

**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, May 8, 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, Alan 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 Seeding at Various Locations

Bids were received by the City Clerk until 2:00 p.m. on April 27, 2006 for Seeding at Various Locations. There is \$25,000 budgeted for this item. Only one bid was received by the City Clerk and it is City policy in situations where only one bid is received to have the bid opened and read at the Council Meeting.

Staff requests that the City Council authorize the Purchasing Agent to open the bid at the May 8, 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 Schmidt, seconded by Alderman Matejka that the Bid be opened at the Council meeting, referred to staff for analysis and report back to Council prior to the end of the meeting.

The Mayor directed the Clerk to call the roll which resulted as follows:

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Opening of One Bid for Demolition of 1503 W. Olive Street

Bids were received by the City Clerk on May 2, 2006 for Demolition of 1503 W. Olive Street. There is \$9,200 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 Purchasing Agent to open the bid at the May 8, 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 report back to Council prior to the end of the meeting.

The Mayor directed the Clerk to call the roll which resulted as follows:

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

Nays: None.

Motion carried.

The following was presented:

May 8, 2006

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To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Proclamations

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

1. Declaring the Week of May 7, 2006 through May 13, 2006 as Building Safety Week.
2. Declaring the Week of May 14, 2006 through May 20, 2006 as National Police Week.
3. Declaring May 10, 2006 Delta Day.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

Mayor Stockton read and presented the Building Safety Week Proclamation to Mark Huber, Director P.A.C.E. Mr. Huber thanked the Mayor and Council for the recognition as this area is often taken for granted.

Mayor Stockton read and presented the National Police Week Proclamation to Roger Aikin, Police Chief.

Mayor Stockton read and presented the Delta Day Proclamation to Takesha Stokes, President. She thanked the Mayor and Council for the annual recognition which brings awareness to the sorority.

Motion by Alderman Crawford, seconded by Alderman Huette that the Proclamations be made a matter of record.

The Mayor directed the Clerk to call the roll which resulted as follows:

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Work Session Proceedings of July 6, 2004 and April 5, 2006

The Work Session Proceedings of July 6, 2004 and April 5, 2006 have been reviewed and certified as correct and complete by the City Clerk.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

Motion by Alderman Crawford, seconded by Alderman Huette that the reading of the minutes of the previous Work Sessions of July 6, 2004 and April 5, 2006 be dispensed with and the minutes approved as printed.

The Mayor directed the Clerk to call the roll which resulted as follows:

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

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 Crawford, seconded by Alderman Huette 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 as follows:

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

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 fourth partial payment to PSA-Dewberry in the amount of \$8,047.76 on a contract amount of \$40,500 of which \$34,795.33 will have been paid to date for work certified as 81% complete for the Library Expansion Furniture, Fixtures & Equipment Package. Completion date - November 2006.
2. The sixteenth partial payment to Felmley Dickerson in the amount of \$66,344.15 on a contract amount of \$611,969 of which \$595,483.15 will have been paid to date for work certified as 97% complete for the Courthouse Square Streetscape. Completion date - December 2006.
3. The thirteenth partial payment to New World Systems in the amount of \$130.72 on a contract amount of \$671,523 of which \$452,524.85 will have been paid to date for work certified as 67% complete for the Police & Fire Computer Aided Dispatch System. Completion date - July 2006.
4. The thirty-seventh partial payment to Brisbin, Brook, Beynon Architects in the amount of \$53,326.43 on a contract amount of \$1,586,964.52 of which \$1,405,448.67 will have been paid to date for work certified as 89% complete for the US Cellular Coliseum Architects. Completion date - April 2006.
5. The eighth and final payment to Central Illinois Arena Management Inc. in the amount of \$17,694.14 on a contract amount of \$1,007,697.83 of which \$1,007,696.17 will have been paid to date for work certified as 100% complete for the Professional Services. Completion date - April 2006.

6. The twenty-fourth partial payment to Turner Construction Co. in the amount of \$6,518 on a contract amount of \$187,824 of which \$174,788 will have been paid to date for work certified as 93.06% complete for the Project Management Services for the Bloomington Center for the Performing Arts. Completion date - June 2006.
7. The thirteenth partial payment to PJ Hoerr, Inc. in the amount of \$1,010,404.86 on a contract amount of \$11,455,758.26 of which \$8,227,849.17 will have been paid to date for work certified as 72% complete for the Renovation of the Bloomington Center for the Performing Arts. Completion date - June 2006.
8. The first partial payment to Laesch Electric, Inc. in the amount of \$37,456 on a contract amount of \$118,963.11 of which \$37,456 will have been paid to date for work certified as 31% complete for the Airport Road at College Avenue Traffic Signals. Completion date - September 2006.
9. The fifth partial payment to Farnsworth Group in the amount of \$735.75 on a contract amount of \$20,450 of which \$17,088.75 will have been paid to date for work certified as 84% complete for the Fox Creek Road Improvements - Danbury to Railroad Bridge. Completion date - May 2006.
10. The fourth partial payment to Consoer Townsend & Associates in the amount of \$13,219.43 on a contract amount of \$53,580 of which \$27,194.56 will have been paid to date for work certified as 51% complete for the Water Department Master Plan Update of Water Treatment Plant. Completion date - December 2006.
11. The twelfth partial payment to Clark Dietz, Inc. in the amount of \$750 on a contract amount of \$22,000 of which \$11,983.41 will have been paid to date for work certified as 54% complete for the Water Department Emergency Response Plan. Completion date - December 2006.
12. The third partial payment to Consoer Townsend & Associates in the amount of \$13,057.78 on a contract amount of \$185,000 of which \$36,243.25 will have been paid to date for work certified as 20% complete for the Water Department Electrical Improvements - Lake Bloomington. Completion date - December 2006.
13. The first partial payment to Consoer Townsend & Associates in the amount of \$1,133.43 on a contract amount of \$9,600 of which \$1,133.43 will have been paid to date for work certified as 12% complete for the Water Department Fuel Storage Tank. Completion date - December 2006.
14. The eighth partial payment to Clark Dietz, Inc. in the amount of \$4,377.78 on a contract amount of \$44,000 of which \$37,500.63 will have been paid to date for work certified as 85% complete for the Sugar Creek Headwater Study. Completion date - April 2006.

15. The first partial payment to Gildner Plumbing, Inc. in the amount of \$23,000 on a contract amount of \$563,312 of which \$23,000 will have been paid to date for work certified as 4% complete for the Division Street CSO Elimination and Sewer Separation. Completion date - July 2006.
16. The third partial payment to Clark Dietz, Inc. in the amount of \$5,401.83 on a contract amount of \$140,000 of which \$7,700.70 will have been paid to date for work certified as 6% complete for the Locust - Colton CSO Study. Completion date - January 2007.
17. The first partial payment to Clark Dietz in the amount of \$16,668.28 on a contract amount of \$68,800 of which \$16,668.28 will have been paid to date for work certified as 48% complete for the Water main Replacement on Hinshaw/Barker. Completion date - December 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 Crawford, seconded by Alderman Huette that the payments be approved.

The Mayor directed the Clerk to call the roll which resulted as follows:

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Payment to State Farm Mutual Auto Insurance Company for Resurfacing of a Portion of Four Seasons Road

In the current budget, \$17,000 has been designated for the resurfacing of Four Seasons Road. As part of their parking lot improvements, State Farm Mutual Auto Insurance Co. resurfaced a segment of the publicly maintained Four Seasons Road from Oakland Avenue north to their property line. State Farm has submitted an invoice from Rowe Construction in the amount of

\$16,886 for the City's portion of this resurfacing. Staff examined the bill and found it to be acceptable.

This short segment of Four Seasons Road was not contiguous to any portion of the City's resurfacing program. Mobilization costs would have made adding this to the City's contract prohibitive.

As all items are in order, staff respectfully requests that Council approve the payment to State Farm Mutual Auto Insurance Company in the amount of \$16,886. Payment for this work will from Capital Improvement Funds (X40100-72530).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

Motion by Alderman Crawford, seconded by Alderman Huette that the Payment be approved.

The Mayor directed the Clerk to call the roll which resulted as follows:

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

Nays: None.

Abstained: Aldermen Crawford.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Payment to the Village of Downs for Partial Payment of the City's Share to Design and Construct Sanitary Sewerage Improvements

On April 25, 2005, Council approved an Intergovernmental Agreement with the Village of Downs for the design and construction of a trunk sewer, pump station, and force main to serve the Village and City in the drainage basin of the Main Branch of Kickapoo Creek. The agreement provides for the City to pay for a share of design costs based on future flow capacity. The City has received an invoice from the Village in the amount of \$74,158.12 for costs incurred as of March 2006. The Village has indicated that they will invoice the City on a monthly basis as the project progresses.

Staff has reviewed the bill and finds it to be reasonable. These costs will be recovered through future tap-on fees from upstream properties as they develop. Staff respectfully recommends that Council approve the payment to Village of Downs in the amount of \$74,158.12. Payment for this work will be made from Sewer Water Depreciation Funds (X52200-72550).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

Motion by Alderman Crawford, seconded by Alderman Huette that the Payment be approved.

The Mayor directed the Clerk to call the roll which resulted as follows:

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

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 for the Upgrade of Fire Department Breathing Apparatus

Staff respectfully requests that Council waive the formal bidding process and approve the payment of \$60,399 to Municipal Emergency Services Inc. for the upgrade of twenty-seven (27) Fire Department Self Contained Breathing Apparatus (SCBA) and the purchase of fifty-four (54) new breathing air cylinders.

The Department's current breathing apparatus provide up to thirty (30) minutes of breathing air to a user in a toxic environment. After the upgrade, the apparatus will provide up to sixty (60) minutes of breathing air.

The manufacturer offers a free upgrade kit with the purchase of two new breathing air cylinders. The installation of the upgrade kit apparatus must be performed by a factory authorized service center. Municipal Emergency Services Inc. located in Washington, IL is the regional factory authorized service center.

By purchasing the new breathing air cylinders and taking advantage of the manufacturer's upgrade offer, the useful life of the existing breathing apparatus is extended by three to five (3 to 5) years and the City realizes a savings of approximately \$59,000 over the purchase of twenty-seven (27) complete breathing apparatus and twenty-seven (27) spare cylinders. This equipment upgrade is budgeted for in the FY 06-07 fixed asset budget with payment to come from Acct: F15210-72140.

Respectfully,

Keith Ranney
Fire Chief

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 66

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF THE UPGRADE OF TWENTY-SEVEN (27)
FIRE DEPARTMENT SELF CONTAINED BREATHING APPARATUS (SCBA) AND
THE PURCHASE OF FIFTY-FOUR (54) NEW BREATHING AIR CYLINDERS
UPGRADE OF TWENTY-SEVEN (27) FIRE DEPARTMENT SELF CONTAINED
BREATHING APPARATUS (SCBA) AND THE PURCHASE OF FIFTY-FOUR (54)
NEW BREATHING AIR CYLINDERS FROM MUNICIPAL EMERGENCY SERVICES,
INC. AT A PURCHASE PRICE OF \$60,399**

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 the upgrade of twenty-seven (27) Fire Department Self Contained Breathing Apparatus (SCBA) and the purchase of fifty-four (54) new breathing air cylinders from Municipal Emergency Services, Inc. at a Purchase Price of \$60,399.

Adopted this 8th day of May, 2006.

Approved this 9th day of May, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Crawford, seconded by Alderman Huette that the formal bidding process be waived, the upgrade of twenty-seven (27) Fire Department Self Contained Breathing Apparatus (SCBA) and the purchase of fifty-four (54) new breathing air cylinders be purchased from Municipal Emergency Services, Inc. in the amount of \$60,399, 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 as follows:

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

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 Medtronic Defibrillators for the Fire Department

Staff respectfully requests that Council waive the formal bid process, and approve the purchase of a Medtronic Lifepak 12 defibrillator/monitor at a cost of \$17,330.40. The cost is inclusive of a three year on-site inspection and service agreement. Medtronic Emergency Response Systems is the exclusive source for this equipment.

This equipment is used to monitor cardiac rhythms and provide external defibrillation of patients in cardiac arrest. The Fire Department has one of these units in service on each of the four (4) Fire Department ambulances. Staff believes maintaining uniformity of this particular piece of equipment is essential to patient care. This unit will be placed on the department's reserve ambulance allowing it to be placed into service when necessary. This equipment is budgeted for in the FY 06-07 fixed asset budget with payment to come from #F15210-72140.

Respectfully,

Keith Ranney
Fire Chief

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 67

A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND AUTHORIZING THE PURCHASE OF A MEDTRONIC DEFIBRILLATOR FROM MEDTRONIC EMERGENCY RESPONSE SYSTEMS IN THE AMOUNT OF \$17,330.40

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 Medtronic Defibrillator from Medtronic Emergency Response Systems in the amount of \$17,330.40.

Adopted this 8th day of May, 2006.

Approved this 9th day of May, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Crawford, seconded by Alderman Huette that the formal bidding process be waived, the Medtronic Defibrillator purchased from Medtronic Emergency Response Systems in the amount of \$17,330.40, 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 as follows:

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

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 Salary Range Updates for Compensation Program and Position Reviews for Appropriate Pay Grade

Staff respectfully requests that Council waive formal bidding process for two projects concerning the classified employee (nonunion) compensation program. One project will assist staff in adjusting current pay ranges for internal and external pay equity. The other project will review pay grades assigned to specific positions for appropriateness.

In 1990 the City established a compensation plan for all classified (nonunion) positions tying job performance to pay. Hay Management Consultants (Hay) were hired in 1992 to assist the City in the development of the overall compensation program. Hay was selected because its system is the most widely used single process for job evaluation in existence.

Program Update:

Staff has requested updates from Hay every few years to ensure that the City compensation program maintains its internal pay equity and consistency with other like governmental entities. Hay last conducted this review for the City in 2004. Staff is requesting funds for an update to the pay program for the new fiscal year. The total cost expected for this project will not exceed \$15,000.

Position Review:

Staff has identified the need to have classified positions reviewed for pay grade appropriateness. Comprehensive evaluations of pay grade by position have not been performed since 1992. The responsibilities and tasks have since changed in many positions and new positions have been added or created from the combination of existing jobs. Some positions have already been re-evaluated with respect to pay grade over the last year. To maintain comparability among all the classified positions, staff is requesting funding to have Hay Management Consultants review the pay grades of the remaining positions. The total cost for the pay grade review will not exceed \$14,400. Total funding for both projects will not exceed \$29,400. Funds for this project have been budgeted in line item 11410-70990.

Staff respectfully requests that Council waive the formal bidding process and approve the purchase of salary range updates for compensation program and position reviews for appropriate pay grade from Hay Management Consultants in an amount not to exceed \$29,400, the Purchasing Agent authorized to issue a Purchase Order for same, and the Resolution adopted.

Respectfully,

Emily Bell
Director of Human Resources

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 68

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF SALARY RANGE UPDATES FOR
COMPENSATION PROGRAM AND POSITION REVIEWS FOR APPROPRIATE PAY
GRADE FROM HAY MANAGEMENT CONSULTANTS IN AN AMOUNT NOT TO
EXCEED \$29,400**

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 salary range updates for compensation program and position reviews for appropriate pay grade from Hay Management Consultants in an amount not to exceed \$29,400.

Adopted this 8th day of May, 2006.

Approved this 9th day of May, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Crawford, seconded by Alderman Huette that the formal bidding process be waived, the purchase of salary range updates for compensation program and position reviews for appropriate pay grade from Hay Management Consultants be approved in an amount not to exceed \$29,400, 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 as follows:

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

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 Microfilm Services for Human Resources Records

The City has used Lason, Rantoul, IL for source document microfilming prior to my tenure with the City. This firm complies with all of the State of Illinois, Secretary of State, Local Records Unit's regulations. The Human Resources Department has not filmed records since 1996. Based on the current volume of records ready to be microfilm, a proposal was requested from Lason. The cost to microfilm, duplicate and destroy the current volume of Personnel Employment Terminations and Health Insurance Records is \$9,909.

This is the sole source document microfilm company located in Central Illinois that complies with all State of Illinois regulations. Based on the City's history with Lason and this company's past performance, staff recommends that the proposal be accepted, the Purchasing Agent be authorized to issue a Purchase Order for same, and the Resolution adopted.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 69

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE ACCEPTANCE OF LASON PROPOSAL FOR SOURCE
DOCUMENT MICROFILMING IN THE AMOUNT OF \$9,909**

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 source document microfilming services from Lason, Rantoul, IL in the amount of \$9,909.

Adopted this 8th day of May, 2006.

Approved this 9th day of May, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Crawford, seconded by Alderman Huette that the formal bidding process be waived, the proposal from Lason for source document microfilming of Human Resources records be accepted, the Purchasing Agent authorized to issue a Purchase order for same, and the Resolution be adopted.

The Mayor directed the Clerk to call the roll which resulted as follows:

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

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 a Fertigation Station for Prairie Vista Golf Course

In 2005, the Parks and Recreation Department purchased a fertigation station for The Den. The system has worked out very well and funds were budgeted this year for a system for Prairie Vista.

The station is attached to the course's irrigation system and allows for the feeding of soluble fertilizer and iron during the regular irrigation cycle. This feeding in small amounts allows for more uniform plant growth and helps contain some disease problems such as dollar spot. The fertigation station allows for applications during night time irrigation which causes less disruption in play and reduces the man hours needed to spray.

The fertigation station is a sole source item distributed by Prime Turf. A quote of \$10,350 has been provided for the system, including installation and a one year maintenance agreement. This is a \$600 increase over the system purchased last year. Staff believes that this purchase will improve the quality of the turf and reduce the man hours needed for spraying. \$12,000 was budgeted in the Fixed Asset Replacement Fund, account #14152-72140 for the purchase of this unit.

Staff respectfully requests that Council waive the formal bidding process, accept the quote of \$10,350 from Prime Turf, the Purchasing Agent be authorized to issue a purchase order for same, and the Resolution adopted.

Respectfully,

Dean Kohn,
Director Parks and Recreation

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 70**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF A FERTIGATION SYSTEM FOR THE PRAIRIE
VISTA GOLF COURSE FROM PRIME TURF AT A PURCHASE PRICE OF \$10,350**

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 fertigation system for the Prairie Vista Golf Course from Prime Turf at a Purchase Price of \$10,350.

Adopted this 8th day of May, 2006.

Approved this 9th day of May, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Crawford, seconded by Alderman Huette that the formal bidding process be waived, the fertigation system for the Prairie Vista Golf Course be purchased from Prime Turf in the amount of \$10,350, 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 as follows:

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Analysis of Bids on Equipment Purchases

On Tuesday, April 18, 2006 at 10:45 a.m., bids were publicly opened and read for a Ball Field Maintainer, Turf Utility Vehicles and Mowers for the Parks and Recreation Department. The firms submitting bids included the proper bid guarantees. The bids are as follows:

FIRM	BID PRICE
BALL FIELD MAINTAINER	
Erb Implement Co. (Effingham, Illinois)	\$10,200.00*
Turf Professional Equipment Co. (Chatham, Illinois)	\$15,451.66**
Birkey's (Urbana, Illinois)	\$16,530.00
*Low bid	
** Recommended bid	
TURF TRUCKSTER (2)	
Erb Implement Co. (Effingham, Illinois)	\$26,250.00 *
Turf Professional Equipment Co. (Chatham, Illinois)	\$33,107.80
Birkey's (Urbana, Illinois)	\$29,350.00**
*Low bid	
** Recommended bid	
4 WD ROTARY MOWER (3)	
Erb Implement Co. (Effingham, Illinois)	\$113,150.00
Turf Professional Equipment Co. (Chatham, Illinois)	\$127,819.00
Birkey's (Urbana, Illinois)	\$101,500.00 *
*Low and recommended bid	
TRIPLEX GREENS MOWER (3)	
Erb Implement Co. (Effingham, Illinois)	\$73,800.00 *
Turf Professional Equipment Co. (Chatham, Illinois)	\$75,146.90
Birkey's (Urbana, Illinois)	\$82,500.00
*Low and recommended bid	
TRIPLEX REEL MOWER (2)	
Erb Implement Co. (Effingham, Illinois)	\$35,600.00 *
Turf Professional Equipment Co. (Chatham, Illinois)	\$39,584.00
Birkey's (Urbana, Illinois)	\$42,000.00
*Low and recommended bid	
UTILITY VEHICLES (6)	
Erb Implement Co. (Effingham, Illinois)	\$32,050.00
Turf Professional Equipment Co. (Chatham, Illinois)	\$40,815.90
Birkey's (Urbana, Illinois)	\$42,400.00
Battery Specialist (Champaign, Illinois)	\$25,770.00 *
Cat Rentals (East Peoria, Illinois)	\$34,980.00
Praireland Golf (Bloomington, Illinois)	\$31,122.00
*Low and recommended bid	

Staff recommends the low bid on all of the equipment with the exception of the Turf Truckster and the Ball Field Maintainer. The John Deere unit (truckster) bid by Erb Implement is not versatile enough to be used with the additional multi-dealer components. Staff has attempted to

retro- fit these units and has been less then satisfied with the results. The lowest bidder for the Ball Field Maintainer from Erb Implement Co. for a John Deere 1200A does not meet the specifications.

Staff respectfully recommends that Council accept these bids and authorize the Purchasing Agent to issue purchase orders to Birkey's for the Turf Truckster and 4WD Rotary Mowers in the amount of \$130,850, Erb Implement Co. in the amount of \$109,400 for the Greens Mowers and the Triplex Mowers. Additionally, staff recommends purchasing the Utility Vehicles from Battery Specialists in the amount of \$25,770 and the Ball Field Maintainer from Turf Professional Equipment Company in the amount of \$15,451.66. There are sufficient funds in the Equipment Replacement Accounts, F14110-72140-65023, F14150-72140-65023 and F14152-72140-51556, F14154-72140-65023 for these units.

Respectfully,

Dean Kohn
Director Parks & Recreation

Tom Hamilton
City Manager

Motion by Alderman Crawford, seconded by Alderman Huette that the bids be awarded as follows: 1.) Birkey's for the Turf Truckster and 4WD Rotary Mowers in the amount of \$130,850; 2.) Erb Implement Co. in the amount of \$109,400 for the Greens Mowers and the Triplex Mowers; 3.) Battery Specialists in the amount of \$25,770 for the Utility Vehicles; and 4.) Turf Professional Equipment Company in the amount of \$15,451.66 for the Ball Field Maintainer, and the Purchasing Agent authorized to issue Purchase Orders for same.

The Mayor directed the Clerk to call the roll which resulted as follows:

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Analysis of Proposals for 2006-2007 Asphalt and Portland Cement Concrete Plant Inspection and Laboratory Testing, Subsurface Soil Exploration and Geotechnical Investigation

Proposals for 2006-2007 Asphalt and Portland Cement Concrete Plant Inspection and Laboratory Testing, Subsurface Soil Exploration and Geotechnical Investigation were received in the Office of the City Clerk until 2:00 p.m., Thursday, April 27, 2006 at which time, the proposals were opened and read aloud as follows:

Bidder	Asphalt Plant Observation >300 tons / day (\$ per ton)	Asphalt Plant Observation <300 tons / day (\$ per hour)	Asphalt Extraction Analysis (each)	P.C. Concrete Plant Observation (\$ per hour)	P.C. Concrete Cyl- inder Testing (each)
SKS Engineers, Inc., Decatur, IL	.67/Ton	\$50/Hr.	\$120/Ea.	\$50/Hr.	\$15.00/Ea.
Terracon, Bloomington, IL	.32/Ton	\$39.50/Hr.	\$100/Ea.	\$39.50/Hr.	\$11.50/Ea.
Testing Service Corporation Bloomington, IL	.30/Ton	\$39/Hr.	\$105/Ea.	\$39/Hr.	\$11.50/Ea.

A professional engineering firm is hired annually to provide the City with Asphalt and Concrete Plant Inspection services. The consultant selected is paid based upon the amount of work performed. Payment is made from the line item in the budget from which the project is budgeted. For work involving subdivisions, payment is made with General Funds through the Engineering Department's "Engineering Services" line item.

The proposals provided by Terracon and Testing Service Corporation are very comparable. Testing Service Corporation prices are slightly lower on three of the five items and identical on one the five items. Staff recommends awarding the contract for the said annual geotechnical services to Testing Service Corporation.

As all items are in order, staff respectfully recommends that Council accept the proposal of Testing Service Corporation for Asphalt and Concrete Plant Observation and Laboratory Testing on a time and material basis, and, further, that the Mayor and City Clerk be authorized to execute the necessary documents.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

(ON FILE IN CLERK'S OFFICE)

Motion by Alderman Crawford, seconded by Alderman Huette that the bid for Asphalt and Concrete Plant Observation and Laboratory Testing be awarded to Testing Service Corporation on a time and material basis, and that the Mayor and City Clerk be authorized to execute the necessary documents.

The Mayor directed the Clerk to call the roll which resulted as follows:

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
 From: Staff
 Subject: Bid Analysis for Lafayette-Maple Sanitary Relief Sewer

Bidding proposals were received until 2:00 p.m., Thursday, April 13, 2006, in the Office of the City Clerk. Only one bid was received by the City Clerk. The bid from Stark Excavating, Inc. was opened at the April 24, 2006 Council. The item was held over until the May 8, 2006 meeting to allow staff time to analyze the bid. The analysis is as follows:

Stark Excavating	\$838,844.50 Base Bid + Alt. A (Ductile Iron Pipe)
	\$856,491.50 Base Bid + Alt. B (Vitrified Clay Pipe)
Engineer's Estimate	\$736,311.00
Budget	\$500,000.00 Sewer Depreciation Fund

The project pertains to the installation of a sanitary relief sewer from the intersection of Morrissey Drive at Lafayette Street to the intersection of Bunn Street and Lincoln Street. The 15' inch sewer will run down Lafayette Street, Maple Street, the High Street right-of-way and around the Baker-Ash Detention Basin. The sewer is designed to alleviate sewer backup problems in basements on Doral Drive and Linwood Street.

The cost for base bid plus Alternate A (Ductile Iron Pipe) received is 14% over the Engineer's Estimate and 68% over budget. The budget number was prepared approximately 18 months ago, prior to the actual design. There have been significant price increases in any item related to iron or steel in that time period. Also, this project is being constructed in an existing urban neighborhood in limited space. The difference in cost between the bid and the Engineer's Estimate is entirely in the cost of the pipe, which includes installation.

Staff respectfully recommends that Council accept the bid of Stark Excavating, Inc. in the amount of \$838,844.50 and, further that the Mayor and City Clerk be authorized execute the necessary documents. Payment for this work will be made from Sewer Depreciation Funds (X52200-72550).

Respectfully,

Douglas G. Grovesteen
 Director of Engineering

Tom Hamilton
 City Manager

(ON FILE IN CLERK'S OFFICE)

Motion by Alderman Crawford, seconded by Alderman Huette that the bid for the for Lafayette-Maple Sanitary Relief Sewer be awarded to Stark Excavating, Inc. in the amount of \$838,844.50, and the Mayor and City Clerk be authorized to execute the necessary documents.

The Mayor directed the Clerk to call the roll which resulted as follows:

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

Nays: None.

Motion carried.

The following was presented:.

To: Honorable Mayor and Members of the City Council
 From: Staff
 Subject: Bid Analysis for Martin Luther King (MLK) Detention Basin Inlet Repair

Bidding proposals for the MLK Detention Basin Inlet Repair project were received until 10:00 a.m. Monday April 17, 2006, in the office of the City Clerk at which time and place the bids were opened and read aloud as follows:

J.G. Stewart, Bloomington	\$ 30,610.00 (Low Bid)
Rowe Construction, Bloomington	\$ 96,031.92
Engineer's Estimate	\$ 52,220.00

This project involves repair of the MLK Detention Basin inlet structure which was damaged during a previous high water event. This inlet allows Sugar Creek high water levels to enter the basin to be detained during a storm event. This repair is necessary to restore the inlet to original condition and avoid further damage due to its compromised condition.

As all items are in order, staff respectfully recommends that Council accept the low bid of J.G. Stewart, Inc. in the amount of \$30,610 and, further, that the Mayor and City Clerk be authorized to execute the necessary documents. Payment for this work will be made with Storm Water Maintenance Funds (X55200-72540).

Respectfully submitted,

Douglas G. Grovesteen
 Director of Engineering

Tom Hamilton
 City Manager

(ON FILE IN CLERK'S OFFICE)

Motion by Alderman Crawford, seconded by Alderman Huette that the bid for the MLK Detention Basin Inlet repair be awarded to J.G. Stewart, Inc. in the amount of \$30,610, and the Mayor and City Clerk be authorized to execute the necessary documents.

The Mayor directed the Clerk to call the roll which resulted as follows:

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Bid Analysis for 2006-2007 Sidewalk Reconstruction

Bidding proposals for the 2006-2007 Sidewalk Reconstruction Program were received until 2:00 p.m., Thursday, April 27, 2006, at the office of the City Clerk where bids were opened and read aloud as follows:

J.G. Stewart, Inc., Bloomington, IL	\$ 227,572.50	
WAS CON Co., Hammond, IL	\$ 222,414.50	
Engineers Estimate	\$ 259,779.00	
Budget:		
Residential Sidewalk Program	\$ 50,000.00	CIF
Residential Sidewalk Program	\$ 50,000.00	PRI PROP
Sidewalk Wheelchair Ramps	\$ 60,000.00	CIF
Downtown Sidewalk Program	\$ 20,000.00	TIF
Downtown Sidewalk Program	\$ 20,000.00	PRI PROP
Playground Renovation	\$ 10,000.00	CIF
	<u> </u>	
	Total	\$210,000.00

This project includes four budgeted projects, 1.) the 50/50 Residential Sidewalk Replacement Program, 2.) the Downtown Sidewalk Replacement Program, 3.) the Americans With Disabilities Sidewalk Wheelchair Ramp Program, and 4.) playground renovations in existing City Parks.

WAS CON Co. from Hammond, did not acknowledge or return the one addendum issued. J. G. Stewart, Inc., Bloomington is therefore the lowest responsible bidder.

The low bid is under the estimate, but eight percent (8%) over budget. As all items are in order, staff recommends that Council accept the bid of J.G. Stewart, Inc. in the amount of \$227,572.50, but that the expenditure be limited to \$210,000, for the 2006-2007 Sidewalk Reconstruction Program and, further, that the Mayor and City Clerk be authorized to execute the necessary documents. Payment for this work will be made with Sidewalk Funds (X40100-72530, X40100-72560, & X40100-72570).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

(ON FILE IN CLERK'S OFFICE)

Motion by Alderman Crawford, seconded by Alderman Huette that the bid for the 2006-2007 Sidewalk Reconstruction be awarded to J.G. Stewart Contractors, Inc. in an amount not to exceed \$210,000, and the Mayor and City Clerk be authorized to execute the necessary documents.

The Mayor directed the Clerk to call the roll which resulted as follows:

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Proposed Change Order to George Gildner, Inc. for Additional Work Completed on the Water Treatment Plant 12" Reclaim Main Project

George Gildner, Inc. has recently completed installation of a new 12" reclaim water main at the Lake Bloomington Water Treatment Plant. During installation of this main, several issues arose which complicated the project. Excavation to install the new main revealed a water main not shown on plans that interfered with installation of the new reclaim main. Additional costs were incurred to perform exploratory excavation to properly locate the unknown main and then to modify the valve vault configuration, depth and location. Additionally, staff at the plant requested clean out access to the existing 8" reclaim main, installation of these clean outs encountered unsuitable material which needed remediation.

Original Contract	\$ 56,905.00
Proposed Change Order	<u>\$ 22,975.51</u>
Completed Contract	\$ 79,880.51

Staff respectfully request that Council approve a Change Order to George Gildner, Inc. in the amount of \$22,975.51 for additional work done as part of Water Treatment Plant 12” Reclaim Main Project with payment to be made with Water Depreciation Funds (X50200-72620).

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 71

A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE AMOUNT OF \$22,975.71 IN THE CONTRACT BETWEEN THE CITY OF BLOOMINGTON AND GEORGE GILDNER, INC. FOR THE WATER TREATMENT PLANT 12” RECLAIM MAIN PROJECT

WHEREAS, the City of Bloomington has previously entered into a contract with George Gildner, Inc. for the Water Treatment Plant 12” Reclaim Main Project; and

WHEREAS, for the reasons set forth in a staff report dated May 8, 2006 it was necessary to 1.) perform exploratory excavation to properly locate an unknown main and modify the valve vault configuration, depth and location, and 2.) remove unsuitable materials during the installation of clean out accesses;

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the May 8, 2006 memo was in the best interest of the citizens of the City of Bloomington.

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

That a change order in the amount of \$22,975.71 in the contract between the City of Bloomington and George Gildner, Inc. for the Water Treatment Plant 12” Reclaim Main Project be approved.

PASSED this 8th day of May, 2006.

ADOPTED this 9th day of May, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Crawford, seconded by Alderman Huette that the Change Order to the Contract with George Gildner, Inc. for the Water Treatment Plant 12" Reclaim Main Project be approved in the amount of \$22,975.51, and the Resolution adopted.

The Mayor directed the Clerk to call the roll which resulted as follows:

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Change Order for East Washington Street from Clayton to Colton MFT Section 96-00314-00-RP

The East Washington Street from Clayton to Colton project included improvements to Washington Street from a western terminus of Clayton Street to an eastern terminus of Colton Street. The project included removing the existing bridges which carried the former Illinois Central Gulf Railroad over East Washington Street, and raising the grade of East Washington Street from Robinson St. to McClun St. to near that of the surrounding neighborhood. The contract was awarded to Stark Excavating, Inc. by Council on the February 24, 2003 in the amount of \$2,859,864.85.

During construction of this project, six items were encountered which resulted in additional costs, and are as follows:

1. Due to an error, the original contract did not include the correct quantity of P.C. Concrete Pavement. The quantity of P.C. Concrete Pavement which was needed to properly complete this project was 2,173 square yards more than the quantity in the contract. This resulted in additional cost of \$60,096.50.
2. Due to irregularities in the existing pavement, an additional 245 tons of bituminous concrete surface was needed to properly complete this project. This resulted in an additional cost of \$35,216.80.

- 3. To properly meet the new earth embankment slopes, an additional 684 square feet of block retaining wall was required. The additional cost of this retaining wall was \$25,992.00.
- 4. While constructing the new storm sewer on this project, we encountered three locations where the new storm sewer was in conflict with existing sanitary sewer. In order to properly maintain sewer service, it was necessary to relay several sewer services and three new sanitary sewer manholes. The cost of this additional sewer work was \$22,564.60.
- 5. In order to meet existing sidewalks at proper slope, it was necessary to construct additional sidewalk. This sidewalk was constructed at an additional cost of \$14,815.75.
- 6. Because of the growth of trees between when construction plans were begun and actual construction, an additional quantity of tree removal was required. The cost of the additional tree removal was \$2,428.60.

Original Contract	\$2,859,864.85
This Change Order	<u>161,114.25</u>
Completed Contract	\$3,020,979.10

These additions were not reasonably foreseeable at the time the contract was signed and were in the best interest of the City. As this additional work was necessary for the orderly and proper completion of this project, staff respectfully recommends that Council approve this Change Order to Stark Excavating, Inc. in the amount of \$161,114.25. Payment for this work will be made as follows:

\$ 22,564.60	X52200-72550	Sewer Depreciation Funds
\$138,549.65	X20300-72530	Motor Fuel Tax Funds

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

RESOLUTION NO. 2006 - 72

A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE AMOUNT OF \$161,114.25 IN THE CONTRACT BETWEEN THE CITY OF BLOOMINGTON AND STARK EXCAVATING, INC. FOR THE WASHINGTON STREET - CLAYTON TO COLTON PROJECT

WHEREAS, the City of Bloomington has previously entered into a contract with Stark Excavating, Inc. for the Washington Street - Clayton to Colton project; and

WHEREAS, for the reasons set forth in a staff report dated May 8, 2006 the following additional work was necessary:

1. Due to an error, the original contract did not include the correct quantity of P.C. Concrete Pavement. The quantity of P.C. Concrete Pavement which was needed to properly complete this project was 2,173 square yards more than the quantity in the contract. This resulted in additional cost of \$60,096.50.
2. Due to irregularities in the existing pavement, an additional 245 tons of bituminous concrete surface was needed to properly complete this project. This resulted in an additional cost of \$35,216.80.
3. To properly meet the new earth embankment slopes, an additional 684 square feet of block retaining wall was required. The additional cost of this retaining wall was \$25,992.00.
4. While constructing the new storm sewer on this project, we encountered three locations where the new storm sewer was in conflict with existing sanitary sewer. In order to properly maintain sewer service, it was necessary to relay several sewer services and three new sanitary sewer manholes. The cost of this additional sewer work was \$22,564.60.
5. In order to meet existing sidewalks at proper slope, it was necessary to construct additional sidewalk. This sidewalk was constructed at an additional cost of \$14,815.75.
6. Because of the growth of trees between when construction plans were begun and actual construction, an additional quantity of tree removal was required. The cost of the additional tree removal was \$2,428.60.

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the May 8, 2006 memo was in the best interest of the citizens of the City of Bloomington.

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

That a change order in the amount of \$161,114.25 in the contract between the City of Bloomington and Stark Excavating, Inc. for the Washington Street - Clayton to Colton project be approved.

PASSED this 8th day of May, 2006.

ADOPTED this 9th day of May, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Finnegan questioned the total dollar figure for this project. Doug Grovesteen, Director of Engineering, addressed the Council. The total figure has been a couple of years in coming. He provided a list of the change order items. He cited pavement

– the project designer’s (consultant) error; asphalt – more was used than intended, and it was blended with other material due to field conditions; retaining wall – to appease the neighbors and for appearance; storm sewer – unforeseen conflict with sanitary sewer; sidewalk – unforeseen difficulty meeting proper slope; and tree removal – due to vegetation growth. Alderman Finnegan questioned the consultant’s responsibility. Mr. Grovesteen noted that the City could file suit.

Alderman Crawford questioned if the materials were used. Mr. Grovesteen responded affirmatively. The mistakes involved quantity.

Alderman Matejka questioned the process. Tom Hamilton, City Manager, addressed the Council. Request for Proposal for engineering services were accepted. City staff conducted interviews and makes recommendations for design services per contract. This recommendation is based upon the firm’s experience. Alderman Matejka questioned if City staff had met with this firm about the \$60,000 discrepancy. Mr. Grovesteen cited this firm’s past performance which was a part of the contract consideration. George Drye, retired Director of Engineering, had brought these additional costs to their attention approximately two (2) years ago.

Alderman Finnegan questioned the impact of these change orders upon the bid. Mr. Hamilton noted that Stark Excavating was the bidder. Each bid was for the same quantities.

Mayor Stockton noted that the mistake was made by the developer. Work had to be redone. City staff was instructed to inform this firm of their responsibility. He questioned this firms Errors & Omissions coverage.

Alderman Schmidt questioned the impact upon other MFT (Motor Fuel Tax) projects. Mr. Hamilton noted that there would be no impact. MFT funds have limited use for limited projects.

Motion by Alderman Crawford, seconded by Alderman Huette that the Change Order to the Contract with Stark Excavating, Inc. for the Washington Street - Clayton to Colton project be approved in the amount of \$161,114.25, and the Resolution adopted.

The Mayor directed the Clerk to call the roll which resulted as follows:

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Renewal of Contracts with Hospitals for Outpatient Services

The John M. Scott Health Care Commission, in their approval of the FY 2007 budget, recommended the renewal of contracts with BroMenn Health Care and OSF Healthcare System for the provision of hospital outpatient services to the indigent McLean County residents who meet Scott Trust eligibility guidelines. The current contracts expire on April 30, 2006 and the attached contracts for FY 2007 were approved by the Scott Commission on April 12, 2006. The rationale for recommending this contract renewal is:

1. In Fiscal Year 1993-1994, new procedures were established for the funding of hospital outpatient services. The hospitals agreed to perform all of the screening, collect co-payments from the patients, reduce charges to Illinois Department of Public Aid rates for the Trust, and keep statistics on the number of person served. At the end of the fiscal year, a report is sent to the Trust, at which time payment is made to the hospital.
2. This procedure eliminated a tremendous amount of staff time, paperwork, phone calls, postage, printing cost, etc. In effect, the procedure allowed the distribution of the dollars in a more efficient manner, resulting in service to a greater number of persons. Hospital administrators have appreciated the revised method.

Staff respectfully recommends that Council approve these contracts, and further that the Mayor and City Clerk be authorized to execute the necessary documents..

Respectfully,

Ruth Ann Sikora
Director, John M. Scott Health Resources

Tom Hamilton
City Manager

AGREEMENT FOR FUNDING OF HOSPITAL SERVICES

This AGREEMENT by and between the CITY OF BLOOMINGTON, in its capacity as TRUSTEE OF THE JOHN M. SCOTT HEALTH CARE TRUST (hereinafter called "TRUST") and BROMENN HEALTHCARE (hereinafter called "HOSPITAL") for funding of hospital outpatient and emergency room services.

WHEREAS, the TRUST has provided in its budget an allocation for hospital outpatient services to indigent McLean County residents; and,

WHEREAS, the HOSPITAL is actively engaged in providing such services;

IT IS THEREFORE AGREED AS FOLLOWS:

1. The parties enter into a CONTRACT for the period of May 1, 2006 through April 30, 2007 whereby the HOSPITAL agrees to discount the cost of covered services for patients meeting the guidelines of the TRUST, which include:

General Guidelines:

- a. Persons who have been McLean County residents for at least one year;
- b. Persons who have been living in McLean County for at least four months and with the intent to establish residency; or
- c. Transients requiring assistance due to an accident or illness which by its nature precludes prompt travel.

Unless qualified as stated above, university or college students may not be applicants. Living in McLean County for the sole purpose of attending school shall not be sufficient reason to establish residency or the intent to establish residency.

Income Guidelines: (185% of Federal Poverty Level)

- | | |
|----------------|----------|
| a. Family size | Income |
| 1 | \$18,130 |
| 2 | \$24,420 |
| 3 | \$30,710 |
| 4 | \$37,000 |
| 5 | \$43,290 |
| 6 | \$49,580 |
- b. Assets must be less than \$1,000 per person up to a maximum of \$2,000 per household.

Covered services:

- a. Emergency room
- b. Outpatient services
- c. No maternity coverage will be available

2. The approved disbursement procedures will be as follows:
 - a. Eligibility for TRUST financing will be determined by HOSPITAL.
 - b. All determinations must be made within sixty days of first billing.
 - c. A completed financial statement along with current pay stub and/or tax return will be needed to determine eligibility.
 - d. A co-payment of Twenty-Five dollars (\$25.00) will be due from the patient for each account as established by the Hospital, at the time the discount is given.
 - e. HOSPITAL will use per diem rate used by Illinois Department of Public Aid for payment for TRUST funds.
 - f. Remainder of account will be adjusted off to TRUST write off.
 - g. There will be no established limit on times a patient can qualify for TRUST assistance.
 - h. HOSPITAL Patient Accounts will keep a log book recording all transactions

and disbursements of TRUST funds.

3. The TRUST agrees to provide Ten Thousand dollars (\$10,000) to be paid to the HOSPITAL as follows:

HOSPITAL will submit an end of the fiscal year report and invoice to the TRUST, on or before April 30, 2007. This report will itemize the services provided by the HOSPITAL. The TRUST will reimburse the HOSPITAL following receipt of the invoice.

Should the Trust elect to distribute more than Ten Thousand dollars (\$10,000) per fiscal year, the Trust will notify the Hospital in sufficient time to allow for distribution prior to year end.

4. This AGREEMENT may be terminated for any of the following reasons:
a. At the request of the TRUST upon thirty days written notice;
b. At the request of the HOSPITAL upon thirty days written notice.

5. It is understood that the terms of this CONTRACT include all the agreements made by HOSPITAL and the TRUST regarding outpatient and emergency room services, without regard to any oral conversation which may have taken place prior to its execution or subsequent thereto, and that any changes shall be made in writing and agreed to by both parties.

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

CITY OF BLOOMINGTON AS TRUSTEE

Stephen Stockton
Mayor

Date: May 9, 2006

ATTEST:

Tracey Covert
City Clerk

Date: May 9, 2006

BROMENN HEALTHCARE

Penny Cermak
Administrator

Date: October 4, 2006

CONTRACT REVIEWED BY:

Todd Greenburg
Legal Department Date: May 11, 2006
City of Bloomington

AGREEMENT FOR FUNDING OF HOSPITAL SERVICES

This AGREEMENT by and between the CITY OF BLOOMINGTON, in its capacity as TRUSTEE OF THE JOHN M. SCOTT HEALTH CARE TRUST (hereinafter called "TRUST") OSF Healthcare System, an Illinois not-for-profit corporation having its corporate office in Peoria, Illinois, owner and operator of St. Joseph Medical Center, located and doing business in Bloomington, Illinois (such system and Medical Center are hereinafter collectively referred to as "OSFHS") for funding of hospital outpatient and emergency room services.

WHEREAS, the TRUST has provided in its budget an allocation for hospital outpatient services to indigent McLean County residents; and,

WHEREAS, OSFHS is actively engaged in providing such services.

IT IS THEREFORE AGREED AS FOLLOWS:

1. The parties enter into a CONTRACT for the period of May 1, 2006 through April 30, 2007 whereby OSFHS agrees to discount the cost of covered services for patients meeting the guidelines of the TRUST, which include:

General Guidelines:

- a. Persons who have been McLean County residents for at least one year;
- b. Persons who have been living in McLean County for at least four months and with the intent to establish residency; or
- c. Transients requiring assistance due to an accident or illness which by its nature precludes prompt travel.

Unless qualified as stated above, university or college students may not be applicants. Living in McLean County for the sole purpose of attending school shall not be sufficient reason to establish residency or the intent to establish residency.

Income Guidelines: (185% of Federal Poverty Level)

- | | |
|----------------|----------|
| a. Family size | Income |
| 1 | \$18,130 |
| 2 | \$24,420 |
| 3 | \$30,710 |
| 4 | \$37,000 |
| 5 | \$43,290 |
| 6 | \$49,580 |
- b. Assets must be less than \$1,000 per person up to a maximum of \$2,000 per

household.

Covered services:

- a. Emergency room
 - b. Outpatient services
 - c. No maternity coverage will be available
2. The approved disbursement procedures will be as follows:
- a. Eligibility for TRUST financing will be determined by OSFHS.
 - b. All determinations must be made within sixty days of first billing.
 - c. A completed financial statement along with current pay stub and/or tax return will be needed to determine eligibility.
 - d. A co-payment of Twenty-Five dollars (\$25.00) will be due from the patient for each account as established by OSFHS, at the time the discount is given.
 - e. OSFHS will use the rate used by Illinois Department of Public Aid for payment for TRUST funds.
 - f. Remainder of account will be adjusted off to TRUST write off.
 - g. There will be no established limit on times a patient can qualify for TRUST assistance.
 - h. OSFHS Patient Accounts will keep a log book recording all transactions and disbursements of TRUST funds.
3. The TRUST agrees to provide Ten Thousand Dollars (\$10,000) to be paid to OSFHS as follows:
- OSFHS will submit an end of the fiscal year report and invoice to the TRUST, on or before April 30, 2007. This report will itemize the services provided by OSFHS. The TRUST will reimburse OSFHS following receipt of the invoice.
- Should the Trust elect to distribute more than Ten Thousand dollars (\$10,000) per fiscal year, the Trust will notify OSFHS in sufficient time to allow for distribution prior to year end.
4. This AGREEMENT may be terminated for any of the following reasons:
- a. At the request of the TRUST upon thirty days written notice;
 - b. At the request of OSFHS upon thirty days written notice.
5. It is understood that the terms of this CONTRACT include all the agreements made by OSFHS and the TRUST regarding outpatient and emergency room services, without regard to any oral conversation which may have taken place prior to its execution or subsequent thereto, and that any changes shall be made in writing and agreed to by both parties.
6. Severability: If any provision of this CONTRACT shall be held invalid or unenforceable, the remainder of this CONTRACT shall nevertheless remain in full force and effect. If any provision is held invalid or unenforceable with respect to particular circumstances, it shall nevertheless remain in full force and effect in all other circumstances.

CITY OF BLOOMINGTON AS TRUSTEE

Stephen Stockton
Mayor

Date: May 9, 2006

ATTEST:

Tracey Covert
City Clerk

Date: May 9, 2006

OSF HEALTHCARE SYSTEM/ST. JOSEPH MEDICAL CENTER

Kenneth Natzke
Administrator

Date: May 24, 2006

CONTRACT REVIEWED BY:

Todd Greenburg
Legal Department Date: May 11, 2006
City of Bloomington

Motion by Alderman Crawford, seconded by Alderman Huette that the contracts with BroMenn Health Care and OSF Healthcare System for the provision of hospital out-patient services to the indigent McLean County residents be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

The Mayor directed the Clerk to call the roll which resulted as follows:

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Renewal of Agreement with HCH Administration, Inc.

The John M. Scott Health Care Commission, in their approval of the FY 2007 budget, recommended the extension of the agreement with HCH Administration, Inc. for third party administration of the Scott Prescription Medicine Program. The current agreement expires on April 30, 2006 and has the option of renewing for additional terms. Staff is requesting Trustee approval for the thirteenth renewal to the Prescription Drug Expense Plan Administration Agreement, dated May 1, 1993, and was approved by the Scott Commission on April 12, 2006.

The rationale for the continuation of this agreement is because of the decrease in costs of administering the prescription medicine program, while continuing to meet the demonstrated needs of clients needing prescription financing assistance. HCH Administration, Inc., is providing excellent service to the Scott Trust at a very reasonable cost.

Staff respectfully recommends that the agreement be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.

Respectfully,

Ruth Ann Sikora
Director, J.M. Scott Health Resources

Tom Hamilton
City Manager

**PRESCRIPTION DRUG EXPENSE
PLAN ADMINISTRATION AGREEMENT**

THIRTEENTH RENEWAL

This Thirteenth Renewal to the Prescription Drug Expense Plan Administration Agreement dated May 1, 1993 ("Agreement"), is made this first day of May, 2006 ("Effective Date"), by and between HCH Administration Inc. ("Contract Administrator") and the City of Bloomington, a municipal corporation, in its capacity as Trustee of the John M. Scott Health Care Trust ("Trust").

NOW, THEREFORE, IT IS AGREED, that the term of this Agreement shall be extended from May 1, 2006 to April 30, 2007.

The following Fees apply to services rendered under this Agreement:

Rx Claims:

The Trust shall pay the Contract Administrator for such services Provided by the Contract Administrator, for Rx claim processing at the following monthly rate per script:

May 1, 2006--April 30, 2007	\$1.30
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May 8, 2006

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HCH ADMINISTRATION INC.

CITY OF BLOOMINGTON AS TRUSTEE

By: James Stevenson
Its President

By: Stephen Stockton
Mayor

Dated: May 18, 2006

Dated: May 9, 2006

Attest: Tracey Covert
City Clerk

Dated: May 9, 2006

Motion by Alderman Crawford, seconded by Alderman Huette that the contract with HCH Administrations, Inc. for third party administration of the Scott Prescription Medicine Program be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

The Mayor directed the Clerk to call the roll which resulted as follows:

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Renewal of Contract with Peace Meal for the Provision of Home-Delivered Meals

The John M. Scott Health Care Commission, in their approval of the FY 2007 budget, recommended the renewal of a contract with Peace Meal Senior Nutrition Program for the preparation and delivery of home-delivered meals to frail, homebound residents. The current contract expires on April 30, 2006 and the contract for FY 2007 was approved by the Scott Commission on April 12, 2006.

The Scott Trust will be responsible for paying for meals delivered to persons residing outside of the city limits of Bloomington and Normal. The City has budgeted money to pay Peace Meals for meals delivered to persons residing within the city limits of Bloomington.

The rationale for continuing this contract is to support another agency equipped to provide this service at less cost to the Trust than our previous home-delivered meals program. This cooperative agreement has allowed Peace Meal to expand their home-delivered meals to additional people.

Staff respectfully recommends that Council approve this contract, and further that the Mayor and City Clerk be authorized to execute the necessary documents.

Respectfully,

Ruth Ann Sikora
Director, John M. Scott Health Resources

Tom Hamilton
City Manager

AGREEMENT FOR FUNDING OF HOME-DELIVERED MEALS

This AGREEMENT by and between the CITY OF BLOOMINGTON, in its capacity as TRUSTEE OF THE JOHN M. SCOTT HEALTH CARE TRUST (hereinafter called the TRUST) and the BOARD OF TRUSTEES FOR EASTERN ILLINOIS UNIVERSITY and the PEACE MEAL SENIOR NUTRITION PROGRAM (hereinafter called PEACE MEAL) for funding of home-delivered meals.

WHEREAS, the TRUST has provided in its Budget an allocation for home-delivered meals to homebound individuals who reside in McLean County; and,

WHEREAS, PEACE MEAL is actively engaged in providing such a service under its authorization as a State University; and,

IT IS THEREFORE AGREED AS FOLLOWS:

1. The parties enter into a CONTRACT for the period of May 1, 2006 through April 30, 2007 whereby PEACE MEAL agrees to prepare and deliver a hot noon meal delivered Monday through Friday (excluding Holidays of Peace Meal--see Appendix A) to homebound adults and which would meet one-third of the Daily Recommended Dietary Allowance established by the Food and Nutrition Board of the National Research Council - National Academy of Sciences, (9th Revised Edition, 1980).
2. The TRUST, and the City of Bloomington agree to provide a sum of money to be paid to PEACE MEAL as follows:

For home-bound residents living outside of the city limits of Bloomington, the TRUST will remit payment to PEACE MEAL at the end of every month commencing May 1, 2006 and ending April 30, 2007, said payments not to exceed a maximum cumulative annual amount of Seven thousand five hundred dollars (\$7,500). For home-bound residents living within the city limits of Bloomington, the City of Bloomington will remit payment to PEACE MEAL at the end of every month commencing on May 1, 2006 and ending April 30, 2007 said payments not to exceed a maximum cumulative annual amount of Twenty-five thousand dollars (\$25,000). The

monthly amount to be paid by the TRUST, and the City of Bloomington to PEACE MEAL shall be calculated based on the cost to PEACE MEAL of providing meals pursuant to this Agreement as said costs are detailed in the monthly statements required by paragraph 5.

3. PEACE MEAL agrees to provide an application screening service which identifies homebound adults who meet the eligibility criteria listed below for services financed by the TRUST:

- a. Resident living in McLean County, Illinois;
- b. Unable to prepare own meal;
- c. No one available to prepare meal for the individual;
- d. Adult of any age meeting criteria of a, b, and c above;
- e. and other such requirements periodically established by the TRUST and PEACE MEAL staff.

4. PEACE MEAL agrees to provide individual nutrition assessments, counseling and education to reinforce the importance of sound nutrition. Special attention will be given to modified diets.

5. PEACE MEAL agrees to provide monthly statements listing the names of clients, dates of deliveries, total number of meals, and the cost for providing meals to homebound persons living outside of the city limits of Bloomington, within the city limits of the City of Bloomington.

6. PEACE MEAL agrees to provide the TRUST with a FINAL REPORT to accompany the last monthly statement. The FINAL REPORT will list:

- a. The number of individual adults served meals during the contract period and financed by the TRUST, and the City of Bloomington;
- b. Demographic information on individuals served meals through TRUST, and the City of Bloomington.

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

- a. At the request of the TRUST upon thirty days written notice;
- b. At the request of PEACE MEAL upon thirty days written notice.

8. It is understood that the terms of this CONTRACT include all the agreements made by PEACE MEAL and the TRUST regarding home-delivered meals to homebound adults, without regard to any oral conversation which may have taken place prior to its execution or subsequent thereto, and that any changes shall be made in writing and agreed to by both parties.

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

CITY OF BLOOMINGTON AS TRUSTEE

Stephen Stockton
Mayor

Date: May 9, 2006

ATTEST:

Tracey Covert
City Clerk

Date: May 9, 2006

BOARD OF TRUSTEES FOR EASTERN ILLINOIS UNIVERSITY AND THE PEACE
MEAL SENIOR NUTRITION PROGRAM

Blair M. Lord
Provost and Vice President for Academic Affairs

Date: June 1, 2006

Jeffrey Cooley
Eastern Illinois University Representative
Vice President for Business Affairs

Date: June 9, 2006

Project Director

Date: June 12, 2006

CONTRACT REVIEWED BY:

Todd Greenburg
Legal Department, City of Bloomington

Date: May 11, 2006

APPENDIX A
HOLIDAY SCHEDULE FOR PEACE MEAL

May 1, 2006 -- April 30, 2007
 May 29, 2006-----Memorial Day
 July 4, 2006-----Independence Day
 September 4, 2006-----Labor Day
 November 23 and 24, 2006-----Thanksgiving Holidays
 December 22 and 25, 2006-----Christmas Holidays
 December 29, 2006 and January 1, 2007-----New Year's Holidays
 February 19, 2007-----Presidents' Birthday
 April 06, 2007-----Good Friday

**All holidays will be confirmed by Peace Meal as they didn't have their calendar prepared as of this writing.

Motion by Alderman Crawford, seconded by Alderman Huette that the contracts with Peace Meal Senior Nutrition Program be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

The Mayor directed the Clerk to call the roll which resulted as follows:

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Service Maintenance Agreement with Supreme Radio

Staff respectfully requests permission to continue an agreement with Supreme Radio for maintenance for the Fixed Repeater Spectra-Tac System and HT1550XLS Portables. This agreement was entered into in May of 2004 and is automatically renewed yearly. Utilizing this program will greatly reduce system down time and insure quality system performance keeping cost under control. This agreement includes one yearly system audit for the fixed equipment system including the HT1550XLS portables. The cost of the agreement is \$1,075 per month for a total of \$12,900 a year. The total cost has been budgeted in G15110-70540.

Staff respectfully requests that Council approve the continuation of this service agreement with Supreme Radio for the maintenance of the Fixed Repeater Spectra-Tac System and HT1550XLS portables.

Respectfully,

Roger J. Aikin
Chief of Police

Tom Hamilton
City Manager

(ON FILE IN CLERK'S OFFICE)

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

The Mayor directed the Clerk to call the roll which resulted as follows:

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Uniform Bid Renewal

On March 14, 2005, Council approved the bid submitted by S. Harris Uniforms for the Police Department. The period of the contract was one year, from May 1, 2005 until April 30, 2006 with the option to extend in one year increments until April 30, 2010.

Staff respectfully requests Council approval to continue the agreement with S. Harris Uniforms for replacement articles and new uniforms for hired officers for the contract year May 1, 2006 until April 30, 2007.

Respectfully,

Roger J. Aikin
Chief of Police

Tom Hamilton
City Manager

Motion by Alderman Crawford, seconded by Alderman Huette that the Contract be renewed for the contract year May 1, 2006 until April 30, 2007, and the Purchasing Agent authorized to issue a Purchase Order for same.

The Mayor directed the Clerk to call the roll which resulted as follows:

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

Nays: None.

Motion carried.

The following was presented:

May 8, 2006

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To: Honorable Mayor and Members of the City Council

From: Staff

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

For the past several years, an Intergovernmental Agreement has been in effect between the City and the McLean County Board of Health for Animal Control Services.

Under this agreement, the Board of Health assumes all responsibilities for the duties of animal control on a 24-hour a day basis within the corporate limits of the City, and will enforce all Illinois animal control laws and City Ordinances relating to animals. Services and conditions are outlined in the Intergovernmental Agreement. The agreement reflects an increase from \$78,000 to \$80,280, a 2.92% increase which has been budgeted in line item G15110-70990.

Staff has reviewed the proposed Intergovernmental Agreement and agrees its terms are fair and in the best interest of the citizens of the City. This agreement will be renewable on a year to year basis, in effect from May 1, 2006 through April 30, 2007, and renewable on May 1 of each additional year.

Staff respectfully recommends that Council approve the Intergovernmental Agreement with McLean County Board of Health for Animal Control Services, and that the Mayor and City Clerk be authorized to execute the necessary documents.

Respectfully,

Roger J. Aikin
Chief of Police

Tom Hamilton
City Manager

AGREEMENT FOR ANIMAL CONTROL WARDEN SERVICES

This AGREEMENT for twenty-four hour Animal Control Warden Service made this 1st day of April, 2006 by and between the McLEAN COUNTY BOARD OF HEALTH, the governing body of the McLean County Health Department located in the City of Bloomington, Illinois (hereinafter called "Board of Health"), and the City of Bloomington, a Municipal Corporation, located in the State of Illinois, County of McLean (hereafter called "Municipality").

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

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

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

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

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

WHEREAS, the Board of Health, by and through the McLean County Health Department, has been designated as the supervising and administrative agent to administer and oversee all animal control functions as defined in the Illinois Animal Control Act and County ordinances attendant thereto by the County of McLean; and,

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

IT IS THEREFORE AGREED AS FOLLOWS:

1. That parties enter this AGREEMENT for the period May 1, 2006 through April 30, 2007.

- A. The Board of Health agrees to provide contracted animal control services twenty-four (24) hours day within the corporate limits of the Municipality within a reasonable period of time.
- B. The Board of Health agrees to provide removal of stray or straying dogs and other animal subject to impoundment from within the corporate limits of the Municipality, upon request of the Municipality.

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

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

- D. Animal Wardens will be responsible for removal of nuisance wild animals only when said animal has entered an actual living space of a dwelling or if the potential of exposure to rabies is increased due to high levels of interaction with said animal.
 - E. The Board of Health agrees to continue to collect and remit to the Municipality all release fees associated with owner reclamation of impounded animals in accordance with Chapter 8 Section 53 of the Municipality's ordinance governing animal and fowls.
2. During the period of this agreement, the Municipality agrees to pay the Board of Health for such services Eighty thousand two hundred and eighty dollars (\$80,280), payable as follows:
 - A. Six thousand, six hundred and ninety dollars (\$6,690) monthly beginning May 1, 2006, and continuing throughout the terms of this agreement.
 3. The Board of Health agrees to provide the Municipality written evidence, in a manner acceptable to the Municipality, detailing the hours expended by its Animal Control Wardens pursuant to this Agreement.
 4. The County will indemnify and hold the City of Bloomington harmless from all causes of action, whether judicial or administrative, and the costs of defending any such actions resulting from any intentional or negligent act performed by the County, its employees and/or its agents which arise out of the performance of this agreement. Such actions shall include, but are not limited to, civil rights actions, property damage actions, personal injury actions, or any actions seeking recovery of money or other remedies.
 5. The City of Bloomington will indemnify and hold harmless the County of McLean from all causes of action, whether judicial or administrative, and the costs of defending any such actions resulting from any intentional or negligent acts performed by the Town, its employees and/or its agents which arise out of the performance of this agreement. Such actions shall include but are not limited to civil rights actions, property damage actions, personal injury actions, or any actions seeking recovery of money or other remedies.
 6. The parties recognize that the Municipality shall have the right to assign tasks to Animal Control Wardens pursuant to this agreement; however, supervision and the means by which tasks are accomplished shall be the responsibility of the Board of Health.
 7. This agreement may be terminated for any of the following reasons:
 - A. At the request of the Municipality upon ninety (90) days written notice
 - B. At the request of the Board of Health upon ninety (90) days written notice

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

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

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

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

CITY OF BLOOMINGTON
a Municipal Corporation

McLEAN COUNTY BOARD OF HEALTH

Stephen F. Stockton, Mayor
Date: May 9, 2006

Robert J. Keller
Date: May 19, 2006

ATTEST:

Tracey Covert
City Clerk
Date: May 9, 2006

Motion by Alderman Crawford, seconded by Alderman Huette that the Intergovernmental Agreement with the McLean County Board of Health for Animal Control Services be approved in the amount of \$80,280, and the Mayor and City Clerk authorized to execute the necessary documents.

The Mayor directed the Clerk to call the roll which resulted as follows:

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

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

For the past year, the City and the McLean County Health Department have had an agreement wherein the County Board of Health provides shelter for stray animals. The present contract expired April 30, 2006.

For the period of May 1, 2006 through April 30, 2007, the contract being proposed by the County Board of Health shows an increase of 2.88%, or \$2,325 per month from \$2,260 per month. This has been budgeted in line item G15110-70990.

Staff has reviewed the proposed intergovernmental agreement and agrees its terms are fair and are in the best interest of the citizens of the City. The intergovernmental agreement will be renewed on a year to year basis, renewable on May 1 of each year.

Staff respectfully recommends that Council approve the Intergovernmental Agreement with McLean County Board of Health for the use of the McLean County Animal Shelter, and that the Mayor and City Clerk be authorized to execute the necessary documents.

Respectfully,

Roger J. Aikin
Chief of Police

Thomas Hamilton
City Manager

ANIMAL CONTROL CENTER AGREEMENT

This AGREEMENT for Animal Control Center Services is made this 1st day of April, 2006 by and between the McLEAN COUNTY BOARD OF HEALTH, the governing body of the McLean County Health Department located in the City of Bloomington, Illinois (hereinafter called "Board of Health"), and the City of Bloomington, a Municipal Corporation located in the State of Illinois, County of McLean (hereafter called "Municipality").

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

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

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

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

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

1. The parties enter into this AGREEMENT for the period May 1, 2006 through April 30, 2007.
2. The Board of Health agrees to provide immediate shelter to stray or straying dogs and cats placed in the Animal Control Center by any authorized representative of the Municipality.
3. The Board of Health agrees to assist the Municipality in enforcing its municipal ordinances through any or all of the following: collecting reclamation/release fees, issuing ordinance violation complaints, reporting the names and addresses of persons reclaiming animals placed in the Animal Control Center by an authorized representative of the Municipality and providing within the Shelter information and education materials to residents of the Municipality concerning ordinances prohibiting animals from running at large.
4. The Municipality agrees to pay to the Board of Health for such services not more than \$2,325.00 per month while this AGREEMENT is in effect.
5. Payments for services rendered pursuant to this AGREEMENT will be made by the Municipality to the McLEAN COUNTY HEALTH DEPARTMENT monthly no later than the 15th day of each month.
6. The County will indemnify and hold the City of Bloomington harmless from all causes of action, whether judicial or administrative, and the costs of defending any such actions resulting from any intentional or negligent act performed by the County, its employees and/or its agents which arise out of the performance of this agreement. Such actions shall include, but are not limited to, civil rights actions, property damage actions, personal injury actions, or any actions seeking recovery of money or other remedies.
7. The City of Bloomington will indemnify and hold harmless the County of McLean from all causes of action, whether judicial or administrative, and the costs of defending any such actions resulting from any intentional or negligent acts performed by the Town, its employees and/or its agents which arise out of the performance of this agreement. Such actions shall include but are not limited to civil rights actions, property damage actions, personal injury actions, or any actions seeking recovery of money or other remedies.
8. All animal placed in the Animal Control Center by a representative of the City of Bloomington shall be subject to all of the rules and regulations which are applicable to animals of a similar type. The persons reclaiming such animals shall be required to first pay all such return, boarding, registration, and veterinarian fees associated with such rules and regulations in addition to the reclamation/release fee of the Municipality.

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

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

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

CITY OF BLOOMINGTON
A Municipal Corporation

McLEAN COUNTY BOARD OF HEALTH

Stephen F. Stockton, Mayor
Date: May 9, 2006

Robert J. Keller
Date: May 19, 2006

ATTEST:

Tracey Covert
City Clerk
Date: May 9, 2006

Motion by Alderman Crawford, seconded by Alderman Huette that the Intergovernmental Agreement with McLean County Board of Health for the use of the McLean County Animal Shelter be approved in the amount of \$2,325 per month, and the Mayor and City Clerk authorized to execute the necessary documents.

The Mayor directed the Clerk to call the roll which resulted as follows:

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Agreement with NICOR Gas to Relocate an Existing Gas Main to Facilitate the Improvement of Euclid Street

At the April 24, 2006 Council meeting, Council awarded a contract for the Euclid Street improvements. In order to construct the new 36" inch storm sewer to drain this improvement, NICOR Gas must relocate a section of existing gas main off the west end of Olive Street, southwest of Cargill. The gas main was installed in a private easement prior to the public sewer easement being dedicated, therefore, the City is obligated to pay for the relocation.

NICOR Gas has submitted an Agreement and estimate for this relocation in the amount of \$20,298.45, which must be paid in advance of performing the work. Once the relocation is completed and the actual costs are known, a reconciliation of the estimate to the actual costs will be performed. If the variance exceeds ten percent (10%), a refund or rebill will be sent. Staff has examined the agreement submitted by NICOR Gas and finds it acceptable.

Staff respectfully requests that Council approve the agreement with NICOR Gas for the relocation of their gas main in the amount of \$20,298.45 and that the Mayor and City Clerk be authorized to execute the necessary documents. Payment for this work will be made with Storm Water Depreciation Funds (X55200-72550).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

(ON FILE IN THE CLERK'S OFFICE)

Motion by Alderman Crawford, seconded by Alderman Huette that the Agreement with NICOR Gas for the gas main relocation be approved in the amount of \$20,298.45, and the Mayor and City Clerk be authorized to execute the necessary documents.

The Mayor directed the Clerk to call the roll which resulted as follows:

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Permission to Hire Nicholas Marchell

The Parks and Recreation Department is seeking permission to hire Nicholas Marchell to work as a Seasonal Laborer in the Parks Maintenance Division.

Section 2.2-3 of the Personnel Code prohibits the hiring of relatives of a department head unless specifically approved by a Resolution passed by Council. Nicholas is the son of Human Resources Director, Emily Bell. He is currently working out of Laborer's Local #362, his experience will be beneficial working as a seasonal laborer in the Parks Maintenance Department.

Respectfully,

Dean Kohn
Director Parks and Recreation

Tom Hamilton
City Manager

RESOLUTION 2006 - 73
A RESOLUTION APPROVING THE HIRING OF NICHOLAS MARCHELL

WHEREAS, Nicholas Marchell, the son of Human Resources Director, Emily Bell, has applied for a seasonal job to work during the summer of 2006 at Park Maintenance; and

WHEREAS, City policy states as follows regarding the hiring of persons related to City officials:

Relatives to the second degree of kinship (aunts, uncles, cousins); by birth, marriage or adoption, of any elected official or Department Head will not be hired unless the City Council approves the hiring, without the vote of the related elected official; and

WHEREAS, the Director of the Parks and Recreation Department has recommended the hiring of Nicholas Marchell;

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

That the hiring of Nicholas Marchell as a seasonal laborer in the Parks and Recreation Department of the City of Bloomington for the summer of 2006 is hereby authorized.

ADOPTED this 8th day of May, 2006.

APPROVED this 9th day of May, 2006.

APPROVED:

Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

Alderman Gibson questioned this item. Tom Hamilton, City Manager, addressed the Council. The Resolution was a code requirement to hire a family member of an elected official and/or a department head. The Council is asked for approval.

Motion by Alderman Crawford, seconded by Alderman Huette that the Resolution be adopted authorizing the hiring of Nicholas Marchell.

The Mayor directed the Clerk to call the roll which resulted as follows:

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Ordinance Permitting Taxicab Services to Impose a Fifty Cent (.50) per Trip Surcharge When the Lowest Grade of Unleaded Gasoline is at or More Than \$2.50 per Gallon

On August 2, 2005, Council passed an Ordinance authorizing taxi services to impose a surcharge of fifty cents (.50) whenever the price of the lowest grade of unleaded gasoline was at or above \$2.00 per gallon. The taxi operators have requested the authority to impose an additional surcharge of fifty cents (.50) when the price of the lowest grade of unleaded gasoline is at or above \$2.50 per gallon. Taxicab services may only charge customers the rates authorized by City Code.

In case of a dispute as to the price of gasoline at the time the surcharge is imposed, the taxicab service is required to supply to the City the name and location of the gasoline station which the taxicab service used to determine that gasoline was at or above \$2.50 dollars per gallon.

Staff respectfully requests that Council approve the Ordinance permitting taxicab services to impose an additional fifty cent (.50) per trip surcharge when the lowest grade of unleaded gasoline is at or more than \$2.50 per gallon.

Respectfully,

J. Todd Greenburg

Tom Hamilton

May 8, 2006

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Corporation Counsel

City Manager

ORDINANCE NUMBER 2006 - 43**AN ORDINANCE AMENDING CHAPTER 40, SECTION 601
OF THE CITY CODE, PERMITTING TAXICAB SERVICES
TO CHARGE A 50 CENT PER TRIP GAS SURCHARGE****BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF BLOOMINGTON, ILLINOIS:**

Section One: That Section 601(b) of Chapter 40 of the Bloomington City Code, 1960, as amended, shall be further amended by adding the following subsection (5):

(5) On any day in which the price of the lowest grade of unleaded gasoline is at or more than \$2.00 (two dollars) per gallon, an additional charge of \$0.50 (fifty cents) per trip shall be charged. On any day in which the price of the lowest grade of unleaded gasoline is at or more than \$2.50 (two dollars and fifty cents) per gallon, a surcharge of \$0.50 (fifty) cents, which shall be in addition to the surcharge permitted in the previous sentence of this section, shall be charged. In case of a complaint that this surcharge was imposed when the price of the lowest grade of unleaded gasoline was below \$2.00 per gallon, the taxicab service shall supply to the City the name and location of the gasoline station which the taxicab service used to determine that such price was at or more than said price.

Section Two: Except as provided herein, the Bloomington City Code, as amended, shall remain in full force and effect.

Section Three: This ordinance shall be effective as of the date of its passage and approval.

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

Section Five: This ordinance is adopted pursuant to the home rule authority granted the City of Bloomington by Article VII, Section 6 of the 1970 Illinois Constitution.

Passed this 8th day of May, 2006.

Approved this 9th day of May, 2006.

APPROVED:

Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

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

The Mayor directed the Clerk to call the roll which resulted as follows:

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Expansion of the Bloomington-Normal-McLean County Enterprise Zone

Attached is an Ordinance that will expand the geographic area of the Bloomington-Normal-McLean County Enterprise Zone. The area in which the Enterprise Zone will be expanded is essentially northwest Bloomington. It is the area along Martin Luther King Drive that is the focus of this expansion. When the Enterprise Zone was originally established in the mid 80's this area was targeted to be included in the Enterprise Zone. However, conditions that existed at that time did not allow the Enterprise Zone to include this land. The purpose of this Enterprise Zone expansion is to provide State incentives for the businesses in that part of the community.

The Town of Normal and McLean County will address this issue later this month. It is staff's understanding that both bodies will approve the expansion. Staff respectfully recommends that Council pass an Ordinance to expand the Enterprise Zone.

Respectfully,

Tom Hamilton
City Manager

ORDINANCE NO. 2006 - 44**AN ORDINANCE PROVIDING FOR THE AMENDMENT OF THE ORDINANCE DESCRIBING AND DESIGNATING AN AREA LOCATED PARTIALLY WITHIN THE CITY OF BLOOMINGTON, THE TOWN OF NORMAL AND UNINCORPORATED MCLEAN COUNTY AS AN ENTERPRISE ZONE TO INCLUDE CERTAIN CONTIGUOUS PROPERTY NOT CURRENTLY WITHIN THE BOUNDARIES OF SAID ENTERPRISE ZONE**

WHEREAS, on December 18, 1984, the City Council (the Corporate Authorities) of the City of Bloomington, Illinois (the City), pursuant to the Illinois Enterprise Zone Act, as amended (the Act), did adopt an ordinance describing and designating an area located partially within the City, the Town of Normal (the Town) and Unincorporated McLean County (the County) as an enterprise zone (including as later supplemented and amended, the Ordinance); and

WHEREAS, the area described and designated by the Ordinance, including as supplemented and amended by the Ordinance, has been certified by the Department of Commerce and Community Affairs, or its successors (the Department), as the Bloomington, Normal and McLean County Enterprise Zone, in accordance with Act (the Enterprise Zone); and

WHEREAS, the Corporate Authorities have previously amended and supplemented the Ordinance and the Enterprise Zone, and approval of such amendment was made by the Department by certification of the Ordinance and Enterprise Zone, as so amended and supplemented; and

WHEREAS, the Corporate Authorities now find it necessary and desirable to further amend the Ordinance and the Enterprise Zone to include certain contiguous property not currently within the boundaries of the Enterprise Zone, pursuant to and in accordance with the provisions of the Act; and

WHEREAS, pursuant to and in accordance with the provisions of the Act, the Chief Executive Officer of the Economic Development Council of the Bloomington Normal Area (the EDC), on the 21st day of April, 2006, executed an Order calling a public hearing (the Hearing) for the 28th day of April, 2006, concerning the intent of the Corporate Authorities to further amend the Enterprise Zone to include certain contiguous property not currently within the boundaries of the Enterprise Zone; and

WHEREAS, notice of the Hearing was given by publication at least once not less than five (5) nor more than twenty (20) days before the date of the Hearing in the Pantagraph, the same being a newspaper of general circulation in the Enterprise Zone; and

WHEREAS, the Hearing was held on the 28th day of April, 2006, and at the Hearing, the Chief Executive Officer of the EDC explained the reasons for the proposed amendment to the Ordinance and the Enterprise Zone and permitted persons desiring to be heard an opportunity to present written or oral testimony with reasonable time limits; and

WHEREAS, the Hearing was finally adjourned on the 28th day of April, 2006; and

WHEREAS, the Corporate Authorities do hereby find (i) the Enterprise Zone is a joint effort of the City, the Town and County, (ii) the certification of the Enterprise Zone by the Department has been in effect for at least one year, and (iii) the total area of the Enterprise Zone, including the addition of certain contiguous property not currently within the boundaries of the Enterprise Zone as described more fully herein, does not comprise less than one-half square mile and not more than thirteen square miles in total area exclusive of lakes and waterways:

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

Section 1: That all of the recitals contained in the preambles to this ordinance are full, true and correct and does incorporate them into this ordinance by this reference.

Section 2: That the area described and depicted in Appendix "A" of the Ordinance and incorporated by reference in Section One of the Ordinance shall be, and the same is, hereby further amended to include with the boundaries of the Enterprise Zone the following contiguous property:

Tract 1:

Lot 1 and Outlot A in Kalamaya Subdivision Third Addition to the City of Bloomington, McLean County, Illinois, per plat recorded May 29, 1998 as Document No. 98-18176 in the McLean County Recorder's Office, containing 10.81 acres, more or less.

Tract 2:

Part of the North 133.00 feet of Lot 1 of Kalamaya Subdivision First Addition recorded as Document No. 94-24439 in the McLean County Recorder's Office described as follows:

Beginning at the Northeast Comer of said Lot 1 of Kalamaya Subdivision First Addition; thence southerly along the East Line of said Lot 1 and the West Right-of-Way Line of Dr. Martin Luther King Jr. Drive along a curve convex to the west, with an initial tangent bearing south 33°-28'-44" west and a radius of 693.00 feet, a distance of 149.94 feet; thence west 492.83 feet; thence north 133.00 feet to the North Line of said Lot 1 of Kalamaya Subdivision First Addition; thence east along the North Line of said Lot 1, 561.42 feet to the Point of Beginning, containing 69,704, 1.6000 acres, more or less, all situated in the City of Bloomington, McLean County, Illinois.

Tract 3:

A strip of land 3 feet in width lying east of and adjacent to the West Right-of-Way Line of Dr. Martin Luther King Jr. Drive in the City of Bloomington, McLean County, Illinois. Said strip is bounded on the north by the Southwesterly Right-of-Way Line of the Norfolk and Southern Railroad and on the south by the North Right-of-Way Line of Market Street in the City of Bloomington, said North Right-of-Way Line being the North Line of the existing Enterprise Zone.

Section 3: That the Ordinance, as previously supplemented and amended, shall remain in full force and effect unless and until the Department approves the proposed amendment to the Ordinance and Enterprise Zone in this Ordinance and the Department issues an amended certificate for the Enterprise Zone pursuant to the Act.

Section 4: That the City Clerk is hereby authorized and directed to publish this ordinance in pamphlet form as required by law and forward a certified copy of this ordinance to the Department and Enterprise Zone Administrator.

Section 5: That the Enterprise Zone Administrator is hereby authorized and directed to cause an application to be made to the State of Illinois pursuant to the Act.

Section 6: That if any section, paragraph, clause or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

AYES: Alderman Crawford, Huette, Hanson, Matejka, Purcell, Finnegan, Gibson, and Schmidt

NAYS: None.

ABSENT: None.

ADOPTED: May 8, 2006.

APPROVED: May 8, 2006.

Stephen Stockton
Mayor City of Bloomington
McLean County, Illinois

Recorded In City Records: May 8, 2006

Published in pamphlet form by authority of the City Council on May 8, 2006.

ATTEST:

Tracey Covert
City Clerk, City of Bloomington
McLean County, Illinois

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

The Mayor directed the Clerk to call the roll which resulted as follows:

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Case Z-09-06 Petition submitted by the City of Refuge Church of God in Christ requesting rezoning of property located at 1312, 1314, 1316 and 1313 West Taylor Street from R-2, Mixed Residence District to S-2, Public Lands and Institutions District

BACKGROUND INFORMATION:

Adjacent Zoning

north: R-2 Mixed Residence District
 south: same as above
 east: same as above
 west: R-1C High Density Single Family Residence District and R-2 Mixed Residence District

Adjacent Land Uses

north: single family dwelling
 south: same as above
 east: same as above
 west: railroad

Comprehensive Plan recommends: “low, medium density residential” use for this property.

The congregation of the City of Refuge Church of God in Christ currently owns a 0.48 of an acre church site between West Taylor Street and West Olive Street at 1313 West Taylor Street. They have arranged to purchase the three lots across the street (just south of the church site) to add another 0.40 of an acre to their holding and provide additional parking space. The petitioners wish to rezone all their property to the S-2, Public Lands and Institutions District in keeping with the expansion of the church use and to permit a separate church parking lot at 1312, 1314, 1316 West Taylor Street. Churches are classified as Special Uses in Residential Districts and as permitted uses in S-2 Districts, however, separate church parking lots as principal uses are permitted uses in S-2 Districts, not in Residence Districts.

PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission held a public hearing on this petition on April 26, 2006 and recommends the same. Mr. Kenneth Emmons, City Planner, recommended that the Planning Commission pass a motion recommending Council approval of rezoning of the subject property from R-2

to S-2. The following persons presented arguments in favor of this petition at this public hearing:

- Rev. Colleen Bennett, 1226 N. Hershey Rd.
- Mr. Billy L. Ruffin, 1607 W. Miller St.
- Mrs. Carol A. Sims, 1312 W. Taylor St.
- Mr. Steven Burch, 221 Ivanhoe Way

Rev. Bennett, Church Pastor, testified that the City of Refuge Church of God in Christ has been reaching out and serving this neighborhood for the past 30 years and now wishes to build a new gymnasium and sanctuary at 1313 West Taylor Street and construct a church parking lot at 1312, 1314 and 1316 West Taylor Street. She testified that off parking street was desired.

Mr. Ruffin, Chairman of the Church's Trustees, testified that he has been a member of the church for the past 22 years and had witnessed how Rev. Bennett and the late Rev. Andrew Bennett, Sr., have changed peoples' lives and improved the neighborhood through their outreach ministry. He described how his life had improved from coming from a low income situation in Chicago to now being a responsible father, homeowner and leader in this church. He noted the church works with gang members, homeless, poor and struggling members of the community, and anyone in need.

Mrs. Sims testified that she is selling one of the homes that would become parking lot space. She stated that she is sad to leave her home with so many memories but glad that the church is to be helped. Additionally, she noted that she would be pleased to see off street parking on these narrow streets (Livingston and Taylor Streets.) Mr. Burch testified that off street parking would create a better view of the curve, where Taylor joins Livingston, allowing it to be safer for both vehicles and pedestrians.

The following persons presented arguments in opposition to this petition at this public hearing:

- Ms. Marjorie A. Ahlers, 1111 W. Jackson St.
- Ms. Donna Kletz, 1213 Kletzville Road
- Mr. Gary Trout, 1111 W. Jackson St.

Ms. Ahlers testified that this is an established, quiet neighborhood and she did not wish to see it change. She was opposed to commercial zoning. Chairperson Cain clarified that commercial zoning is not being sought, but S-2, Public Lands and Institutions District. A new petition to request commercial zoning would be required and would be subject to notification and public hearing. Ms. Ahlers noted that she would regret the loss of trees that would be replaced by parking lots. Chairperson Cain noted that landscaping of the parking lot is required by City Code. Ms. Ahlers noted that there is the possibility of additional noise and the parking lot could also be used for drug transactions and other crimes. She inquired if the new church buildings would be air conditioned so loud music would be confined within the buildings. Rev. Bennett replied affirmatively.

Mr. Emmons noted that a six foot high opaque fence is required between the S-2 lot and any residential district. Rev. Bennett noted that a six foot solid fence would be built that would surround the entire parking lot, the entrances would be gated, and locked after events. Additionally, she noted that the required lighting would be provided. Ms. Kletz inquired whether storm water would run off onto adjacent property from this parking lot. Mr. Doug Grovesteen, Director of Engineering, explained that City Code requires that parking lot construction provide internal drains and address storm water. He noted that this concern would be addressed during construction plan review.

Mr. Larry Kelley, 903 S. Livingston St. inquired if access would be taken from the alley or only from West Taylor Street. Chairperson Cain referred to the sketch showing access only from West Taylor Street. Mr. Kelley expressed his hope that the railroad siding (to the west of the church) would be cleaned out. He is the owner of a construction business at 409 S. Livingston St. and noted that he had allowed members of the congregation park in his lot. He expressed his desire for adequate night lighting for the parking lot and inquired if a new curb and gutter would be installed along West Taylor Street. Mr. Grovesteen stated that he would investigate this question and follow up with an answer.

Mr. Trout inquired if cars would be allowed to park in the alley and who would be responsible for maintaining it and mowing the grass. Commissioner Schulz noted that adjacent homeowners often maintain unpaved alleys. He stated that the alley could be vacated and the land simply added to adjacent lots. Rev. Bennett noted that there is no desire to have church parking in the alley.

PLANNING COMMISSION RECOMMENDATION:

After consideration of this petition and the testimony presented, the Planning Commission passed a motion by a vote of 7 to 0 recommending Council approval of this petition as presented.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission's recommendation for Council approval of this petition in Case Z-09-06.

Respectfully submitted,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

PETITION FOR ZONING MAP 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 City of Refuge, COGIC, Bloomington, IL, hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

- 1. That your Petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A, which is attached hereto and made a part hereof by this reference, or is a mortgagee or vendee in possession; assignee of rents, receiver, executor (executrix), trustee, lessee or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
- 2. That said premises presently has a zoning classification of R2 under the provisions of Chapter 44 of the Bloomington City Code - 1960, as amended;
- 3. That the present zoning on said premises is inappropriate due to error in original zoning, technological changes altering the impact or effect of the existing land uses, or the area in question having changed such that said present zoning is no longer contributing to the public welfare;
- 4. That your Petitioner hereby request that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended to reclassify said premises into the S2 zoning district classification;
- 5. That said requested zoning classification is more compatible with existing uses and/or zoning of adjacent property than the present zoning of said premises; and
- 6. That said requested zoning classification is more suitable for said premises and the benefits realized by the general public in approving this petition will exceed the hardships imposed on your Petitioner by the present zoning of said premises.

WHEREFORE, your Petitioner respectfully prays that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended by changing the zoning classification of the above-described premises from R2 to S2.

Respectfully Submitted,
Freda Haywood
Trustee for City of Refuge

ORDINANCE NO. 2006 - 45
AN ORDINANCE REZONING 1312, 1314 AND 1316 and 1313 W. TAYLOR ST.
FROM R - 2, MIXED RESIDENCE DISTRICT TO S-2 PUBLIC, LANDS &
INSTITUTIONS DISTRICT

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for rezoning of certain premises hereinafter described in Exhibit A; and

WHEREAS, the Bloomington Planning Commission, after proper notice was given, conducted a public hearing on said Petition; and

WHEREAS, the City Council of said City has the power to pass this Ordinance and rezone said premises.

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

1. That the premises hereinafter described in Exhibit(s) A shall be and the same are hereby rezoned from R - 2 District, Mixed Residence to S - 2 District, Public Lands & Institutions.
2. The Official Zoning Map of said City shall be amended to reflect this change in zoning classification.
3. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 8th day of May, 2006.

APPROVED this 9th day of May, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A
Legal Descriptions

1312 W. Taylor, Bloomington, IL Citizen's addition 45, parcel #21-05-456-003

1314 W. Taylor, Bloomington, IL Citizen's addition 46, parcel #21-05-456-002

1316 W. Taylor, Bloomington, IL Citizen's addition 47, parcel #21-05-456-001

1313 W. Taylor, Bloomington, IL W. Olive Street sub lot 3 & n ½ Vac Alley LYG ADJ

Motion by Alderman Crawford, seconded by Alderman Huette that the Rezoning be approved and the Ordinance passed.

The Mayor directed the Clerk to call the roll which resulted as follows:

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Case SP-04-06 Petition of Christopher P. Hotz and Rose T. Hotz requesting approval of a Special Use Permit for a bed and breakfast establishment in an S-4/R-3A Historic & Cultural/Multiple Family Residence District at the Madison P. Carlock House (c. 1894-97), 1001 E. Jefferson Street, in the Davis - Jefferson Historic District

BACKGROUND INFORMATION:

Adjacent Zoning

north - R-1C High Density Single Family Residence District
 south - R-3A - Low Density Single Family Residence District
 east - S-4/R-3A Historic & Cultural/Multiple Family Residence District
 west - S-4/ R-3A Historic & Cultural/Multiple Family Residence District

Adjacent Land Uses

north - single family dwellings
 south - apartments
 east - vacant lot & single family dwelling
 west - single family dwelling

The petitioners have a contract to purchase the subject premises from Israel & Pamela Gonzalez, the current owners of record, and want to be able to legally use such premises for a bed and breakfast establishment with four guest rooms. A special use permit for a bed and breakfast establishment at this location had previously been approved by Council on September 14, 1998, after public hearing and favorable recommendation by the Board of Zoning Appeals. Such special use permit subsequently expired because the Zoning Code mandates the expiration of special use permits after the discontinuance of the special use for at least six (6) consecutive months or for

eighteen (18) months during a three (3) year period. The previous bed and breakfast establishment went out of business when Ms. Allene Gregory sold this property to Mr. & Mrs. Gonzalez.

Section 7.30 of the Zoning Code cites the following standards and conditions for Bed and Breakfast Establishments:

- (1) Minimum Fencing/Screening Requirement: Parking lots shall be screened from adjacent dwellings in accordance with Section 4.73(a) of the Zoning Code.
- (2) Minimum Lot Area: Seven thousand (7,000) square feet.
- (3) Minimum Lot Width: Sixty (60) feet.
- (4) Minimum Yard Requirements: Same as required in the zoning district in which this special use is to be located.(front- 30', side- 10', rear- 30')
- (5) Maximum Building Height: 2 ½ stories or 35 ft.
- (6) Minimum Off-Street Parking Requirements: Two (2) spaces shall be provided for the operator. In addition, one (1) space shall be provided for each bedroom of such bed and breakfast establishment (or a total of four spaces). Such required parking spaces shall be located on the same lot as such bed and breakfast establishment, on an abutting lot or on a lot not more than five hundred (500) feet from the site of such bed and breakfast establishment. Such required off street parking lots shall conform to the design, construction and maintenance standards of Section 7.22 (g) of the Zoning Code.
- (7) Maximum Sign Size: Same as permitted in the zoning district in which this special use is to be located.
- (8) Additional Requirements: Any structure devoted to a bed and breakfast use shall have been constructed prior to 1945. A building floor plan shall be filed as part of the application for special use designating floor areas to be used as a bed and breakfast establishment and identifying all means of egress, all required exit signs, all rest room facilities and all food preparation/storage areas.

The subject property, which contains 12,831 square feet of lot area and has 141 feet of frontage on Davis Street and 91 feet on E. Jefferson Street, complies with the minimum lot area, minimum lot width, maximum building height, and minimum building age requirements for a bed and breakfast establishment. The petitioners requested a variance of the parking lot requirements and a four foot variance of the 30 foot rear yard setback requirement. A building floor plan was filed by the petitioners as part of the application for special use, designating floor areas to be used as a bed and breakfast establishment and identifying all means of egress, all required exit signs, all rest room facilities and all food preparation/storage areas.

HISTORIC PRESERVATION COMMISSION RECOMMENDATION:

The Historic Preservation Commission reviewed this petition in Case SP-04-06 at its regular meeting on March 16, 2006, and passed a motion by a vote of 4 to 0 recommending approval to the Zoning Board of Appeals in support of a Special Use Permit for a bed and breakfast establishment for the property at 1001 East Jefferson Street

BOARD OF ZONING APPEALS' PUBLIC HEARING:

The Board of Zoning Appeals held a public hearing on this petition on Wednesday, April 19, 2006 and recommends the same. Mr. Christopher P. Hotz, 639 Lilac Way, Lombard, IL., was present to speak in favor of this petition at this hearing. Mr. Paul Essington, 1002 East Jefferson Street, also testified in favor of this petition at this hearing.

Mr. Christopher Nyweide, 1005 East Jefferson Street, testified that he was in favor of the bed and breakfast establishment but did not want the front yard of the subject premises to be used as a parking lot. Mr. Hotz testified that he requested the parking lot variance so that a parking lot would not have to be constructed in the front yard. He argued that there is ample on-street parking available for this special use. Additional information on the testimony is available in the minutes of the public hearing.

No testimony was presented in opposition to this petition at this hearing. Notices of this public hearing were mailed to the owners of 52 properties in this neighborhood.

BOARD OF ZONING APPEALS' RECOMMENDATION:

After having given due consideration to the testimony presented at this hearing, the Board of Zoning Appeals passed motions by a vote of 5 to 0 approving the variance of the parking lot requirements and the variance of the 30 foot rear yard setback requirement and recommended Council approval of this petition in Case SP-04-06 for a Special Use Permit to allow a bed and breakfast establishment at 1001 E. Jefferson Street.

STAFF RECOMMENDATION:

Staff concurs with the Board of Zoning Appeals and recommends Council approval of this petition in Case SP-04-06 for a bed and breakfast establishment at 1001 E. Jefferson Street

Respectfully,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

**PETITION FOR A SPECIAL USE PERMIT
FOR PROPERTY LOCATED AT: 1001 E. JEFFERSON ST.**

State of Illinois)
) ss.
County of McLean)

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

Now comes Christopher P. Hotz and Rose T. Hotz hereinafter referred to as your petitioners respectfully and requesting as follows: relating to the property at 101 E. Jefferson St.

1. That your petitioners are the owners of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A & B, which are attached hereto and made a part hereof by this reference, or are a mortgagee or vendee in possession, assignee of rents: receiver, executor (executrix); trustee, leasee, or any other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That said premises presently has a zoning classification of R3A-S4 under the provisions of Chapter 44 of the Bloomington City Code, 1960;
3. That under the provisions of Chapter 44, Section 7,30 (K) of said City Code Bed and Breakfast, are allowed as a special use in a R 3 A - S 4 zoning district;
4. That the establishment, maintenance, or operation of said special use on said premises will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
5. That said special use on said premises will not be injurious to the use and enjoyment of other property in the immediate vicinity of said premises for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
6. That the establishment of said special use on said premises will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the R3A-S4 zoning district;
7. That the exterior architectural treatment and functional plan of any proposed structure on said premises will not be so at variance with either the exterior architectural treatment and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood adjacent to said premises;
8. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided to said premises for said special permitted use;

9. That adequate measures have been or will be taken to provide ingress and egress to and from said premises so designed as to minimize traffic congestion in the public streets; and

10. That said special permitted use on said premises shall, in all other respects, conform to the applicable regulations of the R3A-S4 zoning district in which it is located except as such regulations may, in each instance, be modified by the City Council of the City of Bloomington pursuant to the recommendations of the Bloomington Board of Zoning Appeals.

WHEREFORE, your petitioners respectfully pray that said special use for said premise be approved.

Respectfully submitted,
Christopher P. Hotz

Rose T. Hotz

ORDINANCE NO. 2006 - 46

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A
BED AND BREAKFAST FOR PROPERTY LOCATED AT: 1001 E. JEFFERSON ST.,**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting a special use permit for a BED AND BREAKFAST for certain premises hereinafter described in Exhibits A & B; and

WHEREAS, the Bloomington Board of Zoning Appeals, after proper notice was given, conducted a public hearing on said petition; and

WHEREAS, the Bloomington Board of Zoning Appeals, after said public hearing made findings of fact that such special use permit would comply with the standards and conditions for granting such special permitted use for said premises as required by Chapter 44, Sections 7.30(E) and 7.30(K) of the Bloomington, City Code, 1960; and

WHEREAS, the City Council of the City of Bloomington has the power to pass this Ordinance and grant this special use permit.

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

1. That the special use permit for a BED AND BREAKFAST on the premises hereinafter described in Exhibits A & B shall be and the same is hereby approved.
2. This Ordinance shall take effect immediately upon passage and approval .

PASSED this 8th day of May, 2006.

APPROVED this 9th day of May, 2006.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

1001 E Jefferson St. Bloomington IL 61701

Davis 2nd Addition, North 141' of lot in block 2, City of Bloomington, County of McLean,
State of Illinois 61701

Parcel #21-03-304-001

EXHIBIT B
(SITE PLAN ON FILE IN THE CLERK'S OFFICE.)

Motion by Alderman Crawford, seconded by Alderman Huette that the Special Use be approved and the Ordinance passed.

The Mayor directed the Clerk to call the roll which resulted as follows:

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Case SP-06-06 Petition submitted by Dave Moeller and Walt Saunders requesting approval of a Special Use Permit to allow a two family dwelling in a R-1C High Density Single Family Residence District at 903 South Wright Street

BACKGROUND INFORMATION:

Adjacent Zoning

north: R-1C High Density Single Family Residence District
south: same as above
east: same as above
West: same as above

Adjacent Land Uses

north: single family dwellings
south: same as above
east: same as above
west: same as above

The property in question is a 65.2' x 115' (7,498 sq. ft.) site of an old mobile home and accessory garage and storage shed that are proposed to be demolished and replaced by two new, side by side, attached two story dwelling units with two 20' x 20' attached two car garages. Each dwelling unit would contain approximately 1,298 square feet of floor area, excluding the attached garages' floor area. A new driveway will be constructed from each garage to South Wright Street.

The Zoning Code stipulates the following standards and conditions for Two Family Dwellings and Townhouses as a Special Use:

1. Minimum fencing/screening requirements: none.
2. Minimum lot area: ten thousand (10,000) sq. ft.
3. Minimum lot width: seventy (70) ft.
4. Minimum yard requirements: same requirements as required in the zoning district in which the special use is proposed to be located. (Front Yard- 25 feet or average for the block frontage, Side Yard- 6 feet, Rear Yard- 25 feet)
5. Maximum height: thirty-five (35) ft. or two (2) stories, whichever is lower.
6. Additional requirements: two (2) parking spaces shall be provided for each dwelling unit in accordance with Section 7.22 of the Zoning Code.

The subject property does not meet the minimum lot width requirements or the minimum lot area requirements for this special use permit. The petitioners filed a separate application requesting a 2,502 square foot variance of the 10,000 square foot minimum lot area and a 4.8 foot variance of the 70 foot minimum lot width requirements and must secure the approval of the same by the Board of Zoning Appeals before the Council could approve this petition.

BOARD OF ZONING APPEALS' PUBLIC HEARING:

The Board of Zoning Appeals held a public hearing on this petition on Wednesday, April 19, 2006 and recommends denial. No one was present to speak in favor of this petition at this hearing. The following persons presented testimony in opposition to this petition at this hearing:

Mr. Claude Fowler, 807 S. Wright St.
Mr. Bryan Cavinder, 209 E. Niccolls St.
Mr. Russell E. Butler, 905 S. Wright St.
Mr. Bill Godbey, 912 S. Wright St.
Ms. Carrie Waggon, 904 S. East St.
Mr. John Bresnell, 908 S. East St.
Ms. Elma Niepagen, 911-B S. Wright St.

Their testimony in opposition focused on their preference for a new single family dwelling to be constructed on the subject premises rather than a two family dwelling. Such testimony included the arguments that the subject premises is not large enough for a two family dwelling and would not have enough yard area for children to play in. Additional information on the testimony is available in the minutes of the public hearing. Notices of this public hearing were mailed to the owners of 48 properties in this neighborhood.

BOARD OF ZONING APPEALS' RECOMMENDATION:

After consideration of this petition and the testimony presented, the Board of Zoning Appeals passed a motion by a vote of 5 to 0 denying the requested variance of the minimum lot area and

minimum lot width requirements and recommended Council denial of this petition in Case SP-06-06 for a Special Use Permit to allow a two family dwelling at 903 South Wright Street.

STAFF RECOMMENDATION:

Staff concurs with the Board of Zoning Appeals and recommends City Council denial of this petition in Case SP-06-06 for a Special Use Permit to allow a two family dwelling at 903 South Wright Street.

Respectfully,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

Motion by Alderman Crawford, seconded by Alderman Huette that the Special Use Permit be denied.

The Mayor directed the Clerk to call the roll which resulted as follows:

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition from ARK VI, Inc., Requesting Approval of a Final Plat for Eagle View South Subdivision

A Petition has been received from ARK VI, Inc. requesting approval of a Final Plat for Eagle View South Subdivision. This residential subdivision is located east of Towanda Barnes Road at Baywood Road.

Staff reviewed the Final Plat and finds it in conformance with the Preliminary Plan approved by Council on October 24, 2005. There are tap on fees due for this subdivision, and a performance guarantee required for the unfinished public improvements.

Staff respectfully recommends that Council approve the Petition and adopt an Ordinance approving the Final Plat for Eagle View South Subdivision subject to the Petitioner paying the required

tap on fees and posting a guarantee for unfinished public improvements prior to recording of the plat.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

**PETITION FOR ANNEXATION AND REZONING TO THE CITY OF
BLOOMINGTON,
McLEAN COUNTY, ILLINOIS**

State of Illinois)
) ss:
County of McLean)

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

NOW COMES ARK VI, LLC, hereinafter referred to as your petitioner, respectfully represent-
ing and requesting as follows:

1. That your petitioner is the owner of the premises legally described in Exhibit A attached hereto and made a part hereof.
2. That said premises presently has a zoning classification of A - Agricultural under the provisions of the McLean County Zoning Ordinance.
3. That your petitioner hereby requests that the Honorable Mayor and City Council of the City of Bloomington, McLean County, Illinois annex said property to the City.
4. That the premises which is described above is contiguous to the City of Bloomington.
5. That the premises would be zoned as R1 C - High Density Single Family.

WHEREFORE, your petitioner respectfully prays that said premises be annexed to the City of Bloomington, McLean County, Illinois.

Respectfully submitted:
ARK VI, LL C
By: Mercer Turner, its Attorney

ORDINANCE NO. 2006 - 47
AN ORDINANCE ANNEXING AND REZONING CERTAIN TERRITORY
AS HEREINAFTER DESCRIBED TO THE CITY OF BLOOMINGTON,
McLEAN COUNTY, ILLINOIS

WHEREAS, there has heretofore been entered into a certain Annexation Agreement between the City of Bloomington and ARK VI, L.L.C., which Agreement is attached hereto and made a part hereof by this reference as Exhibit A; and

WHEREAS, the City Council of the City of Bloomington, after proper notices were given, conducted a Public Hearing on said Annexation Agreement; and

WHEREAS, the City Council of the City of Bloomington has determined that said premises are contiguous to the corporate limits of the City of Bloomington and are not within the confines of any other municipality of the State of Illinois, and that the Owner has given all notices required to be given by 65 ILCS 5/7-1-1; and

WHEREAS, the City Council of the City of Bloomington has considered the question of annexation and has determined that said Annexation Agreement is proper and in due form according to the statutes of the State of Illinois as in such case made and provided. Said City Council has further determined that the proposed zoning, as established in the aforesaid Agreement, follows the general comprehensive plan and development theme heretofore established by the corporate authorities of the City of Bloomington and should be placed in effect as to said land upon the annexation of same, all as by Statute specifically provided.

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

SECTION ONE: That the City Council of the City of Bloomington, Illinois, determines that the territory described in the attached Exhibit B is not within the confines of any municipality of the State of Illinois, but is however, contiguous to the City of Bloomington.

SECTION TWO: That the property hereinabove described is by this Ordinance hereby annexed to and does by said Ordinance become a part of the incorporated City of Bloomington, McLean County, Illinois and that the boundary of said City is hereby changed to include the property hereinabove described.

SECTION THREE: That the Annexation Agreement, hereinabove referred to and hereto attached be and the same hereby is ratified, affirmed, and incorporated into this Ordinance.

SECTION FOUR: The Exhibit B premises be hereby zoned as follows under Chapter 44 of the Bloomington City Code, to-wit: RIC - High Density Single Family.

SECTION FIVE: That this Ordinance shall be in full force from the date of its passage.

PASSED this 8th day of, 2006.

APPROVED this 9th day of, 2006.

Stephen Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

A part of Lot 4 in Barnes Subdivision of Section 29 Township 24 North, Range, 3 East of the Third Principal Meridian, per Plat recorded in Plat Book 6, Page 3, McLean County Illinois, more particularly described as follows: Beginning of the Northwest Corner of said Lot 4. From said Point of Beginning, thence east, 1489.02 feet along the North Line of said Lot 4 to a point lying 23.93 feet east of the Southeast Corner of Tyler Trail in the. Estates of Eagle View; a Sub-division in the City of Bloomington, McLean County, Illinois, according to the Plat recorded as. Document No. 2005-14819 in the McLean County Recorders Office; thence south 55.19 feet along a line which is parallel with the Southerly Extension of the East Right-of-Way Line of said Tyler Trail and which forms angle to the left of $91^{\circ}-55'-39''$ with the last described course to Point of Curvature; thence southwesterly 230.90 feet along the arc of a curve concave to the northwest with a radius of 143.91 feet and the 200.92 foot chord of said arc forms an angle to the left of $134^{\circ}-02'-11''$ with the last described course to a Point of Tangency; thence west 68.94 feet along a line which forms on angle to the left of $134^{\circ}-02'-10''$ with the last described chord; thence south 120.00 feet along a tine which forms, an angle to the left of $270^{\circ}-00'-00''$ with the last described course; thence west 88.00 feet -along a line which forms an angle to, the left of $90^{\circ}-00'-00''$ with the lost described course; thence south 120.00 feet along a line which forms an angle to the left of $270^{\circ}-0'00''$ with the last described course; thence west 3:16 feet along a line which forms on angle to the left of $90^{\circ}-00'-00''$ with the last described course; thence south 216.09 feet along a line which forms on angle to the left of $270^{\circ}-00'-00''$ with the last described course to a Point of Curvature; thence southwesterly 226.06 feet along the arc of a curve concave to the northwest with a radius of 143.91 feet and the 203.53 foot chord of said arc forms on angle to the left of $135^{\circ}-00'-00''$ with the last described course to a Point of Tangency, thence west 109.38 feet along a line which forms on angle to the left of $135^{\circ}-00'-00''$ with the last described chord; thence south 121.09 feet along a line which forms on. angle to the left of $270^{\circ}-00'-00''$ with the last described course; thence west 102.51 feet along a .line which forms an angle to the left of $90^{\circ}-00'-00''$ with the last described course; thence south 15.02 feet along a line which forms on angle to the left of $271^{\circ}-29'-50''$ with the last described course; thence west 806.97 feet. along a line which forms an angle to the left of $88^{\circ}-30'-10''$ with the last described course to a point on the West Line of, said Lot 4 lying. 940.34 feet south of the Point of Beginning; thence north 940.34 feet along said West Line, which line is also the West Line of the. Southwest Quarter of said Section 29, which forms on angle to the left of $91^{\circ}-29'-50''$ with the last described course to the Point of Beginning, excepting therefrom any portion thereof previously annexed.

Said tract less the exception contains 25.05 acres, more or less.

PIN# 15-29-301 003

Motion by Alderman Crawford, seconded by Alderman Huette that the Final Plat be approved and the Ordinance passed.

The Mayor directed the Clerk to call the roll which resulted as follows:

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition submitted by: 1.) Deneen Brothers Farms, LLC, to Annex a 30.4 acre tract of land, east of Towanda Barnes Road (County Highway 29) and south of Ireland Grove Road; 2.) Richard A. Searls, Jr., Thomas J. Searls, Richard A. Searls III, Stephen J. Searls, and John D. Searls to Annex a 28.6 acre tract of land, east of said 30.4 acre tract and south of Ireland Grove Road; and 3.) Eastlake, LLC, requesting Annexation of 124.3 acres, north of said 28.6 acre tract and north of Ireland Grove Road and also requesting the following zoning districts: R-1B Medium Density Single Family Residence District, R-1C High Density Single Family Residence District, and S-2 Public Lands and Institutions District for said 124.3 acres (east of Ward # 8)

BACKGROUND INFORMATION:

The Annexation Agreement for these three (3) tracts of vacant land, including the proposed Grove on Kickapoo Creek Subdivision, was approved by Council on September 26, 2005 after public hearings by both the Planning Commission and the Council, as required by law and Ordinance. The western boundary of the 30.4 acre Deneen Brothers' tract is currently abutting the City limits. Both the Deneen and the Searls' properties will be zoned A- Agriculture District upon Annexation to the City. This petition requests that the following zoning classifications be assigned to this 124.3 acre Eastlake LLC property upon Annexation to the City, consistent with the approved Annexation Agreement:

- R-1C High Density Single Family Residence District for the western 72.58 acres;
- S-2 Public Lands and Institutions District for the eastern 22.55 acres; and
- R-1B Medium Density Single Family Residence District for the remaining 28.97 acres.

RECOMMENDATION:

Since all of the required public hearings on the Annexation Agreement were held by the Planning Commission in March, April, May, June, July and September of 2005 and by Council on September 26, 2005, staff recommends that Council approval of this petition.

Respectfully,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

PETITION FOR ANNEXATION TO THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS AND FOR AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS

State of Illinois)
)ss.
County of McLean)

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

Now comes DENEEN BROTHERS FARMS, L.L.C., RICHARD A. SEARLS, JR., THOMAS J. SEARLS, RICHARD A. SEARLS III, STEPHEN J. SEARLS AND JOHN D. SEARLS, AND EASTLAKE. LLC hereinafter referred to as your petitioners, respectfully representing and requesting as follows:

1. That your petitioners are the owners of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A which is attached hereto made a part hereof by this reference, of are a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That said premises presently has a zoning classification of A, Agriculture under the provisions of the McLean County Zoning Ordinance;
3. That there is attached hereto and made a part hereof a proposed annexation agreement between said City and your petitioner(s) which provides for the annexation of the premises described in Exhibit A to said City;
4. That said Annexation Agreement provides that, upon annexation of said premises to said City, said premises would be zoned as follows under the provisions of Chapter 44 of the Bloomington City Code - 1960, as amended: Bittner, Mecherle, Benjamin and Rudesill Tracts R-1C High Density Single Family, except up to 40 acres at location determined by Eastlake, may be zoned R-2 Mixed Residence District.

5. That your petitioner(s) hereby request that the Honorable Mayor and City Council of the City of Bloomington, McLean County, Illinois approve said Annexation Agreement, annex said premises to said City and amend the Official Zoning Map of said City to reclassify said premises into the zoning district classification;

6. That said requested zoning classification is more compatible with existing uses and/or zoning of adjacent property than the zoning of said premises to the A-Agriculture District; and

7. That said requested zoning classification is more suitable for said premises and the benefits realized by the general public in approving this petition will exceed the hardships imposed on your petitioner(s) by the zoning of said premises to the A-Agriculture District.

WHEREFORE, your petitioners respectfully pray that said Annexation Agreement be approved, that said premises be annexed to the City of Bloomington, McLean County, Illinois, and that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended by changing the zoning classification of the above described premises to Bittner, Mecherle, Benjamin and Rudesill Tracts to R-1C High Density Single Family, except up to 40 acres at location determined by Eastlake may be zoned R-2 Mixed Residence District.

Respectfully submitted,

OWNERS
DENEEN BROTHERS FARMS, LLC
EASTLAKE, LLC

By: David Deneen
Richard A. Searls, Jr.
Thomas J. Searls
Richard A. Searls, III
Stephen J. Searls

Eastlake, LLC
By: Larry Hundman
Richard Killion
Jacob Poor
Elector

ORDINANCE NO. 2006 - 48

AN ORDINANCE ANNEXING CERTAIN TERRITORY AS HEREINAFTER DESCRIBED TO THE CITY OF BLOOMINGTON, MC LEAN COUNTY, ILLINOIS

WHEREAS there has heretofore been entered into a certain Agreement for Annexation between the City of Bloomington and Deneen Brothers Farms. LLC, Richard A. Searls, Jr., Thomas J. Searls, Richard A. Searls III, Stephen J. Searls, and John D. Searls the owners of the premises hereinafter described, which Agreement is attached hereto and made a part hereof by this reference as Exhibits A and B ; and

WHEREAS the City Council of the City of Bloomington, after proper notices were given, conducted a Public Hearing on said Annexation Agreement; and

WHEREAS the City Council of the City of Bloomington has determined that said premises are contiguous to the corporate limits of the City of Bloomington and are not within the confines of any other municipality of the State of Illinois, and that the Owner has given all notices required to be given by Section 7-1-1 of the Illinois Municipal Code (Ill. Rev. Stat., Chapter 24, Section 7-1-1); and

WHEREAS the City Council of the City of Bloomington has considered the question of annexation and has determined that said Annexation Agreement is proper and in due form according to the statutes of the State of Illinois as in such case made and provided. Said City Council has further determined that the proposed zoning, as established in the aforesaid Agreement, follows the general comprehensive plan and development theme heretofore established by the corporate authorities of the City of Bloomington and should be placed in effect as to said land upon the annexation of same, all as by Statute specifically provided.

NOR THEREFORE BE IT ORDAINED by the City Council of the City of Bloomington, McLean County, Illinois:

SECTION ONE: That the City Council of the City of Bloomington, Illinois, determines that the territory described in the attached Exhibits A & B is not within the confines of any municipality of the State of Illinois, but is however, contiguous to the City of Bloomington.

SECTION TWO: That the Annexation Agreement heretofore filed concerning annexation of the aforesaid property has been executed by the record owner of the property described therein, and that the Owner's Acknowledgment has been duly executed, under oath, by the owner of said property.

*If the property is held in a land trust, the name and address of each beneficiary of such land trust shall be identified in compliance with Chapter 148, Sec. 72 (Ill. Rev. Stat.)

SECTION THREE: That the property hereinabove described is by this Ordinance hereby annexed to and does by said Ordinance become a part of the incorporated City of Bloomington,

McLean County, Illinois, and that the boundary of said City is hereby changed to include the property hereinabove described.

SECTION FOUR: That the Annexation Agreement, herein–above referred to and hereto attached be and the same hereby is ratified, affirmed, and incorporated into this Ordinance.

SECTION FIVE: That this Ordinance shall be in full force and shall be effective as of the time of its passage this 8th day of May, 2006 .

Approved:

Stephen Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Bittner, Mecherle, Benjamin & Rudesill Tracts

South 1,100 Feet of West 1,400 Feet of Northwest Quarter of Section 9; also, a tract of land being approximately 35 acres in South Half of Northeast Quarter of Section 9, said tract of land being trapezoidal in shape, approximately 600 feet in length on the north side, approximately 1,800 feet in length on the south side and the East Line of said tract being the East Line of South Half of said Northeast Quarter; also, South Half of Section 9 except 10 acres around and including Tax Parcel No. 22-09-400-002; and also, East Half of Southeast Quarter of Section 8, all being in Township 23 North, Range 3 East of Third Principal Meridian, McLean County, Illinois.

Deneen Tract

Part of Northwest Quarter of Section 17, Township 23 North, Range 3 East of Third Principal Meridian, McLean County, Illinois, described as follows: Beginning at Northwest Corner of said Northwest Quarter. From said Point of Beginning, thence south 300.04 feet along West Line of said Northwest Quarter; thence east 1292.14 feet along a line 300.00 feet normally distant south of and parallel with North Line of said Northwest Quarter, and which line forms an angle to the right of 90°-54'-21" with the last described course; thence south 965.08 feet along a line parallel with said West Line which forms an angle to the right of 269°-05'-39" with the last described course; thence east along a line to a point on East Line of said Northwest Quarter lying 948.50 feet south of Northeast Corner thereof; thence north 948.5 feet along said East Line to Northeast Corner thereof; thence west along North Line of said Northwest Quarter to Point of Beginning, excepting therefrom, the tract of land described and conveyed in Deed Book 720, page 11, recorded September 11, 1961 as Document No. 13704 in the McLean County Recorder's Office.

Searl Tract

North 300 Feet of Northeast Quarter of Section 17 and South 948.53 Feet of North 1,248.53 Feet of West 300 Feet of Northeast Quarter of Section 17, Township 23 North, Range 3 East of Third Principal Meridian, McLean County, Illinois.

Tract 1:

The North 300 Feet of the Northeast Quarter of Section 17, Township 23 North, Range 3 East of the Third Principal Meridian, McLean County, Illinois.

Tract 2:

The South 948.53 Feet of the North 1,248.53 Feet of the West 300 Feet of the Northeast Quarter of Section 17, Township 23 North, Range 3 East of the Third Principal Meridian, McLean County, Illinois.

Said Tract 1 and 2 together contain 25.0 acres, more or less.

(Exhibit A Site Plan On File in the City Clerk's Office)

EXHIBIT B

A part of the Northwest Quarter of Section 17, Township 23 North, Range 3 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Beginning at the Northwest Corner of said Northwest Quarter. From said Point of Beginning, thence south 300.64 feet along the West Line of said Northwest Quarter; thence east 1292.14 feet along a line 300.00 feet normally distant south of and parallel with the North Line of said Northwest Quarter, and which line forms an angle to the right of $900^{\circ}-541'-21''$ with the last described course; thence south 965.08 feet along a line parallel with said West Line which forms an angle to the right of $269^{\circ}-05'-39''$ with the last described course; thence east along a line to a point on the East Line of said Northwest Quarter lying 946.50 feet south of the Northeast Corner thereof; thence north 948.5 feet along said East Line to the Northeast Corner thereof; thence west along the North Line of said Northwest Quarter to the Point of Beginning, excepting therefrom, the tract of land described and conveyed in Deed Book 720, page 11, recorded September 11, 1961 as Document No. 13704 in the McLean County Recorder's office.

Said Tract contains 30.0 acres, more or less.

(EXHIBIT A AND B OLD TOWN TOWNSHIP SECTION MAP ON FILE IN THE CITY CLERK'S OFFICE)

ORDINANCE NO. 2006 - 49**AN ORDINANCE ANNEXING CERTAIN TERRITORY AS HERINAFTER DESCRIBED TO THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS**

WHEREAS there has heretofore been entered into a certain Agreement for Annexation between the City of Bloomington and Eastlake, L.L.C., the owner of premises hereinafter described, which Agreement is attached hereto and made a part hereof by this reference as Exhibit A; and

WHEREAS the City Council of the City of Bloomington, after proper notices were given, conducted a Public Hearing on said Annexation Agreement; and

WHEREAS the City Council of the City of Bloomington has determined that said premises are contiguous to the corporate limits of the City of Bloomington and are not within the confines of any other municipality of the State of Illinois, and that the Owner has given all notices required to be given by Section 7-1-1 of the Illinois Municipal Code (111 Rev. Stat. Chapter 24, Section 7-1-1); and

WHEREAS the City Council of the City of Bloomington has considered the question of annexation and has determined that said Annexation Agreement is proper and in due form according to the statutes of the State of Illinois as in such case made and provided. Said City Council has further determined that the proposed zoning, as established in the aforesaid Agreement, follows the general comprehensive plan and development theme heretofore established by the corporate authorities of the City of Bloomington and should be placed in effect as to said land upon the annexation of same, all as by Statute specifically provided.

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

SECTION ONE: That the City Council of the City Of Bloomington, Illinois, determines that the territory described in the attached Exhibits A is not within the confines of any municipality of the State of Illinois, but is however, contiguous to the City of Bloomington.

SECTION TWO: That the Annexation Agreement heretofore filed concerning annexation of the aforesaid property has been executed by the record owner of the property described therein, and that the Owner's Acknowledgement has been duly executed, under oath, by the owner of said property.

*If the property is held in a land trust, the name and address of each beneficiary of such land trust shall be identified in compliance with Chapter 148, Sec. 72 (Ill, Rev. Stat.)

SECTION THREE That the property hereinabove described is by this Ordinance hereby annexed to and does by said Ordinance become a part of the incorporated City of Bloomington, McLean County, Illinois, and that the boundary of said City is hereby changed to include the property hereinabove described.

SECTION FOUR: That the Annexation Agreement, hereinabove referred to and hereto attached be and the same hereby is ratified, affirmed, and incorporated into this Ordinance.

SECTION FIVE: That this Ordinance shall be in full force and shall be effective as of the time of its passage this 8th day of May, 2006.

APPROVED:

Stephen Stockton
Mayor

ATTEST:

Tracy Covert
CITY CLERK

EXHIBIT A

Tract 1:

The South 1800.00 feet of even width of the East Half of the Southeast Quarter of Section 8, Township 23 North, Range 3 East of the Third Principal Meridian, McLean County, Illinois, except therefrom that portion of said Tract which has previously been annexed.

Tract 2:

The South 1800.00 feet of even width of the West Half of the Southwest Quarter of Section 9, Township 23 North, Range 3 East of the Third Principal Meridian, McLean County, Illinois.

Tract 3:

The South 1800.00 feet of even width of the West 345.23 feet of even width of the East Half of the Southwest Quarter of Section 9, Township 23 North, Range 3 East of the Third Principal Meridian, McLean County, Illinois.

Tract 4:

All that portion of the public road lying South *of* and adjacent to the South Lines of said Tracts 2 and 3.

Tracts 1 through 4, inclusive, contain 124.3 acres, more or less.

ORDINANCE NO. 2006-50**AN ORDINANCE PROVIDING FOR REZONING OF
THE TRACTS OF THE GROVE ON KICKAPOO CREEK SUBDIVISION FROM A,
AGRICULTURE TO R-1C, R-1B AND S-2**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for rezoning of certain premises hereinafter described in Exhibits A; and

WHEREAS, the Bloomington Planning Commission, after proper notice was given, conducted a public hearing on said Petition; and

WHEREAS, the City Council of said City has the power to pass this Ordinance and rezone said premises.

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

1. That the premises hereinafter described in Exhibit (s) A shall be and the same are hereby rezoned from A, Agriculture to R-1C, High Density Single-Family Residence District, R-1B, Medium Density Single-Family District, and S-2, Public Lands and Institutions District (as shown on Exhibit A).
2. The Official Zoning Map of said City shall be amended to reflect this change in zoning classification.
3. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 8th day of May, 2006.

APPROVED this 9th day of May, 2006.

Stephen Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Area to be Rezoned R-1C

A part of the East Half of the Southeast Quarter of Section 8 and a part of the West Half of the Southwest Quarter of Section 9, all in Township 23 North, Range 3 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Beginning at the Southwest Corner of the East Half of the Southeast Quarter of said Section 8. From said Point of Beginning, thence east 1,334.77 feet along the South Line of the East Half of said Southeast Quarter to the Southeast Corner thereof; thence east 100.75 feet along the South Line of the West Half of the Southwest Quarter of said Section 9 which forms an angle to the right of $180^{\circ}-13'-28''$ with the last described course; thence north 50.00 feet along a line which forms an angle to the right of $90^{\circ}-00'-00''$ with the last described course; thence northwest 28.28 feet along a line which forms an angle to the right of $135^{\circ}-00'-00''$ with the last described course; thence north 140.72 feet along a line which forms an angle to the right of $225^{\circ}-00'-00''$ with the last described course to a point of curve; thence northerly 75.52 feet along the arc of said curve concave to the east with a radius of 387.00 feet and the 75.40 foot chord of said arc forms an angle to the right of $1851^{\circ}-35'-25''$ with the last described course; thence southeast 33.09 feet along a line which forms an angle to the right of $271^{\circ}-08'-43''$ with the last described chord to a point of curve; thence easterly 31.98 feet along the arc of said curve concave to the north with a radius of 272.00 feet and the 31.96 foot chord of said arc forms an angle to the right of $176^{\circ}-37'-56''$ with the last described course to a point of tangency; thence east 104.91 feet along a line which forms an angle to the right of $176^{\circ}-37'-56''$ with the last described chord; thence northeast 861.22 feet along a line which forms an angle to the right of $110^{\circ}-07'-39''$ with the last described course to a point of curve; thence northerly 240.88 feet along the arc of said curve concave to the west with a radius of 639.00 feet and the 239.46 foot chord of said arc forms an angle to the right of $169^{\circ}-12'-03''$ with the last described course to a point of tangency; thence north 161.42 feet along a line which forms an angle to the right of $169^{\circ}-12'-03''$ with the last described chord; thence northwest 167.52 feet along a line which forms an angle to the right of $97^{\circ}-42'-51''$ with the last described course; thence north 295.44 feet along a line which forms an angle to the right of $262^{\circ}-17'-09''$ with the last described course to the North Line of the South 1,800.00 feet of the West Half of the Southwest Quarter of said Section 9; thence west 459.03 feet along said North Line which forms an angle to the right of $91^{\circ}-28'-15''$ with the last described course to the East Line of the East Half of the Southeast Quarter of said Section 8; thence west 1,336.65 feet along the North Line of the South 1,800.00 feet of the East Half of said Southeast Quarter which forms an angle to the right of $179^{\circ}-46'-32''$ with the last described course to the West Line of the East Half of said Southeast Quarter; thence south 1,800.43 feet along said West Line which forms an angle to the right of $88^{\circ}-45'-12''$ with the last described course to the Point of Beginning.

Said Tract contains 72.58 acres, more or less.

Area to be Rezoned R-1 B

A part of the Southwest Quarter of Section 9, Township 23 North, Range 3 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Commencing at the Southwest Corner of said Southwest Quarter, thence east 100.75 feet along the South Line of the West Half of the Southwest Quarter of said Section 9; thence north 50.00 feet along a line which forms an angle to the right of $90^{\circ}-00'-00''$ with the last described course; thence northwest 28.28 feet along a line which forms an angle to the right of $135^{\circ}-00'-00''$ with the last described course; thence north 30.00 feet along a line which forms an angle to the right of $225^{\circ}-$

00'-00" with the last described course to the Point of Beginning. From said Point of Beginning, thence east 813.98 feet along a line which forms an angle to the right of $270^{\circ}-00'-00''$ with the last described course; thence northeast 811.04 feet along a line which forms an angle to the right of $110^{\circ}-07'-39''$ with the last described course to a point of curve; thence northeasterly 304.28 feet along the arc of said curve concave to the northwest with a radius of 1,299.00 feet and the 303.58 foot chord of said arc forms an angle to the right of $173^{\circ}-17'-22''$ with the last described course to a point of reverse curve; thence northeasterly 122.99 feet along the arc of said curve concave to the southeast with a radius of 120.00 feet and the 117.68 foot chord of said arc forms an angle to the right of $202^{\circ}-39'-03''$ with the last described chord to a point of reverse curve; thence northeasterly, northerly, northwesterly, westerly and southwesterly 588.92 feet along the arc of a curve concave to the southwest with a radius of 180.00 feet and the 359.24 foot chord of said arc forms an angle to the right of $115^{\circ}-37'-56''$ with the last described chord; thence southwest 57.57 feet along a line which forms an angle to the right of $113^{\circ}-31'-58''$ with the last described chord; thence northeast 246.87 feet along a line which forms an angle to the right of $291^{\circ}-31'-14''$ with the last described course to a point on the North Line of the South 1,800.00 feet of the West Half of said Southwest Quarter; thence west 742.34 feet along said North Line which forms an angle to the right of $73^{\circ}-14'-48''$ with the last described course to a point lying 459.03 feet east of the West Line of said Southwest Quarter as measured along said North Line; thence south 295.44 feet along a line which forms an angle to the right of $88^{\circ}-31'-45''$ with the last described course; thence southeast 167.52 feet along a line which forms an angle to the right of $97^{\circ}-42'-51''$ with the last described course; thence south 161.42 feet along a line which forms an angle to the right of $262^{\circ}-17'-09''$ with the last described course to a point of curve; thence southerly 240.88 feet along the arc of said curve concave to the west with a radius of 639.00 feet and the 239.46 foot chord of said arc forms an angle to the right of $190^{\circ}-47'-57''$ with the last described course to a point of tangency; thence southwest 861.22 feet along a line which forms an angle to the right of $190^{\circ}-47'-57''$ with the last described chord; thence west 104.91 feet along a line which forms an angle to the right of $249^{\circ}-52'-21''$ with the last described course to a point of curve; thence westerly 31.98 feet along the arc of said curve concave to the north with a radius of 272.00 feet and the 31.96 foot chord of said arc forms an angle to the right of $183^{\circ}-22'-04''$ with the last described course to a point of tangency; thence northwest 33.09 feet along a line which forms an angle to the right of $183^{\circ}-22'-04''$ with the last described chord; thence southerly 75.52 feet along the arc of a curve concave to the east with a radius of 387.00 feet and the 75.40 foot chord of said arc forms an angle to the right of $88^{\circ}-51'-17''$ with the last described course to a point of tangency; thence south 110.72 feet along a line which forms an angle to the right of $174^{\circ}-24'-35''$ with the last described chord to the Point of Beginning.

Said Tract contains 28.97 acres, more or less.

Area to be Rezoned S-2

A part of the Southwest Quarter of Section 9, Township 23 North, Range 3 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Commencing at the Southwest Corner of said Southwest Quarter, thence east 100.75 feet along the South Line of said Southwest Quarter to the Point of Beginning. From said Point of Beginning, thence continuing east 1,564.48 feet along said South Line; thence north 1,800.27 feet along a line which forms an angle to the right of $88^{\circ}-44'-45''$ with the last described course to the North Line

of the South 1,800.00 feet of said Southwest Quarter; thence west 468.80 feet along said North Line which forms an angle to the right of $91^{\circ}-15'-15''$ with the last described course to a point lying 1,201.37 feet east of the West Line of said Southwest Quarter as measured along said North Line; thence southwest 246.87 feet along a line which forms an angle to the right of $106^{\circ}-45'-12''$ with the last described course; thence northeast 57.57 feet along a line which forms an angle to the right of $68^{\circ}-28'-46''$ with the last described course; thence northeasterly, easterly, southeasterly, southerly and southwesterly 588.92 feet along the arc of a curve concave to the southwest with a radius of 180.00 feet and the 359.24 foot chord of said arc forms an angle to the right of $246^{\circ}-28'-02''$ with the last described course to a point of reverse curve; thence southwesterly 122.99 feet along the arc of said curve concave to the southeast with a radius of 120.00 feet and the 117.68 foot chord of said arc forms an angle to the right of $244^{\circ}-22'-04''$ with the last described chord to a point of reverse curve; thence southwesterly 304.28 feet along the arc of said curve concave to the northwest with a radius of 1,299.00 feet and the 303.58 foot chord of said arc forms an angle to the right of $157^{\circ}-20'-57''$ with the last described chord to a point of tangency; thence southwest 811.04 feet along a line which forms an angle to the right of $186^{\circ}-42'-38''$ with the last described chord; thence west 813.98 feet along a line which forms an angle to the right of $249^{\circ}-52'-21''$ with the last described course; thence south 30.00 feet along a line which forms an angle to the right of $90^{\circ}-00'-00''$ with the last described course; thence southeast 28.28 feet along a line which forms an angle to the right of $135^{\circ}-00'-00''$ with the last described course; thence south 50.00 feet along a line which forms an angle to the right of $225^{\circ}-00'-00''$ with the last described course to the Point of Beginning.

Said Tract contains 22.55 acres, more or less.

Motion by Alderman Crawford, seconded by Alderman Huette that the Petitions for Annexation and Rezoning be approved and the Ordinances passed.

The Mayor directed the Clerk to call the roll which resulted as follows:

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Agreement with Youth Impact

Staff respectfully requests Council approval to enter into an agreement with Youth Impact, Inc. which provides valuable services to the citizens of Bloomington and Normal for the purpose of

reducing and eliminating gang activity and reducing criminal activity within the two cities. Youth Impact Inc. no longer receives substantial federal grants in order to operate.

The City and the Town of Normal each agree to contribute \$90,000 to Youth Impact during the 2006-07 fiscal year. The funding will be paid monthly after receiving monthly detailed expense report from Youth Impact. Funding will come from budget line item G15110-70990.

The funds provided by the City will be used solely for personnel and operating costs associated with the Youth Impact office and prevention services. Youth Impact will provide a report within thirty (30) days from the end of each fiscal quarter containing the amount of the grant, the amount spent for the calendar year, the amount spent in total, and the balance remaining to be expended. Staff requests Council approval to enter into this agreement with Youth Impact.

Respectfully,

Roger J. Aikin
Chief of Police

Tom Hamilton
City Manager

AGREEMENT

THIS AGREEMENT is entered into this 17 day of April 2006, by and between the **Town of Normal**, a home rule unit of local government, the **City of Bloomington**, a home rule unit of local government and **Youth Impact, Inc.**, a not-for-profit organization.

WHEREAS, **Youth Impact, Inc.** provides valuable services to the citizens of Bloomington and Normal for the purpose of reducing and eliminating gang activity; and

WHEREAS, **Youth Impact** no longer receives the substantial federal grants it formerly received in order to operate; and

WHEREAS, the City Council of **Bloomington** and Town Council of **Normal** have determined that it is in the best interests of the citizens of the two cities to provide **Youth Impact** with government funding assistance in order to control the proliferation of youth gang activity and to reduce criminal activity within the two cities.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL PROMISES CONTAINED HEREIN, THE PARTIES AGREE AS FOLLOWS:

1. **Youth Impact, Inc.** will continue to provide gang prevention, intervention, and suppression services as previously provided within the **City of Bloomington** and **Town of Normal**. A description of services provided by **Youth Impact** is attached as Exhibit "A" to this Agreement and incorporated herein by reference.
2. That the **City of Bloomington** and **Town of Normal** each agree to contribute \$90,000.00 per their respective fiscal years to **Youth Impact**. Bloomington's fiscal year commences May 1,

2006 and Normal's fiscal year commences April 1, 2006. Each government entity may determine the manner in which the \$90,000.00 shall be paid to **Youth Impact**. The parties recognize that the funding may be provided in one lump sum or may be paid in monthly payments or by some other means. The parties recognize the obligation to contribute is subject to prior appropriation or budget discretion of **Town of Normal** and **City of Bloomington**.

3. **Youth Impact** agrees to use the funds provided by the **Town of Normal** and **City of Bloomington** solely for personnel and operating costs associated with the Youth Impact office and to provide all inclusive street outreach services and related gang intervention and prevention services. **Youth Impact** shall report to the **Town of Normal** and **City of Bloomington** Finance Departments on quarterly basis on a reporting form to be developed by each governmental entity. The reports shall be due within thirty (30) days from the end of each fiscal quarter. The reports shall contain the amount of the grant, the amount spent for the calendar year, the amount spent in total and the balance remaining to be expended.

4. **Youth Impact** agrees to maintain records that can be easily reviewed. Records shall include a ledger that itemizes the expenses. The ledger shall be maintained in a way to be traced to the quarterly reports and to cancelled checks or a record of them in a bank statement.

5. **Youth Impact** agrees to make records available for inspection by the **Town of Normal** and **City of Bloomington**. If the records maintained by **Youth Impact** are not easily reviewed by the Finance Departments of the governmental entities then **Youth Impact** agrees to pay for the cost of an auditor selected by the **Town of Normal** to audit the financial records and reports of **Youth Impact** to determine compliance with this Agreement.

6. **Youth Impact** agrees to maintain all financial records required herein for a period of at least three (3) years.

7. **Youth Impact** agrees to complete any necessary tax forms or other financial forms required by the **City of Bloomington** and **Town of Normal**.

8. **Youth Impact** agrees to abide by the Human Rights Ordinances of the **Town of Normal** and **City of Bloomington** and not unlawfully discriminate in the delivery of any goods or services.

9. Disclaimer Of Relationships. The parties agree that nothing in this agreement shall be deemed or construed by any of the parties to this agreement or by any third persons to create any relationship of principal and agent, or of limited or general partnership, or of joint venture, or of any association or relationship involving the parties.

10. Limitations Of Liability. **City and Town** shall not be liable to **Youth Impact** for any claim sounding in tort or for failure to budget funds for **Youth Impact** in any future years.

11. Conflict Of Interest. No member, officer or employee of the **City of Bloomington** and **Town of Normal** or its designees, or agents, no consultant, no member of the governing body of the Town, and no other public official of the **City or Town**, who exercises or has exercised any

functions or responsibilities with respect to the project during his or her tenure, shall have any interest, direct or indirect, in any contract or subcontract, or the proceeds from any contract or subcontract, for work to be performed in connection with **Youth Impact** or in any activity, or benefit from any activity, which is part of this grant.

12. Maintenance of Eligibility To Receive Funds Under this Grant. **Youth Impact** covenants and agrees that at all times it will maintain all qualifications and requirements for entitlement to and eligibility for receipt of this grant and the disbursement of funds pursuant to this agreement. **Youth Impact** further covenants and agrees that it will promptly comply with all requirements and conditions which may be imposed upon it at any time in the future or from time to time by **City** or **Town** or any other agency or department having jurisdiction as a condition for continued eligibility to receive the grant described herein.

13. This Agreement shall be for a period of two (2) years, provided the **Town of Normal** and **City of Bloomington** have appropriated or budgeted funds for this grant Any party may terminate its participation in this Agreement by giving all other parties at least six (6) months' notice.

14. **Youth Impact** shall report annually to the **Town of Normal** and **City of Bloomington** providing a summary of its operations for the past year, and a plan of operation for the current year. Such plan shall contain a budget for the current year and to the extent possible program performance indicators.

Town of Normal

By Christopher Koos

Attest:

Wendellyn J. Briggs

Youth Impact, Inc.

By

Attest:

City of Bloomington

By Stephen Stockton

Attest:

Tracey Covert

Motion by Alderman Crawford, seconded by Alderman Huette that the Agreement with Youth Impact, Inc. be approved in the amount of \$90,000, and the Mayor and Clerk authorized to execute the necessary documents.

The Mayor directed the Clerk to call the roll which resulted as follows:

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

Nays: None.

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

To: Members of the City Council

From: Liquor Commission

Subject: Application of Your Mother's LLC, d/b/a, Your Mother's located at 102 N. Center St., for an RAS liquor license, which will allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to hear the application of Your Mother's LLC d/b/a Your Mother's, located at 102 N. Center St., requesting an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Stephen Stockton, Rich Buchanan, Marabeth Clapp, Steve Petersen, and Mark Gibson; Hannah Eisner, Deputy Corporation Counsel, and Tracey Covert, City Clerk; Ben Slotky and Steve Carr, owners and Applicant representatives.

Commissioner Stockton requested that the Applicants explain their business plan. Ben Slotky, owner and Applicant representative, addressed the Commission. He has had the idea for this restaurant for a couple of years. Your Mother's would have a sports theme and be a family bar and grill. It would be similar to Buffalo Wild Wings. Your Mother's would be located in the Downtown. He hoped to affiliate with the US Cellular Coliseum. He considered placing Your Mother's within the Castle Theater building located at 209 E. Washington St. However, it was cost prohibitive. Your Mother's would be located at the intersection of Front and Center St. He anticipated traffic from the US Cellular Coliseum and the Downtown lunch crowd. He had been working with the building's owner who sees the building occupied with mixed uses. Your Mother's offered a simple concept: sports and burgers. It would offer a late night place to go. He expressed his belief that other Central Illinois cities offered more options. Downtown currently offers Flingers Pizza located at 608 N. Main St. and La Bamba Mexican Restaurant located at 108 W. Washington St.

Commissioner Stockton questioned if the asbestos had been removed from the area. Mr. Slotky informed the Commission that this area had recently been a flower shop. It had also been an eatery called the Posh Nosh. Some mechanicals were still present. Commissioner Stockton questioned the stairway. Steve Carr, owner and Applicant representative, addressed the Commission. He noted that there was a loft which offered an additional room. Mr. Slotky added that it would be a separate seating area. Mr. Carr noted that Your Mother's would be located in the southeast corner of the building. The Antique Mall was located below.

Commissioner Petersen questioned if the building was occupied. Mr. Slotky described the use as limited. He cited Illinois Brewing Company (IBC), an attorney's office and a tailor shop.

Commissioner Petersen questioned if there would be access from Your Mother's to IBC. Mr. Slotky responded negatively.

Commissioner Stockton questioned the establishment's character. Mr. Slotky stated that the kitchen would be open all of the time. Your Mother's would offer beer and burgers. He planned to offer as much as possible. Commissioner Petersen acknowledged that people have to eat. Mr. Slotky responded by stating that people will want to eat at Your Mother's. Commissioner Petersen questioned if Your Mother's would be a franchise. Mr. Slotky responded negatively. He expressed his hope that all would go well. Your Mother's would offer lunch, dinner, and late night food.

Commissioner Stockton noted Mr. Slotky's expectation that US Cellular Coliseum's patrons would visit Your Mother's after the game for something to eat.

Commissioner Buchanan arrived at 4:10 p.m.

Mr. Slotky noted that a patron may order a beer but he added his belief that he/she would also order food. He was not focusing on operating a tavern. The kitchen would be open until close. There would be a last call for food and drink. Commissioner Petersen questioned if minors would be present at any hour. Mr. Slotky questioned the law. Mr. Carr noted the intention to set a time when no under age persons could be present without an adult/guardian.

Commissioner Stockton noted that past restrictions were based upon the time the kitchen closed. He added that if the establishment looked more like a tavern, then the Commission would be uncomfortable with minors being present.

Commissioner Petersen questioned if the current tenants had been contacted by the Applicants. Mr. Slotky responded negatively. He had only spoken with the building's owner. Commissioner Petersen questioned how long the space had been vacant.

Ron Frazier, 413 S. Center, addressed the Commission. He noted a recent Downtown application for a restaurant license, Reality Bites, located at 414 N. Main St. He recalled that conditions were placed upon this liquor license. He cited a midnight closing hour and the ability to reconsider the conditions at a later date based upon need. He requested that the Commission be consistent.

Commissioner Stockton noted that the environment was different. He cited the limited number of bars, the retail spaces, and the limited number of residences.

Commissioner Clapp questioned if Your Mother's planned to participate in the Downtown Bar Associations' (DBA) Special Events, such as Springfest, Pub Crawl, etc. Mr. Slotky expressed his interest in Your Mother's becoming a part of the Downtown. He admitted that he was unsure of the requirements. Commissioner Clapp expressed her concern regarding food service. Mr. Carr questioned Pub Crawl. Commissioner Stockton noted that it was a special event hosted by the DBA and described it as the Downtown's biggest night.

Commissioner Buchanan noted that he viewed this application as a positive.

Commissioner Clapp questioned if this establishment would be viewed as a restaurant or a tavern. Mr. Slotky noted that when the DBA hosted special events that it would be perceived as a tavern. He planned to serve more food than alcohol. Commissioner Clapp questioned Your Mother's location and its proximity to other taverns. Mr. Slotky encouraged the Commission to review his history with the Castle Theater. His record demonstrated how he planned to operate/run Your Mother's. He acknowledged that he had no experience when he was granted the Castle Theater license. No one had sold liquor in a movie theater. He encouraged the Commission to look at his record.

Commissioner Clapp agreed that the theater was great. She questioned how the Applicants planned to control the restaurant/tavern. She also questioned the house rules and hours of operation. Mr. Slotky stated that he would dictate the environment. The environment would impact the clientele. In three (3) years, the Castle Theater had served over 200,000 patrons. He noted that he had not had to replace the furniture.

Commissioner Petersen questioned if there would be live entertainment, a dance floor and/or a jukebox. Mr. Slotky responded negatively. Commissioner Petersen questioned if there would be darts. Mr. Slotky responded that he did not know. He added that there was not enough open space for pool. Commissioner Petersen questioned if there would be specials on Wednesday and/or Thursday nights. Mr. Slotky responded that he did not know. He expressed his opinion that there should be a better way. Commissioner Petersen questioned if Mr. Slotky planned to advertise on the college campuses. Mr. Slotky responded affirmatively. Your Mother's would offer a sports theme. The original idea for Your Mother's was This Old Cub. It would have been a Cub's memorabilia bar. However, the National Baseball Association was not found of this idea.

Commissioner Buchanan acknowledged that he had had a lengthy conversation with Mr. Slotky at his home. The discussion included the nature of the license - a bar and grill. He requested that the record reflect that Mr. Slotky planned to operate something other than a bar.

Commissioner Stockton noted that it appears to be so. He questioned the closing hours. He noted that Flinger's was open for business from midnight to 3:00 a.m. Commissioner Buchanan noted that recent Thursday evening performance at the US Cellular Coliseum.

He added that there was a need to review the 2:00 a.m. closing hour. The Commission could allow it on a trial basis and informed the Applicants of the Commission's ability to scale it back. He noted from his observations Mr. Slotky had done a good job at the Castle Theater. He stated that with the addition of the US Cellular Coliseum and the Cultural District's Performing Arts Center to the Downtown, the City's unwritten policy regarding no additional Downtown taverns needed to be reevaluated. Sports bars located in the area of the US Cellular Coliseum and restaurants with a nice bar located near to the Performing Arts Center were a natural fit.

Commissioner Buchanan acknowledged that the area was a part of the issue. He noted that there were considerable differences due to the location. An establishment's location was significant.

Commissioner Petersen questioned if there would be big screen televisions. Mr. Slotky responded affirmatively. An advertisement might be “watch the game at Your Mother’s”. Commissioner Petersen expresses support for the model. He added his opinion that it was in the right location. He acknowledged that some believed that there were too many Downtown taverns.

Commissioner Stockton questioned the Applicant’s investment. Mr. Slotky noted \$300,000. Restaurant equipment was expensive. He noted the ventilation costs. He expressed his belief that there would be significant late night business.

Commissioner Petersen questioned the impetuous for Your Mother’s. Mr. Slotky restated This Old Cub. He recognized the value of families as customers. He changed his business model. He was more interested in attracting families.

Commissioner Gibson stated that he concurred with Commissioner Stockton’s comments. He noted the Downtown foot traffic. The new facilities placed a demand for more diverse services. He noted that there should be no direct access to IBC. Mr. Carr affirmed same.

Commissioner Clapp noted that the Commission wanted to be reasonable. She agreed that the Commission should take a new look at the issue. She anticipated applications for new restaurants and/or taverns. Consistency was important.

Commissioner Stockton agreed that it was time for the Commission to take a look at this issue. Your Mother’s represented a good test case. Your Mother’s would be given the ability to be open until 1:00/2:00 a.m. He cautioned the Applicant that if the Commission visited Your Mother’s and the kitchen was closed and the establishment resembled a tavern, then the Commission would modify the business hours. The establishment’s character must be as discussed.

Commissioner Buchanan requested that this information be included on the record. The Applicant had been put on notice.

Commissioner Stockton noted that the Applicant had earned the trust of the Commission.

Based on the above, the Liquor Commission recommends to the City Council that an RAS liquor license for Your Mother’s LLC, d/b/a Your Mother’s, located at 102 N. Center St., be created, contingent upon compliance with all applicable health and safety codes.

Respectfully,

Stephen F. Stockton
Chairman of Liquor Commission

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

Motion carried.

Brian McCaslin, 414 N. Main St., addressed the Council. He was part owner of Reality Bites, and a player on the Bloomington Extreme. He noted his support for the Downtown. He questioned if the conditions which were placed upon his license. He noted that none were placed upon Your Mothers.

Mayor Stockton noted the previous establishments at each location. Concerns were raised by the Downtown businesses and residents at Reality Bites' liquor hearing. No one raised any concerns at the liquor hearing for Your Mother's. This establishment was located on the southeast corner of Center and Mulberry. There were not any residents nearby.

Alderman Schmidt noted the heavy concentration of Downtown residents. Concerns were raised about noise/activities. She added the difficulty maintaining a balance within the 400 block of N. Main St. She encouraged Mr. McCaslin to build relationships with his neighbors.

Mayor Stockton added that other Downtown establishments have conditions placed upon their liquor licenses. Reality Bites has the opportunity to address the Liquor Commission six (6) months after its opening.

Alderman Schmidt stated that the issue was parody. She noted discussions with the Downtown Bar Association, (DBA).

Mr. Caslin expressed his opinion that as an existing business he should have a say. He added that the DBA should have a larger role.

Mayor Stockton noted that Jan Lancaster, DBA President, attends the Liquor Commission's meetings. She also addresses the Commission. She gives a voice to Downtown residents and businesses.

Alderman Schmidt noted the need to discuss where the Downtown was headed. Mayor Stockton noted that the City should re-evaluate the Downtown in light of the opening of the US Cellular Coliseum and Bloomington Center for the Performing Arts. He added that there also were more Downtown residents.

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

Motion carried.

Motion by Alderman Schmidt, seconded by Alderman Matejka that an RAS liquor license for Your Mother's LLC, d/b/a Your Mother's located at 102 N. Center St., be created, contingent upon compliance with all applicable health and safety codes.

The Mayor directed the Clerk to call the roll which resulted as follows:

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Zoning Variance Appeal - 2702 Rocksbury Drive

On April 19, 2006 the Zoning Board of Appeals heard the petition for variance from Keith Marshall, 2702 Rocksbury Drive to allow a six (6) foot fence in a required front yard where the maximum height allowed is four (4) feet. After considering the facts in the case, the Zoning Board concluded the petitioner had not demonstrated that he met the standards for a variance and voted 3 to 2 to deny the petitioner's request. Since the Board voted to deny this request by fewer than five negative votes, the petitioner is exercising his right to appeal this decision to the Council.

Staff recommended to the Zoning Board that this variance request be denied due to failure to meet the standards for a variance. The Board concurred with staff by their vote to deny this request. Staff thereby respectfully requests that Council uphold the decision of the Zoning Board of Appeals.

Respectfully,

Mark R. Huber
Director P.A.C.E.

Tom Hamilton
City Manager

Minutes 2702 Rocksbury

Z-07-06 Keith Marshall appeared to present testimony for his request for a 6' fence in a required front yard. His home at 2702 Rocksbury sits at the corner of Rocksbury and Binghampton and is located next to Pepper Ridge grade school. Mr. Marshall explained the existing deck had deteriorated and will need to be replaced. Since the existing fence is attached to this deck, he was proposing to extend the rebuilt fence into the required front yard 14 feet. This would still leave 11' of the required front yard unobstructed. The petitioner felt the maximum 4' fence in the front yard would not be tall enough to prevent his dog from interacting with the school children who walk by. He further stated that and due to the layout of the subdivision, all cars coming into the area drive by his home and a 4' fence would not give him the privacy his other neighbors en-

joy. Photos were submitted of the existing situation and of a neighbor down the street who had a 6' fence in their required front yard.

Ms. Kennett questioned if the neighbor to the south had a fence. It was determined they did not.

Mark Huber gave the staff report. Staff is recommending denial of the request due to the fact the Petitioner does not meet the recommended standards. His lot (90x110) is larger than the neighboring parcels (65x110) to account for the 2 required front yards. A 6' fence will also create a visual barrier to what should be an open space along Binghampton. The petitioner had not demonstrated any unique or special conditions that would warrant a variation of the standards set by the zoning ordinance.

Ms. Kennett asked if there was any information concerning the other home with a 6' fence in the required front yard and who researches the surrounding information. Staff did not have any information concerning the home on Binghampton, but it would be looked into¹.

The Board voted and denied Mr. Marshall's request with a vote of 2 for and 3 against. Mr. Briggs informed Mr. Marshall he could appeal to City Council since there were fewer than 5 negative votes.

4B BRIEF CASE Z-07-06

BACKGROUND: Mr. And Mrs. Marshall, 2702 Rocksbury, Requesting a variance for a 6' fence in a required front yard. Property is located in an R-1C Zoning District.

Applicable Code Section:

Chapter 44, Section 4.53(b)(6) - In required front yards....fences not to exceed 4' in height in a residential district...

<u>Type of variance</u>	<u>Request</u>	<u>Maximum Allowed</u>	<u>Variance Requested</u>
Fence Height Variance	6 Feet	4 Feet	2 Feet

Staff recommends denial. Staff bases this recommendation on the fact the petitioner does not the intent of the following standards as applicable by Chapter 44, Section 9.40(d) in the finding of the facts:

- 1. Special conditions and circumstances, do not exist which are peculiar to the land, structure or building involved and which are not applicable to their lands structures or buildings in the same district.***

¹Since the time of the Zoning Board action, it was determined the referenced fence was not installed per the permit issued for its construction. This matter is being addressed by P.A.C.E. staff.

This is a corner lot in Pepperridge subdivision. The lot size is larger (90x110) than neighboring parcels (65x110) to allow for the additional front yard requirement.

2. *That literal interpretation of the provisions of this Code would not deprive the applicant of rights commonly enjoyed by other properties in the same district.*

Other residents in the neighborhood enjoy the privacy and quiet of their rear yard settings. Their rear yards are comparable to this one.

3. *That the special conditions and circumstances will not result from the actions of the applicant.*

The lot configuration was not created by the petitioner.

4. *That granting the variation requested will confer on the applicant any special privilege that is denied by the code to or the lands, structures or buildings in the same district.*

It will allow the petitioner to enjoy a larger rear yard setting of their property.

5. *That granting of the variation will not be in harmony with the purpose and the intent of this Code and will be injurious to the neighborhood or otherwise detrimental to the public welfare.*

Corner lots of newer subdivisions are typically created larger to accommodate the 2 front yards. This is to allow the rear yard to be of similar size to the neighbors. The approval of a 6' fence in a front yard will decrease the visible green space along the sidewalk.

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

Motion carried.

Keith Marshall, 2702 Rocksbury Dr., addressed the Council. He stated his intention to move the fence fourteen feet (14') into the twenty-five feet (25') setback. He noted that the fence was existing but in need of repair. The home is located near a local school. He owns a dog. A four foot (4') fence serves as an enticement. It allows for interaction between dog and children. He presented photographs of his yard. He noted that his request was denied as a visual obstruction. He added that the rear yard neighbors were not opposed. His home was located on a corner lot which increased the yard requirements.

Mark Huber, Director P.A.C.E., addressed the Council. He noted that City staff recommended that the variance be denied. He noted that the Petitioner had to prove hardship for noncompliance. City staff considered unusual characteristics and a Petitioner's inability to comply with the City Code. He added that City staff understood the Petitioner's concern regarding the dog. He noted that the request involved a corner lot. By Code, a corner lot consist of two (2) front yards. This lot is thirty percent (30%) larger. However, the fencable area was the same as any other City lot. This request received less than five (5) votes which gives the Petitioner the right to request an appeal. A six foot (6') fence is not allowed in a front yard and must be in the buildable area. He restated that a corner lot by definition was a front yard.

Mayor Stockton requested one reason not to grant this Petition. Mr. Huber acknowledged that the fence would not be an obstruction to automobile traffic. It would be a visual obstruction. It would be within the block setback. The primary concern was aesthetic.

Alderman Hanson questioned if the City would be setting a precedent if the request was granted. Mr. Huber responded negatively. Each case is evaluated on its own merits.

Alderman Schmidt expressed her opinion that it was a side yard. She expressed her opinion that it was not urgent to follow the code.

Mayor Stockton noted that the immediate neighbor was a school.

Alderman Gibson questioned the fence materials. Mr. Marshall informed the Council that materials would be the same as the existing fence. There was not an adjoining residence. The fence would also be utilized under the deck.

Alderman Crawford questioned the neighbors. Mr. Marshall noted that the neighbors questioned why the variance was needed. They had no problems with his request. They noted that there would be more privacy. He restated that the existing fence needed to be removed. This was the ideal opportunity. He added that he would be happy with an eight foot (8') fence.

Mayor Stockton questioned if the fence could be more ornamental. Mr. Marshall informed the Council that in the future he hoped to place a four foot (4') fence around the house. He expressed his understanding of the aesthetic concern.

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

Motion carried.

Alderman Matejka noted that his vote would consider the fact that this home was located at the main entrance to an active subdivision. This fact would be a main consideration.

Motion by Alderman Matejka, seconded by Alderman Schmidt that the appeal from Keith Marshall, owner of 2702 Rocksbury Drive, reversing the decision of the Zoning Board of Appeals be approved.

The Mayor directed the Clerk to call the roll which resulted as follows:

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

Nays: None.

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

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: An Ordinance Amending Chapter 41 of the Bloomington City Code, Regulating Smoking in Public Places in the City of Bloomington

The proposed Ordinance, if passed, will prohibit smoking in most public places in the City. Due to this topic being the subject of a great deal of debate and public comment, this staff report will not review the issue of whether the regulation of smoking should be the subject of municipal regulation. Instead, it will review the draft of the Ordinance itself, with particular emphasis on the alternatives available to Council in deciding the final terms of the Ordinance.

The Ordinance as drafted prohibits smoking in most enclosed public places and places of employment, unless otherwise exempted. Smoking is also prohibited at outdoor places of public assembly where “members of the general public assemble and congregate in a designated seating area in order to witness an event or performance open to the public.”

The following places are excluded from a smoking ban:

- Private residences (except for residences which are used for some sort of home-based business open to the public, such as day care centers, and adult care homes (although smoking is permitted in private rooms in nursing homes and assisted living centers unless a roommate objects);
- hotel and motel rooms designated as smoking rooms, so long as not more than 25% of the available rooms are so designated;
- retail tobacco stores (so long as smoke from those stores do not infiltrate into areas of the building where smoking is prohibited);
- private clubs or lodges as defined in the Ordinance;
- outdoor patios, except for areas within 15 feet of a primary public entrance to an area where smoking is prohibited;
- public sidewalks, roadways, parks and golf courses, unless they are then being used as an outdoor place of public assembly; and
- churches, which are defined as “a facility or outdoor place of public assembly used primarily and regularly for worship or religious instruction.”

Persons who smoke in a public place in violation of the Ordinance face a minimum fine of \$25 and a maximum fine of \$500, as are persons in control of a business which fail to post the required signage. Persons in control of premises who fail to prohibit smoking are subject to a fine of between \$25 and \$2,500. Each day is considered a separate violation.

The Ordinance has a proposed effective date of January 1, 2007.

Beyond the issue of whether to adopt the Ordinance at all, the issue which has caused the most debate is how (or whether) to regulate restaurants and taverns. Because this issue remains to be decided by Council, staff has drafted alternative language.

Alternative "A" permits smoking in restaurants with liquor licenses and taverns which are designated as "pubs". The establishment must notify the City Clerk in writing of the intent to operate as a pub; it cannot permit smoking until at least 60 minutes have passed from the time the last hot meal was served (snack foods, bar foods and appetizers are not included); the kitchen area must be closed. Restaurants with liquor licenses can only operate as pubs during the hours of 9:00 p.m. and 2:00 a.m. the next day; no persons under 21 are admitted to the premises while it operates as a pub, and the hours of pub operation must be clearly established and clearly posted.

A second issue (designated in the Ordinance as "Alternative B"), is whether to exempt taverns from the smoking ban entirely or whether to grant them an exemption under a grandfather clause for a specific period of time. If the Council decides that the exemption should expire after a designated period of time, it must decide how long that time period should be.

If the Council eventually decides to exclude taverns in a smoking ban, it must also decide whether to impose a smoking ban for the period of time it serves hot meals (Alternative C).

The next alternative (Alternative D) addresses restaurants: Council would determine if they would be immediately included in a smoking ban or become effective only after a period of time. How long that period of time should be, and should restaurants be permitted to allow smoking during the period of time it operates as a "pub"?

The last alternative (Alternative E) is whether smoking should be permitted in areas which would otherwise be covered by a smoking ban if they follow the requirements of proposed regulations which require separate smoking areas to be completely separated physically from non-smoking areas.

In the event Council chooses to permit some public places to remain unregulated by a smoking ban, the owners of the exempted establishments are permitted to voluntarily designate their establishments as non-smoking establishments, post them as such, and in which case the Ordinance will apply to them, their employees and patrons.

Persons (specifically employers) are prohibited from retaliating against persons who exercise their rights under the Ordinance.

The Ordinance is enforced by citizens filing complaints with the City; inspection of regulated premises during otherwise mandated City inspections; owners, managers, operators and employees of regulated premises informing violators of the provisions of the Ordinance (posting of a no smoking sign conforming with the Ordinance is sufficient to satisfy this requirement); and filing for injunctive relief by a court.

Respectfully,

Todd Greenburg
Corporation Counsel

Tom Hamilton
City Manager

Steven F. Stockton
Mayor

ORDINANCE NUMBER 2006-___

**AN ORDINANCE AMENDING CHAPTER 41 OF THE BLOOMINGTON CITY CODE,
REGULATING SMOKING IN PUBLIC PLACES IN THE CITY OF BLOOMINGTON**

**BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF BLOOMINGTON:**

SECTION ONE. Chapter 41 of the Bloomington City Code, 1960, as amended is further amended by adding a new Article II to read as follows:

**ARTICLE II
SMOKING IN PUBLIC PLACES**

Section 10 Interpretation With Other Laws. Nothing in this Article overrides any existing elimination of smoking that is already covered by fire code restrictions.

Section 11 Definitions. The following words and phrases whenever used in this Article shall have the following meanings:

“Adult Day Care Home” means a private residence which receives for care one or more aging or disabled adults, not related to the family.

“Business” means any sole proprietorship, partnership, joint venture, corporation, limited liability company or other business entity formed for profit-making purposes, including without limitation retail establishments where goods or services are sold as well as professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered.

“Child Day Care Home” means a private residence which receives for care one or more children under the age of 12, not related to the family.

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

“Employee” means any person who is employed by an employer in consideration for direct or indirect monetary wages or profit, and a person who volunteers his or her services for a non-profit entity.

“Employer” means any person, business, partnership, association, corporation, including without limitation a municipal corporation, trust, or non-profit entity that employs the services of one or more individual persons.

“Enclosed Area” means all space in any structure or building that is enclosed on all sides by any combination of walls, half walls, windows, or doorways extending from floor to the ceiling, regardless of whether they are open or closed.

“Facility” means any enclosed structure or building intended for human occupancy.

“Health care facility” means any office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including without limitation hospitals, rehabilitation hospitals, clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and other specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semi-private rooms and wards within health care facilities.

“Outdoor Place of Public Assembly” means any sports arena, recreational area, park, theater, and similar place where members of the general public assemble and congregate in a designated seating area order to witness an event or performance open to the public.

“Place of employment” means any enclosed area under the control of a public or private employer that employees frequent during the course of employment, including without limitation work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways and vehicles. A private residence is not a “place of employment” 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.

“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.

Alternative A:

“Pub” means any premises operating under a “R” or “T” license issued under Chapter 6 of the Bloomington City Code, only during such times when all of the following conditions are met:

- a. The establishment has sent prior written notice to the City Clerk of its intent to operate as a Pub under this Chapter;**
- b. No food, such as hot meals, is being served or has been served within the previous sixty minutes, provided that the serving of snack foods, bar foods, or appetizers shall not be considered hot meals;**
- c. The kitchen or area used for preparation of hot meals is closed;**
- d. Premises operating under a “R” license issued under Chapter 6 of the Bloomington City Code may be considered a Pub only during the hours of 9 p.m. and 2 a.m. the next day;**
- e. No persons under the age of 21 are admitted to the premises, and**
- f. Hours for the operation of the premises as a Pub have been clearly established and are clearly posted.**

“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.

“Retail tobacco store” means any retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental and where no one under 18 is permitted.

“Service line” means any indoor line at which one (1) or more persons are waiting for or receiving services of any kind, whether or not the service involves the exchange of money.

“Shopping mall” means any enclosed walkway or hall area that serves to connect retail or professional establishments.

“Smoking” means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe, hookah or other lighted tobacco product in any manner or in any form.

“Sports Arena, Enclosed or Semi-Enclosed” means any sports pavilion, stadium, gymnasium, health spa, boxing arena, swimming pool, roller and ice rink, bowling alley and other simi-

lar places where members of the general public assemble to participate in or witness sports, cultural, recreational or other events.

Section 12 City Owned Facilities. Smoking shall be prohibited in any enclosed City facility and any City vehicle, including without limitation facilities and vehicles owned, leased, or operated by the City of Bloomington.

Section 13 Prohibition of Smoking in Public Places and Places of Employment. Smoking shall be prohibited in all enclosed public places and places of employment within the City of Bloomington, except as provided in Section 16.

Section 14 Prohibition of Smoking in Outdoor Place of Assembly. Smoking is prohibited at any outdoor place of public assembly located within the City of Bloomington.

Section 15 Reasonable Distance. Smoking is prohibited within fifteen feet of any public entrance to an area in which smoking is prohibited.

Section 16 Where Smoking is Not Regulated. Notwithstanding any other provision of this Article to the contrary, the following areas shall be exempt from the provisions of Sections 11 through [__]:

1. Private residences, except when used as a licensed child day care home, adult care home, health care facility, or a home-based business of any kind open to the public, provided, however, private sleeping rooms in nursing homes and assisted living centers are not subject to Section 13, unless a roommate objects to smoking in the room.
2. Hotel and motel sleeping rooms that are rented to guests and are designated as smoking rooms provided, however, that not more than twenty-five per cent (25%) of the rooms rented to guests in a hotel or motel may be so designated.
3. Retail tobacco stores, provided that smoke from these places does not infiltrate into areas where smoking is prohibited under the provisions of any section of this Article.
4. Private clubs or lodges.
5. Outdoor patios, except for that area of an outdoor patio within fifteen feet (15') of a primary public entrance to an area where smoking is prohibited
6. Public sidewalk, roadway, park and golf course (unless such area becomes an outdoor place of public assembly).
7. Churches.

Alternative B:

8. [Until January 1, 20__], establishments operating under a “T” license under Chapter 6 (Alcoholic Beverages) of the Bloomington City Code,

Alternative C:

[provided, such establishment shall not be exempt during such times as it serves hot meals, with the exception of snack foods, bar foods, or appetizers];

Alternative D:

- 9 [Until January 1, 20__], establishments operating under a “R” license under Chapter 6 (Alcoholic Beverages) of the Bloomington City Code, but only while operating as a Pub as defined by this Chapter, and

Alternative E:

- [10. Any partial portion of a place where smoking is otherwise prohibited by this Chapter, when such partial portion meets the requirements of Section 17 (Separated Smoking Areas) of this Chapter.

Section 17. Separated Smoking Areas.

Certain areas of any place, including restaurants, where smoking would otherwise be prohibited under this Chapter may be designated as a smoking area by its owner, provided that all the following conditions are met:

- A To allow fair access to the non-smoking public, no more than [40%] of any of the following measurements of the facilities may be contained in a designated smoking area: (i) seats, (ii) square footage, (iii) equipment appropriate to the main use of the premises, such as bowling alleys or pool tables;
- B The designated smoking area must be completely separated from non-smoking areas by a solid, floor-to-ceiling barrier sufficient to stop the infiltration of smoke from one area to the other;
- C All openings in the barrier between smoking and non-smoking areas must be equipped with tight-fitting, self-closing doors that remain fully shut when not in use for passage;
- D All doors into the designated smoking area are clearly marked with signage designating the area as a smoking area;
- E The heating, ventilation, and air-conditioning for the designated smoking area: (i) must create a negative pressure within the designated smoking area, sufficient to greatly minimize any infiltration of smoke from the designated smoking area into the non-smoking area(s) through small openings in the barrier or when doors are

open for passage, (ii) exhaust air from the designated smoking area must be output directly outdoors and not remixed with any air to be input to non-smoking areas, and (iii) exhaust from the designated smoking areas to the outside must be separated from fresh air intake for non-smoking areas by a distance sufficient to greatly minimize any cross-contamination;

- F Public passage through the designated smoking area is not required for access to, or use of: (i) any portion of a non-smoking area, (ii) locker areas or toilet facilities, unless similar separate and adequate facilities are provided for non-smoking areas, and (iii) other public facilities such as coat rooms, cashier, delivery areas for counter service of food or beverage, or other areas relevant to the services provided on the premises; provided that emergency exit paths for non-smokers can be established through designated smoking areas;**
- G Employees hired for, or normally assigned to, the non-smoking area(s) may not be penalized for refusing to work in the designated smoking area while smoking is allowed there.]**

Section 18 Declaration of Establishment as Non-smoking. Notwithstanding any other provisions of this Article, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility or outdoor area as a non-smoking place by posting a sign in conformance with the provisions of this Act. Smoking shall be prohibited in any area declared a non-smoking area and any person smoking in such area shall be subject to the penalty provisions of this Act.

Section 19. Non-retaliation. No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, or customer because that employee, applicant, or customer exercises any rights afforded by this Article or reports or attempts to prosecute a violation of this Article.

Section 20. Enforcement.

A. Any citizen who desires to register a complaint under this Article may file a complaint with the City of Bloomington.

B. The City shall, while an establishment is undergoing otherwise mandated inspection, inspect for compliance with this Article.

C. An owner, manager, operator or employee of an establishment regulated by this Article shall inform persons violating this Article of the appropriate provisions thereof. Posting of a no smoking sign conforming with this Article shall be considered adequate notice.

D. In addition to the remedies provided by this Article, the City Manager or any person aggrieved by the failure of the owner, operator, manager or other person in control of a public place or a place of employment to comply with the provisions of this Section may apply for injunctive relief to enforce those provisions in any court of competent jurisdiction.

Section 21. Posting of Signs.

Every public place, place of employment, 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 22. Violations and Penalties.

A. A person who smokes in an area where smoking is prohibited by this Article shall be guilty of an infraction, punishable by a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00).

B. A person who owns, manages, operates or otherwise controls a place subject to this Article and who fails to prohibit smoking shall be guilty of an infraction, punishable by: a fine of not less than twenty-five dollars (\$25.00) nor more than twenty-five hundred dollars (\$2,500.00).

C. A person who owns, manages, operates or otherwise controls a place subject to this Article and who fails to post a sign in conformance with the provisions of this Article shall be guilty of an infraction punishable by a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00).

D. Each day on which a violation of this Article occurs shall be considered a separate and distinct violation.

Section 23. Public Education. The City of Bloomington shall engage in a continuing program to explain and clarify the purposes and requirements of this Article to citizens affected by it, and to guide owners, operators, and managers in their compliance with it.

Section 24. Other Applicable Laws.

This Article shall not be interpreted or be construed to permit smoking where it is otherwise restricted by other applicable laws.

Section 25. Severability.

If any provision, clause, sentence or paragraph of this Article or the application thereof to any person or circumstances shall be held invalid by a court of competent jurisdiction, such invalidity shall not affect the other provisions of this Article which can be given effect without the invalid provision or application, and to this end the provisions of this Article are declared to be severable.

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

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

SECTION FOUR: That this ordinance shall take effect January 1, 2007.

SECTION FIVE: 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.

APPROVED: Stephen F. Stockton, Mayor

ATTEST: Tracey Covert, City Clerk

Mayor Stockton noted the Clean Indoor Air Act. He provided a brief summary to date. The City had taken public input for the past three (3) months. All of the Council members had been contacted. There would be no further public input. He noted that there were three (3) points of view: 1.) smoking was legal, there were no harmful effects to second hand smoke, and concerns about the impact upon business; 2.) business rights; and 3.) concern about second hand smoke and disease. He added that he had watched debates in other cities. The Town of Normal had passed a ban. Chicago and DeKalb had reached a compromise. This issued had failed in Champaign. The Council had been presented with a draft ordinance. This draft was flexible and provided the Council with options. There were a number of alternatives available. He expressed his hope that the Council had reviewed this draft ordinance. The Council had three (3) options: 1.) reject the alternatives; 2.) reach a compromise; and 3.) do nothing short of a total ban. He added his belief that there would be action at the state level. At a minimum, he expressed his hope that smoking would not be allowed were meals are served. He noted that children were present at these establishments. He would be embarrassed if the Council could not reach an agreement. He hoped the Council came prepared to vote.

Alderman Hanson noted that his first four (4) weeks had been overwhelming. He came in blind. He was a small business man. There had been a passionate out pouring from the people. He had met with both sides. He expressed support for a compromise position which would phase-in tavern licenses. He had been encouraged to show compassion. He had questioned Todd Greenburg, Corporation Counsel, regarding the outdoor place of public assembly. Mr. Greenburg addressed the Council. He noted that smoking would not be allowed within fifteen feet (15') of a doorway/entrance.

Alderman Hanson noted his responsibility to his constituency. He added his concern for existing businesses. He noted his support for a phase in. He believed the state will act. However, he must serve the people of his ward.

Alderman Matejka stated that he was open to variation. He expressed his concern regarding outdoor assembly. He questioned how the City would police and regulate an

outdoor public event. Mr. Greenburg understood the objection. It would only apply to designated seating areas during a public performance. Alderman Matejka expressed his belief that it would be difficult to enforce. He cited the various summer events held at Miller Park.

Alderman Matejka addressed the exemption for taverns. There could be a gradual enforcement for taverns. He also cited separate areas. He expressed his hope that the Council would come up with something. The City needed to move forward. Action on this ordinance would enhance the quality of life. The City should not wait for the state to act.

Alderman Schmidt informed the Council that the majority of feedback she heard was a dislike for smoke. A significant number reminded her that smoking was a legal activity. There should be places where smoking should be available. She hope that tonight the City would move towards a direction. She expressed support for an exemption for taverns. She did not want to second guess the state legislature. She expressed support for a ban in restaurants. She also questioned why churches would be exempt. Mr. Greenburg noted that this exemption was also listed in Normal's ordinance.

Alderman Schmidt questioned regulation of the US Cellular Coliseum. She noted the fifteen foot (15') outdoor area. Tom Hamilton, City Manager, addressed the Council. He noted that this use might not be appropriate. It could be based upon size.

Alderman Schmidt expressed support for a move towards a nonsmoking environment. She added her support to exempt taverns with no time line. She restated the assumption that the state would act.

Alderman Hanson questioned tavern licenses. Mr. Greenburg stated that generally there is no limitation regarding the percentage of sales from alcohol. Alderman Hanson noted restaurants with bars. He questioned if these establishments would be classified as taverns. Mr. Greenburg noted the Council's reluctance to approve additional tavern licenses within the Downtown. He added that the Liquor Commission and/or the City Council have placed restrictions/conditions upon various licenses.

Mayor Stockton noted that no one under twenty-one (21) years of age may be present in a tavern unless accompanied by a parent or legal guardian.

Alderman Schmidt expressed support for the ban in eating establishments. This environment should be smoke free. She questioned allowing those with a restaurant license to provide a barrier between the bar and restaurant.

Alderman Purcell described his first year as a roller coaster ride. It had been interesting. The Town of Normal would be smoke free on January 1, 2007. He noted that forty-five percent (45%) of the City's restaurants were nonsmoking. He did not believe that the City should legislate morality. He cited the Illinois Wesleyan University's (IWU) polls. He had also performed a poll of the Seventh Ward. He contacted registered voters. He ques-

tioned the City wide numbers. He noted the general belief that the state would reach a decision in the near future.

Alderman Crawford noted that the Council had been discussing this ordinance for the past four (4) months. In the beginning, he believed that the decision should be left up to the proprietor. However, the average person in his Ward wants a total ban. He noted that his personal opinion was in conflict with his Ward. It was his nature to find a compromise, to look for a middle ground. He expressed his opinion that the proposed exemptions would lead to confusion and an uneven playing field. He suggested that the Council adopt or reject this ordinance. He noted that cost. He planned to vote with the wishes of his Ward.

Alderman Huette noted his initial opposition to the ban. He cited business rights. However, a comprehensive ban would be best. Options would be an uneven playing field. He noted the impact upon business. He cited the twin cities (Bloomington and Normal). There would be confusion for citizens, visitors, and business owners. Too many exemption would be difficult to enforce. He believe within twelve to twenty-four (12 - 24) months, the Council would regret passing exemptions. The number one reason to support this ordinance was his Ward's wishes. He cited the potential health issues and expressed his feelings of obligation.

Alderman Gibson noted the pros and cons. He questioned the total cost to the City. He noted the lost revenue from tobacco sales. He noted that there had not been any discussion regarding banning the sale of tobacco. He questioned the impact of this ordinance and how the revenue would be replaced. He could not vote for a comprehensive ban. His Ward was not in support of it.

Alderman Schmidt questioned if a compromise had been presented. Alderman Gibson noted that he was against the ban. He expressed concern regarding enforcement and the cost to the taxpayers.

Mayor Stockton cited the City of Chicago. This city had three (3) complaints during the first week that the ordinance went into effect. The City would have a policy of working with the business establishments. Alderman Gibson questioned who would enforce the ordinance – the business owner. He also questioned who would be fined.

Tom Hamilton, City Manager, addressed the Council. He had not heard any comments regarding the level of enforcement. Enforcement would be based upon the passed ordinance. He encouraged the Council to keep it simple.

Alderman Finnegan noted that few in his Ward were pushing for the ordinance. He expressed his concern about what would be the next issue. He acknowledged that smoking was a nuisance and cited the health risks. He was concerned about government intrusion.

Alderman Huette noted the loss revenue and business loss. He questioned if there were studies.

Alderman Gibson noted the impact upon tax revenues.

Motion by Alderman Huette, seconded by Alderman Crawford that the text amendment be approved and the ordinance passed removing Article II Section 11, Alternative A; Article II Section 16, Alternatives B,C,D,&E removed, and removing Article II, Section 17.

Ayes: Alderman Crawford and Huette.

Nays: Alderman Purcell, Schmidt, Matejka, Finnegan, Hanson and Gibson.

Motion failed.

Alderman Finnegan noted that this motion would remove all of the exemptions. He questioned if smoking would be allowed in private residences.

Mayor Stockton noted that the exemptions had been printed in bold type.

Alderman Matejka stated his intention to vote no. He encouraged the Council to consider alternatives. He cited outdoor places of assembly as an example.

Alderman Matejka asked a procedural question. He wanted the process to be clear as there were a number of alternatives. Todd Greenburg, Corporation Counsel, addressed the Council. He noted that the draft ordinance was generic in nature. The Council has the authority to select alternatives as language changes are permitted. He noted that a main motion could be placed before the Council. This motion could be amended. The Council would vote on all subsidiary motions before returning to the main motion.

Mayor Stockton noted that the Council could amend the proposed ordinance by adding or removing language.

Alderman Matejka restated that the Council would vote on all amendments individually. Amendments would be subsidiary motions to the main motion.

Main Motion by Alderman Matejka, seconded by Alderman Hanson that the text amendment be approved and the ordinance passed removing Article II Section 11, Alternative A; Article II Section 16, Alternatives B,C,D,&E removed, removing Article II, Section 17 and the removal of Article II, Section 14.

Alderman Schmidt expressed her intention to exempt taverns until the state and/or federal government took action.

Amended Motion (1) by Alderman Schmidt, seconded by Alderman Matejka to add Article II, Section 16, Alternate B without a date specified.

Ayes: Aldermen Schmidt, Matejka, and Gibson.

Nays: Aldermen Finnegan, Hanson, Purcell, Huette, and Crawford.

Motion failed.

Alderman Hanson expressed his opinion that the Council was creating confusion. He recommended that taverns be given until January 1, 2008 to comply.

Alderman Matejka noted that taverns were adult environments. Children should not be present. The Council had heard from this business group.

Alderman Finnegan questioned the amendment. Mayor Stockton noted that taverns would be exempt until December 31, 2007.

Amended Motion (2) by Alderman Hanson, seconded by Alderman Matejka to add Article II, Section 16, Alternate B to specify the date January 1, 2008.

Ayes: Alderman Matejka and Hanson.

Nays: Alderman Finnegan, Purcell, Gibson, Schmidt, Huette, and Crawford.

Motion failed.

Alderman Schmidt questioned Alternative E., Section 16 and 17. Mayor Stockton noted that this alternative would allow an exemption for a separate smoking area. Alderman Schmidt question which conditions would be available. She questioned how this alternative could be overseen and regulated. She questioned if the permanent divider would apply to any establishment, (restaurants and/or taverns). Mr. Greenburg noted that this restriction was not dependent upon the type of liquor license. Mayor Stockton questioned the square footage limitation. He noted the HVAC (Heating, Ventilating & Air Conditioning) requirement. The air could not be remixed i.e. cross contamination. He also questioned F as patrons might have to pass through the smoking area. Alderman Schmidt acknowledged concerns regarding cross contamination.

Amended Motion (3) by Alderman Schmidt, seconded by Alderman Matejka to add Article II, Section 16, Alternative E; retaining Article II, Section 17 with the exception of E&F.

Ayes: Alderman Schmidt and Matejka.

Nays: Alderman Finnegan, Purcell, Gibson, Hanson, Huette, and Crawford.

Motion failed.

Mayor Stockton noted that this was a technical industry which would take individuals with the proper understanding. Alderman Schmidt expressed her interest in a friendly amendment. Mayor Stockton admonished the Council for searching for a compromise.

Alderman Matejka noted that the Council owed it to the community to reach a decision. He expressed his belief that the proposed ordinance would not please the City's restaurant and tavern owners. He cautioned the Council that this decision would effect individual's livelihoods. He expressed his opinion that there was a mandate in the community to make places of public accommodation nonsmoking. The main motion would exempt/remove Section 14. He expressed his concern if all amendments failed. He expressed his concern about opening the debate for further amendments in the near future.

Alderman Purcell noted that three (3) Aldermen would opposed to the ban. Mayor Stockton noted that the Council had heard from all sides. He questioned if there was some form of compromise. He noted that the Council appeared unwilling to compromise and may end up with a full ban. Alderman Purcell wanted an ordinance to vote up or down. Mayor Stockton noted that the Council appeared to be divided and was finding it difficult to find a middle ground. Alderman Purcell noted his concern regarding an exemption for taverns while forcing restaurants to comply. He recommended that taverns and restaurants be exempt as it is today. Alderman Schmidt expressed her opinion that government should not interfere. Individuals can choose to dine out. The City should continue to offer a choice: restaurants would be smoke free, while taverns could choose to be smoke free. Mayor Stockton restated that the Council needed to reach an agreement. He noted that the Council had voted down various amendments. Alderman Hanson noted his support for Alderman Matejka's amendment.

Alderman Matejka noted that the Council had turned down an exemption for taverns and enclosed smoking rooms. Alderman Schmidt expressed her hope that an exemption for taverns might have prevailed. Mayor Stockton suggested that the alternatives, (citing Alternatives B and E), be combined with a date specified. Alderman Matejka expressed support for Alternative B with a date specified, (January 1, 2008), and including all Alternative E with no date specified. Mayor Stockton encouraged the Council to consider these businesses employees. Alderman Matejka noted the truck stops which offer recreation rooms. Alderman Hanson expressed his opposition to Alderman Matejka's comments.

Alderman Huette expressed his opinion that the Council had accomplished something. He noted the amended motion which addressed Section 14. He added his belief that there would be minimal effect on people when outdoors.

Alderman Matejka noted the main motion was still on the floor.

Alderman Crawford noted that the process had been confusing. If the ordinance were to pass, then the City would permit smoking in outdoor areas. Mayor Stockton responded affirmatively. The Council had voted to remove Section 14. Alderman Matejka expressed his hope that the Council would have been kinder to the tavern owners. A number of alternatives had been presented, but a majority of support could not be found. He added his belief that it would not be fair to the community to vote this ordinance down.

ORDINANCE NUMBER 2006 - 51

**AN ORDINANCE AMENDING CHAPTER 41 OF THE BLOOMINGTON CITY CODE,
REGULATING SMOKING IN PUBLIC PLACES IN THE CITY OF BLOOMINGTON**

**BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF BLOOMINGTON:**

SECTION ONE. Chapter 41 of the Bloomington City Code, 1960, as amended is further amended by adding a new Article II to read as follows:

**ARTICLE II
SMOKING IN PUBLIC PLACES**

Section 10. Interpretation With Other Laws. Nothing in this Article overrides any existing elimination of smoking that is already covered by fire code restrictions.

Section 11. Definitions. The following words and phrases whenever used in this Article shall have the following meanings:

“Adult Day Care Home” means a private residence which receives for care one or more aging or disabled adults, not related to the family.

“Business” means any sole proprietorship, partnership, joint venture, corporation, limited liability company or other business entity formed for profit-making purposes, including without limitation retail establishments where goods or services are sold as well as professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered.

“Child Day Care Home” means a private residence which receives for care one or more children under the age of 12, not related to the family.

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

“Employee” means any person who is employed by an employer in consideration for direct or indirect monetary wages or profit, and a person who volunteers his or her services for a non-profit entity.

“Employer” means any person, business, partnership, association, corporation, including without limitation a municipal corporation, trust, or non-profit entity that employs the services of one or more individual persons.

“Enclosed Area” means all space in any structure or building that is enclosed on all sides by any combination of walls, half walls, windows, or doorways extending from floor to the ceiling, regardless of whether they are open or closed.

“Facility” means any enclosed structure or building intended for human occupancy.

“Health care facility” means any office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including without limitation hospitals, rehabilitation hospitals, clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and other specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semi-private rooms and wards within health care facilities.

“Place of employment” means any enclosed area under the control of a public or private employer that employees frequent during the course of employment, including without limitation work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways and vehicles. A private residence is not a “place of employment” 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.

“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.

“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.

“Retail tobacco store” means any retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental and where no one under 18 is permitted.

“Service line” means any indoor line at which one (1) or more persons are waiting for or receiving services of any kind, whether or not the service involves the exchange of money.

“Shopping mall” means any enclosed walkway or hall area that serves to connect retail or professional establishments.

“Smoking” means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe, hookah or other lighted tobacco product in any manner or in any form.

“Sports Arena, Enclosed or Semi-Enclosed” means any sports pavilion, stadium, gymnasium, health spa, boxing arena, swimming pool, roller and ice rink, bowling alley and other similar places where members of the general public assemble to participate in or witness sports, cultural, recreational or other events.

Section 12. City Owned Facilities. Smoking shall be prohibited in any enclosed City facility and any City vehicle, including without limitation facilities and vehicles owned, leased, or operated by the City of Bloomington.

Section 13. Prohibition of Smoking in Public Places and Places of Employment. Smoking shall be prohibited in all enclosed public places and places of employment within the City of Bloomington, except as provided in Section 16.

Section 14. Reasonable Distance. Smoking is prohibited within fifteen feet of any public entrance to an area in which smoking is prohibited.

Section 15. Where Smoking is Not Regulated. Notwithstanding any other provision of this Article to the contrary, the following areas shall be exempt from the provisions of Sections 11 through 23:

1. Private residences, except when used as a licensed child day care home, adult care home, health care facility, or a home-based business of any kind open to the public, provided, however, private sleeping rooms in nursing homes and assisted living centers are not subject to Section 13, unless a roommate objects to smoking in the room.
2. Hotel and motel sleeping rooms that are rented to guests and are designated as smoking rooms provided, however, that not more than twenty-five per cent (25%) of the rooms rented to guests in a hotel or motel may be so designated.
3. Retail tobacco stores, provided that smoke from these places does not infiltrate into areas where smoking is prohibited under the provisions of any section of this Article.
4. Private clubs or lodges.
5. Outdoor patios, except for that area of an outdoor patio within fifteen feet (15') of a primary public entrance to an area where smoking is prohibited
6. Public sidewalk, roadway, park and golf course (unless such area becomes an outdoor place of public assembly).
7. Churches.

Section 16. Declaration of Establishment as Non-smoking. Notwithstanding any other provisions of this Article, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility or outdoor area as a non-smoking place by posting a sign in conformance with the provisions of this Act. Smoking shall be prohibited in any area declared a non-smoking area and any person smoking in such area shall be subject to the penalty provisions of this Act.

Section 17. Non-retaliation. No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, or customer because that employee, applicant, or customer exercises any rights afforded by this Article or reports or attempts to prosecute a violation of this Article.

Section 18. Enforcement.

A. Any citizen who desires to register a complaint under this Article may file a complaint with the City of Bloomington.

B. The City shall, while an establishment is undergoing otherwise mandated inspection, inspect for compliance with this Article.

C. An owner, manager, operator or employee of an establishment regulated by this Article shall inform persons violating this Article of the appropriate provisions thereof. Posting of a no smoking sign conforming with this Article shall be considered adequate notice.

D. In addition to the remedies provided by this Article, the City Manager or any person aggrieved by the failure of the owner, operator, manager or other person in control of a public place or a place of employment to comply with the provisions of this Section may apply for injunctive relief to enforce those provisions in any court of competent jurisdiction.

Section 19. Posting of Signs. Every public place, place of employment, 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 20. Violations and Penalties.

A. A person who smokes in an area where smoking is prohibited by this Article shall be guilty of an infraction, punishable by a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00).

B. A person who owns, manages, operates or otherwise controls a place subject to this Article and who fails to prohibit smoking shall be guilty of an infraction, punishable by: a fine of not less than twenty-five dollars (\$25.00) nor more than twenty-five hundred dollars (\$2,500.00).

C. A person who owns, manages, operates or otherwise controls a place subject to this Article and who fails to post a sign in conformance with the provisions of this Article shall be guilty of an infraction punishable by a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00).

D. Each day on which a violation of this Article occurs shall be considered a separate and distinct violation.

Section 21. Public Education. The City of Bloomington shall engage in a continuing program to explain and clarify the purposes and requirements of this Article to citizens affected by it, and to guide owners, operators, and managers in their compliance with it.

Section 22. Other Applicable Laws. This Article shall not be interpreted or be construed to permit smoking where it is otherwise restricted by other applicable laws.

Section 23. Severability. If any provision, clause, sentence or paragraph of this Article or the application thereof to any person or circumstances shall be held invalid by a court of competent jurisdiction, such invalidity shall not affect the other provisions of this Article which can be given effect without the invalid provision or application, and to this end the provisions of this Article are declared to be severable.

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

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

SECTION FOUR: That this ordinance shall take effect January 1, 2007.

SECTION FIVE: 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 8th day of May, 2006.

APPROVED this 23rd day of May, 2006.

APPROVED:

Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

Main Motion by Alderman Matjeka, seconded by Alderman Hanson that the text amendment be approved and the ordinance passed removing Article II Section 11, Alternative A; Article II Section 16, Alternatives B,C,D,&E removed, removing Article II, Section 17 and the removal of Article II, Section 14.

Ayes: Alderman Crawford, Matejka, Huette, and Hanson and Mayor Stockton.

Nays: Alderman Purcell, Gibson, Schmidt, and Finnegan.

Motion carried.

The following was presented:

Doug Grovesteen, Director of Engineering, presented the one (1) bid for the seeding at various locations. F&W Landscaping submitted a bid in the amount of \$27,796. The bid documents were proper and included a deposit check in the amount of \$2,779.60, \$25,000 was budgeted for this item. He recommended that the bid be awarded to F & W Landscaping in the amount of \$25,000.

Motion by Alderman Matejka, seconded by Alderman Schmidt that the seeding bid be awarded to F&W Landscaping in the amount of \$25,000 and the Mayor and City Clerk be authorized to execute the necessary documents.

The Mayor directed the Clerk to call the roll which resulted as follows:

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

Nays: None.

Motion carried.

The following was presented:

Mark Huber, Director – P.A.C.E., presented the one (1) bid for the demolition of 1503 W. Olive Street. Dave Capodice submitted a bid in the amount of \$3,850. The bid documents were proper, and \$10,000 was budgeted for demolition. He recommended that the bid be awarded to Dave Capodice in the amount of \$3,850.

Motion by Alderman Matejka, seconded by Alderman Crawford that the bid for the demolition of 1503 W. Olive St. be awarded to Dave Capodice in the amount of \$3,850 and an order to proceed be issued.

The Mayor directed the Clerk to call the roll which resulted as follows:

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

Nays: None.

Motion carried.

MAYOR'S DISCUSSION: None.

CITY MANAGER'S DISCUSSION: None.

ALDERMEN'S DISCUSSION: Alderman Matejka had brought Community Action's 2006 Community Partner Award plaque to the meeting. This year, the agency recognized the partnership with City to address housing needs in the community.

Alderman Schmidt thanked the Police Department. Police Department personnel attended neighborhood meeting which addressed recent break-ins.

Alderman Purcell noted that only half of the Council voted in support of the smoking ordinance. Smokers would be left out in the cold. Mayor Stockton noted his preference for a compromise. He could not accept for the Council doing nothing.

Alderman Crawford noted the Washington Elementary School playground/park. He noted the four (4) day event which was broken down into four (4) hour shifts. Hundreds of individuals volunteered. Illinois State University's football team dug the post holes in the rain. He described it as a neighborhood park. He noted that the City has been involved in similar projects at other school sites. Mayor Stockton noted that the camaraderie made one feel good. The City had provided \$25,000 in support. He noted that the playground was not a City park.

Motion by Alderman Matejka, seconded by Alderman Crawford, that the meeting be adjourned. Time: 9:50 p.m.

Motion carried.

**Tracey Covert
City Clerk**

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