

**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, January 22, 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: Joseph “Skip” Crawford, Kevin Huette, Allen Gibson, Jim Finnegan, Steven Purcell, Karen Schmidt, 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: J. Todd Greenburg, Corporation Counsel.**

**The following was presented:**

**Roger Atkin, Police Chief, introduced Shawn Meredith. Mr. Meredith’s career goal had been to become a police officer. He held an Associates Degree in Criminal Justice from Parkland Community College. He was accompanied this evening by his parents and sister.**

**Tracey Covert, City Clerk, administered the Oath of Office.**

**The Mayor and Council congratulated Officer Meredith.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council  
From: Staff  
Subject: Opening of One Bid for the Renovation of Miller Park Playground

Bids were received by the City Clerk on January 10, 2007 for the Renovation of Miller Park Playground. There is \$1,000,000 budgeted for this item. Only one bid was received by the City Clerk and it is City policy in situations where only one bid is received to have the bid opened and read at the Council Meeting.

Staff requests that the City Council authorize the Director of Parks and Recreation to open the bid at the January 22, 2007 meeting and present the City Council with a recommendation prior to the end of the Council Meeting concerning award of the bid.

Respectfully,

Tracey Covert  
City Clerk

Tom Hamilton  
City Manager

**Motion by Alderman Matejka, seconded by Alderman Schmidt that the Bid be opened at the January 22, 2007 Council meeting, referred to staff for analysis and reported back to Council prior to the end of the meeting.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Council Proceedings of June 13, 2005

The Council proceedings of June 13, 2005 have been reviewed and certified as correct and complete by the City Clerk.

Respectfully,

Tracey Covert  
City Clerk

Tom Hamilton  
City Manager

**Motion by Alderman Huette, seconded by Alderman Crawford that the reading of the minutes of the previous Council Meeting of June 13, 2005 be dispensed with and the minutes approved as printed.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Bills and Payroll

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

Respectfully,

Brian J. Barnes  
Director of Finance

Tom Hamilton  
City Manager

(ON FILE IN CLERK'S OFFICE)

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Payments from Various Municipal Departments

1. The eighth partial payment to Peace Meal in the amount of \$624 on a contract amount of \$7,500 of which \$4,992 will have been paid to date for work certified as 67% complete for the John M. Scott Home Delivered Meals. Completion date – May 2007.
2. The eighth partial payment to Peace Meal in the amount of \$2,082 on a contract amount of \$25,000 of which \$16,656 will have been paid to date for work certified as 67% complete for the Peace Meals. Completion date – April 2007.
3. The forty-sixth partial payment to Brisbin, Brook, Beynon Architects in the amount of \$402.59 on a contract amount of \$1,446,000 of which \$1,443,129.66 will have been paid to date for work certified as 99.8% complete for the US Cellular Coliseum Architects. Completion date – April 2006.
4. The first 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 \$6,666.66 will have been paid to date for work certified as 8% complete for the McLean County Economic Development. Completion date – December 2008.
5. The fourth partial payment to Farr Associates in the amount of \$8,953.50 on a contract amount of \$49,000 of which \$32,005 will have been paid to date for work certified as 67% complete for the Bloomington Gridley Allen Prickets Form Based Study. Completion date – April 2007.
6. The sixth and final payment to PSA Dewberry in the amount of \$1,569.36 on a contract amount of \$40,500 of which \$40,500 will have been paid to date for work certified as 100% complete for the Library Expansion Furniture, Fixtures and Equipment. Completion date – November 2006.
7. The second and final payment to Henricksen in the amount of \$43,897.69 on a contract amount of \$67,344.25 of which \$67,344.18 will have been paid to date for work certified as 100% complete for the Library Expansion. Completion date – November 2006.
8. The fourth partial payment to The Pantagraph in the amount of \$1,499.16 on a contract amount of \$30,000 of which \$22,196.12 will have been paid to date for work certified as 73.99% complete for the 2006-2007 Seasonal Advertising Services. Completion date – April 2007.
9. The ninth partial payment to McLean County Health Department in the amount of \$9,015 on a contract amount of \$108,180 of which \$81,135 will have been paid to date for work certified as 75% complete for the Animal Control and Shelter Services. Completion date – April 2007.
10. The fifth partial payment to Youth Impact, Inc. in the amount of \$15,000 on a contract amount of \$90,000 of which \$52,500 will have been paid to date for work certified as 58% complete for the Youth Impact. Completion date – April 2007.

11. The ninth partial payment to Testing Services Corporation in the amount of \$7,204 on a per ton and hour contract of which \$29,686.05 will have been paid to date for work certified as ongoing for the 2006-2007 Asphalt and Portland Concrete Plant Inspection and Lab Testing. Completion date – July 2007.
12. The fourth and final payment to Rowe Construction in the amount of \$946.90 on a contract amount of \$500,000 of which \$440,146.90 will have been paid to date for work certified as 100% complete for the General MFT Maintenance Resurfacing. Completion date – December 2006.
13. The sixth partial payment to Rowe Construction in the amount of \$3,835 on a contract amount of \$810,000 of which \$644,143.38 will have been paid to date for work certified as 80% complete for the General Resurfacing 2006-2007. Completion date – June 2007.
14. The fifteenth partial payment to Stark Excavating, Inc. in the amount of \$90,343.37 on a contract amount of \$1,399,893.75 of which \$1,341,717.90 will have been paid to date for work certified as 96% complete for the Euclid Avenue – Oakland to Washington. Completion date – February 2007.
15. The eighth partial payment to Lewis, Yockey & Brown, Inc. in the amount of \$4,957.29 on a contract amount of \$120,000 of which \$65,013.26 will have been paid to date for work certified as 54% complete for the Dr. M.L. King Jr. Dr. – Washington to Oakland. Completion date – March 2007.
16. The thirteenth partial payment to Farnsworth Group in the amount of \$882.50 on a contract amount of \$32,562 of which \$17,750.29 will have been paid to date for work certified as 55% complete for the Norfolk Southern Railroad Crossing Negotiations – ML King at White Oak; Hamilton at Commerce; and Hershey at Hamilton. Completion date – February 2007.
17. The tenth partial payment to PJ Hoerr, Inc. in the amount of \$231,729.18 on a contract amount of \$2,262,763.73 of which \$1,780,837.50 will have been paid to date for work certified as 79% complete for the Holiday Pool Renovation. Completion date – July 2006.
18. The eleventh partial payment to PJ Hoerr, Inc. in the amount of \$67,915.98 on a contract amount of \$2,262,763.73 of which \$1,848,753.48 will have been paid to date for work certified as 82% complete for the Holiday Pool Renovation. Completion date – July 2006.
19. The second partial payment to Thompson Dyke & Associates in the amount of \$48,750 on a contract amount of \$248,500 of which \$52,000 will have been paid to date for work certified as 21% complete for the McGraw Park – Phase II. Completion date - December 2007.

20. The second partial payment to Clark Dietz in the amount of \$1,557.28 on a contract amount of \$16,000 of which \$5,056.02 will have been paid to date for work certified as 32% complete for the Lighting Improvements at Division Street. Completion date - December 2006.
21. The sixth partial payment to Consoer Townsend & Associates in the amount of \$5,466.95 on a contract amount of \$74,800 of which \$20,619.10 will have been paid to date for work certified as 28% complete for the Water Department In-Line Booster Station at Mitsubishi Motorway. Completion date – December 2007.
22. The tenth partial payment to Consoer Townsend & Associates in the amount of \$2,032.26 on a contract amount of \$185,000 of which \$56,597.31 will have been paid to date for work certified as 31% complete for the Water Department Electrical Improvements at Lake Bloomington. Completion date – December 2007.
23. The fifth partial payment to Consoer Townsend & Associates in the amount of \$488.75 on a contract amount of \$38,400 of which \$23,431.13 will have been paid to date for work certified as 61% complete for the Water Department Study of Metering at Water Treatment Plant. Completion date – December 2006.
24. The sixty-first partial payment to Farnsworth Group in the amount of \$2,384 on a contract amount of \$1,077,688.73 of which \$991,516.93 will have been paid to date for work certified as 92% complete for the Design Transmission Water Main to Lake Bloomington. Completion date – February 2007.
25. The fifteenth partial payment to Farnsworth Group in the amount of \$11,902.89 on a contract amount of \$295,300 of which \$252,906.14 will have been paid to date for work certified as 86% complete for the Kickapoo Force Main Design, Property Surveys and Brokaw Road Surveys. Completion date – January 2007.
26. The twelfth and final payment to Lewis, Yockey & Brown in the amount of \$2,160.50 on a contract amount of \$113,000 of which \$113,000 will have been paid to date for work certified as 100% complete for the US Cellular Coliseum Water Main and Pavement Changes. Completion date – August 2006.
27. The third partial payment to Clark Dietz in the amount of \$1,057.89 on a contract amount of \$84,600 of which \$25,162.42 will have been paid to date for work certified as 30% complete for the Parmon Road Water Main Replacement. Completion date - December 2007.
28. The seventh partial payment to Clark Dietz in the amount of \$189.38 on a contract amount of \$68,800 of which \$44,698.48 will have been paid to date for work certified as 80% complete for the Main Replacement on Hinshaw/Barker. Completion date - December 2006.

29. The fourth partial payment to Farnsworth Group in the amount of \$4,876.90 on a contract amount of \$47,500 of which \$45,610.02 will have been paid to date for work certified as 96% complete for the Division Street CSO Elimination – Phase II. Completion date – March 2007.

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 Huette, seconded by Alderman Crawford that the payments be approved.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Audit of the Accounts for the Township Supervisor of General Assistance Fund and General Town Fund for the Month of December, 2006

Audit of the Accounts for the Township Supervisor of General Assistance Fund and General Town Fund for the month of December, 2006 were presented for Audit by the Township Supervisor.

The Audit of these accounts took place on Monday, January 22, 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 Huette, seconded by Alderman Crawford that the audit of the bills and payrolls for the Township for the month of December, 2006 be made a matter of record.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Reports

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

1. Motor Fuel Tax Allotment for the month of December, 2006.
2. Monthly Receipt & Expenditure Report, December, 2006.
3. Firemen's Pension Fund Comprehensive Annual Financial Report, Year Ended April 30, 2006.

Respectfully,

Tracey Covert  
City Clerk

Tom Hamilton  
City Manager

(REPORTS ON FILE IN CLERK'S OFFICE)

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Request to Solicit Bids for Graphic Designer to Design the 2007 - 08 Season Brochure and 2007 - 2008 Spotlight Student Series Brochure

Staff respectfully requests permission to solicit bids to hire a graphic designer to design a Mainstage Series brochure and 2007 - 2008 Spotlight Student Series Brochure for the Bloomington Center for the Performing Arts, (BCPA). Staff will prepare the bid documents, review the bids submitted, and return to Council with a recommendation. Funding for this project will come from account X21100-70220 of the Cultural District budget.

Respectfully,

C. Bruce Marquis  
Executive Director, Cultural District

Tom Hamilton  
City Manager

**Motion by Alderman Huette, seconded by Alderman Crawford that the request to solicit bids for a Graphic Designer for the BCPA be approved.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council  
From: Staff  
Subject: Waive the Formal Bidding Process and Purchase Radio Equipment for Fire Department Ambulance

The Fire Department's communication system utilizes Motorola radio equipment which is available exclusively from Motorola Inc. and Supreme Radio. A new ambulance has recently been delivered, and it is necessary to equip it with radio equipment. A portion of this equipment will be purchased directly from Motorola Inc. in the amount of \$17,972. The balance of the equipment will be purchased from Supreme Radio in the amount of \$9,200.

Staff respectfully requests that Council waive the formal bidding process and approve the purchase of Motorola radio equipment for the new ambulance in the amount of \$27,172, the Purchasing Agent authorized to issue Purchase Orders for same, and the Resolution adopted. Funds for this purchase are available in account #F15210-72140.

Respectfully,

Keith Ranney  
Fire Chief

Tom Hamilton  
City Manager

**RESOLUTION NO. 2007 - 05**

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND  
AUTHORIZING THE PURCHASE OF MOTOROLA RADIO EQUIPMENT FOR A  
FIRE DEPARTMENT AMBULANCE FROM MOTOROLA, INC. IN THE AMOUNT OF  
\$17,972 AND SUPREME RADIO IN THE AMOUNT OF \$9,200**

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 Motorola Radio Equipment for a Fire Department Ambulance from Motorola, Inc. in the amount of \$17,972 and Supreme Radio in the amount of \$9,200, and the Purchasing Agent authorized to issue Purchase Orders for same.

Adopted this 22<sup>nd</sup> day of January, 2007.

Approved this 23<sup>rd</sup> day of January, 2007.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Alderman Finnegan was concerned with the cost for the radio systems. The need was understandable, although the price seemed high.**

**Motion by Alderman Huette, seconded by Alderman Crawford that the formal bidding process be waived, a portion of the Motorola radio equipment for a new ambulance be purchased from Motorola, Inc. in the amount of \$17,972, the remainder be purchased from Supreme Radio in the amount of \$9,200, for a total purchase price of \$27,172, the Purchasing Agent authorized to issue Purchase Orders for same, and the Resolution adopted.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Armored Car Service Request for Proposal

Proposals for armored car service were received until December 21, 2006 until 2:00 p.m. Three (3) Requests for Proposals for armored car service were mailed to providers of this service and only one response was received. The armored car service will transport cash and checks from various City locations to be deposited at the financial institution indicated by the City. The following chart details the costs on a monthly basis of the proposed lockbox service in comparison to the current armored car service:

	Armored Car Service Analysis Costs of current armored car service per month	Proposal from United Armored Services of Illinois per month
City Hall	\$441.05	\$305.00
Highland Golf Course	\$1,004.63	\$305.00
Prairie Vista Golf Course	\$1,005.17	\$305.00
The Den at Fox Creek Golf Crse	\$1,005.43	\$305.00
Total	\$3,456.28	\$1,220.00

Staff respectfully recommends that Council accept the proposal from United Armored Services of Illinois for armored car service for a period of four (4) years, subject to cancellation by either party with a ninety (90) day notice.

Respectfully,

Tim Ervin  
Supervisor of Finance Services

Kim Nicholson  
Purchasing Agent

Tom Hamilton  
City Manager

(CONTRACT ON FILE IN CLERK'S OFFICE)

**Motion by Alderman Huette, seconded by Alderman Crawford that the contract be awarded to United Armored Services for armored car service in the amount of \$1,220 per month, for a period of four (4) years, 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 Crawford, Huette, Schmidt, Finnegan, Gibson, Matejka and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Analysis of Bids for Sump Pump Drainage System 2006-2007

Bidding proposals for Sump Pump Drainage System 2006-2007 were received until 2:00 p.m. on Wednesday, January 3, 2007, in the office of the City Clerk at which time and place the bids were opened and read aloud as follows:

Stark Excavating, Inc.	\$55,167.80 (Low Bid)
George Gildner, Inc.	\$70,690.00
Engineer's Estimate	\$46,585.00
Budget	\$50,000.00 Storm Water Management Funds

This project consists of installing sump pump drains and underground drainage piping to solve drainage problems city wide. The low bid is over the estimate and over the budgeted amount. The bids are based on unit prices where the quantities are estimated.

Staff respectfully recommends that Council accept the low bid of Stark Excavating, Inc. and award the contract for an amount not to exceed \$50,000 and, further, that the Mayor and City Clerk be authorized to execute the necessary documents. Payment for said work will be made with Storm Water Management Funds (X55200-72550).

Respectfully,

Douglas G. Grovesteen  
Director of Engineering

Tom Hamilton  
City Manager

(CONTRACT ON FILE IN CLERK'S OFFICE)

**Motion by Alderman Huette, seconded by Alderman Crawford that the bid be awarded to Stark Excavating, Inc. in an amount not to exceed \$50,000, and the Mayor and City Clerk be authorized to execute the necessary documents.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Direct Link Crisis Communications System

On October 9, 2006, Council approved waiving the formal bidding process and approving the upgrade of the department's hostage negotiations phone and equipment. The purchase price for this new system is \$23,500. The City will receive a rebate for the used system of \$5,000.

Staff's initial request was for \$18,500, (minus to the \$5,000 rebate), however, it has come to staff's attention that \$23,500 should have been initially requested, as the \$5,000 would be rebated back after the initial purchase. Funds were budgeted in #F15110-72140 for this equipment.

Respectfully,

Roger J. Aikin  
Chief of Police

Tom Hamilton  
City Manager

**Motion by Alderman Huette, seconded by Alderman Crawford that the Direct Link Crisis Communications System upgrade be purchased from Enforcement Technology Group in the amount of \$23,500, and the Purchasing Agent authorized to issue a Purchase Order for same.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Redevelopment Agreement with Mid Central Community Action for Trailside Subdivision (Old Beich Candy Property)

Mid Central Community Action is requesting approval of a Redevelopment Agreement for Trailside Subdivision. This subdivision is located north of Grove St. and west of Lumber St. Staff has reviewed the subject agreement and finds it to be acceptable.

Staff respectfully recommends that Council approve the Redevelopment Agreement for Trailside Subdivision (Old Beich Candy Property); and the Mayor and City Clerk be authorized to execute the necessary documents.

Respectfully,

Douglas G. Grovesteen  
Director of Engineering

Tom Hamilton  
City Manager

### **REDEVELOPMENT AGREEMENT**

WHEREAS, Mid Central Community Action owns the property that formerly was the site of the Beich Candy plant (the Beich property); and

WHEREAS, the plant burned and the site is now vacant; and

WHEREAS, Mid Central Community Action and the City of Bloomington desire to see the Beich property redeveloped for single family residential purposes, which is deemed to be a use more compatible with the neighborhood than was the former industrial use.

NOW, THEREFORE, BE IT AGREED BY AND BETWEEN MID CENTRAL COMMUNITY ACTION AND THE CITY OF BLOOMINGTON AS FOLLOWS:

1. City will vacate Lumber Street adjacent to the Beich property, thereby vesting title to the vacated Right of Way in Mid Central Community Action at no cost to Mid Central Community Action.
2. The City will declare surplus and convey to Mid Central Community Action the property between the Beich property and the railroad tracks (to the north) at no cost to Mid Central Community Action.
3. Mid Central Community Action will petition to rezone the Beich property, the vacated Lumber Street Right of Way and the City surplus property from its currently existing zoning classification to R-1C Single Family Residence District, the public hearing required for such rezoning having been held after notice as required by law and ordinance on the 24<sup>th</sup> day of July, 2006. City agrees to rezone such property to R-1C.
4. Mid Central Community Action will petition for approval of a preliminary subdivision plan for the Beich property, the vacated Lumber Street Right of Way and the City surplus property. A public hearing on the proposed preliminary plan was held 24<sup>th</sup> day of July, 2006

after notice as required by law and ordinance. The City agrees to approve the preliminary subdivision plan with the following waivers and modifications:

- A. 18 lots may front on the cul-de-sac;
  - B. 50-foot street Right of Way rather than 60-foot street Right of Way will be required for the interior cul-de-sac.
  - C. Lot sizes may be as depicted on the preliminary subdivision plan.
  - D. Front yards may be a minimum of 20 feet in depth.
  - E. Water mains may be 6 inches in diameter.
  - F. The City will accept a dry bottom detention basin for maintenance.
  - G. The fence separating this property from the Union Pacific Right of Way shall be owned and maintained by the owners of the adjacent lots.
  - H. The preliminary plan shall have a 3-year life.
5. For all lots sold to low to moderate income households based on HUD Guidelines:
- A. The City will waive all adjacent street improvement obligations for Grove Street, except that the developer shall replace the north sidewalk of Grove Street where it is adjacent to the proposed subdivision.
  - B. The City will waive all water and sewer tap-on fees.
  - C. The City will waive all subdivision inspection fees, excavation permit fees, curb cut/driveway permit fees, erosion control permit fees, HVAC permit fees, plumbing permit fees, electrical permit fees, and building permit fees.
6. Except as provided herein, the property shall be used and developed in accordance with all applicable City codes and ordinances.

DATED this 23<sup>rd</sup> day of January, 2007.

City of Bloomington, Illinois

Mid Central Community Action

By: Stephen F. Stockton  
Mayor

By: John Burrill  
Executive Director



ATTEST:

Tracey Covert  
City Clerk

**Motion by Alderman Huette, seconded by Alderman Crawford that the Redevelopment Agreement for Trailside Subdivision be approved.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Acquisition of Property from John Bell, Part of 19240 E 1200 Road

The City needs to acquire a portion of property adjacent to Ireland Grove Road to extend water and sewer force mains to the Grove Subdivision, and for future right of way for Ireland Grove Road. The City needs the south 50 feet of the property which contains .34 acres. The larger parcel is improved with a single family dwelling. The house will go from being eighty six (86') feet, to fifty six (56') feet from the edge of the right of way after the take. There is a mature maple tree on the right of way parcel that will be removed during construction.

Mr. John Bell, the owner of record has agreed to sell the necessary right of way to the City for \$52,500. The payment compensates him both for the underlying land and damages to the remainder due to the loss of the tree and the closer proximity of the house to the road. He has also requested waivers of the water and sewer tap on fees for making connections to his house as additional noncash consideration for the conveyance.

Staff has prepared a Contract for the Sale of Real Estate to acquire the Bell property on the terms described. Staff believes the purchase price and other terms of sale fairly compensate Mr. Bell for his property and respectfully recommend Council approval.

Respectfully,

Hannah R. Eisner  
Deputy Corporation Counsel

Tom Hamilton  
City Manager

### CONTRACT FOR SALE OF REAL ESTATE

THIS IS INTENDED TO BE A LEGAL DOCUMENT. AN ATTORNEY AT LAW SHOULD BE CONSULTED PRIOR TO THE EXECUTION OF THIS DOCUMENT.

THIS CONTRACT is entered into between John W. Bell, hereinafter referred to as Seller, and the City of Bloomington, hereinafter referred to as Buyer, who agrees as follows:

#### 1. DESCRIPTION, PRICE AND PAYMENT:

The south 50 feet of Lot 1 in Lowery Subdivision in the Southwest ¼ of Section 8, Township 23 North, Range 3 East of the Third Principal Meridian, in McLean County, Illinois.

~~with improvements, commonly known as — located thereon, to Buyer agrees to pay \$9,100.00 therefore in the manner following: \$ — (inclusive of earnest money) upon the execution of this Contract:~~

~~\_\_\_\_\_ A. To be held in escrow until evidence of merchantable title is approved by Buyer's attorney, and financing is approved as per Paragraph 8;~~

~~\_\_\_\_\_ B. To be held in escrow until closing;~~

~~\_\_\_\_\_ C. To be delivered to Seller, receipt of which is hereby acknowledged;~~

and an additional \$43,400.00 as damages to the remainder on or before the 16<sup>th</sup> day of February, 2007.

2. EVIDENCE OF TITLE: ~~Not less than 14 days prior to closing, Seller will furnish Buyer with~~ *Buyer shall obtain* written commitment from a title insurance company duly authorized to do business in Illinois, showing title to said premises subject only to matters to which this sale is subject by the terms hereof and to the customary exceptions contained in owners policies issued by such company. If written commitment discloses defects in title other than matters to which this sale is subject by the terms hereof and the customary exceptions in such policies, then Seller shall have until date for delivery of deed to correct such defects. Owners title policy, in amount of the purchase price for said premises, will be paid for by Seller and issued to Buyer after delivery of deed.

3. DEED, GRANT OF EASEMENT AND POSSESSION: Seller will cause fee simple title to the said real estate to be conveyed to Buyer, or to such party as Buyer may direct, by

Warranty Deed (or Trustee's Deed or Executor's Deed, where applicable), and deliver possession to Buyer upon payment being made as herein provided, on or before the 16<sup>th</sup> day of February, 2007. ~~Seller shall pay all owners' association(s) dues and/or assessments, and water, sewer and public utility service charges incurred for improvements on said real estate up to the time when possession passes to Buyer.~~

4. INSURANCE: This Contract is subject to the State of Illinois Uniform Vendor and Purchaser Risk Act (765 ILCS 65/1), which provides, in general, that Seller shall bear the risk of loss until transfer of possession or receipt of deed, whichever occurs first.

5. TAXES: Seller shall pay all general real estate taxes assessed for 2006 and Buyer shall pay all such taxes assessed for 2007 and subsequent years as to that part of Seller's property being conveyed. This provision shall survive closing and delivery of deeds.

6. ENCUMBRANCES:

A. Mortgages, if any, shall be satisfied out of purchase price and released when deed is delivered. Seller's obligation to obtain the mortgage release shall continue until the release is obtained and recorded.

B. Easements and building or use restrictions of record, and zoning and building ordinances, if any, which shall not be considered as rendering title unmerchantable or unacceptable, provided same are not violated by the existing improvements or the use thereof.

7. PERSONAL PROPERTY: (Deleted)

8. FINANCING: (Deleted)

9. TERMITE PROVISION: (Deleted)

10. EQUIPMENT & INSPECTIONS:

A. Equipment: (Deleted)

B. Initial Inspections: (Deleted)

C. Radon Testing: (Deleted)

D. Well/Septic Testing: (Deleted)

E. Toxic or Hazardous Waste: Seller is unaware of any toxic or hazardous waste materials being stored or having been stored on the premises or the existence of any underground fuel storage tanks on the property, and further represents that no notices have been received from the Illinois Environmental Protections Agency or

the Illinois Environmental Pollution Control Board or any other governmental entity with regard to a toxic or hazardous waste problem with the property.

- F. Final Inspection: (Deleted)
11. LEAD-BASED PAINT AND/OR LEAD-BASED HAZARDS: (Deleted)
12. SELLER'S WARRANTIES: Seller hereby provides the following warranties:
- A. That no work has been done upon, or materials furnished to, the premises which could give rise to a lien under the Illinois Mechanics' Lien Act;
13. ADDITIONAL PROVISIONS:
- ~~A. Buyer shall assume any assumption or transfer fees incurred as a result of Buyer assuming, or taking subject to, Seller's existing mortgage, and both Seller and Buyer agree to comply with the requirements of the Real Estate Settlement Procedures Act;~~
- B. Words importing the masculine gender include the feminine, words importing the singular number include the plural, and words importing the plural include the singular;
- C. The covenants and agreements herein contained shall extend to and be obligatory upon the heirs, executors, administrators, and assigns of the respective parties;
- ~~D. The Parties acknowledge that the State of Illinois has enacted a Smoke Detector Act (425 ILCS 60/1, et seq.);~~
- E. Time is of the essence of this Contract;
- F. This contract is contingent upon approval by the Bloomington City Council. Buyer will seek such approval by placing the contract on the agenda for the first regularly scheduled Council meeting following the date Seller executes the contract.*
- G. The purchase price includes compensation for a maple tree and a spruce tree located in the southeast corner of Seller's remaining property that will be removed during construction of the sewer force main. There shall be no other payment due for the loss of those two trees, provided however Buyer will plant two replacement trees, the size and type of which shall be agreed upon by Buyer and Seller. Buyer will be responsible for damage to any other tree located on Seller's property caused by Seller's construction activities.*
- H. Buyer will extend a residential water service connection across Ireland Grove Road to Seller's property. Seller may connect the existing single family residence*

*to the water service without payment of a tap on fee. Water charges will be at "in-town" rates.*

*F. Seller may connect the existing single family residence to sanitary sewer at such time as service becomes available without payment of a tap on fee.*

14. ESCROWEE: (Deleted)

15. NOTICES, ETC.: Title commitments, communications or notices with reference to this Contract shall be delivered by or to the parties or their respective attorneys as shown on the first page hereof.

16. PREPARATION AND APPROVAL: This Contract was prepared by Hannah Eisner, Buyer's attorney, and approved by \_\_\_\_\_, \_\_\_\_\_ attorney.

17. SETTLEMENT: Closing shall be held at the office at Buyer's lending institution, or such place as the parties may agree.

18. SELLER'S DISCLOSURE: The parties acknowledge that this Contract is *not* subject to the Illinois Residential Real Property Disclosure Act (765 ILCS 77/1, et. seq.)

19. ATTORNEY'S FEES AND EXPENSES: Should either Seller or Buyer be required to incur attorney's fees, costs and/or other expenses (including expenses of litigation) as a result of the other party's failure to perform any obligation pursuant to the terms of this Contract, then the party so failing to perform shall be liable to the other party for any reasonable attorney's fees, costs, and expenses (including expenses of litigation) incurred by such other party. This provision shall survive closing and delivery of deeds.

20. DEFAULT: In the event either party should breach this agreement, the other party may pursue any and all remedies provided by law.

21. ENTIRE AGREEMENT: This Contract represents the entire agreement of the parties. Any prior written or oral agreements of the parties regarding the transaction which is the subject of this Contract merge with and are superseded by this Contract.

22. FORM OF AGREEMENT: This Contract conforms in all respects with the form Contract for Sale of Real Estate adopted by the McLean County Bar May 21, 1997 with the exception of language contained in the following paragraphs: 1, 2, and 6.

**THIS IS INTENDED TO BE A LEGAL DOCUMENT. AN ATTORNEY AT LAW SHOULD BE CONSULTED PRIOR TO THE EXECUTION OF THIS DOCUMENT.**

IN WITNESS WHEREOF, the parties to these presents have executed several counterparts of this Contract, of equal effect.

SELLER

BUYER

City of Bloomington a Municipal Corporation

John W. Bell

By: Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Motion by Alderman Huette, seconded by Alderman Crawford that the contract for the Sale of Real Estate between the City and John Bell for the acquisition of .34 acres located at 19240 E 1200 Road be approved in the amount of \$52,500, and that 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 Crawford, Huette, Schmidt, Finnegan, Gibson, Matejka and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Acquisition of Easement from Deneen Brothers Farm, LLC, West Side of Towanda Barnes Road

The City needs an easement across property owned by the Deneen Brothers Farm LLC to build sewer force mains to serve the Grove Subdivision. The force mains will run east/west along the north side of the Deneen property adjacent to Ireland Grove Road and north/south along the west side of their land adjacent to Towanda Barnes Road. The proposed easement is thirty (30') feet wide and contains a total of 1.52 acres. The City also needs a fifty (50') foot wide temporary easement, east of the permanent easement for working and maneuvering space for equipment and personnel during construction.

Deneen Farms has agreed to grant the necessary easements to the City for \$21,875. The City will pay an additional \$2,640 for crop damages. Staff believes this fairly compensates Deneen Farms for the easement and respectfully requests that Council approve the payment and that the Mayor and City Clerk be authorized to execute the necessary documents.

Respectfully,

Hannah R. Eisner  
Deputy Corporation Counsel

Tom Hamilton  
City Manager

**Motion by Alderman Huette, seconded by Alderman Crawford that the payment of \$24,515 to Deneen Brothers Farms, LLC for the permanent easement and crop damages 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 Crawford, Huette, Schmidt, Finnegan, Gibson, Matejka and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Parade Resolution

The Illinois Department of Transportation (IDOT) requires that Council adopt a Resolution requesting permission to close or hinder traffic on a State Route.

Typically the City has only two (2) requests each year for parades on a State Route, (US Route 51) which involves the Labor Day Parade and the Christmas Parade. IDOT has requested that each municipality that experiences multiple parades on a State Route pass one blanket Resolution at the beginning of each calendar year in order to minimize paperwork and manpower expenses.

Therefore, staff respectfully requests that Council adopt the Parade Resolution and further, that the Mayor and City Clerk be authorized execute the necessary documents. Upon adoption and execution, the Resolution will be forwarded to IDOT.

Respectfully,

Tracey Covert  
City Clerk

Tom Hamilton  
City Manager

**RESOLUTION NO. 2007 - 06**

**RESOLUTION REGARDING TEMPORARY CLOSING OF  
STATE RIGHT OF WAY ANNUAL COMMUNITY EVENTS**

WHEREAS, the City of Bloomington sponsors parades, road races, festivals and other such events which constitute a public purpose; and

WHEREAS, many of these events are held on State rights of way which will require the temporary closure of said highways; and

WHEREAS, Section 4-408 of the Illinois Highway Code, 605 ILCS 5/1-101 et seq., authorizes the State of Illinois Department of Transportation (IDOT) to issue permits to local authorities to temporarily close portions of State Highways for such public purposes.

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

**SECTION 1**

The City of Bloomington requests an annual permit allowing the temporary closure of State highways for the purpose of conducting various parades, road races, festivals, and other such events. By receiving an annual permit, the City will be required to notify the Department in writing approximately ten (10) days in advance of all road closures so that all emergency agencies will be notified of the proposed event.

**SECTION 2**

(A) That traffic from the closed portion of highway shall be detoured over routes with an all-weather surface that can accept the anticipated traffic, which will be maintained to the satisfaction of the Department and which is conspicuously marked for the benefit of traffic diverted from the State highway, except as provided in Subsections (B) and (C) hereof.

(B) That when a marked detour is not provided, police officers or authorized flaggers shall, at the expense of the City of Bloomington, be positioned at each end of the closed section of roadway and at other points as may be necessary to assist in directing traffic through the temporary detour.



(C) That when the roadway is closed for less than 15 minutes, police officers, at the expense of the City of Bloomington shall stop traffic for a period not to exceed fifteen (15) minutes and an occasional break shall be made in the procession so that traffic may pass through.

SECTION 3

That the City of Bloomington assumes full responsibility for the direction, protection and regulation of the traffic during the time the detour is in effect.

SECTION 4

That all debris shall be removed by the City of Bloomington prior to reopening the State highway.

SECTION 5

That the closure and detour shall be marked according to the Illinois Manual on Uniform Traffic Control Devices (MUTCD).

SECTION 6

That the City of Bloomington hereby agrees to assume all liabilities and pay all claims for any damage which shall be occasioned by the closing described above and to hold harmless the State of Illinois from all claims arising from the requested road closings.

SECTION 7

That a copy of this resolution be forwarded to the Illinois Department of Transportation; District 5 Bureau of Operations, 13473 IL Hwy. 133, P.O. Box 610, Paris, Illinois 61944-0610 to serve as authorization for the City of Bloomington to request highway closures through December 31, 2007.

PRESENTED and ADOPTED this 22<sup>nd</sup> day of January 2007.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Motion by Alderman Huette, seconded by Alderman Crawford that the Resolution be adopted.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Members of the City Council

From: Liquor Commission

Subject: Application of R.I.P. Oil, d/b/a Fast Stop-6 Points, located at 1001 Six Points Rd, for a GPBS liquor license, which will allow the sale of packaged beer and wine only for consumption off the premises seven (7) days a week

The Bloomington Liquor Commissioner Rich Buchanan called the Liquor Hearing to consider the application of R.I.P. Oil, d/b/a Fast Stop-6 Points, located at 1001 Six Points Rd., requesting a GPBS liquor license which would allow the sale of packaged beer and wine only for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners, Marabeth Clapp, Steve Petersen and Rich Buchanan; Hannah Eisner, Deputy Corporation Counsel; Lt. Tim Stenesa, Police Department; Julie Phillips, Deputy City Clerk, and Hardeep Bhalla and Karen Anderson, owner and applicant's representative.

Commissioner Buchanan opened the hearing. Mr. Hardeep Bhalla, 1314 Norma Drive, addressed the Commission. He stated that he owns eight (8) convenience stores. He was in the process of purchasing this location to incorporate and expand his business. Commissioner Buchanan inquired regarding the length of time Mr. Bhalla has been in the convenience store business. Mr. Bhalla replied that he has been in this type of business for three (3) years. He was waiting to close his loan on this location.

Commissioner Buchanan noted that the current license holder holds a GPAS license, and the application is requesting a GPBS license. Mr. Bhalla stated that he was aware that the Commission was considering eliminating the GPA license, therefore he did not apply for the "All Types – A" classification.

Commissioner Petersen inquired as to how many convenience stores the applicant owned in the Bloomington area. Mr. Bhalla replied that he did not own any stores in the Bloomington area; however he did have one (1) location within McLean County. Commissioner Petersen inquired

if that location had experienced any liquor code violations. Mr. Bhalla responded that there had not been any violations within the last two (2) years.

Commissioner Petersen inquired if the applicant was aware of the square footage restriction for alcohol in the convenience store. Commissioner Buchanan noted that City Code restricts the percentage of floor space that can be used to store and display alcoholic beverages within the store. Mr. Bhalla stated that only 10% of the store's sales are alcoholic beverages. Commissioner Buchanan encouraged the applicant to obtain a copy of the Liquor Code from the City Clerk's office in order to become familiar with restrictions etc.

Karen Anderson, applicant's representative and store manager, addressed the Commission. She stated that the existing floor plan would not change. Commissioner Buchanan reiterated that the applicant should obtain a copy of the City Liquor Code from the City Clerk's office.

Commissioner Petersen inquired if the applicant would provide training to employees on how to spot underage drinkers. Ms. Anderson responded affirmatively. Mr. Bhalla stated that all employees were required to sign a contract acknowledging responsibility for any fees or fines imposed in conjunction with underage sales. Ms. Anderson noted that the stores cash registers require that a date of birth be inputted into the register before an alcoholic beverage sale could commence.

Commissioner Buchanan inquired if there were any public comments regarding this application. There were none.

Based on the above, the Liquor Commission recommends to the City Council that a GPBS liquor license for R.I.P. Oil, d/b/a Fast Stop-6 Points, located at 1001 Six Points Rd, be created, contingent upon compliance with all applicable health and safety codes.

Respectfully,

Stephen F. Stockton  
Chairman of Liquor Commission

**Motion by Alderman Huette, seconded by Alderman Crawford that a GPBS liquor license for R.I.P. Oil, d/b/a Fast Stop-6 Points, located at 1001 Six Points Rd, be created, contingent upon compliance with all applicable health and safety codes.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Members of the City Council

From: Liquor Commission

Subject: Application of Crown Locating Service, Inc., d/b/a Sport & Bait Lounge, located at 304 N. Morris, requesting a TAPS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises and sale of all types of packaged alcohol for consumption off the premises seven (7) days a week

The Bloomington Liquor Commissioner Rich Buchanan called the Liquor Hearing to consider the application of Crown Locating Service, Inc., d/b/a Sport & Bait Lounge, located at 304 N. Morris, requesting a TAPS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises and sale of all types of packaged alcohol for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners, Marabeth Clapp, Steve Petersen and Rich Buchanan; Hannah Eisner, Deputy Corporation Counsel; Lt. Tim Stenesa, Police Department; Julie Phillips, Deputy City Clerk, and Stephen L. Sovereign, applicant representative.

Mr. Sovereign addressed the Commission. He stated that the existing establishment has been operating for the last 24 years. There have been very few problems over the years. He has an interest in bar ownership, and has an agreement in place with the current owner for the purchase of the establishment. Although he has not personally owned a liquor establishment, he has been involved in the club and tavern industry for ten (10) years. It was his belief that he had the experience and knowledge to own and operate the establishment. There would be no changes from the existing operation procedures, and he was not aware of any problems with the existing procedures.

Commissioner Buchanan inquired if a liquor license currently existed at this location. Deputy Corporation Counsel Hannah Eisner replied affirmatively.

Commissioner Clapp inquired if the applicant intended to operate the establishment. Mr. Sovereign replied affirmatively, noting that it was his belief that the owner should spend a fair amount of time within their establishment. It was his intention to work at this establishment daily from 6:00 p.m. until midnight.

Commissioner Petersen questioned Ms. Eisner if she were aware of any problems with the existing establishment. Ms. Eisner replied negatively, but noted that this establishment had the unique feature of a drive up window. The Liquor Code permits drive up windows, and she was unaware of any problems with the drive up window at this location.

Commissioner Clapp questioned if the applicant intended to operate the drive up window. Mr. Sovereign replied that the drive up window was used primarily for the sale of bait, and questioned if the drive up window was illegal.

Commissioner Clapp responded that the drive up window was not illegal; however its use for alcohol sales could be restricted as a condition of the license. Mr. Sovereign responded that he was willing to close the drive up window if necessary in order to be granted a liquor license for this establishment, however, he would prefer that he maintain its current use, a bait and package liquor sales window.

Commissioner Petersen questioned if the present owner used the drive up window for the sale of package liquor. Mr. Sovereign replied that he was unsure. Commissioner Petersen questioned if Mr. Sovereign's club and tavern experience was local. Mr. Sovereign stated that he had worked as a sales manager to clubs and taverns in the Ottawa, East St. Louis, and Danville areas.

Commissioner Petersen questioned Ms. Eisner if the existing establishment had a 2:00 a.m. closing. Ms. Eisner responded affirmatively, noting that the existing establishment had no conditions upon the license.

Commissioner Petersen questioned the applicant on his willingness to compromise on the drive up window. Mr. Sovereign questioned the Commission's issue with the drive up window, as it was his hope that he would continue to operate the drive up window for the sale of bait and alcohol. It was his belief that it was an additional marketing tool for his business. He understood the Commission's concern for consumer drinking and driving. He stated that it was his belief that no responsible tavern owner could ensure consumer compliance with the law.

Commissioner Buchanan noted that the Commission was on the verge of becoming selective with liquor applications, and that the City Liquor Code allowed for drive up windows. Ms. Eisner concurred, noting that the Commission should repeal the Ordinance that permits drive up windows as opposed to restricting the use of such at this current location.

Mr. Sovereign stated that he was desirous of the liquor license for this establishment regardless of the use of the drive up window. Commissioner Buchanan noted that the applicant had stated that he was willing to cease alcoholic beverage sales through the drive up window. If in the event the applicant saw a decline in revenues due to not selling alcohol through the drive up window, the applicant could return to the Commission for review. Ms. Eisner noted her preference that any restrictions be clearly stated. Commissioner Buchanan reminded the applicant that single serve restrictions could be forthcoming. Mr. Sovereign acknowledged such.

Based on the above, the Liquor Commission recommends to the City Council that a TAPS liquor license for Crown Locating Service, Inc., d/b/a Sport & Bait Lounge, located at 304 N. Morris, be created, contingent upon compliance with all applicable health and safety codes.

Respectfully,

Stephen F. Stockton  
Chairman of Liquor Commission

**Motion by Alderman Huette, seconded by Alderman Crawford that a TAPS liquor license for Crown Locating Service, Inc., d/b/a Sport & Bait Lounge, located at 304 N. Morris, be created, contingent upon compliance with all applicable health and safety codes.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Resolution Amending Intergovernmental Agreement pertaining to the Enterprise Zone

In November of 2005, an amended intergovernmental agreement pertaining to the Enterprise Zone was approved by all three participating local government bodies (Normal, Bloomington and McLean County). That amended agreement provided for the implementation of an Enterprise Zone Development Fee that required all future developers within the Enterprise Zone to pay a fee equal to 1% of the value of the proposed Enterprise Zone improvement up to a maximum fee of \$250,000. In accordance with the agreement, the proceeds of this fee are to be retained by the Economic Development Council of the Bloomington Normal Area to offset their costs associated with administering the Enterprise Zone as well as for use in promoting Bloomington, Normal and McLean County for economic development purposes. After having had the opportunity over the past year to administer this new fee program, Mr. Vanags is recommending some modifications.

The proposed change in the Enterprise Zone intergovernmental agreement would relate specifically to the Enterprise Zone Development Fee which was initially adopted by the three (3) participating governmental bodies in November of 2005.

Currently, the fee is equal to 1% of the construction cost of the improvement, determined by the Enterprise Zone Administrator (Mr. Vanags), up to a maximum fee of \$250,000. After having the opportunity to apply this fee to several projects over the past year, Mr. Vanags is requesting that the fee calculation be amended to equal 2.5% of the estimated sales tax savings to the applicant. Said estimated sales tax savings will be determined at the time of certification of the project by the Enterprise Zone Administrator. As proposed, the fee shall continue to have a maximum cap of \$250,000. Also, the proposed agreement provides the Enterprise Zone Administrator with the ability to adjust or waive the fee under special circumstances. However,

any decision by the Enterprise Zone Administrator to waive all or a portion of the Enterprise Zone Development Fee must also be approved by the Chief Administrative Officers of the Town, City and County.

When this fee was first created, the only project contemplated at that time was the Horizon Wind Farm project which had an estimated total construction value in excess of \$650 million. In that instance, the maximum fee of \$250,000 did not seem to be unreasonable. However, as Mr. Vanags has applied this fee to more modest projects within the Enterprise Zone, he has determined that the fee is higher than he can justify. In fact, on a case by case basis he has administratively adjusted the fee to reflect a more reasonable payment. After significant study and consideration, Mr. Vanags is proposing a new fee structure which he believes will continue to generate significant revenue to the EDC but will be more justifiable.

He chose to recommend that the fee be based upon a percentage of the sales tax savings associated with Enterprise Zone projects since that is the primary benefit for new construction projects within the local Enterprise Zone (remember that all other local incentives have been eliminated). For example, under the existing fee formula, a project with an estimated total construction value of \$5 million would have to pay a fee of \$50,000. This equals 20% of the fee paid by the developer of the Horizon Wind Farm project which has an estimated construction value in excess of \$650 million and an estimated sales tax saving of more than \$25 million. Under the proposed formula, the developer of a \$5 million building would pay a fee of \$3,750 which is based upon an estimated sales tax benefit of \$15,000.

Staff agrees with Mr. Vanags that the proposed formula is more reasonable and defensible relative to the scope and cost of projects that are typically constructed within the local Enterprise Zone. We, therefore, support his proposed change to the Enterprise Zone Development Fee and recommend approval of the attached resolution.

This was passed by the Normal Town Council on January 2, 2007, and passed by the McLean County Board on January 16, 2006. Staff respectfully recommends Council adoption of this Resolution.

Respectfully,

J. Todd Greenburg  
Corporation Counsel

Tom Hamilton  
City Manager

**RESOLUTION NO. 2007 - 07**

**A RESOLUTION AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT CREATING AND OPERATING AN ENTERPRISE ZONE IN MCLEAN COUNTY**

WHEREAS, the City of Bloomington is a Home Rule Unit of local government with authority to legislate in matters concerning its local government and affairs; and

WHEREAS, the City of Bloomington, the Town of Normal and the County of McLean entered into an Intergovernmental Agreement in December 1984, for the purpose of creating and operating an Enterprise Zone within the jurisdiction of said parties pursuant to Illinois law; and

WHEREAS, the parties agreed in Section Five of said Intergovernmental Agreement to appoint collectively one administrator to administer the Enterprise Zone; and

WHEREAS, the parties have appointed the Director of the Economic Development Council of the Bloomington-Normal Area as administrator; and

WHEREAS, the parties amended said Intergovernmental Agreement in 2005 to impose a certification fee; and

WHEREAS, the parties desire to adjust said Enterprise Zone certification fee; and

WHEREAS, such fee is not prohibited by law; and

WHEREAS, the parties desire to amend the territory included within the Enterprise Zone in order to include property in Uptown Normal; and

WHEREAS, it is in the best interests of the health, safety and welfare of the citizens of Bloomington to enter into an Intergovernmental Agreement Creating and Operating an Enterprise Zone in McLean County.

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

SECTION ONE: That the City of Bloomington hereby authorizes the Mayor of the City of Bloomington to enter into said Intergovernmental Agreement Creating and Operating an Enterprise Zone in McLean County with the Town of Normal and County of McLean. A copy of said Intergovernmental Agreement is attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION TWO: That the City Clerk be, and she is hereby authorized and directed to attest to the signature of the Mayor of the City of Bloomington on said contract and to retain a fully executed original of said contract in her office for public inspection.

ADOPTED this 22<sup>nd</sup> day of January, 2007.

APPROVED this 23<sup>rd</sup> day of January, 2007.



APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**EXHIBIT A**

**AMENDMENT TO INTERGOVERNMENTAL AGREEMENT CREATING  
AND OPERATING AN ENTERPRISE ZONE IN MCLEAN COUNTY**

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

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

WHEREAS, the parties agreed in Section Five of said Intergovernmental Agreement to appoint collectively one administrator to administer the Enterprise Zone; and

WHEREAS, the parties have appointed the Director of the Economic Development Council of the Bloomington-Normal Area as administrator; and

WHEREAS, the parties amended said Intergovernmental Agreement in 2005 to impose a certification fee; and

WHEREAS, the parties desire to adjust said Enterprise Zone certification fee; and

WHEREAS, such fee is not prohibited by law; and

WHEREAS, the parties desire to amend the legal description of the Enterprise Zone to include property in Uptown Normal.

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

1. The Enterprise Zone Administrator is hereby authorized and directed to collect a certification fee from any applicant for construction or renovation in the Enterprise Zone in order

to be certified as eligible for Enterprise Zone benefits. Such certification fee shall accompany Enterprise Zone application forms as developed by the administrator and shall be 2.5 per cent of the Estimated State Sales Tax Savings for the applicant determined at the time of certification of the project by the Enterprise Zone Administrator, provided, however, no fee shall exceed \$250,000. The Zone Administrator has authority upon approval of the Bloomington City Manager, the Town of Normal City Manager and the County Administrator to allow payment of the Certification Fee over time. As used herein Estimated Sales Tax Savings shall be determined by the Zone Administrator in consultation with the City Managers of Bloomington and Normal and the County Administrator. The Zone Administrator shall determine Estimated State Sales Tax Savings by multiplying the Estimated Cost of Construction Materials by the current state sales tax rate. In determining Estimated Cost of Construction Materials the Zone Administrator may consider building permit information supplied by the governing jurisdiction, information supplied by the applicant, information obtained by experts in the field of estimating construction costs and other information generally relied upon by a reasonably prudent business person.

2. That the certification fee collected by the Zone Administrator shall be disbursed as follows: 100 percent to the Economic Development Council of the Bloomington-Normal Area.

3. The parties agree to amend the boundaries of the Enterprise Zone to include the property described in Exhibit 1 attached hereto.

4. That the original Intergovernmental Agreement executed between the parties for designation and operation of the Enterprise Zone shall remain in full force and effect, as amended, by this Agreement.

City of Bloomington  
a Municipal Corporation

Town of Normal  
a Municipal Corporation

County of McLean  
a Body Politic and Corporate

Stephen F. Stockton  
Mayor

Christopher Koos  
Mayor

Michael Sweeney  
County Board Chairman

Attest:

Attest:

Attest:

Tracey Covert  
City Clerk

Wendellyn J. Briggs  
City Clerk

Peggy Ann Milton  
County Clerk

January 29, 2007

January 2, 2007

January 16, 2007

**Motion by Alderman Huette, seconded by Alderman Crawford that the Resolution be adopted.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition from Wesley United Methodist Church Requesting Vacation of Alleys

A petition has been received from Wesley United Methodist Church, requesting the vacation of the east/west alley west of Evans St. between Washington and Front, and also the north/south alley north of Front St. between Evans and McLean, as shown on the Alley Vacation Plat. The alleys are in the location of the Wesley United Methodist Church parking lot. Staff has reviewed the Vacation Plat for the said Alley Vacations and finds it acceptable.

Staff respectfully recommends Council approval of the Vacation of the Alleys and an Ordinance be passed.

Respectfully,

Douglas G. Grovesteen  
Director of Engineering

Tom Hamilton  
City Manager

**PETITION FOR VACATION OF A PUBLIC ALLEY**

STATE OF ILLINOIS        )  
                                          ) ss.  
COUNTY OF MCLEAN     )

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

Now comes Wesley United Methodist Church, hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

1. That your Petitioner is interested as owner in the premises hereinafter described in Exhibit A attached hereto and made a part hereof by this reference;
2. That your Petitioner seeks approval of the vacation of the public alley adjacent to said premises;
3. That said vacation of the public alley is reasonable and proper because such public alley is not needed for public Right of Way by said City, its only use being the location of existing or proposed utilities.

WHEREFORE, your Petitioner prays that the public alley be vacated.

Respectfully submitted,

By: Wesley United Methodist Church

**ORDINANCE NO. 2007 - 05**

**AN ORDINANCE PROVIDING FOR THE VACATION OF A PUBLIC ALLEY**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting the vacation of a public alley described in Exhibit A; and

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

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

WHEREAS, it is reasonable and proper to vacate said public alley described in Exhibit A 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 public alley is hereby vacated.
2. ~~The aforesaid vacation notwithstanding, the City reserves to itself and to all utilities an easement the full width of the vacated \_\_\_\_\_ for the purpose of laying, installing, maintaining, repairing, removing, or replacing such facilities as they may deem appropriate.~~
3. That this ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 22<sup>nd</sup> day of January, 2007.

APPROVED this 23<sup>rd</sup> day of January, 2007.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**EXHIBIT A**

Legal Description Tract I

The East 180 feet of the public alley as opened and used running east and west through Block 5 in Evan’s Addition in the SE ¼ of Section 4, Township 23 North, Range 2 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois, bounded on the east by Evans Street and bounded on the west by the west line of Lot 3 and the west line of Lot 10 in said Block 5.

Legal Description Tract II

The East 10 feet of Lot 9 in Block 5 and the South 10 feet of the East 10 feet of Lot 4, all in Evan’s Addition in the SE ¼ of Section 4, Township 23 North, Range 2 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois.

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Members of the City Council  
From: Liquor Commission  
Subject: Application of D & S Funnybone, Inc., d/b/a Donnie B’s Funnybone Comedy Club, located at 209 E. Washington St., requesting a TAS liquor license which would 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 F. Stockton called the Liquor Hearing to consider the application of D & S Funnybone, Inc., d/b/a Donnie B’s Funnybone Comedy Club, located at 209 E. Washington St., requesting a TAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners, Marabeth Clapp, Stephen F. Stockton, and Rich Buchanan; Hannah Eisner, Deputy Corporation Counsel, and Julie Phillips, Deputy City Clerk; and Donald Bassford, owner, and applicant representative.

Commissioner Stockton opened the hearing.

Donald Bassford, owner, and applicant representative, addressed the Commission. He noted that he has operated the Funnybone Comedy Club in the City for two (2) years. Previously the establishment was located at 1611 Morrissey, Suite A, also known as Brandtville. He moved the establishment from this location due to problems another establishment was experiencing that were having a detrimental effect on his business. He stated that the move to his current location, The Castle Theater, 209 E. Washington, had cost him thousands of dollars, but he moved for the safety of his employees and customers. He stated that from October through May, his establishment operates three (3) nights a week, Thursday, Friday, and Saturday, and for four (4) hours each night. During the summer months his establishment operates one night a week, Thursday.

Commissioner Stockton inquired if the establishment's patrons were university students. Mr. Bassford explained that he does offer a student night that provides a discounted ticket price to students and service workers. Friday and Saturday nights his patrons are of all ages.

Commissioner Buchanan noted that when the establishment joined the Castle Theater, there was a contract with the Castle Theater's owner, Ben Slotky. He inquired if there was an existing contract with Heartland Bank for the use of the premises. Mr. Bassford replied negatively, stating that he has had discussion with Heartland Bank's president regarding purchasing the premises. Commissioner Buchanan questioned number twelve (12) on the liquor license application. The applicant had answered "yes" to the question. The question asks if the applicant is the owner of the premises for which the license is sought.

Mr. Bassford replied that he had misunderstood the question; he had answered "yes", to mean that he is the owner of the business. Commissioner Stockton requested that the Clerk amend the application to reflect the accurate information.

Commissioner Clapp inquired if the establishment had experienced any problems at its previous location. Mr. Bassford replied that his establishment had not experienced any problems or violations. The neighboring establishment had some problems with fighting and vandalizing, which were having a detrimental effect upon his business. He believed that some patrons may have been reluctant to patronize his establishment due to the reputation of the neighboring business. This was the primary reason for his moving the Funnybone to its current location.

Commissioner Stockton inquired if Mr. Bassford owned additional establishments. Mr. Bassford responded affirmatively, in Springfield. Commissioner Stockton inquired if the staff rotated between the two (2) establishments. Mr. Bassford responded affirmatively.

Commissioner Buchanan noted the application for the "T" (tavern) classification as opposed to "R" (restaurant) would preclude patrons that were under 21 years of age. Mr. Bassford responded that he understood, but only allowed patrons less than 21 years of age were allowed if accompanied by a parent or legal guardian.

Commissioner Stockton noted that the Castle Theater started as a movie theater, and the owner began shifting the business plan as the theater business began to flounder. He noted Mr. Bassford's interest in ownership of the building, and questioned if he believed he could support that ownership by operating his establishment three (3) nights per week. Mr. Bassford replied that he would be considering renting the premises for meetings, and private parties as another means of generating revenue.

Commissioner Clapp commented about beer signs and paper beer signs in the windows of the theater and expressed her belief that they were not in good taste. Mr. Bassford stated that there is a contractual obligation to advertise as part of receiving promotion. He noted that the paper signs had all been removed and there are currently only two (2) signs promoting beer, and they are the "Now Showing" and "Coming Soon" signs. Commissioner Stockton noted that the classier the look of the establishment, the more likely it would be booked for meetings by companies such as State Farm. Mr. Bassford stated that his intention is to have as classy an establishment as possible.

Commissioner Buchanan inquired regarding the layout of the establishment, noting a bar with barstools. He questioned if patrons would be seated at tables. Mr. Bassford responded affirmatively, and noted that the bar would be used primarily as a service bar. Patrons would only be allowed to sit at the bar for around fifteen (15) minutes prior to the show starting.

Commissioner Stockton questioned Hannah Eisner, Deputy Corporation Counsel if all taxes, state and local were paid to date. Ms. Eisner responded affirmatively, stating that at one time there was an unpaid food and beverage tax, however that had been resolved. Mr. Bassford stated that initially he was unaware of the food and beverage tax, but as soon as becoming aware of it, it was paid, and has been kept current.

Ms. Eisner stated that she understood that there was a lease agreement for the use of the building, but inquired if there were any contracts or provisions in place for its maintenance. Mr. Bassford stated that the bank had just recently received a permit from a McLean County Circuit judge to occupy and operate the premises. Ms. Eisner inquired regarding who would be responsible for paying the utilities. Mr. Bassford responded that the bank would be responsible until the building was purchased.

Commissioner Buchanan questioned if Heartland Bank was willing to finance Mr. Bassford for the purchase of the building. Mr. Bassford responded affirmatively. Mr. Bassford noted that the establishment is not showing a profit as it is currently operating. Commissioner Stockton inquired regarding the profits earned from the previous weekend. Mr. Bassford replied that the establishment had \$1,100 in revenues, and \$924 in expenditures. The expenditures included the permit fee and the insurance. Commissioner Stockton inquired if the talent was paid. Mr. Bassford indicated that in actuality the establishment lost money, however, several of the Downtown bar owners patronized the establishment and each owner brought 10 to 15 guests with them. He believed that the business was viable; it was working on getting a foothold in the community. Commissioner Stockton inquired if the establishment was performing as well as the Springfield club. Mr. Bassford replied that it was not doing as well, however, it was getting better and he believed the potential was there.



Commissioner Stockton noted the Bloomington Center for the Performing Arts' biggest draw had been comedians. Mr. Bassford replied that those events were actually detrimental to his establishment. Once he has a loyal customer base, there would be less worry, as the customers would repeatedly return to his establishment for entertainment.

Commissioner Buchanan noted that the application included the "S" (Sunday sales) classification, and that Mr. Bassford had indicated that he would not be operating on Sundays. Mr. Bassford affirmed.

Commissioner Stockton inquired if the digital projector was still on the premises. Mr. Bassford replied that it was not, it was missing and no one knew of its location. He stated that even the judge who issued the restraining order was curious as to where it was.

Ms. Eisner stated that it was her preference that this liquor license be restricted to sales on Thursday through Sunday until more details were finalized, such as the lease, and purchase of the building. Mr. Bassford stated that it was his preference that the license not be restricted in this way. He noted that he would be paying for a license to operate a full week, and he may opt to have an amateur night on a Wednesday. There may be the possibility that a major headliner on the way to Chicago would be willing to make a stop at his location on a Tuesday. Ms. Eisner noted that problems with liquor establishments do not usually occur until the establishment is having financial strains. Commissioner Stockton stated that he understood Ms. Eisner's concerns. He believed that there should be an alternative to restricting the days of operation. The establishment may need to be rented for a meeting or private event on a Monday. Mr. Bassford stated that he was not interested in having loud bands at his establishment. He would not be in Bloomington if he did not believe he would be successful with comedy. Commissioner Buchanan inquired as to how much notice was received from unsigned bookings.

Mr. Bassford replied that it was usually a month's notice. Commissioner Buchanan inquired if Ms. Eisner believed it would be inappropriate to make exceptions on a case by case basis as far as days of operation. Ms. Eisner stated that she would be concerned about violating first amendment rights to do so. Commissioner Stockton inquired if the applicant would consider hiring blues bands. Mr. Bassford replied that it would be possible, but it would not be on the premise of a nightclub with dancing.

Mr. Bassford stated that he would be willing to accept the restriction of being open to the public Thursday through Saturdays only, but open for private events or meetings Sunday through Wednesday with a six (6) month review if necessary.

Commissioner Buchanan stated that he was pleased with the applicant's presentation of the business plan. Ms. Eisner questioned if the Commission desired to limit the establishment's operating hours. Commissioner Stockton stated that he was reluctant to do so as this establishment is in a business district. Mr. Bassford stated that his establishment was closed typically by 11:00 p.m. Commissioner Stockton questioned if the applicant would be comfortable with a midnight closing time restriction. Mr. Bassford affirmed and stated that fifteen (15) minutes prior to the end of the last show the staff gave each table "last call". Once the show ended the patrons tended to leave immediately. Commissioner Buchanan questioned if

Mr. Bassford was present during the hours of operation. Mr. Bassford responded that he was present 90% of the time.

Motion by Commissioner Buchanan, seconded by Commissioner Clapp to recommend to the City Council that a TAS liquor license for D & S Funnybone, Inc., d/b/a Donnie B's Funnybone Comedy Club be approved contingent upon compliance with all applicable health and safety codes and the following restrictions: 1.) that the business be open to the public Thursday through Saturday, and open only for private events or meetings Sunday through Wednesday, and 2.) that the establishment cease the sales and service of alcoholic beverages at 12:00 a.m. (midnight).

Respectfully,

Stephen F. Stockton  
Chairman of Liquor Commission

**Motion by Alderman Huette, seconded by Alderman Crawford that a TAS liquor license for D & S Funnybone, Inc., d/b/a Donnie B's Funnybone Comedy Club be approved contingent upon compliance with all applicable health and safety codes and the following restrictions: 1.) that the business be open to the public Thursday through Saturday, and open only for private events or meetings Sunday through Wednesday, and 2.) that the establishment cease the sales and service of alcoholic beverages at 12:00 a.m. (midnight).**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Ordinance Amending Boundaries of Enterprise Zone

The Bloomington, Normal, McLean County Enterprise Zone was enacted in December of 1984 by action of all three units of local government. The Enterprise Zone was initially created to accommodate the development of an automobile manufacturing facility called Diamond-Star Motors. Diamond-Star was later purchased by Mitsubishi and renamed Mitsubishi Motor Manufacturing of North American. The portion of the Enterprise Zone in west Normal which includes the Mitsubishi facility is also referred to as the Bloomington Normal Metro Zone in

which, by intergovernmental agreement, all public revenue is shared on a 50/50 basis between the two municipalities and all public expenses are also shared on the same basis.

The duration of the Enterprise Zone was lengthened by the three (3) governing bodies on three (3) occasions in the past, October 1985, December 1998 and November 2005. Currently, the Enterprise Zone is set to expire on December 31, 2015. The Enterprise Zone also no longer provides any local tax incentives. In November of 2005, Council approved an Ordinance to extend the boundaries of the current Enterprise Zone to include a large area in eastern McLean County to accommodate the Horizon Wind Energy project. That Ordinance was also approved by the Town of Normal and McLean County.

State Statute permits only one Enterprise Zone per county. Further, the total land area of the Enterprise Zone is limited to thirteen 13 square miles. Currently, with the most recent expansion of the Zone to accommodate the Horizon Wind Energy project, the total land area of the Enterprise Zone encompasses approximately 12.8 square miles.

In order to provide assistance to the developer of the Marriott Hotel and Conference Center in Uptown Normal (John Q. Hammons), staff is proposing an additional expansion of the Enterprise Zone to encompass the hotel site and other properties within the Central Business District of Normal that are currently the subject of considerable development interest. As was mentioned previously, although there are no remaining local incentives as part of the Enterprise Zone designation, the developers of new buildings can take advantage of a state exemption on the payment of sales tax for construction materials used for new buildings within designated Enterprise Zone areas. In the case of the Marriott Hotel and Conference Center, the general contractor on the project, CORE Construction of Morton, Illinois, has estimated the savings in the sales tax exemption to be approximately \$1 million on the hotel component of the project. Since both the conference center and the parking structure will be largely funded and owned by the Town of Normal, the construction materials on those facilities are exempt from sales tax irrespective of the Enterprise Zone designation.

As is permitted by State law, a three (3) foot strip of land running along Hovey Avenue, from the west portion of the Enterprise Zone into Uptown Normal, has been incorporated into the legal description prepared by The Farnsworth Group. The proposed boundary expansion consists of land area totaling approximately .0289 square miles. Therefore, there is ample available land under the statutory Enterprise Zone land area cap to accommodate this extension.

As required by State Statute, a public hearing on the proposed expansion of the Enterprise Zone boundary was convened on Friday, December 29, 2006 at the Central Illinois Regional Airport. Economic Development Council Director Marty Vanags, who also serves as the Enterprise Zone Administrator, convened that public hearing.

The Town of Normal passed the Ordinance on January 2, 2007 and McLean County passed it on January 16, 2007. After approval by City Council, an Enterprise Zone boundary expansion application will be submitted to the State of Illinois (Department of Commerce and Economic Opportunity). The State will verify that all statutory requirements were followed and will then

approve the Enterprise Zone boundary expansion within 30 days. Staff respectfully recommends that Council pass the Ordinance expanding the Enterprise Zone boundary.

Respectfully,

J. Todd Greenburg  
Corporation Counsel

Tom Hamilton  
City Manager

**ORDINANCE NO. 2007 - 04**

**AN ORDINANCE AMENDING “AN ORDINANCE DESCRIBING AND DESIGNATING AN AREA LOCATED PARTIALLY WITHIN THE CITY OF BLOOMINGTON, THE TOWN OF NORMAL AND UNINCORPORATED MCLEAN COUNTY AS AN ENTERPRISE ZONE”**

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

WHEREAS, the City of Bloomington did on February 25, 1985, by Ordinance No. 1985-10, amend Ordinance No. 1984-131 by revising the functions of the designated zone organizations and the powers and duties of the zone administrator; and

WHEREAS, the City of Bloomington did on October 28, 1985, by Ordinance No. 1985-103, amend Ordinance No. 1985-10 by lengthening the duration of the Enterprise Zone and providing certain tax abatements therein; and

WHEREAS, the City of Bloomington did on May 27, 1986, by Ordinance No. 1986-56 amend Ordinance No. 1985-103 by amending the territory included in the Enterprise Zone; and

WHEREAS, the City of Bloomington did on December 14, 1998, by Ordinance No. 1998-118 amend Ordinance No. 1986-56 by extending the duration of the Enterprise Zone to December 31, 2005, and remove local tax incentives in the Enterprise zone post December 31, 1998; and

WHEREAS, the City of Bloomington did on November 14, 2005, by Ordinance No. 2005-115 amend the territory included in the Enterprise Zone to include property for a wind farm in eastern McLean County, Illinois; and

WHEREAS, the City of Bloomington did on November 14, 2005, by Ordinance No. 2005-116 impose a Certification Fee for development within the Enterprise Zone; and

WHEREAS, the City of Bloomington now desires to further amend the Enterprise Zone to include property located in Uptown Normal and revise the Certification Fee imposed for development within the Enterprise Zone; and

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

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

SECTION ONE: That Appendix “A”, which is attached to Ordinance No. 1984-131 and incorporated by reference in Section One of said ordinance and amended by Ordinance No. 1986-56 and Ordinance No. 2005-115, shall be and the same is hereby further amended by

adding the property described in Exhibit 1 which is attached hereto and incorporated herein by reference.

SECTION TWO: That Ordinance No. 2005-116 as previously amended be and the same is hereby further amended by deleting the following language (indicated by strikeout) and adding the following language (indicated by underscore):

1. The Enterprise Zone Administrator is hereby authorized and directed to collect a certification fee from any applicant for construction or renovation in the Enterprise Zone in order to be certified as eligible for Enterprise Zone benefits. Such certification fee shall ~~(unless other arrangements are made with the Zone Administrator)~~ accompany Enterprise Zone application forms as developed by the administrator and shall be ~~4~~ 2.5 per cent of ~~construction and/or renovation costs~~ the Estimated State Sales Tax Savings for the applicant determined at the time of certification of the project by the Enterprise Zone Administrator, provided, however, no fee shall exceed \$250,000. The Zone Administrator has authority upon approval of the Bloomington City Manager, the Town of Normal City Manager and the County Administrator to allow payment of the Certification Fee over time. As used herein Estimated Sales Tax Savings shall be determined by the Zone Administrator in consultation with the City Managers of Bloomington and Normal and the County Administrator. The Zone Administrator shall determine Estimated State Sales Tax Savings by multiplying the Estimated Cost of Construction Materials by the current state sales tax rate. In determining Estimated Cost of Construction Materials the Zone Administrator may consider building permit information supplied by the governing jurisdiction, information supplied by the applicant, information obtained by experts in the field of estimating construction costs and other information generally relied upon by a reasonably prudent business person.

2. That the certification fee collected by the Zone Administrator shall be disbursed as follows: 100 per cent to the Economic Development Council of the Bloomington-Normal Area.

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

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

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

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

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

PASSED this 22<sup>nd</sup> day of January, 2007.

APPROVED this 23<sup>rd</sup> day of January, 2007.

APPROVED:

Stephen F. Stockton,  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Normal Enterprise Zone**

Tract 1:

A strip of land, 3 feet in width, lying 1.5 feet on each side of the following described lines and being a part of Sections 28, 29, 30, 31, 32 and 33 in Township 24 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Beginning at the intersection of the centerline of White Oak Road (formerly U.S. Route 150) with the East Line of the existing Bloomington and Normal Enterprise Zone, said East Line being the East Right of Way Line of Interstate 55-74. From said Point of Beginning, thence southeasterly along the centerline of said White Oak Road to the centerline of Hovey Avenue in the Town of Normal, Illinois; thence easterly along the centerline of said Hovey Avenue to the centerline of Beaufort Street in the Town of Normal; thence northeasterly along the centerline of said Beaufort Street to a point lying 1.5 feet east of the East Right of Way Line of Fell Avenue in the Town of Normal; thence north parallel with said East Right of Way Line to the North Right of Way Line of said Beaufort Street. Said 3-foot wide strip is bounded on the west by the East Right of Way Line of said Interstate 55-74 and is bounded on the east by the North Right of Way Line of said Beaufort Street.

Tract 2:

A part of the West Half of Section 27 and a part of the Southeast Quarter of Section 28, all in Township 24 North, Range 2 East of the Third Principal Meridian, in the Town of Normal, McLean County, Illinois, described as follows: Beginning at the intersection of the East Right of Way Line of Fell Avenue with the North Right of Way Line of Beaufort Street. From said Point of Beginning, thence north along said East Right of Way Line to the South Right of Way Line of

College Avenue; thence east along said South Right of Way Line to a point lying 45 feet east of the Northwest Corner of Lot 3 in the Subdivision of Block 1 and part of Block 2 In the Original Town of Normal and also of Lots 2, 3 and 4 in Block 43 in the First Addition to Normal; thence south along the West Line of property conveyed per deed recorded as Document No. 2003--26653 in the McLean County Recorder's Office and the Southerly Extension thereof to the Northwesterly Extension of the East Line of the West 3 feet of Lots 6, 7 and 13 in said Subdivision; thence southeast along said Northwesterly Extension and along said East Line and the Southeasterly Extension thereof to the South Right of Way Line of the Beaufort Street; thence northeasterly along said South Right of Way Line to the East Right of Way Line of Linden Street; thence north along said East Right of Way Line to the South Right of Way Line of Mulberry Street thence east along said South Right of Way Line to the Southwesterly Right of Way Line of the Mulberry/College Avenue Crossover; thence southeast along said Southwesterly Right of Way Line to the Northwesterly Right of Way Line of the Union Pacific Railroad; thence southwest along said Northwesterly Right of Way Line to the Southeasterly Extension of the Westerly Line of the Easterly 2.5 feet of Lot 5 In Block 7 in the Original Town of Normal; thence northwest along said Southeasterly Extension, along said Westerly Line and along the Northwesterly Extension of said Westerly Line to the North Right of Way Line of Beaufort Street; thence southwest along said North Right of Way Line to the Point of Beginning.

Said Tracts 1 and 2 together contain 18.5 acres, more or less, equals 0.0289 of a square mile, more or less.

**Alderman Huette questioned this item. The Enterprise Zone was established to assist with the start up of the Mitsubishi Motors plant. It had now been amended for Wind Farms. He questioned how approval of this extension for a hotel fit with the original goals of the Enterprise Zone. He also questioned how this could apply to one hotel or business, but not be offered to another.**

**Tom Hamilton, City Manager, addressed the Council. The Enterprise Zone was established twenty (20) years ago. At that time, properties needed to meet specific criteria. Since that time, the state has relaxed the regulations in order to encourage economic development. The process had evolved to where the state had a limited number of economic development tools left to use.**

**Staff would establish criteria for the City's Enterprise Zone. The Economic Development Council would assist with controls. Due to the magnitude of this project, staff believed this item deserved the support from Council.**

**Alderman Finnegan questioned what occurred if the area was exhausted. Mr. Hamilton stated that as projects were completed, they were removed from the legal description for the Enterprise Zone area. That afforded the City the opportunity to add additional projects.**

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



**Motion carried.**

**Marty Vagnas, Economic Development Council's (EDC) Director, addressed the Council. The Enterprise Zone was one of the only economic development incentives within local municipalities. New commercial businesses within the zone were offered state sales tax free building materials if the materials were purchased within the state.**

**Once the Wind Farm was completed, the land would be retracted from the Enterprise Zone in order to free other land for this incentive. This was one way the City could compete for new businesses.**

**Alderman Schmidt questioned the Enterprise Zone's tenure. Mr. Vagnas noted fifteen (15) years, although the City could retract it prior to that.**

**Alderman Purcell questioned if the Town of Normal, McLean County and the City all needed to vote on this item. Mr. Vagnas answered affirmatively. The Town of Normal and McLean County had already approved the item.**

**Mayor Stockton questioned how the tax exemptions would impact sales tax. Mr. Vagnas responded it applied to building materials only. Mr. Hamilton added it applied to the state's portion of the sales tax, not the City's portion. Mr. Vagnas concurred. The stated had given the authority to the local government.**

**Mayor Stockton shared Alderman Huette's concerns regarding setting precedents. He believed the Council owed its fellow governing bodies an affirmative vote.**

**Alderman Matejka resided within the Enterprise Zone. It had been started with the intent of economic development. He questioned what commercial businesses who received this benefit were doing for the low income neighborhoods. Mr. Vagnas hoped new businesses would assist these neighborhoods through job creation.**

**The EDC had started an aggressive outreach campaign. The basis was to determine how to assist neighborhoods. It was a matter of reaching out and making the effort to have others involved.**

**Alderman Matejka believed it necessary to provide an incentive for businesses to specifically benefit these neighborhoods.**

**Mr. Hamilton noted that the initial zone was based upon Census data. Mayor Stockton reminded the Council the locations needed to be worthwhile for the City.**

**Alderman Huette asked for clarification as to how the root-economic opportunity would apply to this item. He suggested that the state could not afford to lose the money from this venture. Fees would be removed from the developer, but they would fall on the taxpayers' shoulders.**

**Mayor Stockton questioned the original intent of the Enterprise Zone. Mr. Hamilton stated it had been put in place for Mitsubishi Motors. He noted the amount of development which had occurred. Several businesses had taken advantage of the incentives offered. Alderman Finnegan noted the number of potential employees.**

**Mayor Stockton questioned if west side development had been assisted through this program. Mr. Hamilton responded affirmatively.**

**Mayor Stockton reminded the Council to take this discussion seriously.**

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

**Motion carried.**

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

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

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

**Nays: Alderman Huette.**

**Motion carried.**

**The following was presented.**

**Dean Kohn, Director of Parks and Recreation, addressed the Council. He stated the lone bid received for the renovation of Miller Park Playground was in the amount of \$899,000 from Felmley–Dickerson. Mr. Kohn requested this item be laid over until the February 12, 2007 Council meeting. He would like more time to review the bid.**

**Alderman Crawford questioned the amount of the bid versus the budgeted amount. Mr. Kohn stated there was \$1 million budgeted. Staff had hoped this bid would come in closer to \$799,000 in order to be able to purchase new playground equipment as well.**

**Motion by Alderman Matejka, seconded by Alderman Schmidt to lay the item over until the February 12, 2007 Council meeting.**

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

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

**Nays: Alderman Huette.**

**Motion carried.**

**MAYOR'S DISCUSSION:** Mayor Stockton cited the letters to the Pantagraph over the last several months regarding Downtown parking enforcement. Tom Hamilton, City Manager, met with Roger Atkin, Police Chief, regarding this issue. The police force would be more judicious when writing citations. Mayor Stockton encouraged the use of discretion when issuing citations.

Alderman Crawford suggested a periodic review of the plan.

Alderman Schmidt noted this was an issue for the Downtown Business Association.

Mayor Stockton cited a letter the Council received regarding speeding and noise within neighborhoods. This was a quality of life issue. He would appreciate any input the Council may have regarding this issue.

Mr. Hamilton reminded Council that they had directed staff to increase patrols regarding vehicle noise and speeding. Patrol officers had already been told to step up their level of enforcement.

Alderman Schmidt questioned if the City compiled statistics on complaints. Mr. Hamilton noted staff was researching publicizing this type of information. Alderman Schmidt noted that neighborhood associations used to receive regular reports from the Police Department regarding their area. The reports were based on patrol zones. The information was appreciated.

Alderman Matejka noted meetings by staff to determine what was viable as far as shared information.

Alderman Crawford encouraged staff to pursue a land based noise ordinance. Mr. Hamilton concurred. Staff was reviewing other municipalities' ordinances.

Mayor Stockton had been paying more attention to noise. He believed staff would need a better, less subjective way to review noise. Mr. Hamilton concurred. The terms for noise needed to be defined. Staff needed to review the state noise laws as well.

Alderman Purcell noted the three (3) main issues were 1.) loud cars; 2.) loud motorcycles; and 3.) loud music. Lawn mowers and leaf blowers were not the problem.

Mayor Stockton questioned the consistency of the noise laws. Hannah Eisner, Deputy Corporation Counsel, addressed the Council. The current ordinance relies on common sense application from the police officers. It had been carefully applied and had not been challenged. It was important for the City to be consistent in their application. Ordinances such as this can be based on time of day.

Alderman Matejka noted that because an officer was called regarding a noise claim, did not mean that the officer would automatically issue a citation.

**Alderman Schmidt believed the enforcement of the noise ordinances needed to be increased.**

**Alderman Purcell requested a report regarding noise ordinances. Council should review same to see if regulations were effective.**

**Mayor Stockton noted this was an ongoing issue. Mr. Hamilton concurred. As the weather warms, this would become more of an issue. Mayor Stockton requested that the Corporation Counsel review other municipalities noise ordinances.**

**Mayor Stockton requested ideas from Council regarding the issue of speeding within residential neighborhoods. Alderman Schmidt reminded Council of the speed range study conducted previously. It was a tool which could be used for enforcement.**

**Alderman Crawford noted that tickets were not cost effective for the City. The City received seven dollars (\$7) for every seventy-five dollar (\$75) fine. Mayor Stockton suggested reviewing automated enforcement.**

**Alderman Matejka noted the number of police cars seen on the major thoroughfares.**

**Alderman Schmidt questioned the placement of the blinking lights within school zones. Mr. Hamilton stated that the lights were installed by each public school. Alderman Crawford requested parochial schools also receive blinking lights. Mayor Stockton noted the lights did appear effective. Mr. Hamilton added the lights were placed along walking routes to the schools as well.**

**Mayor Stockton noted Patni Company had decided to locate here. It was a boost to the community. There were branch offices located throughout the United States, and their Midwest division would also be located here.**

**The City was chosen based upon the quality of life and cost of living. Several of their employees were contracted through State Farm. Management and staff were impressed with the community. They were planning to recruit locally.**

**CITY MANAGER'S DISCUSSION: Mr. Hamilton reminded the Council of the meetings this week for the Main Street Corridor initiative. There would be three (3) separate meetings on Tuesday, Wednesday and Thursday, January 23, 24 and 25, 2007.**

**ALDERMEN'S DISCUSSION: Alderman Finnegan stated the Irish Historical Society would be hosting a presentation on Wednesday, January 24, 2007. Greg Koos would be presenting "Irish Immigration to McLean County".**

**Alderman Matejka attended a meeting regarding the state's finances. He appreciated receiving the Executive Summary in the Council's packets.**

**Alderman Schmidt thanked staff for the report on the Bloomington Normal Public Transit System. The five (5) year review was excellent.**

**Alderman Crawford had received calls regarding the schedule change for recyclable collections. Mr. Hamilton stated there had been an insert in the Pantagraph as well as direct mailings to the homes which were impacted by the change.**

**Alderman Huette received several inquiries regarding the survey sent to the community regarding the performances at the US Cellular Coliseum as well as the Bloomington Center for the Performing Arts. He questioned when the findings of those surveys would be available. Mr. Hamilton stated staff was trying to format the responses to be consistent. Council could expect that report shortly.**

**Alderman Gibson cited the water pressure on the southwest side of town. He had received more complaints to that regard. The City had no solutions in sight. Mayor Stockton asked for addresses for the effected homes. Mr. Hamilton stated staff would review this concern.**

**Alderman Gibson had had the water pressure checked in his home. The results were different each time. This was a neighborhood problem. The City needed a plan and budget dollars to correct the issue. Mr. Hamilton would research the extent of the problem before moving forward with a solution.**

**Motion by Alderman Matejka, seconded by Alderman Schmidt, that the meeting be adjourned. Time: 8:45 p.m.**

**Motion carried.**

**Tracey Covert  
City Clerk**

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