

**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, December 11, 2006.

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, Michael Matejka, John Hanson, Jim Finnegan, Steven Purcell, Karen Schmidt and Mayor Stephen F. Stockton.

City Manager Tom Hamilton, City Clerk Tracey Covert, and Corporate Counsel Todd Greenburg were also present.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Opening of One Bid for Community Development Project at 923 W. Grove St.

Bids were received by the City Clerk on November 17, 2006 for a Community Development project at 923 W. Grove St. This project is for a variety of home improvements. There is \$16,600 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 P.A.C.E. to open the bid at the December 11, 2006 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 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, Hanson, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Proclamation

The following proclamation has been requested and should be received and placed on file with the City Clerk:

1. Declaring December as National Drunk and Drugged Driving Prevention Month.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

Motion by Alderman Huette, seconded by Alderman Schmidt that the proclamation be made a matter of record.

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

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

Nays: None.

Motion carried.

The following was presented:

December 11, 2006

1213

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Council Proceedings and Executive Session Minutes of May 9, 2005

The Council Proceedings and Executive Session Minutes of May 9, 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 Schmidt that the reading of the minutes of the previous Council Meeting and Executive Session Minutes of May 9, 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, Hanson, 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 Schmidt 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, Hanson, 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 sixth partial payment to Peace Meal in the amount of \$2,082 on a contract amount of \$25,000 of which \$12,492 will have been paid to date for work certified as 50% complete for the Peace Meals. Completion date – April 2007.
2. The eleventh 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 \$49,999.98 will have been paid to date for work certified as 92% complete for the McLean County Economic Development. Completion date – December 2008.
3. The third partial payment to Farr Associates in the amount of \$7,102.50 on a contract amount of \$49,000 of which \$23,689.18 will have been paid to date for work certified as 48% complete for the Bloomington Gridley Allen Pricketts Neighborhood Form Based Zoning. Completion date – April 2007.
4. The second partial payment to McLean County Regional Planning in the amount of \$2,269 on a contract amount of \$68,500 of which \$19,394 will have been paid to date for work certified as 28% complete for the Main Street Corridor – McLean County Regional Planning. Completion date - April 2008.
5. The eighth partial payment to Supreme Radio Communications, Inc. in the amount of \$1,075 on a contract amount of \$12,900 of which \$8,600 will have been paid to date for work certified as 67% complete for the Service Maintenance Agreement. Completion date – April 2007.

6. The first partial payment to Al Treiber Associates in the amount of \$40,978 on a contract amount of \$45,531.88 of which \$40,978 will have been paid to date for work certified as 90% complete for the Library Expansion. Completion date - November 2006.
7. The sixteenth partial payment to Terracon Consultants, N.E. Inc. (Dept. 1277) in the amount of \$75 on a per ton and hour contract of which \$121,675.38 will have been paid to date for work certified as ongoing for the 2005-2006 Asphalt & Portland Concrete Plant Inspection and Lab Testing. Completion date - August 2006.
8. The seventeenth partial payment to Clark Dietz, Inc. in the amount of \$9,612.34 on a contract amount of \$330,000 of which \$304,675.22 will have been paid to date for work certified as 92% complete for the Hamilton Road – Timberlake to Main Street. Completion date – December 2006.
9. The fourth partial payment to Illinois Department of Transportation in the amount of \$204,807.77 on a contract amount of \$1,349,664.01 of which \$857,694.32 will have been paid to date for work certified as 64% complete for the Hamilton Road – Greenwood to Timberlake. Completion date – September 2007.
10. The twelfth partial payment to Stark Excavating, Inc. in the amount of \$91,819.88 on a contract amount of \$1,399,893.75 of which \$1,088,163.53 will have been paid to date for work certified as 78% complete for the Euclid Avenue – Oakland to Washington. Completion date – December 2006.
11. The first partial payment to Stark Excavating, Inc. in the amount of \$182,705.63 on a contract amount of \$2,959,945.10 of which \$182,705.63 will have been paid to date for work certified as 6% complete for the Fox Creek Road and Scottsdale Avenue Improvements. Completion date – September 2007.
12. The eleventh partial payment to Clark Dietz, Inc. in the amount of \$1,423.83 on a contract amount of \$44,000 of which \$42,212.42 will have been paid to date for work certified as 96% complete for the Sugar Creek Headwater Study. Completion date – July 2006.
13. The second partial payment to Gildner Plumbing Inc. in the amount of \$104,350 on a contract amount of \$621,783 of which \$327,467 will have been paid to date for work certified as 52.7% complete for the Fox Creek Road 16” Water Main – Beich to Old Cabintown. Completion date – May 2007.
14. The ninth partial payment to Clark Dietz, Inc. in the amount of \$8,685.99 on a contract amount of \$140,000 of which \$78,695.46 will have been paid to date for work certified as 56% complete for the Locust – Colton Combined Sewer Overflow Study. Completion date – January 2007.

15. The fourth and final payment to George Gildner, Inc. in the amount of \$3,302 on a contract amount of \$55,336 of which \$55,336 will have been paid to date for work certified as 100% complete for the Oakland Court Storm Sewer. Completion date – October 2006.

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 Schmidt 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, Hanson, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Members of the City Council
From: Stephen Stockton, Mayor
Subject: Appointment(s) and Reappointment(s) to Various Boards and Commissions

I ask that you concur with the following appointment to the Planning Commission:

Charles E. Stuckey, 318 B N. Main St. Mr. Stuckey's term will expire April 30, 2010.

Respectfully,

Stephen F. Stockton
Mayor

Mayor Stockton introduced Charles Stuckey. Mr. Stuckey was a Downtown resident. He was a graduate of Illinois Wesleyan University and the University of Illinois, (law school). He was employed at State Farm. Mr. Stuckey was pleased to serve.

Motion by Alderman Huette, seconded by Alderman Schmidt that the appointment be approved.

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, Hanson, 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 Pay an Invoice for Two New Water Meter Settings

The Doubletree Hotel was recently involved in extensive remodeling efforts. Part of this remodeling included plumbing renovations in parts of the building, but not at the water meter. The water meter setting (the plumbing that holds the water meter in place) was not correct for the water meter in use, in that the plumbing fittings were too close to the meter and could cause turbulence resulting in incorrect meter readings.

Additionally, the meters originally specified by the City were not optimal for the type of water usage expected from a hotel. In order to install the correct meter, the old meter would have to be removed and the plumbing upgraded. Therefore, staff sought a quote for this work from the contractor doing the plumbing renovations at the hotel.

Staff reviewed the quote and found it to be competitive, and requested that the plumbing contractor complete this work. The plumbing contractor has completed the work and has submitted an invoice for payment.

Staff respectfully requests that Council approve payment of this invoice from G.A. Rich and Sons, Inc. in the amount of \$6,610 for the installation of two new water meter settings, a 4" and a 3", with payment to be made from the Water Department, Transmission, Distribution and Pumping Division, Operations and Maintenance Funds, Meters account, (X5010-50120-71730).

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

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

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, Hanson, 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 Pay McLean County Asphalt Co., Inc. for Emergency Street Repair

The 10 inch (10") water main which feeds Eastland Mall broke on Monday, November 20, 2006 under the south frontage road of East Empire Street (IL Rte. 9) near Macy's Department Store. It was determined that the need for the repairs was urgent due to the impending Thanksgiving Holiday and expected heavy shopping traffic thereafter. Eastland Mall hired a plumbing contractor to excavate and repair the main. Public Service filled the excavation and replaced the street base. The Engineering Department hired McLean County Asphalt Co., Inc. to replace the asphalt pavement. McLean County Asphalt has submitted a time and materials bill for the work in the amount of \$9,543. Staff has reviewed the bill and finds it to be in order.

Staff respectfully requests that Council approve a payment in the amount of \$9,543 to McLean County Asphalt Co., Inc. for the repair of the asphalt pavement with payment to be made from Water Depreciation Funds (50200-72530).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Craig Cummings
Director of Water

Tom Hamilton
City Manager

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Annual Subscription Fee for Membership in the American Water Works Association Research Foundation (AWWARF)

The City has long been a member of the American Water Works Association Research Foundation (AWWARF). AWWARF is a member supported nonprofit organization that promotes and funds the research of drinking water. The City has benefited from numerous educational publications and seminars dealing with emerging water regulations and research into current issues. Based upon the amount of water that that is pumped each year to our customers, our annual dues for 2006 are \$8,624.

Staff respectfully recommends that Council approve the 2006 subscription fee to the American Water Works Association Research Foundation (AWWARF) in the amount of \$8,624 with payment to be made from Water Department, A & G Division, Operations and Maintenance Funds, Registration and Membership Dues 50110 - 70780.

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Rejection of Bids-Miller Park Playground

On Tuesday, November 17, 2006 at 10:00 a.m. bids were publicly opened and read for the construction of the Miller Park Playground Renovation. All bidders submitted the proper bid guarantees. This project has a budget of \$1,000,000 and the City has received a matching grant of \$365,000 from the Illinois Department of Natural Resources.

Due to the size of the project the bids were separated into several components in hopes of attracting additional bidders. These components included grading, drainage, utilities, concrete and general construction. The City received one bid on the concrete and one bid on the general construction. No bids were received for underground/earthmoving, water play or utilities.

Staff recommends rejecting these bids and re-bidding the project. Several difficulties arose during the bidding process that staff believes may have caused extreme concerns for contractors that would have bid the project. One of the major concerns was the schedule for the project; that it was to start in December and be completed by June. This schedule was believed to be too tight for conditions that could occur during this project in this climate. Another issue of concern was that the Illinois Department of Public Health has begun governing these projects. There is a required permitting process. Staff was not aware of this until after bids were let. Contractors were concerned that this requirement would delay the project further.

Staff respectfully recommends that Council reject the bids and authorize staff to re-bid the Miller Park Playground Renovation project.

Respectfully,

Dean Kohn
Director of Parks & Recreation

Tom Hamilton
City Manager

Motion by Alderman Huette, seconded by Alderman Schmidt that the bids submitted for the Miller Park Playground Renovation project be rejected, and staff be authorized to re-bid the project.

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, Hanson, 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-Printing of Brochure

On Monday, December 4th at 2:00 p.m. bids were opened in the City Clerk's office for printing of 17,000 copies of the 2007 Winter/Spring Program Guide for the Parks and Recreation Department. Six (6) printers responded to the bid:

FIRM	BID PRICE
Ron Smith Printing, Bloomington	\$7,480.00
Action Printing, Fon Du Lac, WI	\$8,390.00
Action Printing, Fon Du Lac, WI	\$7,667.00 alt. for 4 more pages
Illinois Graphics, Inc., Bloomington	\$10,983.00
Riddle Enterprises, Heyworth	\$13,940.00 (formerly Heyworth Star)
Windy City Press, Addison, IL	\$13,998.00
OSP - Bloomington	\$14,092.00

Ron Smith Printing is the low bidder and has printed the brochure in the past. \$8,000 was budgeted for this service. Staff, therefore, respectfully requests that Council award the bid to Ron Smith Printing in the amount of \$7,480, and authorize the Purchasing Agent to issue a purchase order for same. There are sufficient funds available in account G14112-70740 for this project.

Respectfully,

Dean Kohn
Director of Parks and Recreation

Tom Hamilton
City Manager

Motion by Alderman Huette, seconded by Alderman Schmidt that the bid be awarded to Ron Smith Printing in the amount of \$7,480 and the Purchasing Agent be authorized to issue a Purchase Order for same.

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, Hanson, 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 Bid for Replacement of Carpet at Fire Station #1

On November 17, 2006 bids were opened and read aloud in the Office of the City Clerk for the replacement of carpet in the living quarters, training room and two (2) offices at Fire Station #1. A total of four (4) companies submitted bids. An analysis of the bids are as follows:

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

**** Low and Recommended Bidder**

After careful review of all submitted bid documents, staff respectfully recommends that Council award the bid to Flooring America in the amount of \$6,111.95 and the Purchasing Agent be authorized to issue a Purchase Order for same. Funds for this purchase are available in account #G15210-70590.

Respectfully,

Keith Ranney
Fire Chief

Tom Hamilton
City Manager

Motion by Alderman Huette, seconded by Alderman Schmidt that the bid be awarded to Flooring America in the amount of \$6,111.95, 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, Hanson, 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 City Leadership Institute Training

In January 2004, Council approved the use of Performance Development Network, Decatur, and (PDN) to provide advanced leadership training to a select group of City leaders at the director and superintendent level. PDN presented the best specific proposal for a demanding and extended leadership development program that emphasized individual attitudes, goals, and change, as well as being a relatively low-cost and local (Central Illinois) vendor.

City Leadership Institute Training, (CLI) includes more than twenty (20) hours of training, including nine (9) group meetings, three (3) individual coaching sessions, plus assignments and individual goal setting for middle and upper management. Based on the overwhelmingly positive response (average rating of 4.56 on a 5 point scale) from the sixteen (16) City leaders who participated in the first CLI this spring, PDN was recommended to lead the 12-week leadership development program again in the fall of 2004.

Again, due to the strong success of the program with this particular instructor (Mark Sturgell, President, PDN) and staff's desire for continuity of curriculum, staff respectfully requests to continue using PDN for the CLI for the next generation of City leaders.

The third City Leadership Institute will begin January 12, 2007 and finish in early April 2007. The fee is \$9,990 for the first six (6) participants, plus an additional \$1,080 for each additional participant, instructor mileage from Decatur and meals as appropriate. Anticipated registration for the second program is between twelve (12) and fourteen (14) individuals, for a total of \$14,310 to \$18,630, or no more than \$1,373 per participant.

The per person fee compares favorably with similar leadership development programs that require additional travel costs and do not have the advantage of being interwoven over a period of time with the leader's job assignments for the City. The CLI fee includes instructional materials, class time, three (3) individual coaching sessions for each participant, as well as individual follow-up access to the instructor as executive coach. The maximum total of \$18,630 plus instructor mileage is covered by the amount budgeted for supervisory training in the training and development budget for the Human Resources Department (G11410-70790).

Staff respectfully recommends the approval of Performance Development Network as a provider for a third presentation of the City Leadership Institute curriculum. Additionally, staff respectfully requests the authority to pay PDN an initial payment of \$9,315 for the City Leadership Institute engagement, and an additional payment of up to \$9,315 no later than January 31, 2007, plus mileage for the instructor.

Respectfully,

Megan Devlin-Petty
Org. Development Manager

Emily Bell
Dir. of Human Resources

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 163

A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND AUTHORIZING THE CONTRACT WITH PERFORMANCE DEVELOPMENT NETWORK FOR CITY LEADERSHIP INSTITUTE CURRICULUM IN AN AMOUNT NOT TO EXCEED \$18,630, PLUS MILEAGE FOR THE INSTRUCTOR

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

1. That the bidding process be waived and the Mayor and City Clerk be authorized to enter into a contract for the City Leadership Institute Curriculum with Performance Development Network in an amount not to exceed \$18,630, plus mileage for the instructor.

Adopted this 11th day of December, 2006.

Approved this 12th day of December, 2006.

Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

(CONTRACT ON FILE IN CLERK'S OFFICE)

Motion by Alderman Huette, seconded by Alderman Schmidt that the formal bidding process be waived, the contract be awarded to Performance Development Network as a provider for a third presentation of the City Leadership Institute curriculum in an amount not to exceed \$18,630, plus mileage for the instructor, the Mayor and City Clerk be authorized to execute the necessary documents, and 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, Hanson, 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 Police VICE Unit Surveillance Equipment

The VICE unit of the Police Department is in need of updated equipment to use for the purpose of surveillance of persons suspected of illegal drug activity. This equipment would be purchased from Pro-Tech, who is a sole source provider of this desired equipment.

Staff respectfully requests that the formal bidding process be waived, and the surveillance equipment for the Police Department VICE Unit be purchased from Pro-Tech in the amount of \$11,475, the Purchasing Agent be authorized to issue a Purchase Order for same, and the Resolution adopted. Funds for this purchase are available in account X20900-72190.

Respectfully,

Roger J. Aikin
Chief of Police

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 164**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF SURVEILLANCE EQUIPMENT FOR THE
POLICE DEPARTMENT VICE UNIT FROM PRO-TECH AT A PURCHASE PRICE OF
\$11,475**

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 surveillance equipment for the Police Department VICE unit from Pro-Tech at a purchase Price of \$11,475.

Adopted this 11th day of December, 2006.

Approved this 12th day of December, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracy Covert
City Clerk

Motion by Alderman Huette, seconded by Alderman Schmidt that the formal bidding process be waived, the surveillance equipment for the Police Department VICE Unit be purchased from Pro-Tech in the amount of \$11,475, the Purchasing Agent be authorized to issue a Purchase Order for same, and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

December 11, 2006

1227

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Waive the Formal Bidding Process and Purchase Playground Equipment

The Parks and Recreation Department annually budgets \$125,000 in the Fixed Asset Replacement Fund to replace playground equipment. This year \$20,000 has already been committed to Bent School to assist with the replacement of the playground there. Current year plans also include replacing the playground at Holiday Park which was installed over 15 years ago, and the purchase of an additional piece of playground equipment at Alton Depot Park. In addition to these purchases there is \$223,493.10 in the Capital Improvement Budget for the purchase of playground equipment for the Miller Playground Renovation Project.

Staff wishes to purchase the playground equipment through the US Communities Purchasing Program. This program is similar to the State of Illinois Purchasing Program that the City has used in the past. Utilization of this program will save the City over \$80,000.

Staff respectfully requests that Council waive the formal bidding process and accept the quote from Playpower LT Commercial through the US Communities Purchasing Program in the amount of \$307,918.14 for this playground equipment. Funds for this purchase are available in the capital improvement account X40100-72570 for the Miller Park playground equipment (\$223,493.10) and the remaining playground equipment (\$84,425.04) has been budgeted to the fixed asset account F14110-72140.

Respectfully,

Dean Kohn
Director of Parks & Recreation

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 165

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF PLAYGROUND EQUIPMENT FROM
PLAYPOWER LT COMMERCIAL THROUGH THE US COMMUNITIES
PURCHASING PROGRAM AT A PURCHASE PRICE OF \$307,918.14**

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 playground equipment from Playpower LT Commercial through the US Communities Purchasing Program at a Purchase Price of \$307,918.14.

ADOPTED this 11th day of December, 2006.

APPROVED this 12th day of December, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Huette, seconded by Alderman Schmidt that the formal bidding process be waived and the playground equipment purchased from Playpower LT Commercial through the US Communities Purchasing Program in the amount of \$307,918.14, the Purchasing Agent be authorized to issue a Purchase Order for same, and the Resolution adopted.

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, Hanson, 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 Approve a Contractor to Move the Engineering Department to the Government Center

Quotations were received and opened for moving Engineering Department Records, Equipment, and staff, currently housed at 401 ½ S. East St. to 115 E. Washington, 3rd Floor of the Government Center. Two (2) companies toured the premises, and both submitted quotations. The analysis of the quotations are as follows:

Federal Companies, Normal Moving	\$8,448.00
Miscellaneous Expenses	<u>\$1,378.00</u>
Total	\$9,818.00

**Mordue Moving and Storage, Peoria Moving	\$8,085.00
--	------------

Miscellaneous Expenses	<u>\$ 550.00</u>
Total	<u>\$8,635.00</u>

**** Recommended low bidder**

After careful review of all submitted documents, staff respectfully recommends that Council approve the quotation submitted by Mordue Moving and Storage, in the amount of \$8,635 and authorize the Purchasing Agent to issue a purchase order for same. \$9,000 has been budgeted for this expense in account number 16210-70990, Moving Expenses.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 166

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING MOVING SERVICES FOR THE ENGINEERING DEPARTMENT
FROM MORDUE MOVING AND STORAGE AT A PURCHASE PRICE OF \$8,635**

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 moving services for the Engineering Department from Mordue Moving and Storage at a Purchase Price of \$8,635.

ADOPTED this 11th day of December, 2006.

APPROVED this 12th day of December, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Huette, seconded by Alderman Schmidt that the formal bidding process be waived, the moving services for the Engineering Department be performed by Mordue Moving and Storage for a fee in the amount of \$8,635, the

Purchasing Agent be authorized to issue a Purchase Order for same, and the Resolution adopted.

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, Hanson, 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 Office Furniture through the Cooperative Purchasing Program

The Engineering Department needs multiple workstations and related office furniture to accommodate ongoing work by permanent employees in the Government Center office. Staff requested quotes for this furniture and the results are as follows:

Henricksen Workspace Solutions (Peoria, IL)	\$201,811.00
Illini Office Supply (Decatur, IL)	\$210,052.33

The workstations will be purchased from a local supplier of office furniture through the State of Illinois Joint Purchasing Contract. The furniture specified to be purchased can be purchased from Henricksen Workspace Solutions, who provided the lowest quote. The Engineering Department has budgeted \$155,500 for this purchase. The amount of the furniture purchased can be limited in order to stay within the budgeted amount.

Staff respectfully requests that Council waive the formal bidding process and approve purchasing the office furniture from Allsteel Inc., c/o Henricksen, through the Cooperative Purchasing Program in an amount not to exceed \$155,500. Funds for this purchase are available in the Fixed Asset Replacement Funds (G16210-71010).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 167

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF OFFICE FURNITURE FOR THE
ENGINEERING DEPARTMENT FROM HENRICKSEN WORKSPACE SOLUTIONS
THROUGH THE COOPERATIVE PURCHASING PROGRAM AT A PURCHASE
PRICE NOT TO EXCEED \$155,500**

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 Office Furniture for the Engineering Department from Henricksen Workspace Solutions, through the Cooperative Purchasing Program at a Purchase Price not to exceed \$155,500.

ADOPTED this 11th day of December, 2006.

APPROVED this 12th day of December, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Huette, seconded by Alderman Schmidt that the formal bidding process be waived, the office furniture for the Engineering Department be purchased from Henricksen Workspace Solutions in an amount not to exceed \$155,500, the Purchasing Agent authorized to issue a Purchase Order for same, and the Resolution adopted.

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, Hanson, 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 Mobile Shelving System.

Staff respectfully requests that Council waive the formal bidding process and authorize the purchase of a Mobile-Aisle Shelving system. This system will be installed inside the fireproof vault in the Engineering office, (Government Center, 3rd floor), in order to accommodate the storage of archived engineering documents. Staff requested quotes for this system and the results are as follows:

JC Edwards & Sons (Peoria, IL)	\$14,815.00
Bradfield Office Supply (Peoria, IL)	\$14,305.62

Bradfield Office Supply provided the lowest quote for the system specified.

Staff respectfully requests that Council waive the formal bidding process and approve the payment of \$14,305.62 to Bradfield Office Supply (Peoria, IL) with payment to be made from Engineering Office and Computer Supplies Funds (G16210-71010). A total of \$30,000 was budgeted for this equipment.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 168

A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND AUTHORIZING THE PURCHASE OF A MOBILE-AISLE SHELVING SYSTEM FOR THE ENGINEERING DEPARTMENT FROM BRADFIELD OFFICE SUPPLY AT A PURCHASE PRICE OF \$14,305

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 a Mobile-Aisle Shelving system for the Engineering Department from Bradfield Office Supply at a Purchase Price of \$14,305.

ADOPTED this 11th day of December, 2006.

APPROVED this 12th day of December, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Huette, seconded by Alderman Schmidt that the formal bidding process be waived, the storage system be purchased from Bradfield Office Supply in the amount of \$14,305, the Purchasing Agent authorized to issue a Purchase Order for same, and the Resolution adopted.

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

Ayes: Aldermen Crawford, Huette, Schmidt, Finnegan, Gibson, Hanson, 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 Proportional-Integral-Derivative (PID) Loop Controllers for Filter Control

The control system for the filters in the older portion of the water treatment plant is aging and several of the filter controllers have failed this year. There are two (2) banks of filters, each consisting of six (6) filter controllers. The remaining and operating controllers are not compatible with the new controllers that are available, and the old controllers are now obsolete. Therefore, one entire bank of filter controllers must be replaced.

Since newer communication protocols have been integrated into the new controllers, six (6) of these units must be purchased. A seventh will be purchased as a spare unit. Staff has requested quotes for the replacement of these controllers. The quotes have been analyzed and the quotation from Lesman Instrument Company was the lowest cost, qualified quotation. The total cost of the replacement controllers is \$8,730.

Staff respectfully requests that Council waive the formal bidding process, and approve the purchase of seven (7) PID Loop Controllers for Filter Control for the water treatment plant from

Lesman Instrument Company of Bensenville, in the amount of \$8,730. Payment for this purchase will be made with Water Department, Operations and Maintenance Funds, Purification Division, Maintenance and Repair Supplies. (X5010- 50130-71080).

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 169

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF SEVEN (7) PID LOOP CONTROLLERS FOR
FILTER CONTROL AT THE WATER TREATMENT PLANT FROM LESMAN
INSTRUMENT COMPANY AT A PURCHASE PRICE OF \$8,730**

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 seven (7) PID Loop Controllers for Filter Control at the water treatment plant from Lesman Instrument Company at a Purchase Price of \$8,730.

ADOPTED this 11th day of December, 2006.

APPROVED this 12th day of December, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Huette, seconded by Alderman Schmidt that the formal bidding process be waived, seven (7) PID Loop Controllers for Filter Control be purchased from Lesman Instrument Company in the amount of \$8,730, the Purchasing Agent authorized to issue a Purchase Order for same, and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Replacement of Digital Imaging System Server

Staff respectfully requests Council approval to replace a fully depreciated network server scheduled and budgeted for replacement in fiscal year 2006-2007. This server supports the City's Laserfiche digital imaging system and goes along with the replacement scanners that Council approved at the November 27, 2006 meeting. Like the scanners, this server has been in service for over five (5) years and is in need of replacement to support upcoming plans for the digital imaging system. The replacement server would be purchased under the current waiver of the bidding process, whereby Council authorized staff to purchase directly from the Hewlett Packard Western States Contracting Alliance.

Digital Imaging Server Replacement	HP WSCA contract	\$7,449.01
------------------------------------	------------------	------------

Staff respectfully requests that Council approve purchasing a replacement digital imaging system from HP Western States Contracting Alliance in the amount of \$7,449.01, and the Purchasing Agent be authorized to issue a Purchase Order for same. Payment for this purchase will be made with funds budgeted in the Information Services Equipment Fixed Asset account (F11610-72120).

Respectfully,

Scott Sprouls
Director of Information Services

Tom Hamilton
City Manager

Motion by Alderman Huette, seconded by Alderman Schmidt that the replacement digital imaging system be purchased from HP Western States Contracting Alliance in the amount of \$7,449.01, and the Purchasing Agent be authorized to issue a Purchase Order for same.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Proposed Change Order for Downtown Intersections Improvements MFT Section 02-00328-00-TL

This project, which included the replacement of traffic signals at Front and East, Front and Madison, and Olive and Center have been completed. During construction of this project, it was determined that there was a need to install conduit to allow communications between the City office complex and the new US Cellular Coliseum. The additional cost to install the communication conduit was \$7,269.33.

Original Contract Amount	\$341,726.34
This Change Order	<u>\$ 7,269.33</u>
Completed Contract Amount	\$348,995.67

Staff respectfully recommends that Council approve this Change Order in the amount of \$7,269.33 to Rowe Construction Co. for the extra work done on the Downtown Intersection Improvements project with payment to be made with MFT Funds (X20300-53030).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Professional Services Contracts

Staff respectfully requests approval of a contract to engage persons and/or groups represented by East Coast Entertainment, Steven Barclay Agency and Producers Inc. to perform services in the Bloomington Center for the Performing Arts on dates agreed by staff. Base expenses for the contracts will be \$40,100.

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

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

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

Respectfully,

C. Bruce Marquis
Executive Director, Cultural District

Tom Hamilton
City Manager

(CONTRACTS ON FILE IN CLERK'S OFFICE)

Motion by Alderman Huette, seconded by Alderman Schmidt that the contracts with East Coast Entertainment, Steven Barclay Agency, and Producers, Inc. be approved in an amount not to exceed \$40,100 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, Hanson, 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 Retain the Farnsworth Group, Inc. to Provide Professional Services to Develop Plans and Specifications for the Repair of the Parking Deck in Front of the Police Facility

Staff received Request for Qualifications (RFQ) from engineering firms to provide professional services associated with the development of plans and bid specifications for repair of the top parking deck in front of the Police Facility. Staff reviewed all RFQs, selected the Farnsworth Group and negotiated a proposed contract to provide this service. These services include:

1. Evaluate existing conditions.
2. Determine the repairs needed to bring the structure back to original condition.
3. Develop bidding plans and specifications.
4. Review contractor documents.
5. Conduct site visit.

As all things are in order, staff respectfully recommends that Council approve the contract with the Farnsworth Group Inc. to provide professional services for developing plans and bid specifications for repairing the parking deck in front of the Police Facility for a fee of \$11,250 plus reimbursable expenses estimated at \$1,600. Funds for this work have been budgeted for and will come from the Capital Improvement Fund (X40100-72520).

Respectfully,

Bob Floyd
Facility Manger

Mark Huber
Director - PACE

Tom Hamilton
City Manager

AGREEMENT FOR ENGINEERING SERVICES

AGREEMENT is effective this 6th day of November in the year 2006, between Farnsworth Group, Inc., hereinafter referred to as FGI, of 7707 North Knoxville Avenue, Suite 200, Peoria,

IL 61614 and the City of Bloomington of 109 East Olive, P.O. Box 3157, Bloomington IL 61701 hereinafter referred to as the CLIENT.

The Scope of Services to be provided under this agreement is as follows:

Structural design services related to repair of damage to the upper level of the Bloomington Police Parking Garage.

Design Phase:

Provide structural design services to repair damage to the upper level slab of the parking garage at the Police Station in Bloomington, IL.

Provide a consultant to perform a “chain drag and sounding” on the upper level deck and a report that describes the n to distress

Review the results of tests on core samples provided by the CLIENT.

Design structural repairs for the distressed areas

Perform research on methods to protect the deck from freeze/thaw action and attack by chlorides.

Prepare bidding documents for repair of damaged areas and for protection of the deck, if possible.

Review bidding documents with City Staff.

Revise the documents based on comments from City Staff.

Bidding Phase:

Answer bidders' questions.

Construction Phase:

Review submittals. If a submittal must be resubmitted, review of the documents for the second time will be an additional service performed on a time and material basis.

Answer Contractor's questions.

Visit the site during construction one time and prepare a Site Visit Report.

The fee for services provided for Design Phase will be a lump sum of \$9,050 plus reimbursable expenses. Reimbursable expenses are estimated to be approximately \$1,500, including the services for a consultant to perform the “chain drag and sounding.”

The fee for services provided for Bidding Phase will be a lump sum of \$525 plus reimbursable expenses. No reimbursable expenses are anticipated during this phase.

The fee for services provided for Construction Phase will be a lump sum of \$1,675 plus reimbursable expenses. Reimbursable expenses are estimated to be approximately \$100.

This Agreement and the attached General Conditions represent the entire and integrated Agreement between the CLIENT and FARNSWORTH GROUP, INC. and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both CLIENT and FARNSWORTH GROUP, INC.

Farnsworth Group, Inc.

Client

Steven E. Bishop
Structural Engineering Manager

City of Bloomington
Stephen F. Stockton
Mayor

(GENERAL CONDITIONS ON FILE IN CLERK'S OFFICE)

Motion by Alderman Huette, seconded by Alderman Schmidt that the contract with Farnsworth Group, Inc. for developing plan and bid specifications for repairing the parking deck in front of the Police facility be approved in the amount of \$11,250, plus reimbursable expenses estimated at \$1,600, and the Mayor and City Clerk 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, Hanson, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Design and Construction Document Services for McGraw Community Park

The City has received a \$400,000 matching Open Space Lands Acquisition and Development (OSLAD) Grant from the State of Illinois to develop the final phase of McGraw Community Park. Funds have been budgeted in the 2007-2008 Capital Improvement Budget to prepare the Design and Construction Documents for the park.

Staff has negotiated a contract with Thompson Dyke and Associates, Ltd, (TDA) Chicago, to prepare the Design Development, Construction Documents, and perform Construction Administration. Staff recommends the firm of TDA as they have demonstrated a high level of creativity in their designs, and have provided responsive and professional consulting services for a number of park projects. They also prepared the concept design for McGraw Community Park which will provide valuable continuity to the project. Due to their prior involvement with the concept design and development of the first phase they are most knowledgeable of the project and have developed much of the base information.

In summary, staff respectfully recommends that Council approve the contract with Thompson Dyke and Associates in the amount of \$248,500 for the design and construction document preparation for McGraw Community Park and further that the Mayor and City Clerk be authorized to execute the necessary documents.

Respectfully,

Dean Kohn
Director of Parks & Recreation

Tom Hamilton
City Manager

(CONTRACT ON FILE IN CLERK'S OFFICE)

Alderman Matejka questioned this item. He noted that Thompson Dyke had been hired for the design work. He questioned community input and neighborhood meetings. Tom Hamilton, City Manager, addressed the Council. He informed them that community input and neighborhood meetings were a part of the original process. This park would be completed in phases.

Dean Kohn, Director – Parks and Recreation, also addressed the Council. He informed them that meetings had been held. City staff had also met with Central Catholic High School. A remaining issue was lighting.

Motion by Alderman Huette, seconded by Alderman Schmidt that the agreement with Thompson Dyke & Associates to prepare the design and construction documents for McGraw Community Park be approved in the amount of \$248,500, 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, Hanson, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Establishment of Wage Scale for Firefighter/Paramedic

The Fire Department needs to establish a wage scale for the position of Firefighter/Paramedic to continue in the hiring process. By authority granted by Ordinance No. 2006-54, passed on May 22, 2006 and by Fire & Police Commission rule, a new list of eligibles is being established; a process for existing employees to upgrade to the Paramedic level is being created, and a process for hiring experienced Firefighter/Paramedics to fulfill staffing needs is being created.

Both the City's negotiating team and the negotiating team for Local 49 have acknowledged the need to establish a Firefighter/Paramedic wage rate to move forward with the process. While a successor contract is still being negotiated, both teams have agreed to establish this new rate at 4% above the current Firefighter wage to reflect the higher level of certification, work effort and value to the City. It has been further agreed that during the remaining negotiations process that this rate may change if further negotiated and so approved by the Council at contract ratification.

Staff respectfully requests Council approval of this wage rate as shown in the attached tables.

Respectfully,

Keith Ranney
Fire Chief

Tom Hamilton
City Manager

Motion by Alderman Huette, seconded by Alderman Schmidt that the wage rate for Firefighter/Paramedic be approved at four percent (4%) above the current Firefighter wage, with the provision that the rate may be further negotiated, and so approved by Council at contract ratification.

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

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

Nays: None.

Motion carried.

The following was presented:

December 11, 2006

1243

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Ordinance Prohibiting the Use of Groundwater as a Potable Water Supply

The property at 1100-1112 W. Market Street is undergoing clean up due to a leaking underground storage tank. Tests showed contamination from some substances above acceptable levels in the groundwater around the site. There is no further action that can be taken to clean up the groundwater and it is at a depth that poses no risk of exposure through excavation. However, there is still the possibility of coming into contact with the water through wells. The owner is requesting that the City to pass an Ordinance prohibiting the use of groundwater as potable water supply within the effected area. This is required by the Illinois Environmental Protection Agency (IEPA) as a condition of issuing a "No Further Remediation" letter.

The City already has a policy, adopted by a resolution in 1989; that prohibits the drilling and/or operation of wells within the corporate limits for potable water use. However, they are allowed for landscaping, manufacturing and supplementing lakes, ponds and wet bottom detention basins. Although this policy is in place, an Ordinance must be passed because it is in the form and contains language acceptable to the IEPA. This Ordinance will not conflict with or interfere with the existing policy and staff respectfully recommends its passage.

Respectfully,

Hannah R. Eisner
Deputy Corporation Counsel

Tom Hamilton
City Manager

ORDINANCE NO. 2006 - 135**AN ORDINANCE PROHIBITING THE USE OF GROUNDWATER
AS A POTABLE WATER SUPPLY BY THE INSTALLATION OR USE OF POTABLE
WATER SUPPLY WELLS OR BY ANY OTHER METHOD**

WHEREAS, certain properties in the City of Bloomington, Illinois have been used over a period of time for commercial/industrial purposes; and

WHEREAS, because of said use, concentrations of certain chemical constituents in the groundwater beneath the City may exceed Class I groundwater quality standards for potable resource groundwater as set forth in 35 Illinois Administrative Code 620 or Tier 1 residential remediation objectives as set forth in 35 Illinois Administrative Code 742; and

WHEREAS, the City of Bloomington desires to limit potential threats to human health from groundwater contamination while facilitating the redevelopment and productive use of properties that are the source of said chemical constituents;

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

SECTION 1: Use of groundwater as a potable water supply prohibited. Except for such uses or methods in existence before the effective date of this ordinance, the use or attempted use of groundwater as a potable water supply by the installation or drilling of wells or by any other method, including at points of withdrawal by the City of Bloomington, is hereby prohibited within the area described below and shown on Exhibit A, which is attached hereto and incorporated herein by reference.

PROHIBITED AREAS FOR GROUNDWATER AS POTABLE WATER SUPPLY**Parcel Identification Numbers**

21-05-257-019

21-05-257-020

21-05-256-014

SECTION 2: Penalties. Any person violating the provisions of this ordinance shall be subject to a fine of not less than \$50.00 nor more than \$100.00 for each violation. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

SECTION 3: Definitions.

Person is any individual partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents or assigns.

Potable water is any water for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

SECTION 4: Repealed. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed insofar as they are in conflict with this ordinance.

SECTION 5: Severability. If any provision of this ordinance or its application to any person or under any circumstances is adjudged invalid, such adjudication shall not affect the validity of the ordinance as a whole or of any portion not adjudged invalid.

SECTION 6: Effective date. This ordinance shall be in full force and effect from and after its passage.

PASSED this 11th day of December, 2006.

APPROVED this 12th day of December, 2006.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Suspension of Chapter 6 Section 21(a) to Allow Package Sales of Alcohol on Sundays, December 24 and 31, 2006 beginning at 9:00 a.m.

Christmas and New Year's Eves fall on Sunday this year. The City Code does not allow the sale of alcohol for either consumption on or off the premises before twelve o'clock noon on Sundays. The Liquor Commission received a request from a package license holder to allow the sale of packaged alcohol earlier in the day on Christmas and New Year's Eves. Per the package license holder, Christmas and New Year's Eves are two (2) of the busiest days of the year for package sales. Many people prefer to shop early and the license holder believed that it would be a convenience to their customers to allow sales beginning at 9:00 o'clock a.m. on these particular Sundays.

The Liquor Commission had no objection to allowing earlier sales for package liquor this year. There is precedent for allowing extended hours on holidays. The code currently allows alcohol sales until 2:00 a.m. when New Year's Eve falls on a week day.

Staff respectfully requests that Council pass an ordinance suspending the effect of Chapter 6 Section 21 (a) with respect to package sales of alcohol, and allow earlier sales on Christmas and New Year's Eves this year beginning at 9:00 a.m.

Respectfully,

Hannah R. Eisner
Deputy Corporation Counsel

Tom Hamilton
City Manager

ORDINANCE NO. 2006 - 136

**AN ORDINANCE SUSPENDING SECTION 21(a) OF CHAPTER 6
OF THE BLOOMINGTON CITY CODE TO ALLOW THE PACKAGE SALE OF
ALCOHOL BEGINNING AT 9:00 O’CLOCK A.M. ON DECEMBER 24 AND 31, 2006**

WHEREAS, Chapter 6 Section 21 (a) prohibits all sales of alcohol between the hours of 2:00 o’clock a.m and twelve o’clock noon on Sunday; and

WHEREAS, it is in the public interest to allow the sale of alcohol in the original package for consumption off of the premises beginning at 9:00 o’clock a.m. on Sunday, December 24 and 31, 2006.

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

SECTION 1: That Section 21(a) of Chapter 6 of the Bloomington City Code, 1960, as amended, be and is hereby suspended on December 24 and 31, 2006 to the extent that it prohibits the sale of alcohol in the original package for consumption off of the premises between 9:00 o’clock a.m and twelve o’clock noon on Sunday.

SECTION 2: Except for the hours between 9:00 o’clock a.m. and twelve o’clock noon, Section 21(a) of Chapter 6 of the Bloomington City Code, 1969, as amended, shall remain in full force and effect. Nothing in this ordinance shall be interpreted as repealing said Section 21(a).

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

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

PASSED this 11th day of December, 2006.

APPROVED this 12th day of December, 2006.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Gibson questioned this item. He questioned the necessity to purchase alcohol at 9:00 a.m. Mayor Stockton noted that Christmas Eve and New Year's Eve both fell on Sunday this year. The current Code does not allow for liquor sales before 12 noon. Retailers cited holiday parties and gatherings. It was a matter of convenience. He added that the Town of Normal had different sale hours.

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Lake Bloomington Lease Transfer Petition for Lot 2, Block 8 of Camp Potawatomie from Charlotte McKenzie to Martin L. O'Connor, Trustee, McLean County Land Trust D & D - 1

Staff has reviewed the Lake Bloomington Lease Transfer Petition for Lot 2, Block 8 of Camp Kickapoo from Charlotte McKenzie to Martin L. O'Connor, Trustee, McLean County Land Trust D & D - 1.

Staff has further reviewed the septic system inspection report and the deficiency letter from the McLean County Health Department (MCHD). The septic system is quite old for a functioning septic system but according to the inspection report, appears to be working. This is a subsurface discharging system utilizing two (2) seepage fields that may be slightly undersized. The exact size of the seepage fields is difficult to ascertain due to the age of the system.

The system has been minimally used for several years, however, may respond differently to a change in usage pattern. The current system is acceptable, however, staff reserves the right to require that a future inspection be performed should it appear that the system is failing, or usage patterns significantly change.

Staff respectfully requests that Council approve of the Lake Bloomington Lease Transfer for Lot 2, Block 8 in Camp Potawatomie from Charlotte McKenzie to Martin L. O'Connor, Trustee, McLean County Land Trust D & D - 1.

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

Motion by Alderman Huette, seconded by Alderman Schmidt that the Lake Lease be approved, and the Mayor and City Clerk 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, Hanson, Matejka and Purcell.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition submitted by the City of Bloomington, IL, a municipal corporation, requesting approval of the proposed comprehensive amendment of the Zoning Code for the City of Bloomington, Illinois (Chapter 44 of the Bloomington City Code, 1960, as amended) (Case Z-21-06)

BACKGROUND INFORMATION:

The City Council last approved an extensive comprehensive amendment of the Zoning Code on February 12, 1979. Over the past 27 years since that time, Council has approved numerous amendments to different sections as necessary in response to changing conditions associated with the City's rapid growth and development.

Now, after completing a thorough review of the entire code, staff has prepared this new comprehensive amendment to the Zoning Code in order to update it and to make it more "user friendly" and similar in format to the zoning regulations for the Town of Normal. This new codification format, which uses the attached "Division" and "Section" numbering system, is very similar to the format used in Normal's zoning regulations.

For the sake of consistency, many of the new definitions in Division 3 and other proposed changes in the text, including the "Traditional Neighborhood District" regulations in Division 12, were adapted from the Town's zoning regulations. The "Synopsis of Proposed Changes"

provides an overview which highlights the proposed modifications to this code. No amendments to the City's Official Zoning Map are being proposed or included as part of this comprehensive amendment of the Zoning Code.

PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission held a public hearing on this proposed amendment of the Zoning Code on Wednesday, November 8, 2006 and recommends the same. Mr. Kenneth Emmons, City Planner, recommended that the Planning Commission pass a motion recommending Council approval of this proposed amendment of the Zoning Code (Case Z-21-06).

Mr. Mark Huber, Director of Planning and Code Enforcement, testified that this proposed amendment had been reviewed page by page by the City's zoning enforcement staff, and noted that the Planning Commission had conducted several work sessions reviewing this document. He testified that notification of this public hearing had been sent to local developers, contractors, the Realtors' association and the home builders' associations. Notice of this public hearing was published in the Pantagraph, and the proposed draft was made available on line at the City's web site and at the City Clerk's office for inspection.

Commissioner Schulz questioned if there had been any opposition to this amendment. Mr. Huber replied that he had received correspondence from Ms. Marty Seigel, 615 East Chestnut Street, dated November 8, 2006, expressing an opinion that persons "other than the subject property owner" should be able to dispute and appeal to the City Council the Zoning Administrator's interpretation. Mr. Huber noted that any request for a variance already requires a public hearing before the Board of Zoning Appeals. Mr. Huber also noted that a few individuals had expressed interest in the City passing a new lighting pollution ordinance to address excessive outdoor lighting. After brief discussion, that group had agreed to pursue the matter as a separate new case and perhaps have the matter passed later as a text amendment.

Commissioner Morton inquired about the parking of utility vehicles. Mr. Huber replied that the old rules required that they be parked only on paved surfaces, behind the front of the house. Now the rule is relaxed somewhat in order to allow a recreation vehicle (RV) to be parked in the driveway during the summer. Commissioner Morton specified that she was interested in utility vehicles being left parked on the street for an extended period of time. Mr. Huber replied that parking in the public right of way, as opposed to on private property would be a matter regulated by the Motor Vehicle Traffic Code and enforced by the City's Police Department.

Commissioner Baughan observed that neighborhood covenants can be more restrictive than the Zoning Code. Mr. Huber agreed and noted that is a civil matter or a private contract that the neighborhood associations would enforce.

Mr. Dennis Arnold, 504 N. Lee Street, noted the proposed changes in bulk regulations (SEC. 44.6-40). He stated his concern for whether some of the changes would affect the proposed Form-Based-Zoning project now underway for the Gridley-Allin-Pricketts (GAP) Neighborhood. Mr. Huber responded that the likely zoning overlay to be created for the GAP Neighborhood would itself be a future text amendment to the Zoning Code and likely be even more restrictive.

No other persons testified at this public hearing.

PLANNING COMMISSION RECOMMENDATION:

After having given due consideration to this comprehensive amendment of the Zoning Code and the testimony presented at this hearing, the Planning Commission passed a motion by a vote of 6 to 0, to recommend Council approval of the text amendments in Case Z-21-06 as presented.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission's recommendation.

Respectfully submitted,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

PETITION FOR ZONING TEXT AMENDMENT

STATE OF ILLINOIS)
) ss.
 COUNTY OF MC LEAN)

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

Now comes the City of Bloomington, McLean County, Illinois, a Municipal Corporation,
 hereinafter referred to as your Petitioner respectfully representing and requesting as follows:

1. That the text of Chapter 44 (Zoning) of the Bloomington City Code - 1960, as amended, should be further amended for the purpose of promoting the health, safety, morals and general welfare of the City by the enactment of a new zoning code and by providing for its administration, enforcement and amendment; and
2. That your Petitioner hereby requests that said Chapter 44 of the Bloomington City Code-1960, as amended, be further amended as proposed in Exhibit 1, attached hereto and made a part hereof by this reference; and
3. That the approval of said amendments will substantially reflect the philosophy and intent of Chapter 44 of the Bloomington City Code - 1960, as amended; and
4. That the approval of said amendments will offer benefits to the general public in excess of the hardships, limitations or restrictions imposed upon any definitive faction of the City of Bloomington, McLean County, Illinois that is affected by the proposed text of said Exhibit 1.

WHEREFORE, your Petitioner respectfully prays that this petition to amend Chapter 44 of the Bloomington City Code - 1960, as amended, as stated herein be approved in the public interest.

Respectfully submitted,

THE CITY OF BLOOMINGTON,
 A Municipal Corporation

By: Kenneth J. Emmons
 City Planner

ORDINANCE NO. 2006 - 137

AN ORDINANCE AMENDING BLOOMINGTON CITY CODE, CHAPTER 44 BY ADOPTION OF A NEW ZONING CODE, IN ACCORDANCE WITH THE PROVISIONS OF 65 ILCS 5/11-13-2, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH

WHEREAS the City of Bloomington by reason of having a population in excess of 25,000 is a home rule unit under the provisions of Article 7, Section 6, of the 1970 Constitution of the State of Illinois; and

WHEREAS the provisions of said Article 7, Section 6, authorize home rule units to exercise any power and perform any functions related to their government and affairs, including but not limited to the power to regulate; and

WHEREAS the City Council deems it necessary, for the purpose of promoting the health, safety, morals and general welfare of the City to enact a new zoning code and to provide for its administration, enforcement and amendment; and

WHEREAS the City of Bloomington, to the extent that it does not wish to exercise its home rule authority, desires to follow the provisions of 65 ILCS 5/11-13-2; and

WHEREAS the City of Bloomington Planning Commission held a public hearing on the proposed amendment of Bloomington City Code, Chapter 44 on the 8th day of November, 2006; and

WHEREAS the Bloomington Planning Commission recommends City Council approval of said proposed amendment of Bloomington City Code, Chapter 44 after closing said public hearing thereon.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Bloomington, McLean County, Illinois, that the Zoning Code of the City of Bloomington, Mc Lean County, Illinois (Bloomington City Code, Chapter 44) shall be and the same is hereby amended, adopted, and enacted as proposed in Exhibit 1, attached hereto and made a part hereof. The amendment of Chapter 44 as it existed prior to the effective date of this ordinance shall in no way affect the validity of any enforcement proceedings or causes of action which shall have been pending or which may have accrued prior to the effective date of this ordinance.

This ordinance shall take effect January 1, 2007.

This ordinance is adopted pursuant to Home Rule Authority granted the City of Bloomington by Article 7, Section 6, of the Illinois Constitution, 1970.

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

PASSED this 11th day of December, 2006.

APPROVED this 12th day of December, 2006.

Stephen F. Stockton, Mayor

ATTEST

Tracey Covert, City Clerk

CITY OF BLOOMINGTON
Zoning Ordinance, Chapter 44

SYNOPSIS of proposed changes/2006

In 1979 the City of Bloomington's zoning structure and Zoning Ordinance; Chapter 44 underwent a comprehensive overhaul. Since that time, there have been various modifications to the ordinance as changes were needed. Now, 27 years later, city staff has started the process of thoroughly reviewing the entire code and proposing modifications that will make it easier to use and enforce while addressing the changes in planning needs for the City. (It is not the intent of this document to address every small change but to address general changes in formatting, processes or concepts in the code. Please see a complete copy of the code changes @ www.cityblm.org)

General

Language throughout the document was updated to meet current situations (i.e. "Director of Planning and Code Enforcement" replaced "Director of Building Safety"). Other code sources were modified to reflect current code usage International Code Council (ICC) instead of BOCA. The numbering scheme and layouts were changed to be user friendly. Reference numbers and sections were moved and modified accordingly.

Definitions

Nearly 100 definitions were modified, deleted or added to meet today's needs and meanings. Examples include:

"Ambulatory Surgical Treatment Center or Surgi-Center"

"Birthing Center"

"Compacted Surface"/ "Hard Surface"

"Extended-Stay Hotel/Motel"

"Recreational Equipment"

"Nuisance"

"Outdoor Storage"

"Story, Above Grade"

Accessory Uses

This section was modified to recognize clergy acting in their professional capacity, in their homes and further allows very limited massage therapy or barber/beauty shops as home occupations.

Drainage Requirements

This section was reworked to clarify when and how drainage is to be addressed. In general the addition or reworking of 1400 square feet or more of impervious material will require drainage to be addressed by the City's *Manual of Practice for the Design of Public Improvements*. This modification parallels current policy and practice.

Lots and Yards

“Visibility Triangles” have been added for driveways and alleys. These are somewhat different than normal visibility areas but are intended to protect pedestrians and bicyclists from traffic intersecting these areas.

Standards for measuring fence heights has been added this section.

Zoning Districts

The terms “high density”, “medium density”, and “low density” have been removed from the single family residence titles. These terms have been widely misunderstood and become inflammatory during the planning process. The actual differences for each district are still described as part of the ordinance.

Language was added throughout for clarity of purpose for each district.

Bulk Regulations

Bulk regulations were evaluated for consistency, ease of enforcement and review, as well as an eye towards land conservation. These criteria resulted in changes in the way building land ratios are calculated in multiple family districts, as well as providing for higher ratios in other business districts.

Land/building ratios in the R3 districts are currently calculated by a correlation between the number of bedrooms in a dwelling unit and an assigned land requirement. There are no allowances for the size/bulk of a building in this land requirement. The proposal is to change and simplify the bulk requirements by going to a floor area ratio similar to those used in the commercial districts.

Floor area ratios in the C-2, C-3, B-1 and B-2 districts were increased with an eye on land conservation and to allow parking, landscaping requirements, and a modification in setback requirements to control bulk to a greater extent.

Off-Street Parking and Loading Regulations

There have been several changes to this section to provide clarity of purpose, simplify enforcement and provide for upgraded standards for housing in the City.

The sections covering recreational and utility trailers have been modified to provide distinction, use, and storage options. Proposed language will allow some limited storage of recreational vehicles on driveways in front of one's home during the season of use (mid spring through mid fall). New language would also allow limited (2 weeks) use/hook-up of RVs for visitors.

Parking requirements were expanded to recognize uses not previously identified.

Parking requirements for office use were simplified to remove ambiguity in the current standard.

The use of off-site parking not owned but leased has been removed from the code.

Landscape ratios for evergreens and deciduous were removed to allow landscape designers more freedom in their designs.

Site Plan Review and Planned Unit Development Regulations

With the exception of additional language for site plan standards, these sections have simply been relocated in the code.

Special Use Regulations

The following changes are proposed to help clarify intent of purpose.

A "design professional" is required to prepare plans for special use applications. Too many times site plans are prepared and submitted by untrained individuals and are wholly inadequate for an adequate review of the proposal.

Fairgrounds, Agricultural and Horticultural Fairs, and Exhibits were added to the special use standards.

Traditional Neighborhood District

This is a new section and concept added to the Zoning Ordinance. This ordinance mirrors the Town of Normal's (with a few modifications for clarity) allowing developers to create subdivisions using this standard in lieu of the regular subdivision code.

Administration and Enforcement

Minor changes in this section include:

Members of the Zoning Board of Appeals must be residents of the City of Bloomington.

The findings of fact were re-written to be clearer and readily understood.

Filing fees for amendments or Special Use Permits were raised from \$100 to \$125.

The length of time a variance is applicable has been extended from 6 to 12 months.

Clarified which sections the Zoning Board of Appeals has authority to hear.

New Permitted Land Uses by Zoning District

“Ambulatory Surgical Treatment Center”, “Birthing Center”, “Diagnostic Imaging Center”, “Diagnostic Laboratory Treatment Facility” and “Post-surgical Recovery Care Center” as permitted uses in the S - 1 University District, the C - 1 Office District, the B - 1 Highway Business District, the B - 2 General Business Service District, and the B - 3 Central Business District;

“Automobile Engine Electrical System Diagnostic Services” as a permitted use in the S-5 Airport District, the C-2 Neighborhood Shopping District, the C-3 Community/Regional Shopping District, the B-1 Highway Business District, the B-2 General Business Service District, the B-3 Central Business District, the M-1 Restricted Manufacturing District, and the M-2 General Manufacturing District;

“Catering Service” as a permitted use in the S-1 University District, the S-5 Airport District, the C-2 Neighborhood Shopping District, the C-3 Community/Regional Shopping District, the B-1 Highway Business District, the B-2 General Business Service District, the B-3 Central Business District, the M-1 Restricted Manufacturing District and the M-2 General Manufacturing District;

“Composting Facility” as a permitted use in the S-2 Public Lands and Institutions District, the M-1 Restricted Manufacturing District, and the M-2 General Manufacturing District;

“Currency Exchange” as a permitted use in the S-1 University District, the S-5 Airport District, the C-1 Office District, the C-2 Neighborhood Shopping District, the C-3 Community/Regional Shopping District, the B-1 Highway Business District, the B-2 General Business Service District, the B-3 Central Business District, the M-1 Restricted Manufacturing District, and the M-2 General Manufacturing District;

“ Domestic Violence Shelter” as a permitted use in the R-2 Mixed Residence District, the R-3A Multiple Family Residence District, the R-3B Multiple Family Residence District, the S-1 University District, the C-1 Office District, the B-1 Highway Business District, the B-2 General Business Service District, and the B-3 Central Business District;

“Extended Stay Motel” as a permitted use in the S-1 University District, the B-1 Highway Business District, the B-2 General Business Service District, and the B-3 Central Business District; and

“Home Improvement Center” as a permitted use in the C-3 Community/ Regional Shopping District, B-1 Highway Business District, the B-2 General Business Service District, the B-3 Central Business District, the M-1 Restricted Manufacturing District, and the M-2 General Manufacturing District.

Alderman Schmidt noted her concerns and questions regarding the R – 3A and R – 3B Districts and the impact upon the City’s older neighborhoods. Mark Huber, Director – PACE, addressed the Council. City staff was currently looking at dwelling units/bedrooms. Staff would look at land, building bulk, parking, and landscaping. Alderman Schmidt noted the impact on single family homes and the push to rezone. Mr. Huber restated the building bulk would be regulated. Alderman Schmidt questioned the tables, (P = permitted use; S = special use). If a cell was empty then the use would not be permitted. Mr. Huber noted that there were changes to the table of uses. There were some additions to same.

Alderman Schmidt questioned the parolee ordinance. Mr. Huber noted that this item was not before the Council. After two and a half, (2½), years, this item was before the Planning Commission.

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

Motion carried.

Marty Seigl, 615 E. Chestnut, addressed the Council. She had been unable to attend the Planning Commission meeting. She noted her concerns regarding R – 3A and R – 3B zoning districts. She resided in an older neighborhood. She described them as fragile. One questioned addressed a past issue, (Section 44.13.3). She had sent a letter. She noted that a petition for rezoning could only be filed by the property owner. Neighborhoods did not have the ability to bring problems forward. She also addressed Section 44.10.3. She cited legal and illegal changes. She read from the code. She noted the term “exempt”. She was concern that things would begin piling up.

She noted that the hearing on parolee housing would be held on Wednesday, December 13, 2006. Domestic Violence Shelters would be permitted uses in R – 2 and R – 3 zoning districts. She also addressed social service group homes. These were examples of things piling up. These types of housing were not allowed in all neighborhoods throughout the City. A place was being made for them in certain neighborhoods.

Todd Greenburg, Corporation Counsel, noted that the City Code had been amended ten (10) years ago. He added that prior to a hearing any person can request an interpretation of the zoning code regardless of ownership. One concern was the burden upon the City and the property owner. There were other options. The Council may request an interpretation and/or an opinion by the zoning administrator. An appeal may also be made to the Zoning Board of Appeals, (ZBA). A Special Use with variations requested would be heard in a single hearing before the ZBA. He believed that the traditional single family neighborhoods would remain so.

Tom Hamilton added that a Special Use would still appear before the Council for approval.

Mayor Stockton questioned what a citizen would do with a problematic next door neighbor. Mr. Greenburg noted that an objector, (not the property owner), would not incur any cost. There was a provision in state law which allows for a petition to be filed in circuit court. If successful the objector's legal costs would be covered by the property owner.

Mayor Stockton questioned if there had been problems in the past. Mr. Greenburg could not recall a specific situation.

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

Motion carried.

Mayor Stockton believed that there were three (3) issues. The first, group homes would be addressed in the near future. If a citizen is concerned about the next door neighbors, he/she could not request a hearing.

Alderman Schmidt believed that there were group home locations specified.

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

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

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

Nays: None.

Motion carried.

Alderman Matejka thanked City staff for their efforts on this issue.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Appeal of Zoning Board Action by Phil Boulds (Mugsy's Pub) 1303, 1305, and 1307 N. Main Street

On September 20, 2006, the Zoning Board of Appeals heard the variance request of Phil Boulds (Mugsy's Pub), for 1303, 1305, and 1307 N. Main Street. The request was to reduce the required front yard landscape setback for a new parking lot from twelve (12) feet to three (3) feet along the Center Street frontage.

The Zoning Board of Appeals found Mr. Bould's request did not meet the standards required to grant a variance and rejected his variance request by a vote of 4 - 2 (unofficial minutes attached). The Board based their findings on the following:

- The petitioner was maximizing his parking on the site at the expense of the landscaping requirement.
- The parking could be provided in excess of the required number of spaces and still meet the landscape requirements of the code.
- In light of the study being conducted to address the visual impact of the Main/Center Street corridor through the cities, now was not the time to reduce the amount of landscaping along Center Street.
- The increased landscaped area will reduce the amount of impervious surface, causing less storm water run-off.
- The proposed width of three (3) feet is too small to adequately support the growth of the required landscaping.

Staff concurs with the findings of the Zoning Board of Appeals and respectfully requests that Council uphold the Zoning Board of Appeal's findings, and deny the variance request for reduced landscaping at 1303, 1305, and 1307 N. Main Street.

It should be noted by Council that this item originally appeared on the Council Agenda for October 9, 2006; however, at the Petitioner's request the item was pulled and laid over until the October 23, 2006 Council meeting.

Respectfully,

Mark R. Huber
Director of PACE

Tom Hamilton
City Manager

Tom Hamilton, City Manager, introduced this item. City staff had met with the petitioner and Alderman Purcell. The petitioner may not use the US 51 right of way. The property was a part of the Main St. corridor analysis. This study would also address aesthetics. He added that the Walgreens located to the north complied with the City Code. The petitioner could meet the code without hardship. He noted the intent of the code and the Main St. study. He recommended that the variation be denied.

Mark Huber, Director – PACE, addressed the Council. The City was back to the beginning. The petitioner was able to provide parking and comply with City Code. He addressed the Findings of Fact and stated that the request should be denied. He noted the

November 30, 2006 Main St. meeting. The big issue was landscaping. He also recommended denial.

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

Motion carried.

Phil Boulds, 1 Palm Ct., addressed the Council. He was the petitioner. He provided the Council with a letter and a drawing. He expressed his appreciation of the Main St. project. The property was odd shaped. Mugsy's had been in business for over twenty (20) years. He cited the distance between the parked cars. He planned to double the available parking. He noted other older established properties, such as Kroger's and Kibler Smith Memorial Home. He cited the twelve foot, (12'), front yard and six foot, (6'), back yard landscaping requirements. Total landscaping equaled eighteen feet, (18'). This figure represented eighteen percent, (18%), of his property. He thanked the Council for their help and direction.

Alderman Purcell addressed parking lot detention. He cited the six foot, (6'), space. He questioned the landscaping points. He also questioned if Walgreens was granted a variance. Mr. Boulds stated that Walgreens had twelve feet, (12'), on both sides which equaled twelve percent (12%) of the land.

Alderman Purcell noted that Mr. Boulds had purchased three (3) properties. Mr. Boulds noted that each had not been maintained well. They were purchased for parking. He restated the odd shaped of the property.

Susie Curtis, 1502 N. Lee St., addressed the Council. She addressed the Council as a private citizen and the President of the Northwest Neighborhood Association. She knew Mr. Boulds. The neighborhood association meets at Mugsy's. She requested a favorable vote by the Council.

Mr. Huber addressed the Council. The Walgreens project involved the entire block. It involved four (4) front yards. The twelve foot, (12'), setback was required on all four (4) sides. A four foot, (4'), variance was granted along Seminary St. It allowed for better truck access for deliveries. There were other properties with long range plans that included zoning changes. A twenty-five foot, (25'), aisle was the norm. It discouraged illegal parking.

Alderman Gibson questioned if the configuration could be changed. Mr. Huber noted that there was not enough depth for three (3) aisles.

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

Motion carried.

Alderman Purcell informed the Council that he had spoken with the petitioner. The plan was to install a beer garden. Four (4) parking spaces would be lost. It can be tight to back out with a twenty-five foot, (25'), aisle. Additional space would be nice. The beer garden was the result of the City's smoking ordinance. The petitioner had requested a six foot, (6'), variance which he planned to support.

Motion by Alderman Purcell, seconded by Alderman Gibson that the variance be granted.

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

Ayes: Aldermen Crawford, Gibson, and Purcell.

Nays: Aldermen Huette, Schmidt, Matejka, Hanson, and Finnegan.

Motion failed.

Alderman Matejka stated that he had vote against this request. He appreciated the petitioner's efforts. There were not any additional parking spaces created. He cited the money spent on the Main St. corridor study. The Council would have sent the wrong message. The City had a code. The petitioner could meet same without a variance. He encouraged the petitioner to enter into a partnership with the City.

Alderman Gibson cited other properties which had been allowed to build up to the sidewalk. The petitioner had provided additional space.

Motion by Alderman Matejka, seconded by Alderman Huette that the Appeal submitted by Phil Boulds (Mugsy's Pub) 1303, 1305, and 1307 N. Main Street to reduce the required front yard landscape setback for a new parking lot from twelve (12) feet to three (3) feet along the Center Street frontage be denied, and the Zoning Board of Appeal's findings be upheld.

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

Ayes: Aldermen Huette, Schmidt, Matejka, Hanson, and Finnegan.

Nays: Aldermen Crawford, Gibson, and Purcell.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Ordinance Amending Chapter 41 (Tobacco) of the City Code by Amending the Definition of "Private Club or Lodge", Permitting a Smoking Room at the Central Illinois Regional Airport, and Permitting Violations of Chapter 41 to be Paid at City Hall

Council recently requested that staff prepare an amendment to the ordinance imposing a ban on smoking in public places which clarifies when private clubs and lodges are exempt from the smoking ban and when, if ever, they are subject to the smoking ban. An earlier draft of this ordinance was discussed at the November 13th Council meeting. An objection had been raised that a total exemption for private clubs and lodges which permit their facilities to be used by non-members would create an unlevel playing field. Following that meeting, City Manager, Tom Hamilton, met with representatives of private clubs.

During his meetings, Mr. Hamilton discovered that private clubs have wide variations on how strictly they permit their facilities to be used by non-members. Staff has accordingly amended the previous ordinance draft to specify that private clubs will temporarily be subject to the smoking ban when they make their facilities available to non-members and do not require those non-members to be accompanied by a member. Whether the entire facility, or only a portion thereof, must be non-smoking depends on the physical layout of the premises.

If the "public" portion of the facility is physically separated from the remainder of the facility by walls and closed doors, and the "public" portion of the building has separate and distinct restroom facilities, only the portion of the building open to the public will be subject to the smoking ban. The reason for the separate restroom facilities is the risk that the need to continually open and close doors to travel to the portion of the building where the restrooms are located would permit smoke to contaminate the public, non-smoking portion of the building. Finally, during the time the building or portion thereof is subject to the smoking ban, temporary "no smoking" signs must be posted.

The amendment also addresses an additional question which was raised regarding private clubs which permit the public to pay one dollar at the door "to become a member". The ordinance adds a clarification that organizations which permit members to join under circumstances which renders the club to become, in effect, a place of public accommodation will lose its exemption from the smoking ban. One of the methods listed as causing an organization to become a place of public accommodation is permitting persons to purchase membership in the club for a nominal fee.

The draft ordinance also addresses a recent request from representatives of the Central Illinois Regional Airport to permit a room for persons to smoke at the Airport Terminal. The ordinance would permit such an area, but it must be located after TSA security checkpoints and must be equipped with a ventilation system which substantially reduces the amount of smoke leaving the room and does not allow recirculation of smoke to public areas. Staff believed this provision to

be a reasonable accommodation to persons who will not be able to smoke on the tarmac or on planes and who would be extremely inconvenienced by having to exit the Terminal building and then go through a security checkpoint again if they wish to smoke. It may also reduce the workload of TSA screeners. Since the smoking room would be located in an area where there are no bars or restaurants, the limited airport exemption should not cause objections from other business owners that the City has permitted a non-level playing field.

The draft ordinance also removes several references to “outdoor place of public assembly”. Earlier drafts of the ordinance included language which would have prohibited smoking in outdoor places of public assembly. Since Council voted to not prohibit smoking outside (except within 15 feet of an entrance to a place where smoking is prohibited); the references to “outdoor place of public assembly” should be removed to eliminate possible confusion.

Finally, the draft ordinance permits persons who receive a ticket for violating sections of the smoking ban ordinance to pay those tickets at City Hall rather than requiring a court appearance. The draft ordinance has set the amount for payment of the ticket at City Hall at \$100.00.

The staff believes this ordinance is in the best interests of the citizens of the City and urges its passage and approval.

Respectfully,

J. Todd Greenburg
Corporation Counsel

Tom Hamilton
City Manager

ORDINANCE NO. 2006 - 138**AN ORDINANCE AMENDING CHAPTER 41 (TOBACCO)
OF THE CITY CODE, AMENDING THE DEFINITION OF "PRIVATE CLUB
OR LODGE" AND PERMITTING VIOLATIONS OF CHAPTER 41
TO BE PAID AT CITY HALL****BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF BLOOMINGTON, ILLINOIS:**

Section One: That Section 11 of Chapter 41 of the Bloomington City Code, 1960, as amended, is further amended in the following manner (additions are indicated by underlines; deletions are indicated by strikeouts):

"Church" A facility ~~or outdoor place of public assembly~~ used primarily and regularly for religious worship or religious instruction.

"Private Club or Lodge" means an organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used ~~exclusively~~ for club purposes ~~at all times~~, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and if alcoholic beverages are sold such sale is incidental to its operation. The affairs and management of the organization are conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. The organization has established bylaws and/or a constitution to govern its activities. The organization has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. Section 501. No organization shall be considered a private club or lodge under this section if it permits members to join under circumstances which renders it to be, in effect, a place of public accommodation, including but not limited to such methods as permitting persons to purchase membership in the club for a nominal fee. During such time that a private club or lodge permits its building or portion thereof to be used by non-organization members and does not require such non-organization members to be accompanied by a member of the private club or lodge, such building or portion thereof shall lose its exemption from the requirements of this Article. If the portion of the building so used by the non-organization members has separate and distinct restroom facilities and can be physically separated by means of walls and closed doors from other areas of the building used only by members of the private club or lodge, only that portion of the building used by such non-organization members is subject to the requirements of this Article. During the time the building or portion thereof is subject to this Article, temporary signs shall be posted pursuant to Section 19.

"Public place" means any enclosed area to which the public is invited or in which the public is permitted, including without limitation banks, any business, educational facilities, government buildings, health care facilities, laundromats,

museums, public transportation facilities, reception areas, restaurants, bars/taverns, retail food production and marketing establishments, retail service establishments, retail stores, service line, shopping malls, sports arenas, theaters, ~~outdoor place of public assembly~~, waiting rooms, and common areas in multiple family residences. A private residence is not a “public place” unless it is used as a child day care home, adult day care home, health care facility or home-based business of any kind open to the public.

Section Two: That Section 15 of Chapter 41 of the Bloomington City Code, 1960, as amended, is further amended in the following manner (additions are indicated by underlines; deletions are indicated by strikeouts):

SEC. 15. WHERE SMOKING IS NOT REGULATED.

d. Private Clubs or lodges (except as provided in Section 11 of this Chapter).

f. Public sidewalk, roadway, park and golf course ~~(unless such area becomes an outdoor place of public assembly)~~.

h. A room designated for smoking in an airport established and operated pursuant to the Illinois Airport Authorities Act (70 ILCS 5), provided that such room is located in an area where persons cannot enter without passing through an airport security checkpoint regulated by the Transportation Security Administration or successor agency, and provided that such room is equipped with a ventilation system which substantially reduces the amount of smoke leaving the room and does not allow recirculation of smoke to public areas.

Section Three: That Section 19 of Chapter 41 of the Bloomington City Code, 1960, as amended, is further amended in the following manner (additions are indicated by underlines; deletions are indicated by strikeouts):

SEC. 19. POSTING OF SIGNS

Every public place, place of employment, and place established as non-smoking pursuant to Section 17 ~~and outdoor place of public assembly~~ where smoking is prohibited by this Article, shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited. The international “no smoking” symbol consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar diagonally across it shall be considered acceptable under this Section.

Section Four: That Section 200 of Chapter 28 of the Bloomington City Code, 1960, as amended, is further amended in the following manner (additions are indicated by underlines; deletions are indicated by strikeouts):

SEC. 20.

CITATION CHARGING OF VIOLATIONS OF CERTAIN ORDINANCES AND SETTLEMENT VIOLATIONS

<u>OFFENSES</u>	<u>CH.</u>	<u>SEC.</u>	<u>AMT.</u>
13. TOBACCO VIOLATIONS			
<u>Smoking in City-Owned Facilities</u>	41	12	\$100.00
<u>Smoking in Public Places and Places of Employment</u>	41	13	\$100.00
<u>Smoking within 15 feet of any public entrance to a place where smoking is prohibited</u>	41	14	\$100.00
<u>Non-Retaliation</u>	41	17	\$100.00
<u>Posting of Signs</u>	41	19	\$100.00

Section Five: That except as provided herein, the Bloomington City Code, 1960, as amended, shall remain in full force and effect.

Section Six: That the City Clerk be and is hereby directed and authorized to publish this ordinance in pamphlet form as provided by law.

Section Seven: That this ordinance shall take effect January 1, 2007.

Section Eight: That this ordinance is adopted pursuant to Home Rule Authority granted the City of Bloomington by Article 7, Section 6, of the Illinois Constitution, 1970.

PASSED this 11th day of December, 2006

APPROVED this 12th day of December, 2006

APPROVED:

Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

Mayor Stockton stated that questions had arisen regarding the definition of an enclosed area. Tom Hamilton, City Manager, had met with the liquor establishments. A side issue would be the Bloomington Normal Airport Authority, (BNAA). An exemption could be considered. By agreement, the BNAA allowed City ordinances to apply. The

airport terminal beyond security was the issue. Federal rules stated that no one can be outside. The BNAA was attempting to accommodate its employees and passengers.

Todd Greenburg, Corporation Counsel, addressed the issue of ventilation and read from the code. Smoke “cannot enter public places”.

Mayor Stockton addressed private clubs.

Motion by Alderman Gibson, seconded by Alderman Crawford to suspend the rules to allow someone to speak.

Motion carried.

Carl Olson, BNAA Executive Director, addressed the Council. There was a 10 x 16 foot room in the terminal building which had separate ventilation. Alderman Finnegan questioned if this type of space was common in airports. Mr. Olson responded affirmatively once past the security check point. Airports were adding same due to federal rules.

Mayor Stockton noted that ventilation must be separate. Mr. Olson responded affirmatively. The exception was the exit air from other parts of the building. The air is vented to the outside. He believed that the room would meet code.

Alderman Hanson stated that there would be no modifications. Mr. Olson responded affirmatively. The room was built five (5) years ago. There had not been any complaints. Mayor Stockton noted that he had been told that one can smell the tobacco smoke. He questioned the ventilation at the Hanger. Mr. Olson could not address same. Its ventilation system was different from the smoking room. Mayor Stockton questioned if recirculation was allowed. Mr. Olson did not know. Mayor Stockton noted that one question was the issue of fairness.

Alderman Purcell informed the Council that he had visited the Hanger and the smoker’s room at the airport terminal. He was unsure about the ventilation. The air flow did not appear to be strong. He questioned if there was a carbon activated filter. He cited his concern about the security check point.

Mr. Olson stated that the new ordinance would revise a 1994 ordinance to match the City standard, (fifteen feet). He noted the standard old terminal building with a shelter to protect individuals from snow and/or rain.

Alderman Finnegan questioned distance. Mr. Olson noted that the building was over 400 feet long.

Tom Hubbard, 1902 Marzell, addressed the Council. He was the owner of the Hanger. He had a signed lease which allowed smoking. He had been at the airport for the past three (3) years. He had invested \$70,000 in a ventilation system. The air was vented

directly outside. He cited the action taken by the BNAA. It was expensive to be at the airport.

Mayor Stockton believed that the Hanger was a valuable tenant. Mr. Hubbard noted one (1) concern was people exiting the Hanger. He restated that he had an agreement with the BNAA. The Hanger needed to have smoking to be viable. Mayor Stockton noted that there had been a lot of discussion regarding this ordinance. Mr. Hubbard believed that his situation was unique. He was very concerned. He restated that smoking was allowed in his lease. He believed that the law needed to be state wide. He cited the impact of the smoking ban in Springfield.

Alderman Schmidt questioned eating and drinking in one (1) room. She questioned the proximity of the space.

Alderman Crawford addressed the issue of fairness. Mr. Hubbard stated that he did not know what was fair. He did not know if there was a health issue. He did not believe that no body would smoke.

Mayor Stockton questioned Mr. Hubbard's preference. Mr. Hubbard encouraged the Council to vote against the proposed ordinance. He requested that the Council reconsider the entire ordinance.

John Curtis, 1502 N. Lee St., addressed the Council. He was employed by an air carrier. He had quit smoking. He has not smelled cigarette smoke at the airport. Passengers are tense. Smoking helps passengers to reduce tension. The BNAA has done an excellent job.

Alderman Huette noted that restaurants were not on the agenda. Mayor Stockton noted that the smoking room would only be forty to sixty feet (40 – 60') from Mr. Hubbard's establishment. Alderman Huette noted that many airports have smoking rooms.

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

Motion carried.

Mr. Hamilton noted that the original ordinance allowed smoking in private clubs. The original ordinance's language needed to be tightened up.

Alderman Hanson questioned enforcement. Mr. Hamilton noted that it would be complaint driven. The clubs are fully aware that if they are open to the public then they must be nonsmoking. Private clubs were the standard to allow the exemption.

Alderman Crawford addressed a level playing field. He cited the airport situation as unfair.

Alderman Finnegan stated his opposition to the smoking ban. The City had an ordinance that it constantly amends. He encouraged the Council to leave the ordinance alone.

Alderman Matejka stated that the City needed to be clear. The airport needed to accommodate security. It would be a disservice for clubs to be allowed to have smoking when open to the public. Mr. Hamilton added that clubs were fully aware that they would have to put up signage. Clubs that are open to the public would not be allowed to have smoking. No matter what action the Council takes someone will be unhappy. There is an understanding that the ordinance has been passed. There was a sentiment that the Council should leave the ordinance alone.

Alderman Finnegan believed that there were two (2) separate issues – clubs and airports. He stated his preference that smoking not be allowed at the airport. Mr. Hamilton informed the Council that a vote could be held on each.

Alderman Purcell cited the original ordinance. Mr. Greenburg noted the private clubs were exempt. The new language was driven by the “T”, Tavern, liquor license holders. Alderman Purcell stated that the ordinance was constantly changing. He planned to support the amendments even though he was troubled by same.

Mayor Stockton noted that the BNAA language was driven by security. Action may be needed regarding the Hanger. The Council was cleaning up concerns that had been raised.

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

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

Ayes: Aldermen Huette, Gibson, Hanson, Matejka and Purcell.

Nays: Aldermen Crawford, Schmidt and Finnegan.

Motion carried.

The following was presented:

Mark Huber, Director – PACE, addressed the Council. He presented the lone bid for the Community Development Project at 923 W. Grove St. The following amounts had been budgeted for same: \$14,541 and \$465 for the addendum. The lone bid was submitted by Brady Lumber & Construction, Pekin, IL in the amount of \$15,006. Everything was in order. He recommended that the bid be awarded and orders to proceed be issued.

Motion by Alderman Matejka, seconded by Alderman Schmidt to accept the bid from Brady Lumber & Construction for 923 W. Grove St. in the amount of \$15,006, and orders to proceed be issued.

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

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

Nays: None.

Motion carried.

MAYOR'S DISCUSSION: Mayor Stockton informed the Council that he had attended a meeting on the Main St. Corridor. The meeting was well attended. Many compliments were received regarding the approach used. There would be additional meetings after the holidays. A vision for Main St. would be developed.

He addressed a recent winter storm. He had spoken to Public Service staff. This was one of the worst winter storms to hit the City. Public Service's staff's performance was exemplary. The streets were cleared and refuse was picked up.

The City's Holiday Party was well attended. He estimated attendance at 350. The Council was welcomed to attend same.

Mayor Stockton questioned the past offender text amendment. Todd Greenburg, Corporation Counsel, noted that it would appear before the Planning Commission first. Staff will not determine when this proposed text amendment would appear before the Council. Tom Hamilton, City Manager, informed the Council that this item was on the Planning Commission's December 13, 2006 meeting agenda.

Alderman Schmidt questioned if this item would be appear on the Council's December 26, 2006 meeting agenda. Mr. Hamilton noted that the Planning Commission's recommendation would be presented to the Council.

Mayor Stockton invited all present to attend the Illinois Symphony's Holiday Pops Concert on Friday, December 15, 2006.

CITY MANAGER'S DISCUSSION: Tom Hamilton, City Manager, informed the Council that he would not be in attendance at their December 26, 2006 meeting. Items of public interest should be held until the January 8, 2007 meeting.

He informed the Council that there were issues with the ornamental lighting on the Courthouse square. The cause was unknown.

ALDERMEN'S DISCUSSION: Alderman Huette addressed the rental housing program. He noted the financial report provided to the Council which stated that revenue only covered thirty-five percent, (35%), of expenses. He believed that this program was supposed to be self supporting. He expressed his interest in staff's recommendation.

Alderman Crawford addressed the Traffic Control Committee. He questioned citizen representative input. They would be nonvoting members. These meetings were held at 9:00 a.m. and were closed to the public. He believed that citizen input was critical.

He also addressed open meetings and the establishment of communication avenues for public participation. Mr. Hamilton addressed cable television coverage. The Council needed to decide where to hold its meetings. Staff would be able move forward and report back to the Council. He estimated the cost at \$60,000.

Mayor Stockton questioned the cost for a complete system.

Alderman Purcell echoed the Mayor's comments regarding snow removal efforts. He also addressed the need for residents to shovel sidewalks. Mayor Stockton added that pedestrian traffic ends up in the street.

He also echoed the Mayor's comments about the Holiday Party.

Alderman Matejka presented two (2) questions: 1.) noise and 2.) noise ordinance violations, (OV). Roger Aikin, Police Chief, addressed the Council. He presented statistics regarding same. He presented figures for 2004 through 2006 for the following violations: 1.) compliance mufflers; 2.) disorderly house; 3.) failure to register dog; 4.) illegal operation of sound amplification; 5.) noisy animals; and 6.) permitting dog to run at large. Total numbers by category and year were presented.

Alderman Matejka questioned OV involving vehicles. He specifically questioned the encounters and the action taken. Chief Aikin cited eighty-two (82) OV over the three (3) years. Mr. Hamilton noted that the Council would be sent a report.

Alderman Matejka noted that complaints were heard during the spring and summer. He encouraged the Police Department to step up enforcement. The Police should not wait for complaints. Chief Aikin acknowledged that some OV were complaint driven.

Mayor Stockton cautioned the Council. He cited the following factors: 1.) mobility and 2.) subjectivity. Mr. Greenburg noted that these two (2) factors only applied to automobiles.

Motion by Alderman Huette, seconded by Alderman Matejka, that the meeting be adjourned. Time: 9:49 p.m.

Motion carried.

December 11, 2006

1273

**Tracey Covert
City Clerk**

This page intentionally left blank.