington, LLC. He noted that the title of the annexation plat for Tracts 4 and 5 had been changed to read: "Supplemental Annexation Plat." No other testimony was presented at this public hearing.

#### PLANNING COMMISSION RECOMMENDATION:

After having given due consideration to the testimony presented at this hearing, the Planning Commission passed a motion on February 28, 2007, by a vote of 9 to 0, recommending Council approval of this First Amendment to Annexation Agreement, the annexation and R-1C Single Family Residence District zoning that are being requested in Case Z-01-07, as presented.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission's recommendation and respectfully requests Council approval.

Respectfully submitted,

Kenneth Emmons  
City Planner

Tom Hamilton  
City Manager

**FIRST AMENDMENT TO ANNEXATION AGREEMENT**

This agreement is made and entered into on the day and year indicated below adding Tracts 4 and 5, described on the attached annexation plat, to the Annexation Agreement made by and between Cedar Ridge, L.L.C., now known as Cedar Ridge of Bloomington, L.L.C. and recorded as Document number 2007-00000720, which Tract 4 and 5 are contiguous to Tracts 1 and 2 of said original Annexation Agreement. Tracts 4 and 5 are referred to in the original Annexation Agreement in paragraph 11 as the Philby property. Tracts 4 and 5 have not been previously annexed. The configuration of the Philby property and its access was created at the time Interstate 74 was built. The Philby property had a long winding access easement through the proposed Cedar Ridge Subdivision which was inconsistent with sound single-family development and urban planning.

Wherefore, it is in the best interest of the City of Bloomington and Cedar Ridge of Bloomington, L.L.C. to provide for the annexation and use of Tract 4 and 5 described above.

It is therefore agreed as follows:

1. All the terms and conditions of the original Annexation Agreement recorded as Document number 2007-00000720 shall also apply with full force and effect to Tracts 4 and 5 as depicted on the annexation plat, a true and correct copy which is attached hereto and made a part hereof; provided however, paragraph 16 of the original Annexation Agreement shall be amended to increase the maximum waiver of the described fees in the same proportion that Tracts 4 and 5 increase the number of lots contained in Tracts 1 and 2. The new maximum sum of fees for the 369 residential lots shown on the amended preliminary plan shall be \$910,323.00.
2. As consideration therefore Cedar Ridge of Bloomington, L.L.C. has acquired fee simple title to the Philby property and the access easement to the Philby property thus eliminating any potential for the City to exercise any power of eminent domain as it pertains to the Philby property.
3. All of the Cedar Ridge Subdivision shall be developed as depicted on the Amended Preliminary Plan filed simultaneously herewith. This agreement is made when adopted by the

City of Bloomington and shall extend the original Annexation Agreement to a period of 20 years from the date of the adoption of the amendment.

4. Upon Annexation the premises will be zoned R-1C, High Density Single Family Residence District.

Date: March 27, 2007

City of Bloomington

By: Stephen F. Stockton  
Mayor

ATTEST

Tracey Covert  
City Clerk

Date: March 27, 2007

Cedar Ridge LLC

By: Mercer Turner  
Its Agent

#### **EXHIBIT A**

TRACT 4:

A part of the East Half of Section 21, Township 23 North, Range 2 East of the Third Principal Meridian, more particularly described as follows: Beginning at the Northeast Corner of Tract 2 of a survey by George L. Farnsworth, Jr. recorded October 5, 1954 as Document No. 29618; thence south 85°-48' west, 279.35 feet; thence north 06°-00' west, 50.02 feet; thence north 85°-48' east, 281.14 feet; thence south 03°-57' east, 50.00 feet to the Point of Beginning, in McLean County, Illinois.

TRACT 5:

A part of the East Half of Section 21, Township 23 North, Range 2 East of the Third Principal Meridian, more particularly described as follows: Beginning at a point which is the Northeast Corner of Tract No. 2 of survey by George L. Farnsworth, Jr., recorded October 5, 1954 as Document No. 29618, McLean County, Illinois, and shown in Book 13 of Plats, at Page 210 in said County, thence south 85°-48' west 279.35 feet along the North Line of said Tract 2 to an existing iron pipe, thence south 6°-00' east 182.8 feet along the West Line of Tract 2, said Line being marked by an existing fence, to a cornerpost, thence south 85°-48' west 970.9 feet along a

fence which marks the North Line of said Tract 2 to the Northerly Right of Way Line of FAI Route 05, Section 57-20, as said Right of Way is shown in Book 14 of Plats, at Page 138, McLean County, Illinois, thence southeasterly 335.45 feet along the North Right of Way Line to a point on said Right of Way Line, which is 160 feet left of Station 731+00 on Transit Line 11 of said Route, thence east 930.6 feet along said North Right of Way Line to the fence which marks the East Line of said Tract 2, thence north 3°-57' west 308 feet along the East Line of said Tract 2 to the Point of Beginning, in McLean County, Illinois.

Said Tracts 4 and 5, combined, contain 4.41± Acres

PIN 21-21-400-021

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

**Motion by Alderman Matejka, seconded by Alderman Crawford that the First Amendment to Annexation 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 Huette, Crawford, Purcell, Schmidt, Finnegan, Gibson, and Matejka.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition submitted by Cedar Ridge of Bloomington, LLC (Limited Liability Corporation) requesting approval of the Amended Preliminary Plan for the Cedar Ridge Subdivision, commonly located on approximately 144.63 acres of agricultural land, commonly located north of I-74, south of Woodrig Road, east of U.S. Route 51, west of Hendrix Road, south and west of the extension of Bunn Street, and south of Woodrig Road. (Ward #1)

**BACKGROUND INFORMATION:**

**Adjacent Zoning**

north - R-1 (County Zoning), R-1B  
Medium Density Single Family Residence District and

**Adjacent Land Uses**

north - single family dwellings &  
retail

B-1, Highway Business District  
 south - A- Agriculture (County Zoning)  
 east - R-1, (County Zoning)  
 west - C- Commercial (County Zoning) &  
 B-1 Highway Business District

south - Interstate highway (I-74)  
 east - single family dwellings  
 west - commercial uses & two  
 churches

Comprehensive Plan: recommends “low to medium density residential use” for this property along with “conservation/recreation use” to the east, “regional highway commercial use” and “high density residential use” to the west.

Approximately 129.2 acres of this 144.63 acre Cedar Ridge site was the subject of an annexation agreement approved by Council on June 12, 2006 (Case Z-12-06). The southern 4.41 acres (also known as the “Philby Property”) now is the subject of the proposed amendment to this annexation agreement scheduled for public hearing by Council on March 26, 2007 in Case Z-01-07. Cedar Ridge of Bloomington, LLC, now owns the Philby Property and also owns 124.72 acres of the Cedar Ridge site to the north, while the Sunrise Company, LLC, owns 15.56 acres of this site located further to the north and west. Since the Sunrise Company currently owns 15.56 acres of the Cedar Ridge site, it is also listed as an owner/developer on the Cover Sheet (Sheet No. 1 of 10) of this Amended Preliminary Plan. This Plan proposes the subdivision of the 144.63 acres as follows:

- Lots 1-369 (369 single family lots) & outlot 385 (vacant open space) - zoned R-1C, High Density Single Family Residence District;

Lot 387 (an 18.3 acre school/park site); Outlots 381, 384, & 386 (three (3) dry bottom storm water detention basin outlots) and Outlot 383 (vacant open space) - zoned S-2, Public Lands and Institutions District, and dedicated to the City, (the City's minimum public park dedication requirement for 369 dwelling units is 8.635 acres);

- Lots 370-378 & Outlots 379, 380, & 382 (eight (8) commercial lots & three (3) outlots for signs) - zoned B-1, Highway Business District.

The Amended Preliminary Plan proposes vehicular access to and from this subdivision as follows:

1. *initially* - along a new north-south street (Breezewood Boulevard) from the Woodrig Road/Geneva Boulevard intersection, south through the Sunrise Company, LLC tract and into the Cedar Ridge of Bloomington, LLC tract; and
2. *sometime in the future* - along an extension of Bunn Street from Woodrig Road, south to the Cedar Ridge tract (across private property located outside the City's limits that is not owned by neither Cedar Ridge nor the Sunrise Company). No public right-of-way for Bunn Street between Woodrig Road and the Cedar Ridge tract has ever been dedicated to the public and recorded. Right of way for this portion of Bunn Street will have to be acquired or dedicated before it can be reconstructed and widened in order to provide another access route to the Cedar Ridge Subdivision. Cedar Ridge of Bloomington, LLC is planning to reserve the right



to develop Lots 329, 330 and 331 once Bunn Street along their frontage is built to City standards.

The proposed Amended Preliminary Plan also provides for a circular cul-de-sac turnaround at the south end of Hobson Drive, a dead end road south of Woodrig Road in Hobson's Subdivision (a rural subdivision outside of the City and north of Cedar Ridge). Hobson Drive has never been accepted for public street maintenance by Bloomington Township and functions as a private street. A "no access strip" is proposed on Lots 345 and 387 around this Hobson Drive turnaround.

Staff recommends that the following revisions be made to the Amended Preliminary Plan for the Cedar Ridge Subdivision, dated December 29, 2006:

1. On the Cover Sheet,
  - a. Note 13 should be revised as follows:
    - change lot 366 to read 387
    - change lot 86 to read 355
    - change lot 87 to read 356
    - change lot 75 to read 366
    - change lot 76 to read 367
  - b. Note 15 should be revised to change lots 326-328 to read 329-331 and to change the spelling of "IMPORVED" to "IMPROVED".
  - c. Note 16 should be revised to change the spelling of "ASSOICATED" to "ASSOCIATED"
  - d. Note 6 D should be revised to read "100 FEET SOUTH ALONG THE EAST AND WEST RIGHT-OF-WAY LINES OF BREEZEWOOD BOULEVARD FROM THE SOUTH EDGE OF WOODRIG ROAD AND EAST ON LOT 374 ALONG THE ENTIRE SOUTH RIGHT OF WAY LINE OF WOODRIG ROAD."
2. On sheet 2, Change "Ashland Avenue" to "Breezewood Boulevard"
3. On sheet 3,
  - a. Lot 374 should have a no access strip on the entire Woodrig Road frontage and on the north 110 feet of the Breezewood Blvd. frontage to match what was approved on old lot 357 on the original preliminary plan.
  - b. The inlets on Breezewood Blvd. At the north line of lot 378 are not connected to a storm sewer.
  - c. The front yard easement on lots 371-373 needs to be expanded to accommodate the relocated storm sewer.
4. On sheet 4, change lot 389 to read 387

5. On sheet 5,
  - a. The fire hydrant spacing on Breezewood Blvd exceeds the 500 foot limit stated in the Manual of Practice.
  - b. Change lot 389 to read 387
  - c. Change “Ashland Avenue” to “Breezewood Boulevard”
6. On sheet 6,
  - a. There are two proposed street lights shown at the intersection of Leadville Road and Nelson Way. Only one light is required.
  - b. In the access easement between lots 9 & 10, the 10 foot wide PCC sidewalk should be labeled. The location of the no access strip should be relocated to be outside of, and adjacent to, the 10 foot PCC sidewalk.
7. On sheet 7,
  - a. The access easement between lots 255 and 256 should be 22 feet wide to match the detail on sheet 10. The 10 foot wide PCC sidewalk in the easement should be labeled. The location of the no access strip should be relocated to be outside of, and adjacent to, the 10 foot PCC sidewalk.
  - b. Change lot 388 to read 386
  - c. Identify and label lots 300 and 301
8. On sheet 8, change lot 387 to read 386
9. On sheet 9,
  - a. The high rise sign shown on outlot 385 should be deleted. Such signs are inappropriate in a residential setting.
  - b. The 10 foot wide PCC sidewalk in the access easement between lots 207 and 208 should be labeled.
10. On sheet 10,
  - a. The flexible pavement cross section and the rigid pavement cross section for Breezewood Boulevard should match in the typical sections for the 38’ F-F section and the 53’ F-F boulevard section.
  - b. In the Vehicular Access Easement Detail, the location of the no access strips should be relocated to the outside of, and adjacent to, the 10 foot PCC sidewalk.

PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission held a public hearing on this petition on February 28, 2007. At this hearing, arguments in favor of this petition were presented by Mr. Mercer Turner, Attorney at Law, 14 Currency Drive, Suite 4, (representing Cedar Ridge of Bloomington, LLC). Mr. Turner noted that the Cedar Ridge of Bloomington, LLC agrees with all of staff's recommended revisions to the Amended Preliminary Plan, as cited herein. He stated that this proposed plan depicts 369 single family lots – 17 more than the 352 single family lots shown in the preliminary plan previously approved by Council. No testimony was presented at this public hearing in opposition to this petition.

PLANNING COMMISSION RECOMMENDATION:

After having given due consideration to this petition and the testimony presented, the Planning Commission passed a motion by a vote of 9 to 0 recommending Council approval of the Amended Preliminary Plan for the Cedar Ridge Subdivision in Case PS-01-07, as revised in accordance with staff's recommended revisions cited herein.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission's recommendation for Council approval of this petition in Case PS-01-07.

Respectfully submitted,

Kenneth J. Emmons  
City Planner

Tom Hamilton  
City Manager

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

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Members of the City Council

From: Liquor Commission

Subject: Reconsideration of the Applications of KPTS, Inc., d/b/a Six Strings, located at 525 N. Center St, for a TAS liquor license, which will allow the sale of all types of alcohol by the glass for consumption on the premises

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to reconsider the application of KPTS, Inc., d/b/a Six Strings, located at 525 N. Center St., requesting a TAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises. Present at the hearing were Liquor Commissioners Stephen Stockton, Rich Buchanan, Marabeth Clapp, and Steve Petersen; Hannah Eisner, Deputy Corporation Counsel; Lt. Tim Stanesa, Police Department, and Tracey Covert, City Clerk; and Tim Stills, co-owner, and Daniel Rolph, Applicant representatives, and Jay Reece, Applicant's attorney.

Commissioner Stockton opened the liquor hearing. He noted that this Application had been set to the Council on March 12, 2007. The Council considered four (4) motions which he reviewed. The first motion was to deny the Application which failed. The second was to create the license. This motion was amended to set an earlier closing time. Both of these motions also failed. The final motion was to return this Application to the Liquor Commission to discuss a transition plan with definitive goals. This motion passed. He noted that the Applicant had met with the neighbors. He added that this item was addressed by the Downtown Business Association (DBA) at their meeting on Tuesday, (March 19, 2007), night.

Jay Reece, Applicant's attorney, addressed the Commission. He stated his hope to clarify and reach an understanding after the Council meeting.

Commissioner Buchanan arrived at 4:19 p.m.

He cited his perception of the motions. The Application was returned to the Commission. He believed that the purpose of this meeting was to craft a compromise. Six Strings would be more than a traditional "T" tavern. It would be an entertainment venue. He expressed his belief that it would be similar to other entertainment venues. He cited the US Cellular Coliseum (USCC) and the Bloomington Center for the Performing Arts, (BCPA). What he had gleaned from the DBA's meeting was that their preference was for a restaurant. He informed the Commission that the building had been vacant for sixteen (16) months. He noted concerns were cited about density and policing issues. The Applicant did not have any problems with an earlier closing time. The Applicant did not anticipate any problems/issues. Gross revenue was anticipated at \$1.5 to \$2 million. There would be minimal demands for City services.

He restated that there was no objection to an earlier closing time. He requested that there be light at the end of the tunnel. He also requested a level playing field. The Applicant anticipated an older crowd. Patrons would visit other establishments once Six Strings closed. The Applicant was looking for benchmarks in order to request a later closing time. The Applicant

would be good neighbor. He cited the Last Lap as a model. The Applicant had a good track record. He requested something from the Commission to qualify for a 2:00 a.m. closing time. He did not believe that Six Strings would be problematic.

Daniel Rolph, Applicant representative, addressed the Commission. He noted the Council's amendment for an earlier closing time. He expressed his belief that the Application might have been created.

Tim Stills, co-owner and Applicant representative, addressed the Commission. He informed the Commission that when he took over the Last Lap, he knew that he would have to be proactive and not reactive. Concerns were addressed through staff training. He described the Last Lap's staff as well trained. He planned to blend the Last Lap's well trained knowledgeable experienced staff with the new staff for Six Strings. He expressed his opinion that if the Commission recommended denial that it would be a lost opportunity for him. He noted the financial impact upon the building's owner. He stated his intention to be a good neighbor. He believed his plan was good and financially viable.

Commissioner Stockton cited from the Commission's February 19, 2007 minutes. He noted the comments regarding a younger crowd than at the Last Lap. Mr. Stills expressed his belief that there would be a number younger patrons based upon the demographics of the Downtown. Six Strings would host a blend of ages. He expressed his belief that the younger crowd can be controlled. He cited Six Strings was a venue and cited services that would be offered. It would not be a typical college bar. He reminded the Commission that Six Strings would offer Country Western music.

Mr. Rolph restated that Six Strings would not be marketing to the college crowd. However, based upon location, Six Strings will attract a younger crowd. Mr. Stills noted that upon opening people will be curious about Six Strings.

Mr. Reece noted that the Downtown's existing venues were not geared towards a diverse clientele. Six Strings would raise the Downtown's demographics. Commissioner Stockton noted that Six Strings would attract clients who were older than average age found in the surrounding bars. He noted how important it had been for Mr. Stills to distinguish himself at the Last Lap. He cited Mr. Stills' track record. He noted that concerns had been raised regarding closing time activities which occur outside of the bars. He acknowledged that the license holder does not have a lot of control over patrons' behavior once they leave the establishment.

Mr. Stills informed the Commission that staff presence can be a deterrent. Six Strings' staff would police the area in an effort to address litter and vandalism. They would be outside of the establishment and visible. Six Strings would maintain an active and healthy presence. Currently, the Last Lap's staff must clean up the area around the establishment at closing time. The same would be true for Six Strings. The area would be kept clean and be well maintained. In addition, Six Strings would offer a shuttle service to take patrons home.

Mr. Reece recognized the investment his client was willing to make (six figures). Mr. Stills did not want the property damaged. The City needed to decide if it believed Six Strings would be a

good business for the Downtown. Mr. Stills understood that he would need to maintain good relations with the City and his neighbors. Mr. Stills would be proactive. He had stated his intention to be a good neighbor. He also intended to protect his investment. Mr. Reece recalled that the Last Lap has cited the fact that off duty police officers have become regular customers. He did not believe that these individuals or Mr. Stills would turn a blind eye. He restated that a 1:00 a.m. closing time would mean that some patrons would choose to visit other Downtown venues which would be open later.

Commissioner Stockton questioned the Applicant's shuttle plans. Mr. Stills noted that free rides would not be offered to all patrons. Six Strings would offer one to two (1 - 2) thirteen to eighteen (13 - 18) passenger shuttle vans/buses. Those individuals who become inebriated would be taken home at no charge. Six Strings had no desire to become involved in litigation. Mr. Reece cautioned that his client cannot force an individual to take a ride. Mr. Rolph noted that this practice is currently used at the Last Lap. Shuttle transportation or a taxi cab is provided. Patrons can also prearrange shuttle service. The Last Lap offers a variety of services.

Commissioner Stockton questioned if there was video security at the Last Lap. Mr. Stills responded affirmatively. There were twelve (12) cameras and four (4) monitors. There were not any cameras mounted on the building's exterior. He has the ability to dial up from his residence to view these monitors. He offered to place cameras on the interior and exterior of Six Strings. Mr. Rolph added that two (2) cameras at the Last Lap were live and were generally directed at the band and/or dance floor.

Mr. Rolph addressed the litter issues which were cited, (beer bottles, cups, etc.). He expressed his belief that it was the establishment's responsibility to keep the area clean. He restated that at the Last Lap clean up is done every night.

Commissioner Stockton noted the six figure investment. He questioned the planned improvement for the building's exterior. Mr. Stills noted that any improvement would have to be approved by the building's owner. The exterior would have to be studied. Initially, the building needed new awnings and curtains. The building's facade must be brought up to an acceptable cosmetic level. The signage would be as extensive as the City would allow. He noted his interest in an LED screen. Commissioner Stockton responded that this type of sign might also create an issue. Mr. Reece stated that if the license was approved, Mr. Stills would like to investigate the possibility of having an LED sign.

Commissioner Stockton requested an estimated breakdown of revenue, (alcohol sales versus non alcohol sales). Mr. Stills noted the various sources of revenue: cover charges (dependent upon artist), food sales, and dance lessons. His estimate was 55% to 45% or 60% to 40% with alcohol sales being the larger number.

Mr. Reece acknowledged that an "R" restaurant application might have sailed through. His client believes that alcohol sales would be the higher percentage.

Commissioner Stockton noted that at the DBA's Board meeting held on Tuesday, March 20, 2007, the idea of new liquor license classification was discussed. The City might offer an

entertainment license classification which would be different than a "T" license. The City would have to define the right parameters and appropriate conditions. He cited a cover charge as an example.

Mr. Rolph noted his expectation that Six Strings patrons will have already had dinner prior to coming to the establishment. Commissioner Stockton questioned if a cover charge would be charged to patrons who also came for dinner. Mr. Stills responded affirmatively for eighty-five to ninety percent (85 - 90%) of the time. At the Last Lap, the majority of their customers are willing to pay the cover charge. Mr. Rolph added that this charge is often waived for the dancers.

Commissioner Buchanan envisioned this environment as a busy bar with entertainment. He questioned the playing time for live entertainment. Mr. Stills cited his plans for the Last Lap on April 6, 2007. Bands usually play from 9:00 p.m. to 1:00 a.m. Commissioner Buchanan questioned typical entertainment planned for Six Strings. Mr. Stills noted that the entertainment would start earlier due to the proposed earlier closing time. He cited 8:30 p.m. to midnight. He added that it would take an hour to close. Mr. Rolph added that dance lessons at Six Strings would be expanded to include ballroom and salsa.

Commissioner Buchanan cited the Applicant's request for a level playing field. However, Six Strings would not be like other Downtown bars. Mr. Reece stated the importance of revenue to a business' viability. Six Strings would offer an entertainment venue. An earlier closing time would impact the bottom line and Mr. Stills would need to negotiate a new lease. Commissioner Buchanan questioned if there was a spike in sales at the end of the evening. Mr. Stills responded negatively. At the Last Lap, the music stops at 1:00 a.m. and last call is at 1:15 - 1:30 a.m. He added that it can take thirty to forty-five, (30 - 45), minutes to clear the bar. He noted the importance of handling the closing hour well. He expressed his opinion that it was not done so in the Downtown. Patrons at the Last Lap leave at a steady pace. Mr. Rolph informed the Commission that as an entertainment venue patrons leave when the band stops. Sales do not increase, they decrease.

Commissioner Clapp expressed concern regarding density. Mr. Reece expressed his confusion. He questioned the link between a "T" license and density. Commissioner Clapp acknowledged that there probably would not be an increase. She believed that the population would shift. Mr. Reece restated that the Six Strings would be a different type of venue. Mr. Rolph expressed his opinion that the number of people who came Downtown earlier in the evening might increase. Six Strings would provide a safe environment. Mr. Stills described Six Strings as a destination. Patron would be paying for entertainment. He restated his belief that the crowd would be a mixture of various ages. It was wonderful to watch the mixture of customers at the Last Lap. He had a business plan for Six Strings which would be adapted after opening. Mr. Rolph emphasizes the uniqueness of the venue. At the Last Lap, the staff has become knowledgeable about their customers and has developed relationships with them.

Commissioner Stockton opened the Liquor Hearing for public comment. He requested that individuals who wished to address the Commission be brief and to the point. If an individual was opposed to the Application, he requested that the specific concern be cited. He also

requested that should the Commission recommend that the license be created, persons should also cite desired conditions.

Peg Flynn, DBA's Executive Director, addressed the Commission. She restated her comments before the Council. She mentioned the concentration of "T" licenses in the Downtown. She requested that the Commission give consideration to the DBA. The residential uses within the Downtown were growing. The DBA was interested in developing a strategy for the Downtown.

Commissioner Buchanan questioned if Ms. Flynn had supporting details for the growing residential base. Ms. Flynn cited the Ensenberger Building (twenty-eight (28) units), Front St., (four (4) units), the Paxton's Building, and a building across from Pantagraph Printing. She cited her belief that there was a need for other uses. She cited retail as an example.

Commissioner Petersen questioned what the DBA saw as a use for this building. Ms. Flynn cited the Camiros report (1998). She cited the impact of the USCC and the BCPA. She could not address this specific issue. She noted the number of "R" versus "T" licenses.

Commissioner Stockton expressed his belief that the City was close to looking at this issue. He questioned if the City should wait a number of months. He cited the Main St. corridor study. He noted the moratorium on development without a specific vote by the Council. He questioned if the DBA would tell a retail business to wait.

Ms. Flynn responded that there was not a saturation of retail. She cited the impact of taverns upon the Downtown. There was noise, garbage, and public perception. There needed to be a greater police presence. There were 3,000 people in the Downtown at closing time. The result was noise and property damage. The taxis were not sufficient to have a positive impact.

Commissioner Stockton acknowledged that he had seen the damage. He restated the DBA's concern about noise and property damage. He questioned if there were other differences between retail and taverns. Ms. Flynn cited co-tendency. The DBA was interested in other services. There was a perception that the Downtown was saturated with bars. From an economic development standpoint, the number of taverns made it difficult to attract other types of business. Commissioner Stockton stated that these other business types did not like noise and property damage. Ms. Flynn cited Lancaster's, an upscale restaurant, which was located in the midst of the taverns.

Commissioner Petersen noted that vacant buildings were bothersome in the Downtown. He questioned how the DBA planned to improve the Downtown. Ms. Flynn restated her belief that the Downtown needed a strategy. She described 525 N. Center St. as a great location. The City needed to assist Downtown property owners by providing financial incentives.

Commissioner Stockton noted that the proximity of the Market St. parking garage was a good thing. Taverns break up the ability to develop retail area. Ms. Flynn agreed that it could be an issue.



Commissioner Petersen questioned when the Downtown would be to a point that the City would be unable to turn it around. Ms. Flynn cited her familiarity with San Jose, CA. Retail would be one of the last business types to be attracted to the Downtown. The DBA needed to encourage new tenants. Co-tendency was the combination of like businesses. She cited Thrive and Main St. Yoga as an example.

Commissioner Stockton noted that the City had tried to find the balance over the past fifteen (15) years. The Downtown offered entertainment, retail, commercial and residential uses. Ms. Flynn requested that the Commission take a step back and look out over the next ten (10) years.

Commissioner Petersen noted that the DBA believed that the area was saturated. Yet, he cited the vacant building. There was limited interest in the building. He also expressed his interest in a balance. Ms. Flynn suggested that this building could be a redevelopment site.

Mr. Reece requested the opportunity to respond to the comments received by the Commission. He noted that this area of the Downtown is mixed use. The building was not typical. He described it as unique because there were not adjacent structures on three (3) sides. It is located on a corner lot with a parking to the building's rear. There was commercial use to the building's south. The Downtown is vibrant. He acknowledged that there was noise. Six Strings would not be a traditional tavern. It offered a different type of venue. It was an entertainment venue. The building has been vacant for sixteen (16) months. The building was designed for this type of use. He noted its proximity to the Market St. garage. Mr. Stills had a good plan and a good record. The building owner's had been unable to secure a viable tenant. This individual cannot use the building. There appeared to be a Not In My Backyard (NIMBY) mentality. He restated Mr. Stills' proven track record. He has requested an opportunity and understood that a liquor license was a privilege.

Commissioner Stockton noted the large investment.

Commissioner Petersen questioned the percentage to qualify for an "R" license. Ms. Eisner noted non alcohol sales must equal fifty-one percent (51%). Commissioner Petersen questioned if the Applicant could change the model. Mr. Reece noted that it was not Mr. Stills' intention to operate a restaurant. Mr. Rolph reviewed the remodeling plans for the building. The building was in the best location. The Downtown offers night time entertainment. This location would have the least impact upon the community. He noted the challenges at the Last Lap. He cited the building type and the adjacent hotels.

Commissioner Buchanan expressed his opinion that the Commission might become too focus on the "T" versus "R" license. The issue should be the environment. This Application did not qualify as an "R".

Mr. Reece noted that if the Applicant is forced to wait a number of months than there would be a missed opportunity. The property owner was concerned about bankruptcy. Mr. Stills restated that the Six Strings would bring more diversity to the Downtown. In reality, it would be an entertainment center.

Commissioner Stockton noted that a plan was only a plan. He acknowledged that with no cash flow the building was deteriorating. Mr. Rolph restated that the building's owner had been unable to lease the building. He noted the DBA's belief that the Downtown was saturated with bars. He questioned what a new Downtown plan would show.

Commissioner Stockton stated that there were members of the Commission and Council who believed this application to be worthy of consideration. He questioned recommended conditions to be placed upon the creation of a liquor license. Unruly customers had been cited. Ms. Flynn noted that there had not been a discussion regarding the hours of operations (limiting), number of police calls to the establishment, and cleanliness/maintenance of the property. Finally, she cited Phoenix Towers. The residents should not be inconvenienced.

Commissioner Stockton noted the advantages of a shuttle service and video cameras. Ms. Flynn restated that the taxis were over taxed. The cameras would act as a deterrent. Commissioner Stockton expressed his opinion that the Downtown Bar Association should be interested in shuttle service. Mr. Stills cautioned that his shuttle service would only be available to his patrons.

Greg Koos, DBA President, addressed the Commission. He noted that a plan was created and it was followed. There was eighty percent (80%) occupancy on the building's upper levels. The Downtown has turned around since 1985. The key issue was balance. He questioned this Application which if granted would be prejudicial to other applications for a T license. Commissioner Stockton noted that each application was reviewed on its own merits. The Commission has taken a conservative approach to additional T licenses. The Commission could set strict standards which would be addressed if there were no improvement at this location. He reminded those present that the Council did not have a unanimous vote on this Application. He believed the Council intended for the Commission to give this Application full consideration.

Tyler Holloway, Downtown Bar Association President and owner/operator of Fat Jack's, addressed the Commission. He reminded the Commission that Daddios has a plan to expand the premise. This fact should be a consideration. He described this Application as problematic. He had attended both the Liquor Hearing and the Council meeting. He questioned Six Strings' clientele. He expressed his opinion that Mr. Stills just wanted a liquor license.

Commissioner Stockton restated that the Commission goal was to come to a compromise and reach a decision.

Commissioner Buchanan expressed his opinion that the Commission and Council should have confronted this issue twenty (20) years ago. He cited the inherent incompatibility - upscale residential and liquor sales by the glass. The City needed a defined strategy for the Downtown. Conversations have been held for over the last thirty (30) years and the City was no closer to a solution. He noted a compelling issue, the difficulty of running a bar due to the environment/atmosphere and patron behavior. Patrons leave intoxicated which was against the law. The issue was not going to go away. He expressed his fondness for the Downtown. It offered great ambiance and people. The Commission needed to address this controversial application in a proactive and creative way. He cited mobile breathalyzers. This issue was the

state of sobriety. He cited the number of intoxicated patrons. He expressed his opinion that the mixture of people and alcohol meant problems. This might be an area to address.

Commissioner Buchanan was compelled by two (2) things. The place which he could not measure and its impact at closing time. The building opened on to Center St. not Main St. Six Strings could encourage its patrons to use the Market St. garage. He also cited the reasonably significant difference between Six Strings and the conventional tavern. He also cited Mr. Stills' track record.

Commissioner Clapp summarized what she had heard. She was attracted to the idea of collaboration in the near future to address the future of the Downtown. However, it would be unfair to the pending Application to lay over this request until a strategy was developed. The Commission could only choose between an R or a T license. Six Strings has a different profile. The Commission will base its decision upon Mr. Stills' professional background and the positive experience at the Last Lap. Finally, she cited the vacant building. She expressed her support for approval.

Commissioner Petersen questioned the history of this location. Ms. Eisner provided a summary. (Just, Inc., d/b/a Juju's - Council June 8, 1998; DooMi, Inc., d/b/a EPIC - Commission December 14, 2004; Col-Jake, Inc., d/b/a Creole Cafe - Council January 24, 2005; Crusens East, Inc., d/b/a Crusens - Commission May 9, 2006; and Your Mother's LLC, d/b/a Your Mother's - Council July 24, 2006.) She noted that all applications were for an R license. Juju's became a T later at night. She expressed her opinion that Creole Cafe did not operate as an R license.

Commissioner Petersen questioned occupancy. Mr. Stills estimated occupancy at 400. The final number would be dependent upon the remodeling work. Commissioner Petersen questioned the square footage. Mr. Rolph estimated square footage at 4,000 square feet. Six Strings would offer a large dance floor. Commissioner Petersen noted Last Lap's dance floor and questioned which would be larger. Mr. Stills noted that there would be weekly dance lessons. He added that the entertainer dictated the format. Mr. Rolph added that dance floor etiquette would also be taught.

Commissioner Petersen listed the positive aspects of this Application: 1.) Mr. Stills' investment; 2.) the Applicant's experience; 3.) not a true tavern; 4.) the Applicant's sincere commitment; 5.) Mr. Stills' willingness to accommodate the City; and 6.) the building would no longer be vacant. He also noted the Application's negatives: 1.) more people in the Downtown and 2.) more enforcement issues.

Mr. Rolph expressed his willingness to partner with the Downtown.

Commissioner Stockton stated his agreement with the Commission's comments. Six Strings was unique in some ways. He cited his personal involvement with the Downtown. Over time there had been a variety of ideas. He expressed his opinion that the Downtown was a good place to house the City's entertainment district. He cited its vibrancy. He noted the City's investment in the USCC and the BCPA. Some believe that the best place for the bars was at the Downtown's north end. Some question if the bars should be allowed to grow there. Some question the

Downtown's south end. A study would be needed to answer some of these questions. Such a study would take six to eight (6 - 8 ) months. There was the potential that Six Strings might be in the wrong spot. He noted that Mr. Stills had distinguished himself at the Last Lap. He cited Mr. Stills' credibility. He presented a great plan and has proven that there are effective ways to address problems. Some may say Mr. Stills has waited this long, make him wait another six to twelve (6 - 12) months. The Commission does not think this way. He requested that the Commission address structured conditions.

Commissioner Petersen questioned if the Council wanted this Application sent back to them with conditions. Commissioner Stockton expressed his opinion that the Council was looking for a compromise. Mr. Reece provided his perspective on the Council's direction which lent him to believe that a T license without conditions would fail. Mr. Reece proposed the following conditions: 1.) an earlier closing time - one (1) hour earlier; 2.) maintain and clean the property - nightly police; 3.) video cameras be installed on the building's interior and exterior; 4.) provide a shuttle service (perhaps expand beyond Six Strings if there was interest); and 5.) encourage patrons to use the Market St. garage. Mr. Reece requested that the Applicant have the ability to readdress the closing time at a future date (six months).

Commissioner Petersen questioned the number of shuttles. Mr. Stills noted that at the Last Lap there were two (2). Shuttle service starts at 11:00 p.m. and ends at 2:30 a.m. Commissioner Buchanan requested clarification regarding the number of shuttles. He recalled that the Last Lap would remain open. Mr. Stills responded affirmatively. Shuttles would be added on an as needed basis.

Commissioner Stockton asked for comments and/or recommended conditions. Six Strings might not meet the expectations of the neighbors. It might be incompatible with the neighborhood. The City might not renew the liquor license.

Ms. Flynn welcomed economic development. She expressed her willingness to work with Mr. Stills.

Mr. Reece expressed his belief that the City treated all license holders the same. Mr. Stills had a record of dealing with problems. He expressed his hope that if there were any issues his client would be given the opportunity to address same. Commissioner Stockton noted that Six Strings would be held to a different standard. It was not a typical tavern. The Council would either accept or deny the Commission's recommendation. Mr. Reece questioned the Council's expectations.

Ms. Eisner noted that there were two (2) different issues. The Commission had the Application before it. The Commission must rule on this Application based upon the factors listed in Chapter 6. Alcoholic Beverages. There had been a discussion regarding a moratorium on R and/or T licenses in the Downtown. Commissioner Stockton noted that an unofficial moratorium could not be considered as a factor.

Mr. Stills stated his intention to be a good neighbor. He embraced the Downtown as an entertainment center. He believed the Downtown was a controllable environment. The location was perfect. He looked forward to the challenge.

Commissioner Buchanan expressed his concern. This Applicant had a business plan and the acumen to implement same. The skill level was there. Six Strings was different. Legitimate issues had been raised. The key factor was that no one knew what the Council will do. He expressed his support for this Application for the following reasons: 1.) establishment was different from a tavern; 2.) mitigating factors should lessen the negative impact upon the Downtown environment; and 3.) quality track record of the Applicant.

Commissioner Buchanan noted that the Applicant had made assertions which he viewed as commitments. He challenged Six Strings to create a more pleasant environment. Commissioner Stockton added that representations were made which will impact the Commission's expectations. These factors will be used to judge Six Strings success.

Mr. Stills cited his experience at the Last Lap. An individual only had one chance to make a first impression. He was risking a large sum of money. He had given the Commission his word.

Ms. Eisner recommended that a condition be place upon the license which would require Six Strings to turn over any footage so requested by the City's Police Department and/or Liquor Commission. Said footage would be retained for thirty (30) days. Commissioner Buchanan requested sixty (60) days.

Commissioner Stockton expressed his difficulty reaching a decision. As Mayor he wanted to wait for a plan. As Commissioner, there was a credible Applicant and a vacant building. The motion was well crafted. There was interest from the Council for the Commission to craft a compromise. He expressed his support to the Commission. The Council will have to decide if this was what they were looking for.

Commissioner Buchanan expressed his hopes that once operational there were not be a significant negative impact upon the Downtown. He hoped to be pleasantly surprised by the difference Six Strings would make upon same.

Based on the above, the Liquor Commission recommends to the City Council that a TAS liquor license for KPTS, Inc., d/b/a Six Strings, located at 525 Center St., be created, contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) closing time - Monday through Friday 12 midnight; Saturday and Sunday 1:00 a.m.; 2.) shuttle service van with a capacity of thirteen (13) be implemented and available at time of business opening; second van be contracted for based upon need; 3) video cameras be installed on the building's interior and exterior, exterior cameras must be installed on the building's east, west and north sides, focus of same would be on patron behavior; 4.) footage from cameras would be retained for sixty (60) days and turned over to the City upon request by the Police Department and/or Liquor Commission; 5.) establishment administration will implement procedures which will encourage patron use of the Market St. Garage; 6.) consistent with the testimony presented at the three (3) meetings ownership/management must address litter around the establishment; 7.)

Commission reserves the right to confer with the owner to place conditions upon the outdoor patio such as music, occupancy, etc.; and 8.) establishment ownership will implement a proactive program which encourages appropriate patron behavior.

Respectfully,

Stephen F. Stockton  
Chairman of Liquor Commission

**Mayor Stockton introduced the item by citing the Council's action at their March 12, 2007 meeting, (four motions). Each motion failed and the Council returned the application to the Liquor Commission. Last week, the Commission held a two and a half (2½) hour hearing regarding same. It has been placed before the Council with a recommendation for approval. The Commission believed that the Council was looking for alternatives, (more restrictive conditions). Council has had a temporary, informal moratorium on additional tavern licenses within the Downtown. He had been contacted by citizens via email encouraging the Council to wait for a study that would address the appropriate balance of entertainment/restaurant/retail within the Downtown. Six Strings may be more of a premium entertainment venue with higher cover charges. He questioned the Council if there was enough of a difference, or if they wanted to continue the moratorium. The building has been vacant for the past sixteen (16) months. It was starting to have maintenance issues. The owner was concerned as there has been no serious restaurant or retail interest in the building.**

**Alderman Schmidt inquired about the one a.m. closing time and the reasoning behind staggering the closing hours versus other taverns. Mayor Stockton noted that the Commission's discussion revolved around crowd size, especially on Saturday nights. Staggering closing hours may help this situation.**

**Alderman Matejka stated that when he suggested this condition, it was not meant to be a permanent restriction. It would simply give the Council an opportunity to assess the clientele and operations.**

**Alderman Gibson stated that it sounded like the Commission thoroughly examined the conditions. It was just the matter of the Council taking the Commission's recommendation. Mayor Stockton concurred as the Commission took this application seriously. He clarified that in order for Six Strings to make changes to the conditions, they would need to come before the Council.**

**Alderman Matejka questioned if the applicant was comfortable with these conditions. Mayor Stockton cited Last Lap's policies, practices and services. He believed that the applicant supported these conditions.**

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

**Motion carried.**

Mayor Stockton cited the testimonies that had occurred during the Commission's hearing and requested speakers be succinct and to the point.

Jay Reece, 202 N. Center St., KPTS's attorney, addressed the Council. He stated that the Commission's compromise was well crafted and represented what the owners were willing to do. Some of the limitations were suggested by his client and others were just good business. His client's investment in this venture would exceed six figures. They understand that in order to modify the conditions they will need to readdress the Commission and the Council.

Alderman Finnegan questioned Mr. Reece on the percentage of revenue from food sales. Tom Stills, KPTS's co-owner, 29871 E 700N Road, LeRoy, addressed the Council. He stated approximately twenty percent (20%) would be from food sales and another twenty-five to thirty percent (25 - 30%) would be from cover charges. Dance lessons would be offered on a weekly basis. Six Strings would be more of an entertainment destination. There will be a substantial difference between Six Strings and other Downtown taverns.

Alderman Huette requested that condition #8 be clarified. It addressed a proactive program which encourages appropriate patron behavior. Mr. Stills explained staff training. They will have a greater presence outside of the building at closing time and will adhere to a zero tolerance directive. He had a lot of experience with people who took things too far and he will not allow it.

Mayor Stockton reminded the Council that Last Lap was located at 1035 Wylie Dr., the former site of the Wild West. There have been few issues since Last Lap occupied the building. Mr. Stills was asked to clarify what was meant by up scale entertainment. Mr. Stills informed the Council that last week Chris Young, USA Network's National Star 2006 winner, performed. Ticket sales were estimated at \$6,500, and were matched by liquor sales. He was employed in the promotion, entertainment business. He planned to be there over the next several years.

Alderman Purcell questioned if Mr. Stills was comfortable with the eight (8) conditions. Mr. Stills responded affirmatively. He looked forward to becoming part of the Downtown. Six Strings would be an asset to the area. He was requesting the opportunity to prove it.

Alderman Schmidt was troubled by eight (8) conditions. It sent the message that the Council/Commission was so concerned about this tavern that it needed eight (8) conditions. She questioned how many conditions were placed upon the Last Lap. Mr. Reece responded that many of these conditions stemmed from the Council's concerns. Six Strings was willing to work out issues. The Last Lap was successful because it worked with the City and its neighbors. It was good business and their practices would be used at Six Strings. Six Strings was willing to address any concerns that come up in the future.

Alderman Matejka viewed the conditions as an enhancement and wished that they were in place for previous licenses. Mayor Stockton reiterated that closing time was the toughest. There were not enough taxis. People mingle on the street. A one a.m. closing time for Six Strings would remove individuals from “the mix”.

Alderman Finnegan inquired where the shuttle would take patrons. Mr. Stills explained that it would deliver people home, within reason. Mayor Stockton questioned if this was the current policy at the Last Lap. Mr. Stills responded affirmatively. Currently, it was happening mostly on weekends.

Alderman Purcell cited Show Me’s and the conditions in place upon opening. This establishment was under a microscope. Last Lap was located in his ward. He had visited and felt comfortable there. The Council should be more comfortable by having more control as Six Strings would be a part of the Downtown’s entertainment venues. He cited the US Cellular Coliseum (USCC) and the Bloomington Center for the Performing Arts (BCPA). They were usually closed by ten p.m. He was concerned about noise level, disruption and vandalism.

Mayor Stockton noted that there were some who thought that the Council should hold off on any licenses for another six to eight (6 – 8) months to allow time for a study. He questioned if the Council wanted to risk further deterioration of the building and/or losing the applicant within that time. Alderman Purcell stated his belief that the Council had been presented with good conditions and that there would be enough control.

Alderman Schmidt stated her concern with the high concentration of taverns in the Downtown’s north end.

Dick File, 104½ W. Monroe, addressed the Council. He has been a Downtown resident for the past four (4) years. He has heard that restaurants cannot make it in Downtown. Within two (2) blocks of the location in question, there are several restaurants which seem to be doing well. This was being talked about as an entertainment venue, but he had no knowledge of a performance at either the USCC or BCPA that was open until one a.m. He wanted to express the neighborhood impact and the complexity of the Downtown area. He believed there was a favorable feeling towards a moratorium on new taverns from within the Downtowns’ residential community. He also wanted the Council to consider how they would feel if they were confronted with litter, broken glass, urination, etc., directly outside of their residence.

Tyler Holloway, 511 N. Main St., Downtown Bar Association’s President, addressed the Council. He had sent an email to the entire Council which outlined his three (3) main concerns regarding Six Strings. 1.) the initial application was for an RAS license which was changed to a TAS; 2.) the ability of Six Strings to maintain this type of security program and maintain the business; and 3.) at the last Commission meeting, Mr. Stills stated that the plan was to bring the older crowd Downtown, yet the college crowd would be welcomed. All of Mr. Holloway’s staff is BASSETT certified, (recognized by the state).



These issues were disturbing. Mr. Holloway questioned if Mr. Stills was going to follow through.

Mr. Holloway stated that the tavern industry was his livelihood. Too many times licenses are approved and the owners do not know the rules. There should be more stipulations to obtain a liquor license. Alderman Purcell questioned what ideas Mr. Holloway had to address the current issues facing the Downtown, and if the addition of one more bar would add to the problems. Mr. Holloway responded affirmatively. He also would like to see a larger police presence in the Downtown.

Mayor Stockton questioned if the Downtown Bar Association would be give consideration to the "bus" idea that is proposed as a condition. Mr. Holloway responded affirmatively. He was interested, but the cost and liability might be too high and not worth the effort. Mayor Stockton requested Mr. Holloway to work with Six Strings if this license were approved. Mr. Holloway responded affirmatively. He would welcome Six Strings to the Downtown Bar Association.

Peggy Flynn, 106 W. Monroe St., Downtown Business Association's (DBA) Executive Director, addressed the Council. She acknowledged that the Council had a difficult decision. There was a vacant building with a proactive property owner and a viable tenant. There were public and private investments in the Downtown. The City needed a downtown strategy to help decide what the Downtown will be ten (10) years from now. The City needed to step back from approving liquor licenses until a plan is in place. DBA believed that this was the time to call a "time out" on liquor license approvals. The real issue was economic development and expanding the residential base within Downtown.

Alderman Purcell stated that the main issue was how to manage the people who live in or visit the Downtown.

Alderman Gibson questioned how long the DBA has been in existence. Mayor Stockton responded that it was started in the 1960's. It had operated under different forms and names.

Alderman Finnegan questioned about the number of plans which have been submitted or if this one would be the first comprehensive plan. Ms. Flynn stated that there have been several plans dating back in the 1950's. Each has addressed the Downtown in varying degrees. The City needed a strategic plan that could be implemented.

Alderman Gibson questioned if there would be a time limit associated with this plan and the requested moratorium. Ms. Flynn stated that this would be a joint effort with the City. The Downtown was at the crossroads. Alderman Gibson noted the City's investment in the Downtown.

Alderman Purcell questioned who dictated which businesses can do business and where they can locate. Ms. Flynn noted that it was not the DBA's role to dictate. She

reiterated that the DBA was simply requesting a thoughtful pause regarding Downtown liquor license.

Tom Hamilton, City Manager, informed the Council that there have been conversations regarding a commercial market study and what would be realistic. The results have not been released but it would be a good indicator to determine what the next steps might be.

Alderman Gibson expressed his opinion that if the Council approved this application for a Tavern liquor license, then it should say no to additional ones until the study is completed.

Alderman Schmidt questioned the fact that this has come before the Council. She believed that the Council had an agreement not to allow any further Tavern licenses until the study was completed. Mayor Stockton expressed his opposition to a moratorium. The market will determine who operated. This applicant had a good record and would do something with the vacant, deteriorating building. He believed that the real dilemma was the decision to wait an additional eight or ten (8 – 10) months.

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

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

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

Nays: None.

Motion carried.

Alderman Matejka stated his past opposition to additional tavern licenses in the Downtown. This application sounded like an entertainment venue. The Council has always had a reactive approach to the tavern moratorium. He could not remember a vote the Council had taken on it. If the City was going to do another Downtown study, then the Council would need to set a time limit concurrent with the study. With a time limit in place, no one would be allowed to apply so no expenses would be incurred. This would provide clear direction to City staff and potential applicants. This seemed to be a logical approach.

Mayor Stockton cited the Main Street study as an example. There was a development moratorium until the study is completed. The Main Street Commission reserved the right to make exceptions. However, there are rigorous standards that must be met.

Alderman Huette stated the Council was elected to make decisions. He would not like sending a message to a potential business owner to take his business elsewhere for

six or twelve (6 – 12) months. He would rather hear the business plan and then make the decision. Alderman Finnegan supported Alderman Huette's comments.

Mayor Stockton stated the Downtown Bar Association's Board had talked about creating a license that would be between a TAS, (Tavern, All types of alcohol, Sunday sales) and an RAS, (Restaurant, All types of alcohol, Sunday sales) to something that is entertainment specific. This idea will not help the Council at this time.

Alderman Huette stated that this application was for a TAS liquor license. He believed the Council needed a plan. The Council cannot come to a standstill.

Alderman Matejka suggested that the Council have a discussion regarding a moratorium as a stand alone item, not in conjunction with any applications that come to the City.

Alderman Finnegan called for the question.

Motion by Alderman Matejka, seconded by Alderman Gibson that a TAS liquor license for KPTS, Inc., d/b/a Six Strings located at 525 Center St., be created, contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) closing time - Monday through Friday 12 midnight; Saturday and Sunday 1:00 a.m.; 2.) shuttle service van with a capacity of thirteen (13) be implemented and available at time of business opening; second van be contracted for based upon need; 3) video cameras be installed on the building's interior and exterior, exterior cameras must be installed on the building's east, west and north sides, focus of same would be on patron behavior; 4.) footage from cameras would be retained for sixty (60) days and turned over to the City upon request by the Police Department and/or Liquor Commission; 5.) establishment administration will implement procedures which will encourage patron use of the Market St. Garage; 6.) consistent with the testimony presented at the three (3) meetings ownership/management must address litter around the establishment; 7.) Commission reserves the right to confer with the owner to place conditions upon the outdoor patio such as music, occupancy, etc.; and 8.) establishment ownership will implement a proactive program which encourages appropriate patron behavior.

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

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

**Nays:** Aldermen Huette, Crawford, and Schmidt.

**Motion carried.**

Mayor Stockton reminded the Clerk prior to the release of this particular license the Commission would have the opportunity to review the conditions and ensure that they are met.

**MAYOR'S DISCUSSION:** Mayor Stockton stated that the Liquor Commission was reviewing sixteen (16) expansion of premise requests. The Commission would hold hearings and place conditions upon same.

Alderman Schmidt questioned if there was notification of surrounding neighbors. Mayor Stockton stated that all sixteen (16) have been listed in the newspaper. He addressed the issue at the Council meeting to inform the public.

Mayor Stockton stated that at the April 4, 2007 meeting the Commission would be reviewing ten (10) different requests for expansion of premises regarding beer gardens. There will be noise concerns as well as possible smoking exemptions.

Alderman Purcell stated beer gardens meant that people will be outside. There will be more noise. Mayor Stockton agreed with this belief. Alderman Purcell reiterated that the conditions needed to apply to all.

Alderman Schmidt questioned where someone would be able to obtain copies of these files for review. Tracey Covert, City Clerk, stated that the files were located in the City Clerk's Office.

Alderman Crawford requested a map of the locations for review.

**CITY MANAGER'S DISCUSSION:** None.

**ALDERMEN'S DISCUSSION:** Alderman Matejka thanked the Parks & Recreation Department for the great day on the Constitution Trail on Sunday, March 25, 2007.

Alderman Caldwell recognized the Grove to Lincoln St. addition to the Constitution Trail.

Alderman Finnegan stated that the Kiwanis Club was holding a work day on the Constitution Trail on Saturday, April 7, 2007.

Motion by Alderman Matejka, seconded by Alderman Huette to adjourn. Time: 9:32 p.m.

Motion carried.

Tracey Covert  
City Clerk