

**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, October 10, 2005.

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

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

Aldermen: Joseph "Skip" Crawford, Kevin Huette, Allen Gibson, Michael Matejka, Michael Sprague, 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: Council Proceedings of February 14, 2005 and Work Session Minutes of September 12, 2005

The Council proceedings of February 14, 2005 and Work Session Minutes of September 12, 2005 have been reviewed and certified as correct and complete by the City Clerk.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

Motion by Alderman Gibson, seconded by Alderman Finnegan that the reading of the minutes of the previous Council Meeting of February 14, 2005 and Work Session Minutes of September 12, 2005 be dispensed with and the minutes approved as printed.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Bills and Payroll

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

Respectfully,

Brian J. Barnes
Director of Finance

Tom Hamilton
City Manager

(ON FILE IN CLERK'S OFFICE)

Motion by Alderman Gibson, seconded by Alderman Finnegan that the bills and payroll be allowed and orders drawn on the Treasurer for the various amounts as funds are available.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Payments from Various Municipal Departments

1. The fourth partial payment to Fuller Communications, LTD., in the amount of \$3,298 on a contract amount of \$100,000 of which \$32,607.30 will have been paid to date for work certified as 33% complete for the Facade Program. Completion date - April 2006.
2. The fifth partial payment to Gerald Bradley in the amount of \$14,439 on a contract amount of \$100,000 of which \$47,046.30 will have been paid to date for work certified as 47% complete for the Facade Program. Completion date - April 2006.
3. The first partial payment to Felmley Dickerson, Co., in the amount of \$8,948.70 on a contract amount of \$149,475 of which \$8,948.70 will have been paid to date for work certified as 6% complete for the Police and Fire Computer Aided Dispatch System. Completion date - December 2005.
4. The second partial payment to New World Systems in the amount of \$10,500 on a contract amount of \$671,523 of which \$405,955 will have been paid to date for work certified as 60% complete for the Police and Fire Computer Aided Dispatch System. Completion date - July 2006.
5. The seventeenth partial payment to Hammond Beeby Rupert Ainge, Inc., in the amount of \$30,057.02 on a contract amount of \$1,993,750 of which \$1,674,750 will have been paid to date for work certified as 85% complete for the Phase 3 & 4 of the Renovation of the Bloomington Center for the Performing Arts. Completion date - August 2006.
6. The tenth partial payment to Technical Design Services, Inc., in the amount of \$2,280 on a contract amount of \$48,200 of which \$36,313.75 will have been paid to date for work certified as 75% complete for the Cabling System for the US Cellular Coliseum. Completion date - March 2006.
7. The eighteenth partial payment to Central Illinois Arena Management in the amount of \$823.20 on a contract amount of \$738,188.75 of which \$382,658.77 will have been paid to date for work certified as 52% complete for the Professional Services. Completion date - December 2005.
8. The thirtieth partial payment to Brisbin, Brook, Beynon Architects in the amount of \$22,589.55 on a contract amount of \$1,421,000 of which \$1,266,589.27 will have been paid to date for work certified as 89% complete for the Arena Architects. Completion date - April 2006.
9. The seventh partial payment to Thompson Dyke & Associates in the amount of \$5,750 on a contract amount of \$227,450 of which \$179,550 will have been paid to date for work certified as 78.94% complete for the Holiday Pool/Park Renovation. Completion date - August 2006.

10. The seventh partial payment to Thompson Dyke & Associates in the amount of \$1,319.75 on a contract amount of \$41,750 of which \$39,250 will have been paid to date for work certified as 94% complete for the Miller Park Zoo Development - South End. Completion date - December 2006.
11. The third partial payment to Rowe Construction in the amount of \$70,550.41 on a contract amount of \$500,000 of which \$455,870.78 will have been paid to date for work certified as 91% complete for the 2005-06 MFT General Maintenance Resurfacing. Completion date - October 2005.
12. The third partial payment to Rowe Construction in the amount of \$160,989.61 on a contract amount of \$745,000 of which \$528,768.37 will have been paid to date for work certified as 71% complete for the 2005-06 General Maintenance Resurfacing. Completion date - October 2005.
13. The fifth partial payment to JG Stewart Contractors in the amount of \$23,625.93 on a contract amount of \$180,000 of which \$70,671.63 will have been paid to date for work certified as 39% complete for the 2005-2006 Sidewalk Replacement and Handicap Ramp Program. Completion date - December 2005.
14. The first partial payment to Rowe Construction in the amount of \$60,710 on a contract amount of \$135,381.75 of which \$60,710 will have been paid to date for work certified as 44.8% complete for the Six Points Road at Heartland Hills. Completion date - October 2005.
15. The seventh partial payment to Rowe Construction in the amount of \$195,480 on a contract amount of \$843,492.81 of which \$631,768 will have been paid to date for work certified as 75% complete for the Hershey Road Widening: Yorktown to Eastland. Completion date - October 2005.
16. The twenty second partial payment to Stark Excavating, Inc., in the amount of \$102,584 on a contract amount of \$2,518,251.70 of which \$2,480,112 will have been paid to date for work certified as 98% complete for the Airport Rd. - Route 9 to Gill Street. Completion date - November 2005.

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

Respectfully,

Tom Hamilton
City Manager

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Payment for the Repair of Water Treatment Plant Sludge Decant Pump

The Water Treatment Plant Sludge Decant Pump, a pump used to return water that has been settled at the lime sludge lagoons near the Water Treatment Plant, has failed and is in need of repair or replacement. This pump is critical in keeping the Plant in compliance with federal water discharge regulations and can only be out of service for a short duration.

A quotation for the cost of a new replacement was nearly \$16,000. A quotation to repair the existing Flygt brand pump was \$10,533.52. Staff determined that it was more cost effective to have the unit repaired versus considering a replacement. Decatur Industrial Electric was contacted to repair the pump and offered the quotation. Staff reviewed the quotation and found it to be in order.

Staff respectfully requests Council approve the payment of \$10,533.52 for the repair of the Flygt pump with payment to be made from Water Department, Purification Division, Operations and Maintenance Funds, Machinery and Equipment Maintenance (X50130-70540).

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

Motion by Alderman Gibson, seconded by Alderman Finnegan that the Payment be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Waive the Formal Bidding Process and Purchase a Replacement Water Treatment Plant Sludge Decant Pump

The Water Treatment Plant Sludge Decant Pumps have a history of failing due to failures of the mechanical seal designed to keep water from leaking from the pump housing. This pump is critical to keeping the Plant in compliance with federal water discharge regulations and can only be out of service for a short duration. One of these pumps has been repaired due to a seal failure. These pumps work in an environment where the water is very caustic and can be full of abrasive lime sludge particles causing accelerated wear on the pump seals. The existing pumps, Flygt brand submersible pumps, have been to the repair shop numerous times to repair seals, and at times the motor, if moisture has made its way inside.

These pumps are critical, and staff's experience with the Flygt pumps in this application has been disappointing, full of downtime and expensive for the continuous repairs of the failed seals. Staff recommends the purchase of a new Ebara brand pump to replace a Flygt pump, rather than repairing one of these pumps again. Quotations were sought for a new replacement Flygt pump, and a comparable pump of different manufacturer. Electric Motor of Des Moines, Iowa submitted a quotation for a Flygt pump for \$15,802 and Decatur Industrial Electric submitted a quotation for an Ebara brand pump for \$15,000. \$16,000 was budgeted in the Water Department's 2005/06 fixed asset budget.

Staff reviewed these quotations and found them to be in order, and respectfully requests that Council waive the formal bidding process, accept the quotation from Decatur Industrial Electric, Decatur, for the new Water Treatment Plant Sludge Decant Pump and authorize the Purchasing Agent to issue a Purchase Order for said pump. Funds for this purchase will come from the Water Equipment Replacement Fund, Equipment Other Than Office (Account # F50300-50130-72140, replacing asset tag # 111112493).

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

RESOLUTION NO. 2005 - 132

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF AN EBARA BRAND WATER TREATMENT
PLANT SLUDGE DECANT PUMP AT A PURCHASE PRICE OF \$15,000**

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

1. That the bidding process be waived and the Purchasing Agent be authorized to Purchase an Ebara brand Water Treatment Plant Sludge Decant Pump at a purchase price of \$15,000.

Adopted this 10th day of October, 2005.

Approved this 11th day of October, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Finnegan questioned the two (2) previous items which involved the repair and replacement of decant pumps at the Water Treatment Plant. Tom Hamilton, City Manager, addressed the Council. There were two (2) pumps. One was repaired and the other was replaced. One of these pumps must be working at all times.

Motion by Alderman Gibson, seconded by Alderman Finnegan that the Formal Bidding Process be waived, the Ebara brand Sludge Decant Pump be purchased in the amount of \$15,000, the Purchasing Agent be authorized to issue a Purchase Order for same, and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Waive the Formal Bidding Process and Approve the Purchase of 911 Equipment and Furniture

As efforts continue to return the City to its own emergency communications system, staff met with representatives of Verizon who provided a quote for 911 related equipment. Verizon was chosen as the vendor for this equipment as they are the current vendor for similar equipment maintained at MetCom, thus allowing for identical equipment required by the McLean County Emergency Telephone Systems Board (ETSB).

The quote includes equipment in the following categories:

- 1.) Dispatch Station Furniture for each dispatcher, designed for 24/7 operation and provides for ergonomic working conditions at seven stations. This quote does not include chairs for the workstations. The total for this category including installation is: \$163,231.71.
- 2.) Voice recording software and hardware allowing for the recording of all incoming and outgoing telephone calls at the center and all selected radio traffic into and out of the center. The total quote for this category including installation is \$56,025.04.
- 3.) 911 controller and statistical equipment allowing staff to keep track of emergency and non-emergency telephone calls into the center to accurately measure performance of the system and of the users of the system. The total quote for this category including labor and training is \$271,251.54.

Additionally, there is a quote for network electronics which includes a CISCO, Inc. switch to support this equipment in the amount of \$9,365.

The total for all of these items including freight charges of \$4,688 and a \$10,000 anticipated charge for minor materials is \$514,560.75. Verizon quoted a discount of \$118,480.37, and a shipping and handling charge of \$6,631.63 was added. Additionally, a charge of \$651 was added for the CISCO, Inc. switch maintenance bringing the final quote for all equipment to \$403,363.01.

McLean County ETSB is purchasing other equipment needed for the system and paying for the maintenance contract for the 911 system with the exception of the controller and statistical package equipment, which will be paid for by the City. This cost of this portion of the equipment will be determined after action is made by ETSB regarding maintenance contracts. Staff will return to Council at that time to request payment for that portion of the equipment.

Staff respectfully requests that the formal bidding process be waived and the quote submitted by Verizon in the amount of \$403,363.01 be accepted, the Purchasing Agent be authorized to issue a

Purchase Order for same, and a Resolution be adopted. Funds for this equipment will come from funds budgeted for the Communications Center in Account F15118-72120.

Respectfully,

Roger J. Aikin
Chief of Police

Tom Hamilton
City Manager

RESOLUTION NO. 2005 - 133

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF 911 EQUIPMENT AND FURNITURE FROM
VERIZON IN THE AMOUNT OF \$403,363.01**

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 911 Equipment and Furniture from Verizon in the amount of \$403,363.01.

Adopted this 10th day of October, 2005.

Approved this 11th day of October, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

(CONTRACT ON FILE IN THE CITY CLERK'S OFFICE)

Alderman Purcell questioned the additional cost. Roger Aikin, Police Chief, noted that the cost difference was \$6,000 more than budgeted. He noted that there would be a price increase within thirty (30) days. Lt. Bob Siron was working on actual numbers. He anticipated a cost increase of \$11,000 – 12,000 with change orders.

Motion by Alderman Gibson, seconded by Alderman Finnegan that the formal bidding process be waived, the equipment purchased from Verizon in the amount of \$403,363.01, the Mayor and City Clerk be authorized to executed the necessary documents, and the Resolution adopted.

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

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

Nays: Alderman Huette.

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 Twenty One (21) Motorola Radios

Staff respectfully requests that Council waive the formal bidding process and approve the purchase of twenty one (21) Motorola mobile radios through the State of Illinois Joint Purchasing Contract from Supreme Radio Communications, the local Motorola vendor. This equipment will replace the existing E.F. Johnson equipment in Fire Department vehicles and is part of the Police and Fire Communication Center project. The total cost of the mobile radios is \$56,389.50. Funds for this equipment will be taken from account F15118-72120.

Respectfully,

Keith Ranney
Fire Chief

Tom Hamilton
City Manager

RESOLUTION NO. 2005 - 134

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF MOTOROLA MOBILE RADIOS FROM
SUPREME RADIO COMMUNICATIONS IN THE AMOUNT OF \$56,389.50**

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

1. That the bidding process be waived and the Purchasing Agent be authorized to Purchase Motorola mobile radios from Supreme Radio Communications in the amount of \$56,389.50.

Adopted this 10th day of October, 2005.

Approved this 11th day of October, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Purcell questioned the equipment's life expectancy. Keith Ranney, Fire Chief, addressed the Council. These radios would be purchased for the Fire Department with equipment replacement funds. The Fire Department was moving away from 800mz. This purchase would be a part of a state contract. A 150mz interface would be applied to all Fire Department vehicles, including ambulances. In addition, this system would be used by county fire services throughout the state.

Alderman Purcell questioned if the equipment and interface would be in use for the next five to ten (5 – 10) years. Chief Ranney responded affirmatively or perhaps longer. This contract would expire in the thirty to sixty (30 – 60) days. It was a part of Homeland Security.

Alderman Crawford recalled that the Police Department used 400mz. He questioned how these two (2) systems would work together. Roger Aikin, Police Chief, addressed the Council. The new technology allows switching between the two (2) systems. He added that the Police Department had squad cars which utilize 150mz.

Alderman Finnegan questioned today's cost versus the projected cost. Lt. Bob Siron addressed the Council. The cost to date was \$432,892,57. Alderman Finnegan questioned the total cost. Lt. Siron stated that he did not know. Chief Aikin had prepared an annual cost comparison for Alderman Sprague. Alderman Sprague provided the following figures: \$2,168,000 versus \$1,735,000. Chief Aikin noted that this figure did not include labor.

Motion by Alderman Gibson, seconded by Alderman Finnegan that the formal bidding process be waived, twenty one (21) Motorola mobile radios be purchased from Supreme Radio Communications in the amount of \$56,389.50, the Purchasing Agent authorized to issue a Purchase Order for same, and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Analysis of Proposals for the Purchase of Multifunctional Devices

Staff has researched the replacement of a number of aging copiers used throughout multiple City departments. The existing copiers range in age from five to eight years old, are beginning to fail regularly and are proving difficult to maintain. Today's replacement copiers are actually multifunctional devices (MFD) that are a combination of copiers, network printers, network scanners and fax machines.

Staff has researched the possible efficiencies gained by replacing existing copiers and network laser printers with a single MFD. By combining anywhere from two to four machines into one, efficiencies are gained in the areas of space savings, power savings and ongoing maintenance. Additionally, there are a number of laser printers due for replacement in Fiscal Year 2005-06. In an office where staff is able to combine a copier and laser printer, funds budgeted to replace both items will be used to purchase a single MFD, saving overall fixed asset dollars. Research has also indicated that these devices cost less per page to operate than laser printers.

Staff solicited proposals to purchase fourteen of MFDs. There is a combination of color and black and white devices required to replace existing equipment while maintaining current functionality. Maintenance agreements will be purchased for the new machines that will provide all consumables and supplies, except for paper and staples if required. These contracts are priced on a per page basis. Copy counts are taken each month and invoices are sent based on those numbers. Maintenance agreements for the MFDs will be entered into upon completion of the warranty period.

The following proposals were obtained:

Xerox Corporation – Xerox	Springfield, IL	\$154,812.00
RK Dixon – Lanier	Bloomington, IL	\$89,544.42
Watts Copy Systems, Inc. - Sharp	Bloomington, IL	\$81,095.00
IKON Office Solutions, Inc. - Ricoh	East Peoria, IL	\$67,862.00 *recommended

During the evaluation, staff found responses from all vendors complete and it was determined that all of the vendors have the ability to provide, implement and maintain this equipment. All provide local support and have sufficient staff to support the City.

Staff respectfully requests that Council award the proposal to IKON Office Solutions, Inc., in the amount of \$67,862, and authorize the Purchasing Agent to issue a Purchase Order for same, with payment to be made with funds budgeted in the Computer Services Equipment Fixed Asset (F11610-72120).

Respectfully,

Scott Sprouls
IT Manager

Tom Hamilton
City Manager

Motion by Alderman Gibson, seconded by Alderman Finnegan that the proposal be awarded to IKON Office Solutions, Inc., in the amount of \$67,862, and authorize the Purchasing Agent to issue a Purchase Order for same.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Analysis of Bids - Fencing for the O’Neil Park Baseball Field

On Thursday, September 29, 2005, at 11:00 a.m. bids were publicly opened and read for fencing work at O’Neil Park baseball field by the Parks and Recreation Department. This work involves the replacement of all the fence fabric on this field, straightening posts, modifying some of the existing fence, and installing some new fence. A total of \$100,000 was budgeted for renovation of this field that includes fencing, bleacher pads, bleachers, and rest room work. Both bidders submitted the proper bid guarantees. The bids were as follows:

FIRM	BID PRICE
Youth Build McLean County (Bloomington, IL)	\$33,225.75*
Hohulin Brothers Fence Co. (Goodfield, IL)	36,364.00

*Low and recommended bid

Youth Build did not submit two forms which were required in the bid. The first form certifies that the firm bidding has never been convicted of bid rigging or bid rotating. The second form is a hold harmless clause. The City’s Purchasing Agent believed that these technicalities could be rectified prior to entering into an agreement for this work. Youth Build McLean County also submitted a bid for the Prairie Vista roofing work that included the form certifying that they have

never been convicted of bid rigging or bid rotating. The paperwork submitted by Hohulin Brothers Fence was in proper order.

Staff respectfully requests that Council accept the low bid of \$33,225.75 submitted by Youth Build McLean County and authorize the Purchasing Agent to issue a purchase order for same contingent upon receiving the signed forms. This would leave a balance of \$27,484.55 in the Capital Improvement Fund, account X40100-72570 to complete this project.

Respectfully,

Jerry Armstrong,
Asst. Director Parks & Recreation

Tom Hamilton
City Manager

Alderman Gibson questioned if Prevailing Wage applied due to the cost of this project being in excess of \$25,000. Tom Hamilton, City Manager, informed the Council that he had received a telephone call late in the afternoon from YouthBuild. YouthBuild withdrew their bid because it cannot meet the City's Prevailing Wage Resolution. He recommended that the bid be awarded to Hohulin Brothers Fence Co. Alderman Gibson expressed his concern regarding compliance with the City's Prevailing Wage Resolution.

Motion by Alderman Gibson, seconded by Alderman Finnegan that the bid be awarded to Hohulin Brothers Fence Company in the amount of \$36,364, and the Purchasing Agent be authorized to issue a Purchase Order for same.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Analysis of Bids - Replacement of Roof on the Prairie Vista Clubhouse

On Thursday, September 29, 2005, at 11:15 a.m. bids were publicly opened and read for replacement of the roof on the clubhouse at Prairie Vista Golf Course. The work consists of removing the existing asphalt shingles from the roof and replacing them with 40 year asphalt shingles. All three bidders submitted the proper bid guarantees. The bids were as follows:

FIRM	BID PRICE
Union Roofing Co., Inc. (Chenoa, IL)	\$22,499.00*
Voluntary Alternate Bid	24,999.00
Youth Build McLean County (Bloomington, IL)	23,350.15
Acme Roofing & Sheet Metal Co. (Bloomington, IL)	28,300.00

*Low and recommended bid

The low bidder failed to submit the form that certifies that the firm has never been convicted of bid rigging or bid rotation. The Purchasing Agent believed that this technicality could be waived and corrected prior to entering into an agreement for this work. Staff respectfully requests that Council accept the low bid of \$22,499 submitted by Union Roofing Co. and authorize the Purchasing Agent to issue a purchase order for same contingent upon receiving the signed form.

A total of \$50,000 was budgeted in the Capital Improvement Fund, account X40100-72570 for this project. Previously, \$2,193 was paid to Francois & Associates for preparing the specifications for the roof replacement.

Respectfully,

Jerry Armstrong,
Asst. Director Parks & Recreation

Tom Hamilton
City Manager

Alderman Crawford questioned the age of the roof. Keith Rich, Director of Park & Recreation, addressed the Council. He stated that the roof dated back to 1991. Tom Hamilton, City Manager, noted that the roof was fifteen (15) years old. Alderman Crawford noted that the recommendation included forty (40) year asphalt shingles. He noted that all of the correct documentation had not been received. Mr. Rich acknowledged that the lowest bid did not include a certificate regarding boilerplate bid rigging language. Alderman Crawford questioned how this bid was different from Holiday Pool. Mr. Rich noted that the missing documentation for Holiday Pool meant that the bid could not be evaluated. In this case, the contract cannot be signed without this certificate. Mr. Hamilton added with regards to Holiday Pool, City staff could not verify the numbers, the subcontractors, and/or the bidder/subcontractor's pool experience. Alderman Crawford expressed his concern that the Council would be setting a precedent. Mr. Hamilton noted that the information submitted by the lowest bidder was thorough. City staff was able to determine the lowest responsible bidder. There was sufficient information to make a recommendation. The outcome for Holiday Pool would have been different if the situation had been the same.

Mayor Stockton noted the Council's concern with predictability. He did not want the City to appear to be arbitrary. Mr. Hamilton restated that City staff was able to determine the lowest responsible bidder. Mayor Stockton acknowledged that he understood the difference. Mr. Hamilton noted that for large construction projects City

staff hosts a prebid meeting. Issues are addressed at same. Alderman Crawford noted that City staff had answered his question. He did not agree with same.

Motion by Alderman Gibson, seconded by Alderman Finnegan that the bid be awarded to Union Roofing Co., in the amount of \$22,499, and the Purchasing Agent be authorized to issue a Purchase Order for same.

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

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

Nays: Alderman Crawford.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
 From: Staff
 Subject: Analysis of Bidding Proposals for 2005-2006 Rigid Pavement Patching Program

Bidding proposals were received until 2:00 p.m., Monday, October 3, 2005, in the Office of the City Clerk at which time and place the proposals were opened and read aloud as follows:

G.M. Sipes Const. Inc.	\$199,440.10 *(Low Bid) (As Corrected)
Stark Excavating, Inc.	\$244,740.80
Rowe Construction	\$281,238.61
Kinney Contractors	\$331,997.00
Budget	\$250,000.00 C.I.F.
Engineer's Estimate	\$244,973.75

* Read as \$199,410.10

The project includes the removal and replacement of the existing Portland Cement Concrete pavements of various thickness' and associated work thereof. Most of the work shall be done on Lincoln Street from Mercer Avenue to Arcadia Drive and on Four Seasons Road.

G.M. Sipes Construction, Inc. is the low and recommended bidder. Staff respectfully recommends that Council accept the low bid of G.M. Sipes Construction, Inc. in the amount of \$199,440.10, for the 2005-2006 Rigid Pavement Patching Program project, and that the Mayor and City Clerk be authorized to execute the necessary documents. Funds for this project will be paid with Capital Improvement Funds (X40100-72530).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

(CONTRACT ON FILE IN THE CITY CLERK'S OFFICE)

Motion by Alderman Gibson, seconded by Alderman Finnegan that the Bid be awarded to G.M. Sipes Construction, Inc., in the amount of \$199,440.10, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Change Order to the Contract with P.J. Hoerr, Inc. for the Renovation of the Bloomington Center for the Performing Arts

P.J. Hoerr, Inc. has requested the following change orders to their contract for work associated with the renovation of the Bloomington Center for the Performing Arts. These change orders were reviewed by staff, and were found to be acceptable. The total amount of these change orders is \$6,099.08.

#30 Provide gypsum board enclosure for steel beam	1,131.00
#33 Provide four additional ADA removable swing arms	712.08
#34 Rerouting of elevator sump pump discharge pipe	- 1,849.00
#35 Provide additional cleanout, p-trap & floor drain per City of Bloomington plumbing inspector	991.00
#38 Provide new lavatory L-2 fixtures	705.00
#40 Provide pipe chase in stair #170	193.00
#45 Provide light cove in public rest rooms	2,940.00
#46 Provide paint on new steel in mechanical room #123	572.00
#47 Provide air stop in existing duct shaft in balcony spaces	<u>704.00</u>

Total this Change Order	6,099.08
Revised contract	<u>11,107,322.92</u>
New Total Amount	11,113,422.00

This work is outside the existing contract of P.J. Hoerr. Changes are being requested to provide for a gypsum board enclosure around a steel beam between rooms 156 & 172 for fire and sound purposes. More swing arms within the orchestra level audience seating are needed. Rerouting the sump pump discharge pipe saved some labor & material costs. There is a need to provide for an additional cleanout, P-trap and floor drain in stair 143 as directed by City plumbing inspection staff. Nine (9) new lavatory fixtures are needed in various locations. A larger pipe chase in stair 170 is needed. A light cove above the rest room water closets is needed. Painting of additional steel supports added to mechanical room 123 is needed, and an additional air stop in an existing duct shaft located in the southwest corner of the 3rd floor balcony interstitial space for sound purposes is needed.

This change order amount will be added to the guaranteed bid price and will be paid for out of the renovation contingency fund.

Contingency Fund:	\$600,000.00
Total Change Orders to date:	\$125,222.00
Contingency Balance:	\$474,778.00

Staff respectfully recommends that Council approve this change order to the contract with P.J. Hoerr, Inc. in the amount of \$6,099.08. Payment for this work will come from account X21100-72620 of the Cultural District budget.

Respectfully,

C. Bruce Marquis
Executive Director

Tom Hamilton
City Manager

Alderman Sprague requested that the November Work Session address the Bloomington Center for the Performing Arts (BCPA).

Motion by Alderman Gibson, seconded by Alderman Finnegan that the Change Order be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Amend Agreement with Youth Impact

In April of 2004, Council approved a funding agreement with the Town of Normal and Youth Impact. The two-year agreement allowed both Bloomington and Normal to provide \$90,000 in annual funding to Youth Impact for the purposes of offsetting costs associated with the Executive Director and street outreach services. Recently, the Youth Impact Board decided not to replace the full-time Executive Director position vacated in 2004. In lieu of an Executive Director, the Youth Impact Board hired a part-time Administrative Assistant. Staff is requesting permission to accept the amended agreement between all parties to reflect the modified use of municipal funds.

The said agreement would be amended to read *“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 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.”* No other changes were made to the agreement.

Staff respectfully requests that Council approve this amended agreement with Youth Impact, and authorize the Mayor and City Clerk to execute the necessary documents.

Respectfully,

Roger J. Aikin
Chief of Police

Tom Hamilton
City Manager

AMENDMENT TO YOUTH IMPACT AGREEMENT

THIS Amendment is entered into this 22 day of November, 2005 by and between the TOWN OF NORMAL, a home rule unit of local government, the CITY OF BLOOMINGTON, a home rule unit of government and YOUTH IMPACT, INC. a not-for-profit organization.

WHEREAS, the parties entered into an Agreement dated the 14th day of May, 2004, for funding assistance in order to control the proliferation of youth gang activities and to reduce criminal activity within the two cities; and

WHEREAS, the parties desire to amend said Agreement to expand the authorized uses of the funding assistance.

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

1. That paragraph 3 of the original Agreement dated the 14th day of May, 2004, is hereby amended to read as follows:
 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 an annual basis on a reporting form to be developed by each governmental entity. The reports shall be due within (3) 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.
2. That all other terms and conditions of said Agreement are hereby ratified and confirmed and remain in full force and effect.
3. That expenditure of funds prior to this Amendment for the uses described above is hereby ratified and confirmed.

TOWN OF NORMAL

CITY OF BLOOMINGTON

By: Christopher Koos

By: Stephen F. Stockton

Attest:

Attest:

Wendellyn J. Briggs

Tracey Covert

YOUTH IMPACT, INC.

D. Goldberg

Attest:

Levila Sears

Alderman Sprague questioned the amended language versus the original. Tom Hamilton, City Manager, stated that City staff would provide same.

Motion by Alderman Gibson, seconded by Alderman Finnegan that the Amended Agreement with Youth Impact be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Sale of Surplus Dump Truck to Unit 5 Schools

Earlier this year Council approved the purchase of thirteen (13) new dump trucks for the Public Service Department. The new dump trucks have been delivered and put into service, and the old trucks removed from service and will be sold. Representatives from Unit 5 Schools have since contacted staff regarding purchasing one of the old dump trucks.

Staff allowed the Unit 5 representatives to examine the surplus trucks and select a truck for purchase. The dump truck chosen is a 1994 International 4900, serial number 1HTSDAAR2SH614524. The truck will be sold with the snow plow and salt distributor. Since the truck is an International, staff contacted a local dealer, J.M. Jones, Normal, to appraise the truck.

The truck appraised \$15,000. Based on prior sales of used dump trucks, City staff believes that this is an equitable price for both parties. Representative from Unit 5 have agreed to the purchase price of \$15,000 including the truck, snowplow and salt distributor, to be sold, AS IS, without any warranty.

Staff respectfully recommends the sale of the used truck, a 1994 IH 4900 dump truck serial number 1HTSDAAR2SH614524 with snow plow and spreader, to Unit 5 Schools in the amount of \$15,000.

Respectfully,

Daniel Augstin
Supt. of Equipment Maintenance

Tom Hamilton
City Manager

Motion by Alderman Gibson, seconded by Alderman Finnegan that the used truck, a 1994 IH 4900 dump truck vin# 1HTSDAAR2SH614524 with snow plow and spreader, be sold AS IS to Unit 5 Schools in the amount of \$15,000.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Division Street Combined Sewer Overflow Elimination Illinois Department of Transportation (IDOT) Utility Permit

Staff negotiated a proposed contract with Farnsworth Group in March 2004, to provide professional services for the design of the Division Street Combined Sewer Overflow (CSO) Elimination Project. The project was necessary to address an existing CSO on Division Street near the intersection with Mason Street.

Staff monitors the operation of this CSO at the request of the Illinois Environmental Protection Agency (IEPA). Although not a large CSO, this particular one had a history of being one of the more active overflow points in the system. The City was not under any order from the IEPA at that time to eliminate the CSO. Staff anticipated that if the situation was not addressed voluntarily, the IEPA would eventually give notice. Design of the Division Street CSO Elimination project was completed in September 2005, and advertised on September 26th and October 3rd. The bid opening is scheduled for October 17, 2005.

The scope of the Division Street CSO Elimination Project is to construct new storm sewers on portions of Oak Street, Kelsey Street, Roosevelt Street and Division Street. Existing storm inlets are slated to be removed from the existing combination sewer system, leaving it to convey only sanitary flows, and new inlets will be constructed to convey water to the new storm sewer system. The CSO will then be removed.

Removal of the storm runoff from the old combination system should have the added benefit of reducing the probability of basement flooding in the effected area. Part of the project will involve building storm sewer across a state route, Business US 51, commonly known as Center Street. The project will also involve abandoning existing pipes and/or structures in the middle of Center Street. This construction will occur at both Kelsey and Division Streets. Therefore the City is required by IDOT, District 5 to execute a Utility Permit.

Staff respectfully recommends that Council approve a Utility Permit with IDOT, District 5, and that the Mayor and City Clerk be authorized to execute the necessary documents.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

(PERMIT ON FILE IN THE CITY CLERK'S OFFICE)

Motion by Alderman Gibson, seconded by Alderman Finnegan that the IDOT Utility Permit be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition from Park Developers, Inc. and RAB2 Corporation for Approval of the Dedication of a Right-of-way Plat for the Estates of Eagle View Subdivision

A Petition has been received from Park Developers, Inc. and RAB2 Corporation requesting approval of the dedication of a right-of-way plat for the Estates of Eagle View Subdivision. This subdivision is located south of Ft. Jesse Road, and east of Towanda Barnes Road.

The configuration of Addison Lane, the subdivision entrance at Ft. Jesse Road, was modified to a median separated entrance. Additional road right-of-way needs to be dedicated for this wider entrance. Staff reviewed the right-of-way plat and found it to be adequate for the entrance as currently configured.

Staff respectfully recommends that Council approve the Petition and adopt an Ordinance approving the dedication of the right-of-way plat for the Estates of Eagle View Subdivision.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

PETITION FOR APPROVAL OF DEDICATION RIGHT-OF-WAY PLAT FOR ESTATES OF EAGLE VIEW SUBDIVISION

STATE OF ILLINOIS)
) SS
COUNTY OF MCLEAN)

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

NOW COME PARK Developers, Inc. an Illinois Corporation and RAB 2 Corporation an Illinois corporation, hereinafter referred to as your petitioners, respectfully representing and requesting as follows:

1. That your petitioners are the owners of the freehold estate of the premises hereinafter described in Exhibit A attached hereto and made a part hereof and made a part hereof by reference;
2. That your petitioners seek approval of the dedication for the subdivision known and described as deduction of Right-of-Way Plat for the Estates of Eagle View South Subdivision, Bloomington, Illinois, which dedication of Right-of-Way Plat is attached hereto and made a part hereof.

Wherefore, your petitioners pray that the dedication of Right-of-Way Plat for the Estates of Eagle View South Subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

Park Developers, Inc and RAB2,
Corporation
By: Mercer Turner, their Attorney

STATE OF ILLINOIS)
) SS
MCLEAN COUNTY)

I, the undersigned Notary Public in and for said County, in the State aforesaid, do hereby certify that Mercer Turner, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act for the uses and purposes therein set forth.

Given under my hand and notarial seal, this 10th day of September, 2005.

Tammie R. Keener
Notary Public

ORDINANCE NO. 2005 - 103**AN ORDINANCE APPROVING THE DEDICATION OF RIGHT-OF-WAY PLAT FOR ESTATES OF EAGLE VIEW SUBDIVISION**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois a Petition for approval of the dedication of Right-of-Way Plat for the Estates of Eagle View Subdivision, Bloomington, Illinois, legally described in Exhibit A attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition is valid and sufficient and conforms to the requirements of the statutes in such cases made and provided and the dedication of Right-of-Way Plat for the Estates of Eagle View Subdivision attached to said Petition was prepared in compliance with the requirements of the Bloomington City Code.

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

1. That the dedication of Right-of-Way Plat for the Estates of Eagle View Subdivision is hereby approved.
2. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 10th day of October, 2005.

APPROVED this 11th day of October, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

A part of Outlot 506 in the Estates of Eagle View, a subdivision in the City of Bloomington, McLean County, Illinois, according to the plat recorded as Document No. 2005-14819 in the McLean County Recorder's Office, more particularly described as follows: Beginning at the Northeast Corner of said Outlot 506. From said Point of Beginning, thence south 133.14 feet along the East Line of said Outlot 506, which line is also the West Right-of-Way Line of Addison Lane in said Subdivision; thence northwest 98.01 feet along a line which forms an angle to the left of 9°-23'-42" with the last described course; thence north 36.87 feet along a line which is parallel with the East Line of said Outlot 506 and which forms an angle to the left of 170°-36'-18" with the last described course to a point on the North Line of said Outlot 506 lying 16.01 feet

west of the Point of Beginning; thence east 16.01 feet along said North Line, which line is also the South Right-of-Way Line of Fort Jesse Road, and which line forms an angle to the left of 88°-27'-22" with the last described course to the Point of Beginning, containing 1,360 square feet = 0.031 acre, more or less.

PIN: Part of 15-29-126-008

Motion by Alderman Gibson, seconded by Alderman Finnegan that the Dedication be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition from First State Bank, as Trustee of Land Trust No. FSB-1080 Dated November 1, 1995, for Approval of the Final Plat of Heartland Hills Subdivision, Seventh Addition

A Petition has been received from First State Bank, as Trustee of Land Trust No. FSB-1080 requesting approval of a Final Plat for Heartland Hills Subdivision, Seventh Addition. Staff reviewed this Final Plat and found it to be in general conformance with the Revised Preliminary Plan, approved March 22, 2004.

As per the Annexation Agreement approved by Council on December 26, 1995, there are tap-on fees for this development due prior to recording of the final plat. Additionally, per the Annexation Agreement, the required revolving commercial surety bond for performance guarantee has been posted by the developer in the amount of \$75,000.

As all items are in order, staff respectfully recommends that Council approve the Petition and adopt an Ordinance approving the Final Plat for Heartland Hills Subdivision, Seventh Addition subject to petitioner paying the required tap on fees.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

PETITION FOR APPROVAL OF A FINAL PLAT

STATE OF ILLINOIS)
) SS
COUNTY OF MCLEAN)

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

NOW COME First State Bank of Bloomington as Trustee Land Trust FSB-1080 hereinafter referred to as your petitioners, respectfully representing and requesting as follows:

1. That your petitioners are the owners of the freehold estate of the premises hereinafter described in Exhibit A attached hereto and made a part hereof and made a part hereof by reference;
2. That your petitioners seek approval of the Final Plat for the subdivision known and described as Seventh Addition to Heartland Hills Subdivision, Bloomington, Illinois, which Final Plat is attached hereto and made a part hereof.

Wherefore, your petitioners pray that the Final Plat for Seventh Addition to Heartland Hills Subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

First State Bank of Bloomington as
Trustee Land Trust FSB-1080
By: Mercer Turner, their Attorney

STATE OF ILLINOIS)
) SS
MCLEAN COUNTY)

I, the undersigned Notary Public in and for said County, in the State aforesaid, do hereby certify that Mercer Turner, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act for the uses and purposes therein set forth.

Given under my hand and notarial seal, this 20th day of September, 2005.

Tammie R. Keener
Notary Public

ORDINANCE NO. 2005 - 104**AN ORDINANCE APPROVING THE FINAL PLAT OF SEVENTH ADDITION TO
HEARTLAND HILLS SUBDIVISION**

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

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

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

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

PASSED this 10th day of October, 2005.

APPROVED this 11th day of October, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

TRACT 1:

A part of the North Half of the Northeast Quarter of Section 14, Township 23 North, Range 1 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Beginning at the Southeast Corner of Lot 93 in the Sixth Addition to Heartland Hills Subdivision in the City of Bloomington, Illinois, according to the plat recorded as Document No. 2004-34988 in the McLean County Recorder's Office. From said Point of Beginning, thence north 123.71 feet along the East Line of said Lot 93 to the Northeast Corner thereof, said Northeast Corner being on the south Right-of-Way Line of Fedor Circle in said Sixth Addition; thence east 11.46 feet along said South Right-of-Way Line which forms an angle to the left of 90°-00'-

00" with the last described course to the Southeast Corner of said Fedor Circle; thence north 60.00 feet along the East Line of said Fedor Circle which forms an angle to the left of $270^{\circ}-00'-00''$ with the last described course to the Northeast Corner thereof, said Northeast Corner also being the Southeast Corner of Lot 127 in said Sixth Addition; thence northeast 186.33 feet along the East Line of said Lot 127 and the East Line of Lot 126 in said Sixth Addition, which lines form an angle to the left of $172^{\circ}-10'-20''$ with the last described course to the Northeast Corner of said Lot 126, said Northeast Corner also being the Southeast Corner of Lot 125 in said Sixth Addition; thence north 943.07 feet along the East Line of said Lot 125 and the East Lines of Lots 124 through 117, inclusive, Outlot 130 and Six Point Road in said Sixth Addition, which lines form an angle to the left of $187^{\circ}-49'-40''$ with the last described course to the Northeast Corner of said Six Points Road; thence east 300.01 feet along the North Line of said Northeast Quarter which forms an angle to the left of $90^{\circ}-26'-48''$ with the last described course to the Northwest Corner of Six Points Road in Heartland Hills Fire Station Subdivision in the City of Bloomington, Illinois, according to the plat recorded as Document No. 2005-20175 in said Recorder's Office; thence south 1310.00 feet along the West Line of said Six Points Road, the West Line of Lot 1 in said Fire Station Subdivision and the Southerly Extension of said West Lines, which Lines form an angle to the left of $89^{\circ}-33'-12''$ with the last described course to a point on the South Line of the North Half of the Northeast Quarter of said Section 14 lying 336.86 feet east of the Point of Beginning; thence west 336.86 feet along said South Line which forms an angle to the left of $90^{\circ}-37'-47''$ with the last described course to the Point of Beginning, containing 9.22 acres, more or less.

TRACT 2:

A part of the North Half of the Northeast Quarter of Section 14, Township 23 North, Range 1 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Beginning at the Easternmost Corner of Lot 12 in Heartland Hills Subdivision in the City of Bloomington, Illinois, according to the plat recorded as Document No. 98-31748 in the McLean County Recorder's Office. From said Point of Beginning, thence northwesterly 149.63 feet along the Easterly Line of said Lot 12 and the Easterly Lines of Lots 11 and 10 in said Subdivision, being the arc of a curve concave to the northeast with a radius of 1025.00 feet and a chord of 149.50 feet to a Point of Tangency being the Southernmost Corner of Outlot 36 in said Subdivision; thence northeast 50.00 feet along the Southeast Line of said Outlot 36 which forms an angle to the left of $85^{\circ}-49'-05''$ with the last described chord to the Easternmost Corner of said Outlot 36; thence northwest 255.51 feet along the Northeast Line of said Outlot 36 which forms an angle to the left of $270^{\circ}-00'-00''$ with the last described course to the Northeast Corner thereof, said Northeast Corner also being the Southeast Corner of Six Points Road in said Subdivision; thence north 43.00 feet along the East Line of said Six Points Road which forms an angle to the left of $149^{\circ}-12'-57''$ with the last described course to the Northeast Corner thereof; thence east 148.34 feet along the North Line of said Northeast Quarter which forms an angle to the left of $90^{\circ}-00'-00''$ with the last described course to the Northwest Corner of Six Points Road in the Sixth Addition to Heartland Hills Subdivision in the City of Bloomington, Illinois, according to the plat recorded as Document No. 2004-34988 in said Recorder's Office; thence south 168.00 feet along the West Line of said Six Points Road and the West Lines of Outlot 129 and Lot 111 in said Sixth Addition, which lines form an angle to the left of $90^{\circ}-00'-00''$ with the last described course to a Point of Curvature; thence southeasterly 204.47 feet along the Westerly Line

of said Lot 111 and the Southwesterly Lines of Lots 110 and 109 in said Sixth Addition, said Lines being the arc of a curve concave to the northeast with a radius of 245.00 feet and the 198.59 foot chord of said arc forms an angle to the left of 203°-54'-33" with the last described course to the Westerly Line of Outlot 128 in said Sixth Addition; thence southwest 82.41 feet along said Westerly Line, which forms an angle to the left of 113°-54'-33" with the last described chord to the Point of Beginning, containing 0.82 acre, more or less.

Said Tract 1 and Tract 2, combined, contain 10.04 acres, more or less.

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition of Judith A. Williams, as Owner, requesting approval of a Special Use Permit for a bed and breakfast establishment in a S-4/ R-2 Historic & Cultural/Mixed Residence District at the Kerrick/Berry House (c. 1882), 809 North McLean Street, in the Franklin Square National Register Historic District (Case SP-06-05)

BACKGROUND INFORMATION:

Adjacent Zoning

north: S-4/ R-2 - Historic and Cultural and Mixed Residence Districts
south: R-2 District - Mixed Residence District
east: R-2 District - Mixed Residence District
west: S-4/ R-2 - Historic and Cultural and Mixed Residence Districts

Adjacent Land Uses

north: apartments
south: apartments
east: single family dwelling
west: single family dwelling

Mr. Christopher P. Hotz and Rose T. Hotz from Lombard, Illinois, are currently negotiating for the purchase of the subject premises from Mrs. Judith A. Williams and her son, Jason S. Williams, the current owners of record of the subject premises, and wish to legally use such

premises for a bed and breakfast establishment. A special use permit for a bed and breakfast establishment at this location had previously been approved by Council on February 27, 1989 (Ordinance No. 1989-27) after a public hearing and favorable a recommendation by the Board of Zoning Appeals on February 15, 1989.

Such special use permit subsequently expired in 1996 due to Ordinance No. 1996-103 providing for its expiration upon the discontinuance of that bed and breakfast for at least six consecutive months or for 18 months during a three year period (see Section 7.30 (4)(c) of the Zoning Code).

Section 7.30 of the Zoning Code cites the following standards and conditions for this special use:

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 this 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- 25', side- 6', rear- 25')
- (5) Maximum Building Height: Three (3) stories.
- (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 six 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 this 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. (Ordinance No. 2000-161)

The subject premises complies with the minimum lot area, minimum lot width, minimum yard, maximum building height, minimum off-street parking and minimum building age requirements

for a bed and breakfast establishment. A variance of the parking lot screening requirements was previously granted by the Board of Zoning Appeals on February 15, 1989 in connection with the previous special use permit. A building floor plan must be filed by the petitioner 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 petitioners must also provide written verification that they satisfy the following criteria of the Zoning Code for petitioning for a special use permit: *“....any person having a freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, or an exclusive possessory interest, and which is specifically enforceable, may file an application to use such land for one or more of the special uses provided for in this Code in the zoning district in which the land is located.-(Ordinance No. 1988-124)”*

Mr. & Mrs. Hotz filed an earlier petition requesting this special use permit, but was found to be deficient because they currently do not satisfy the criteria cited herein for filing an application for a special use. However, the petitioner cited in this amended petition in question presently is one of the current owners.

BOARD OF ZONING APPEALS' PUBLIC HEARING:

The Board of Zoning Appeals held a public hearing on the earlier petition on September 21, 2005 and recommends the same. Mr. Christopher P. Hotz, 639 Lilac Way, Lombard, IL, was present to speak in favor of the earlier petition at this hearing. Zoning Board member Kearney questioned the existence of a contract to purchase this property. Mr. Holtz responded that there were no legally binding contracts at this time; however, he did have a letter signed by the owner (Judith Williams) granting permission to request a Special Use for a Bed and Breakfast to the Zoning Board of Appeals.

Mr. Hotz submitted photos of the home and floor plans showing the personal and public areas of the home. He testified that he and his wife were planning to move in by mid November 2005 and be open for guests by February 2006. Their plan is to have four guest rooms, with up to two people per room. The existing parking lot will accommodate nine cars.

Ms. Mary Ann Brady Rhodes, 210 E. Chestnut St., did not speak in opposition to this petition, however, she questioned the number of rooms that would be rented, whether the bed and breakfast would host parties and receptions, and requested assurance that it would be run by owner occupants as a bed and breakfast Establishment.

Mr. David Wochner, 909 N. McLean St., did not speak in opposition but questioned the number of rooms that would be rented and if it would have ample parking. He felt that a bed and breakfast would be a good use of the home, but that it lacked ample parking for other events such as wedding receptions.

Mr. Mark Huber, Director of Planning and Code Enforcement, discussed the fact that this home had previously been a bed and breakfast 10 years prior, and that the current request is for a bed and breakfast only. The petitioners had not requested approval for a community reception center. If it were decided to do this in the future, a petition for a new special use permit would be required, and all of the particular requirements for that use would be discussed.

Mr. Kenneth Emmons, City Planner, stated that assuming the stipulations regarding the applicants' status being satisfactorily complied with, staff would recommend the Board of Zoning Appeals recommendation to Council for approval of a special use permit for a bed and breakfast establishment at the Kerrick / Berry House, 809 North McLean Street, in the Franklin Square National Register Historic District. He noted that on September 15, 2005, the Historic Preservation Commission passed a motion by a vote of 6 to 0 to recommend approval of Case SP-06-05 to the Bloomington Zoning Board of Appeals.

BOARD OF ZONING APPEALS' RECOMMENDATION:

After having given due consideration to this petition and the testimony presented, the Board of Zoning Appeals passed a motion by a vote of 6 to 0 recommending Council approval of this petition in Case SP-06-05 for using the home in question as a Bed and Breakfast Establishment with four guest bedrooms.

The Board of Zoning Appeals bases this recommendation on the conclusion that the petitioner does meet the following standards as applicable by Chapter 44, Section 7.30 (d), (2) in finding of facts:

1. That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, comfort or general welfare;
2. That special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
3. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district;
4. That adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided;
5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
6. That the special use shall, in all other respects, conform to the applicable regulations of the district in which is located, except as such regulations may be modified by the Council pursuant to the recommendations of the Board of Zoning Appeals.

STAFF RECOMMENDATION:

Staff concurs with the Board of Zoning Appeals and respectfully recommends Council approval of this amended petition in Case SP-06-05 for using the home as a Bed and Breakfast with four guest bedrooms.

Respectfully,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

AMENDED PETITION FOR A SPECIAL USE PERMIT

STATE OF ILLINOIS)
) SS
COUNTY OF MCLEAN)

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

NOW COME(s) Judith A. Williams, hereinafter referred to as your petitioners, respectfully representing and requesting as follows:

1. That your Petitioner(s) is (are) the owner(s) of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit(s) A which is (are) attached hereto and made a part hereof by this reference, or is (are) a mortgagee or vendee in possession, 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 S-4/R-2 Historic and Cultural District and Mixed Residence District under the provisions of Chapter 44 of the Bloomington City Code – 1960, as amended;
3. That under the provisions of Chapter 44, Section 7.30(k) of said City Code, Bed and Breakfast Establishments are allowed as a special use in a S-4/R-2 Historic and Cultural District and Mixed Residence District 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 S-4/R-2 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 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 Petitioner(s) respectfully pray(s) that the said special use for said premises be approved.

Respectfully submitted,

Judith A. Williams

ORDINANCE NO. 2005 - 105**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A BED AND
BREAKFAST ESTABLISHMENT AT 809 NORTH MCLEAN STREET**

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 Establishment for certain premises hereinafter described in Exhibit(s) A; 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, Section 7.30(E) and 7.30(K) of the Bloomington City Code – 1960, as amended; 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 Establishment on the premises hereinafter described in Exhibit(s) A shall be and the same is hereby approved.
2. That this Ordinance shall take effect immediately upon its passage and approval.

PASSED this 10th day of October, 2005.

APPROVED this 11th day of October, 2005.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

809 N. McLean St., Bloomington IL. legally described as:

Durley Addition, Lots 2, 3, & 6 in Block 9. City of Bloomington, State of Illinois, County of McLean

PIN 21-04-210-001

Alderman Schmidt questioned if there was anyone present who wished to address this item. Alderman Matejka requested further clarification. He questioned if there would be one (1) additional room and if the building would also be used as a community reception hall. Mark Huber, Director of P.A.C.E., addressed the Council. The number of rooms to be let would increase from one (1) to four (4). The City Code allows for five (5). Alderman Matejka questioned if the facility would be used to host parties and/or receptions. Mr. Huber noted that this use would be a separate request. The Petitioner was informed of same.

Alderman Schmidt questioned the relationship between the parties. Mr. Huber noted that either the Petitioner or her daughter would reside on the property. Ms. Williams applied for the Special Use. The sale of the property would be contingent upon this Petition. Alderman Schmidt noted that Ms. Williams would hold the Special Use. She questioned notification. She expressed her belief that everyone did not receive this notice. Mr. Huber offered to research same.

Mayor Stockton questioned the standard notice process. Mr. Huber stated that a legal notice is placed in the Pantagraph. In addition, a sign is posted on the property specifying the Petition for a Special Use. Finally, properties within 500 feet are notified by mail. If there is a known neighborhood association, then it is also contacted.

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

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Public hearing on the Petition filed by ARK IV, LLC and Kraft Farms, LLC, requesting approval of the Annexation Agreement requesting R-1C, High Density Single Family Residence District, R-2, Mixed Residence District, S-2, Public Lands and Institutions District, and B-1, Highway Business District zoning for property located north of 1500N and east of Towanda Barnes Rd., consisting of approximately 102 acres

The Bloomington Planning Commission opened a public hearing this petition on September 28, 2005 and continued such hearing until October 12, 2005. Staff respectfully recommends that Council continue its October 10, 2005 public hearing on this Annexation Agreement until the October 24, 2005 Council meeting in order to allow the Planning Commission to complete its public hearing process and provide its recommendation on such agreement.

Respectfully,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

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

Motion by Alderman Matejka, seconded by Alderman Finnegan that the public hearing on this Annexation Agreement be opened and the item laid over until the October 24, 2005 City Council meeting.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Public Hearing on the Petition submitted by RBT of Illinois, LLC, and St. Patrick's Church of Merna, requesting approval of an Annexation Agreement and rezoning to R-1C, High Density Single Family Residence District, R-2, Mixed Residence District, and S-2 Public Lands and Institutions District, and B-1 Highway Business District zoning for property north of Illinois Route 9 East, and east of Towanda Barnes Road, consisting of approximately 124 acres. (Case Z-16-05) (east of Ward #3)

The Bloomington Planning Commission opened a public hearing this petition on September 28, 2005. At the Petitioner's request, staff respectfully recommends that Council continue its October 10, 2005 public hearing on this Annexation Agreement in Case Z-16-05 until the November 14, 2005 Council meeting.

Respectfully,

Kenneth Emmons
City Planner

Tom Hamilton
City Manager

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

Motion by Alderman Finnegan, seconded by Alderman Matejka that the public hearing on this Annexation Agreement be opened and the item laid over until the November 14, 2005 City Council meeting.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Review and Adoption of the City of Bloomington Comprehensive Plan , prepared by the McLean County Regional Planning Commission- September 14, 2005- and City of Bloomington "East Side Plan" (amendment to 1997 Open Space Plan), prepared by Thompson Dyke & Associates, Ltd- April 2005

BACKGROUND INFORMATION:

The City of Bloomington Comprehensive Plan is divided into six chapters as follows:

Chapter 1 -- INTRODUCTION

- The Challenges of Growth
- Why the Plan Was Prepared
- What the Plan Does
- How the Plan Was Prepared
- What the Plan Does Not Do

Chapter 2 -- COMMUNITY PROFILE

- Natural Environment
- Historical Growth and Development
- Economy
- Population
- Housing
- Land Use
- Transportation System
- Community Facilities

Chapter 3 -- GOALS, OBJECTIVES AND POLICIES

- Urban Design and Aesthetics
- Natural Environment
- Historic Preservation
- Neighborhood Preservation
- Urban Revitalization
- Downtown Revitalization
- Economic Development
- Population Growth
- Housing
- Land Use and Growth Areas
- Transportation
- Parking
- Community Facilities
- Cooperation
- Implementation

Chapter 4 -- FUTURE GROWTH AND IMPLICATIONS

- Employment Trends
- Population Projections
- Housing Demands
- Land Use Requirements
- Transportation Demands
- Community Facilities Development

Chapter 5 --LONG RANGE DEVELOPMENT PLAN

- Land Use
- Transportation
- Community Facilities

Chapter 6 -- IMPLEMENTATION

- Methods of Implementation
- Responsibility for Implementation
- Implementation Strategy

Mr. Paul Russell, Director of the McLean County Regional Planning Commission, and Mr. Stan Cain, Chairman of the Bloomington Planning Commission, will be present at the City Council meeting on October 10, 2005 to provide a summary and answer questions regarding the Comprehensive Plan.

PLANNING COMMISSION PUBLIC HEARINGS:

The Planning Commission held public hearings on the proposed Comprehensive Plan on May 4 and 18, 2005; June 1, and 15, 2005; August 17, and 31, 2005. Printed minutes of each of these public hearings with an edited summary of the testimony presented are included.

1.) May 4, 2005: Arguments in favor of this plan were presented by Mr. Paul Russell, Director; Mr. Rick Nolan, Community Planner; and Ms. Jennifer Sicks, Land Use & Transportation Planner with the McLean County Regional Planning Commission. Arguments expressing concerns about the plan were presented by Mr. Dusty Burton, 22510 E 900 North Road, Downs, and Mr. Neil Finlen, P.E., Farnsworth Group, 2709 McGraw Drive.

2.) May 18, 2005: The Honorable Mayor Stephen Stockton; Mr. Keith Rich, Director of Parks and Recreation; Mr. Peter Dyke, President of Thompson Dyke, & Associates, Northbrook, IL, along with Mr. Neil Finlen, Mr. Paul Russell and Mr. Rick Nolan, presented arguments in favor of this plan. Testimony and arguments expressing concerns about the plan were presented by the following persons:

Mr. Phil Reynolds, Old Town Township Road Commissioner, 8270N East Road, Downs.
Ms. Debbie Paige, 20110 Shaker Lake Road
Mr. Randy Paige, 20110 Shaker Lake Road
Mr. Jim Simeone, 1923 E. Taylor Street
Mr. Homer Bozarth, 1956 E 200 N Road, Downs

Mr. Kevin Devine, 10691 N 2150 E Road, Downs

3.) June 1, 2005: Ms. Jennifer Sicks and Mr. Rick Nolan, along with Mr. Craig Cummings, Director of Water, presented arguments in favor of this plan. Testimony and arguments expressing concerns about the plan were presented by:

Mr. Ethan Evans, 40 Whites Place
Mr. Mike Kerber, 406 N. Linden Street
Mr. Doug Oehler, 2203 Oakwood
Mr. Jim Simeone, 1923 E. Taylor Street
Sixth Ward Alderman Karen Schmidt, 409 E. Grove Street
Mr. Mark Edwards, 507 E. Walnut Street

4.) June 15, 2005: Mr. Rick Nolan and Ms. Jennifer Sicks presented arguments in favor of this plan. Testimony and arguments expressing concerns about the plan were presented by:

Mr. Frank Miles 202 N. Center Street
Mr. Vern Prenzler 602 Old Farm Road
Mr. Greg Koos, 1316 E. Washington St.
Mayor Stephen Stockton, 19 Brompton Ct.
Ms. Stacy Shangraw, 5 Turtle Back Ct.
Mr. Mark Robinson, 13780 Lucas Forest Dr.
Father Tom Shaw, 1111 W. Grove
Mr. Kevin Callis, 10 Pebblebrook Ct.
Mrs. Cindy Arnold, 504 N. Lee St.
Mr. Dennis Arnold, 504 N. Lee St.
Seventh Ward Alderman Steve Purcell, 407 W. Emerson St.

5.) August 17, 2005: Chairperson Stan Cain noted that the Planning Commission is now reviewing the fourth draft of this comprehensive plan and it has been revised to incorporate many concerns that have been raised by public input. He noted that revisions have focused on seven issues: 1.) Eastside Highway; 2.) City Parks; 3.) Infill Development; 4.) Form Based Zoning; 5.) Transportation; 6.) Bike-way and Trail; and 7.) Housing Diversity. Mr. Paul Russell, Director of McLean County Regional Planning Commission noted that the four previous public hearings and the two work sessions have provided a focus and that much of the public input had been incorporated into the plan. He noted that text changes were made in support of the need for greater housing diversity, in terms of age, income and cost; noted the problem of concentrated low income housing particularly when left without good access to transportation.

A grid system of roads had been added into the planning areas and a 2,500 foot wide Eastside Highway Corridor was added to this plan to indicate the most likely highway route as determined at this time. He noted that several of the symbols for new parks on the west side had been left off the map at one point and had now been added back.

Testimony and arguments expressing concerns about the plan were presented by:

Mr. Paul Krueger, 18001 US Route 150
Ms. Jeanne Bozarth, 19564 1200 N Road, Downs
Mr. Dusty Burton, 2250 900 E Road, Downs
Mr. Frank Wieting, 3205 Morrissey Drive
Mr. John Olson, 2006 Crimson Lane
Mr. Mike Pool, 20218 E 1400 E Road, Downs
Mr. Phil Reynolds, 8270 N 2200 E Road, Downs
Mr. Larry Reeser, 16838 E 775 N Road, Heyworth
Seventh Ward Alderman Steve Purcell, 407 W. Emerson Street
Mr. Homer Bozarth, 19564 E 1200 N Road, Downs

Mr. Krueger presented a letter to Commissioners objecting to the Eastside Bypass plan. He urged utilizing the existing right of ways as much as possible and that an alignment has an impact on property owners that may restrain land usage until the situation is further clarified. Ms. Bozarth stated that her land is near an indicated interchange and that she believed she would be unable to sell. Mr. Burton urged that a corridor not be shown on the map. He stated his concern that one step leads to other steps until development. He believed that it would be unwise to build a bypass that is barely beyond the edge of the City's growth.

Mr. Wieting noted that his land is located southeast of Bloomington and lies north of the corridor. He stated that his family had been farming it for 150 years. He pointed out that the projected costs of the last study did not have the easternmost alignment as being the most expensive. He stressed that farmland is a natural irreplaceable resource, and noted that the right-of-way would consume more than 900 acres of farmland. He observed that the proposed Comprehensive Plan indicated that 6,000 acres would be needed for growth over the next twenty (20) years. He pointed out that it is difficult to buy land for farming when it is located near the City because the pressure to develop drives up the cost. He urged the Commission to be "independent thinkers" and try to do what is best for everyone.

Mr. Olson testified that he served on the Hawthorne Hills Board of Directors and that the Board is opposed to this highway being built. They opposed the cost as taxpayers and for the negative impact it would have on property owners. He stated his desire to see a connection from Towanda - Barnes Road to I-74 and that it is currently needed not twenty (20) years from now. He urged considering the least cost alternatives.

Mr. Pool inquired whether the corridor was being changed or altered to accommodate new developments.

Commissioner Sage responded that there are two developments that the Commission has decided to hold up until: (a) the Comprehensive Plan process is completed and (b) some indication of an Eastside Highway Corridor is included.

Mr. Reeser stated that it was his understanding that the decision two years ago was to have IDOT take over the corridor study. Chairperson Cain replied that the joint resolution from earlier this year was to start a new study to be handled by IDOT. Mr. Bozarth expressed opposition to the corridor.

Mr. Phil Reynolds, Old Town Township Road Commissioner, wished to give an update on road issues in the Eastlake project. He stated that he had met with the City's attorney, Director of Engineering, City Manager, and Director of Public Service. He stated that they had discussed road maintenance agreements, and noted his preference for a jurisdictional transfer.

Mr. Russell addressed the 6,000 acres needed for growth over the next twenty years. He noted that this figure included residential, commercial, industrial, public land uses, and right of way. These acres would not all be taken from farmland. There would be some infill. He indicated that about a third of the new growth would be east of Towanda-Barnes Road, a third west of Main Street, and a third to the south.

Mr. Krueger inquired regarding the Mitsubishi Motorway alignment that he recalled as being intended to progress down to Shirley, and connect to Interstate 55. Mr. Doug Grovesteen, Director of Engineering, responded that the alignment study had been done years prior and that the construction timetable had been development driven. The next portion to be constructed, within three years would be the part from Six Points Road, south to Sugar Creek, and that in the same time frame, a piece from Illinois Route 9 West, southward to the Constitution Trail. He explained that initially it would be a two-lane road and eventually become a four lane divided highway with a grass median.

Alderman Purcell indicated that he had listened to testimony at each Comprehensive Plan public hearing. He stated that he had lived in the area for the last sixteen years and noted that it would be beneficial to have a quicker access across town. The airport and new Central Catholic High School had previously been farmland. Development goes where there is sewer and water. He noted his appreciation for the work the Planning Commission performs and the importance of preparations for future population growth.

6.) August 31, 2005: Chairperson Cain noted this is the sixth of six scheduled public hearings to discuss the new Comprehensive Plan, and that the potential east side highway corridor has been incorporated into the current draft along with revisions including: City parks, in-fill development, form-based zoning, transportation issues, bikeways and trails, and housing diversity. Mr. Paul Russell stated that there had been many issues raised, addressed, and incorporated into the Plan, including: downtown and urban revitalization, and historic and neighborhood preservation.

He noted that six target planning areas had been added to the map to illustrate the following areas that may need further planning for potential redevelopment: 1.) the Cultural District; 2.) The US Cellular Coliseum; 3.) warehouse district south of same; 4.) the former Eureka site; 5.) rail yard site, and 6.) the former Beich Candy site.

He noted that text changes were also made in support of the need for greater diversity in housing types to serve all income levels, cost and age groups, and noting the problem of concentrated low income housing, particularly when left without good access to transportation. A 2,500 foot wide corridor for a possible east side highway was placed to indicate the most likely route as determined at this time.

Testimony and arguments expressing concerns about the plan were presented by:

Mr. Melvyn Jeter, 19906 E 1600 N. Road
Mr. Tim Kraft, 21148 E 1900 North Road
Mrs. Sharon Kraft, 21148 E 1900 North Road
Ms. Mary Leung 801 ½ W. Macarthur Ave.
Mrs. Jerrie Jeter, 19906 E 1600 North Road
Mr. Mike Pool, 20216 E 1400 North Road
Mr. Tim Bittner, 19580 E 1300 North Road
Ms. Debbie Paige, 20110 Shaker Lake Road
Mayor Stephen Stockton 19 Brompton Ct.
Mr. Bill Reynolds, Old Town Township, Downs
Mrs. Twyla Braden, 1506 N. Lee Street
Mr. George Braden, 1506 N. Lee Street
Mr. Kevin Devine, 10691 N. 1250 East Road
Ms. Catherine Dunlap, Downtown Bloomington Association

Mr. Jeter provided the Commissioners with packets that expressed his concerns from two years prior, when the bypass corridor was last presented. He read a letter to the Commissioners requesting that they separate the issues of the Eastside Highway Corridor from the Comprehensive Plan, noting that it lies embedded and hidden within. He stated that he had tried several times unsuccessfully to obtain information regarding the plan from the Regional Planning office. He was not sent information because his property was not involved. He tried several times to find out dates and times of meetings and expressed concern about better ways of informing the public of future meetings.

Mr. Kraft related that he lives 2 ½ miles from the proposed Eastside Highway Corridor, had lived there for 41 years and was curious as to why it was needed. Mrs. Kraft stated that there should be better publication of these public hearings in the newspaper. Ads need to be larger, and the public is not sure where to find the notices in the paper.

Ms. Leung noted her mother's farm was in the affected area and appreciated the verbage about an east side highway. She was curious why the study would be done if it was already known where it would be going. She suggested that showing the east side highway corridor on a map would tarnish the land that is near it.

Mrs. Jeter inquired at what point IDOT would be involved with the eastside highway corridor study and who was in control of setting the time that IDOT would be involved. The developers seemed to have advanced knowledge. Mr. Russell informed Mrs. Jeter that IDOT determines when to be involved and when the study would be completed. He stated that IDOT is sensitive to public opinion and that the first meeting with local government planning and engineering staff would be held on Friday, September 2, 2005. Mr. Jeter stated his appreciation for the Commission's time and suggested widening the width on the drawing of the corridor to show more options for alignments. The current map seemed to target a certain area because it is only a half mile wide. He compared this highway issue as an example of a redistribution of wealth and power.

Mr. Pool noted that the current map showed a shaded area as a new corridor that was different from what was shown previously. This current version showed the corridor curving southwest at East Oakland Avenue. He inquired as to the origin of this change and who made the decision that this corridor be reserved as a no build area.

Mr. Russell explained that the Planning Commission was not discussing the results of an expressway feasibility study, but about updating the Comprehensive Plan. Development moratoriums would be decided by the elected officials of the jurisdictions involved. Mr. Russell noted that the proposed corridor depicted on the Plan was a compromise alignment to avoid the tributary of the Kickapoo Creek flood plain and other potential private developments that were being planned. Commissioner Baughan noted that the City Council favored the proposed depiction of the highway corridor.

Mr. Bittner testified that he represented three generations of farmers and that there was confusion over the eastside highway corridor and whether "bypass proposal" should be the term used. He read a letter from Congressman Tim Johnson who stated that he would only support a clear mandate for a bypass highway. Mr. Bittner informed the Commissioners that there was not enough information to make these decisions.

The corridor study should be before discussing a bypass. He believed that Towanda - Barnes should be widened as opposed to installing a bypass without having access to residential properties. He believed that including the corridor in the Comprehensive Plan was unfair to land owners because it left them in limbo. There should not be two major arteries that close together, referring to the eastside highway corridor and Towanda - Barnes Road. Mr. Bittner stated that Towanda - Barnes continues to carry traffic from I-55 to I-74 and that this eastside highway corridor would disrupt an established pattern of residential development. Ms. Paige stated her belief that the corridor had been changed because of known developments. She noted that the study would take the corridor closer to her property, and future subdivision plans would be in limbo.

The Honorable Mayor Stockton noted that it was his personal opinion that a new expressway should be developed if there was going to be continued development on the east side. Development would continue and the purpose would be to allow traffic in and out of the east side. If it was to be funded and built, it would not be determined by the Planning Commission.

Commissioner Sage inquired regarding the possibility of verbally referencing this corridor rather than visually referencing it. Mayor Stockton responded that if it was not put into a disclaimer than it would be unknown where it would be. Chairperson Cain stated that the appropriate governmental jurisdictions must be shown in order to reserve that area for a development moratorium. Commissioner Rackauskas noted that the Planning Commission makes recommendations, but that the City Council would make the final decision. Commissioner Morton recommended that updates regarding the corridor study be put on the City's web site. Mr. Stockton indicated that was a reasonable request.

Mr. Reynolds noted that the Old Town Township recently had changed insurance companies and was advised against an intergovernmental agreement on road maintenance without the City being

involved. Maintenance agreements would not be enough. He had been informed that the Eastlake developers paid \$15,000 per acre for the Eastlake site. He stated that it was his belief that the rural taxpayers should not have to pay for roads that are carrying mostly City generated traffic.

Mrs. Braden stated her belief that a skate park should be built in Bloomington-Normal. She inquired regarding hazardous material in the old Chicago & Alton Railroad yard area. It was her belief that it would make a great recreation area as well as the old Beich Candy factory property along West Front Street. Mr. Emmons responded that he could not comment with any degree of preciseness regarding the spilling of hazardous material due to not having all of the facts. She added her opinion that more extensive newspaper notification to the public regarding meetings would be better. Mr. Braden added that there should be consideration for indoor winter parks, BMX bike parks, and indoor skating for children between the ages of 10-17.

Mr. Devine informed the Commission of his concern regarding residential development south of the Norfolk Southern Railroad tracks, west of Road 2100 E. There is no infrastructure there to support additional traffic.

Ms. Catherine Dunlap thanked the Planning Commission for working on revitalizing the Downtown Area.

PLANNING COMMISSION RECOMMENDATION:

On September 7, 2005, the Planning Commission conducted a work session on the proposed Comprehensive Plan and failed to pass a motion by a vote of 4 to 5 to show an east side highway corridor graphically on the map and be reflected in the text of the proposed Comprehensive Plan. The Commission then passed a motion, by a vote of 6 to 3, to instruct Mr. Russell and the McLean County Regional Planning Commission staff to draft text for insertion into the Plan stating the following regarding the east side highway corridor study:

“acknowledgment of the Joint Resolution that will lead to a study; that the Commission adopts no posture on restrictions or moratoriums; acknowledgment of the significant impact of the project on the community and that the Commission eagerly awaits the results of the upcoming study; and will revisit this issue as soon as possible.”

At the September 14, 2005 regular meeting, Mr. Russell presented a handout referencing text and maps that had been modified, particularly omitting an east side highway corridor. He indicated that other requested changes had been made. Chairperson Cain complimented the work of the Regional Planning staff. Commissioner Rackaukas complimented all the people who took time to attend meetings and provide input.

After having given due consideration to this document and the testimony presented at the six public hearings, the Planning Commission passed a motion by a vote of 9 to 0 recommending the draft of the 2005 Comprehensive Plan to Council for their consideration.

STAFF RECOMMENDATION:

Staff respectfully recommends Council approval of the proposed draft of the City of Bloomington Comprehensive Plan, dated September 14, 2005, with the depiction of an east side highway corridor graphically on the maps and reflected in the text of the document and adoption of the City of Bloomington "East Side Plan" (amendment to 1997 Open Space Plan), prepared by Thompson Dyke & Associates, Ltd., dated April, 2005.

Respectfully,

Kenneth Emmons
City Planner

Keith Rich
Director of Parks & Recreation

Tom Hamilton
City Manager

(COMPREHENSIVE PLAN ON FILE IN THE CITY CLERK'S OFFICE)

Tom Hamilton, City Manager, introduced this item. He introduced Stan Cain, Chairman – Planning Commission, and Paul Russell, Director – McLean County Regional Planning Commission.

Mr. Russell provided a general overview. He cited the purpose of this plan was to serve as a guide for future development. It set land use policies and provided a strategy. The process included data gathering in order to develop a community profile. This plan was consistent with Thompson Dyke & Associates', (TD & A), Park Plan. Public review was conducted before the City's Planning Commission.

He cited the estimated population (92,500) by 2025. He noted that this figure represented a substantial increase. The City would grow in all directions. He estimated that there would be 13,000 new housing units. The City would annex an additional 6,000 acres of land. Concerns were expressed regarding balance, (farm land), and infrastructure costs. Target planning was done with six (6) areas around the Downtown. Flood plains were earmarked for conservation and recreation. Neighborhood commercial areas would be surrounded by higher density residential. Community centers would be designed for bicycling, walking and service by public transportation. Commercial areas would be located along regional highways. Commercial areas would be oriented toward vehicular traffic. He cited Veterans Parkway as an example. Other commercial areas were land adjacent to the Central Illinois Regional Airport (CIRA), and Market St./Illinois Rt. 9. He made note that there were industrial areas both light and heavy. Most of the heavy industrial use was existing. Light industrial areas were shown south of State Farm's south complex, southeast of CIRA, and along Illinois Rt. 9 West. He noted the existing government and institutional land uses.

He addressed the transportation plan which addressed the extension of Mitsubishi Motorway to Shirley, Illinois, and Towanda Barnes Rd. to I74E. He noted that the Bloomington Normal Public Transit would need to expand its fleet. City parks and Constitution Trail would be coordinated with TD & A's plan in order to meet Citywide

standards. Schools should be developed in conjunction with City parks and be amenable to bicycle and pedestrian traffic. He noted that City's plan for two (2) additional fire stations, (southwest and east). He noted the possible development of branch libraries. In addition, allowance must be made for the expansion of the City's water and sewer systems. The City's plan was also in compliance with the City's storm water management plan. He encouraged the Council to follow through and implement this plan. Plan review/progress reports can be prepared annually by the City's Planning Commission.

Stan Cain, Chairman – Planning Commission, addressed the Council. He introduced the Planning Commission members who were present at this evening's meeting: Julie Morton, David Sage, and Greg Shaw. He was pleased to present the Council with this document. It had been through an extensive review process. It had been the subject of six (6) Public Hearings. The Council held a Work Session. There had been a number of revisions. He expressed his opinion that this document was an improvement over the 1998 Comprehensive Plan. He noted that there were ten (10) essential issues. The Council memorandum brought attention to and elevated each one of them. He noted the following items: the encouragement of in-fill development; mixed use neighborhood centers; compact, contiguous growth; form based zoning; the provision of guidelines/mechanisms for housing diversity; eastside highway, (there was a lot of testimony and concerns regarding same); parks and recreation, (addressed in the text portion but not shown on the maps); five (5) year Capital Improvement budget, (revisit after adoption of the plan), should address anticipated growth; infrastructure needed and the future, (cited Eastlake development); transportation issues, (bicycle friendly routes and mass transit); Constitution Trail, (access to Downtown, major employers and schools); and finally an annual progress report and review. The Planning Commission planned to make the last item a priority. He recommended that the City continue with the five (5) year renewal for this plan. The annual review would provide a fresh perspective. He closed with a quotation. The Council should not make small plans. Big plans inspired and returned big results. He noted the City's strong leadership, its diversity, the variety of housing, its public/private partnerships, the investment in infrastructure, and land conservation through the development of City parks. All of these things result in a creative, intellectually stimulating environment.

Alderman Finnegan commended the Planning Commission's efforts. Alderman Crawford note the process' length. The Planning Commission had been fair and thorough in its efforts to improve the Plan.

Alderman Purcell noted his attendance at the Public Hearings and the Work Session. The meetings provided an interesting perspective. The Planning Commission had done a great job. He questioned the feasibility of a subway/tram for public transportation. Mr. Cain noted that this option was not seriously considered. The Planning Commission looked at the roadway grid and how it could be expanded to facilitate the traffic. Mr. Cain acknowledged the efforts of the McLean County Regional Planning staff.

Alderman Huette noted the eastside growth. He questioned why the eastside highway had been removed. Mr. Cain noted that the Planning Commission had been

sensitive to and respectful to those who had addressed them. He added his opinion that it was premature to suggest an eastside corridor. The Plan would have given the appearance of a known route. He added that it was important to move forward with this study.

Mayor Stockton acknowledged that there were individuals who were opposed to the proposed highway. If the route were misidentified, it would impact a property owner's ability to sell their property. Alderman Crawford expressed support for the corridor study. Mayor Stockton noted that the other side of the argument noted that it could provide a snap shot of where the road might be located. He expressed his concern with future development and appropriate zoning in the case of land acquisition. Landowners should be notified. Alderman Crawford noted that the maps would need to be changed.

Mayor Stockton questioned the difference between the Comprehensive Plan and the Corridor Study. Mr. Russell informed the Council that McLean County had received an \$800,000 grant to consider alignment alternatives. There was no time line specified but the work would commence in the near future. The City's Comprehensive Plan would be an important consideration. This study would be the best way to preserve the right of way. He noted the impact upon the effected landowners and the community at large.

Alderman Sprague thanked both parties for their efforts. He added that he had three (3) questions. He noted that the transportation issue had been addressed. He acknowledged the great local expertise. He compared the process to a think tank. An in depth study had been done.

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

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

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

Nays: None.

Motion carried.

Jeff Schwartz, 507 E. Washington, Downs, addressed the Council. Mr. Schwartz serves as the Mayor of Downs. He agreed that there was a lot of discussion before the Planning Commission. Alderman Crawford questioned if Mr. Schwartz's concern was the eastside corridor. Mr. Schwartz encouraged the Council to show at least one (1) alternative in the Plan document. Verbage regarding both should also be included. He noted that by showing the placement, it might predetermine the outcome. The Village's study would be complete by the year's end. The data would be shared with the public. He acknowledged the key question: where to show the proposed corridor on the map. He noted that impact upon the Village could be negative. He also noted the impact upon water and sewer rates.

Mayor Stockton noted that another study was underway. A road which made a ring around the City would be mutually exclusive. Mr. Schwartz noted that questions had been raised and there had been a circle of discussion. However, no outcome had been reached. To date everything had been speculative at best. He stated his preference for more substance. He questioned if the Council planned to address the question after the studies were complete. He added that there were some unknowns without the study.

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

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

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

Nays: None.

Motion carried.

Alderman Matejka questioned inclusion of the eastside corridor. The City needed to obtain federal and state dollars for this project. Mr. Hamilton stated his preference that the corridor be shown. It was a key element in the City's future growth and development and should be addressed in the Comprehensive Plan. There were development pressures on the City's east side. The majority of the proposed alignments were within the City. He restated his preference that it be shown. He questioned what City staff would tell developers. If the land is lost it would be costly to gain back. He recommended that a half mile be outlined. He added that the primary alternative from the original study should be used. The actual road would only be 300' wide. The key question for him was being consistent with the Plan.

Mayor Stockton cited adjacent space and appropriate land use. Mr. Hamilton noted that for key area, (interchanges), the use would have a commercial orientation. Mayor Stockton recommended that the Council accept City staff's recommendation. Text would be added to the Plan which would reference the study. Mr. Hamilton noted that City staff did not have a timeline nor the critical scope of the new study. He restated that the City needed to put people on notice. The Council should give strong consideration of this roadway. This was a serious issue which the Council needed to plan for accordingly.

Alderman Crawford noted that there was similar discussion before the Planning Commission. He agreed that the development community needed to be aware of same. There was no easy answer.

Mayor Stockton noted that marking a line may make the issue more urgent. Mr. Hamilton added that the developers do not always read the text.

Alderman Gibson stated that the Planning Commission could exercise control.

Alderman Crawford disagreed with this comment. The burden would fall to City staff. City staff had made a recommendation to the Council.

Alderman Purcell expressed his opinion that the proposed roadway should be shown.

Mayor Stockton noted that this roadway was two to three (2 – 3) years out or even further. Alderman Crawford noted this point was well made. He cited the pros and cons. It could serve as a visual warning. The City was in an awkward position. However, the placement of same might put pressure to start the study.

Alderman Crawford questioned the Planning Commission's vote. The vote was unanimous for the Plan and 5 to 4 to show the roadway.

Alderman Finnegan noted that a final decision on the corridor had not been made. Mr. Hamilton restated that a half mile (or 2,500) feet be shown. The actual roadway would be 300'. Alderman Finnegan added that this line would not be in concrete. Alderman Sprague noted that it would be a guide/a plan.

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

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

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

Nays: None.

Motion carried.

Tim Bittner, 19580 E. 1300 N. Rd., addressed the Council. He had been a part of and involved with this project four (4) years ago. He represented the agricultural area which would be affected. He commended the Planning Commission who listened to the testimony. This was an emotional issue. The study which was completed four (4) year ago was impacted by confusing process. The City's eastside development must be timely. The various communities involved had different ideas. He read from a letter written by Congressman Tim Johnson from July 2003. The City was using old information. A specific corridor should not be included. This roadway may or may not be built. The Eastlake development would require a major north south road. Within the development there would be a network of roads. The City has Veterans Parkway and Towanda Barnes Rd. which can handle traffic well. Both of these roads could be improved. Movement further west was not an original option. The City had varied from the study and looked for reason to justify another study. There were a number of options. A number of entities needed to provide input. The study could be tied up searching for a different answer. Designating an area would be unfair to the property owners/taxpayers. He noted the high

power lines in the area. He expressed his opinion that the City needed more information. He added his opinion that it was unfair to exclude the Planning Commission's efforts.

Mayor Stockton questioned how the corridor would be determined. Mr. Russell noted that an area 2,500' in width would be earmarked. This width would be used for each alternative route. The corridor could be included by using Alternative C. This was the one recommended by the consultant. The Plan could include both Alternative A & C with a recommendation to move further to the east. This was described as a compromise. There was old versus new information which would be obtained through further study. The subject would be revisited. The proposed study would involve public hearings. The goal was to reach a consensus. At this time, there was not a request for construction dollars. Mr. Russell expressed his belief that the proposed roadway should be shown.

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

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

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

Nays: None.

Motion carried.

Mayor Stockton raised another point which would be a state moratorium. Mr. Hamilton noted that this action is taken to insure that development does not occur. The proposed corridor would be placed in a protection zone which would insure that the land would be available. The request had been narrowed to a half mile. He recommended that this road be placed on the Comprehensive Plan.

Motion by Alderman Matejka, seconded by Alderman Sprague that the revised proposed draft of the City of Bloomington Comprehensive Plan dated September 14, 2005, with the depiction of an east side highway corridor graphically on the maps and reflected in the text of the document, and the City of Bloomington "East Side Plan" (amendment to 1997 Open Space Plan), prepared by Thompson Dyke & Associates, Ltd., dated April 2005 be approved.

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

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

Nays: Alderman Crawford.

Motion carried.

Alderman Matejka noted that his motion was in support of City staff and meant no disrespect for the Planning Commission.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Approval of Management Agreement for the U.S. Cellular Coliseum with Central Illinois Arena Management, Inc.

On January 14, 2002, the City entered into a Consulting and Sales Agreement with Central Illinois Arena Management, Inc. ("CIA"). On April 26, 2004, the Council voted to approve a Pre-Opening Sales and Management Agreement ("POSM") with CIA. John Butler and Mike Nelson are the principal officials of CIA. The POSM remains in effect.

The POSM contains the following clause:

In further consideration of this Agreement, the City shall negotiate in good faith with CIA to enter into a Management Agreement for the operation and management of the sports and entertainment center which Agreement shall take effect upon substantial completion and opening of the Center. Further, CIA shall have a right of first refusal with respect to any Management Agreement the City may negotiate with another entity.

In July of 2005, CIA exercised its right of first refusal. The Agreement before Council includes all necessary exhibits under the Management Agreement. ~~with the exception of the final drafts of~~ The final drafts of the Hockey and Arena Football lease agreements are being reviewed by the parties, and should appear on the Council agenda for October 10, 2005. Neither of the prior management agreement drafts with Bloomington Partners and Bloomington-Normal Arena Management included the necessary exhibits. Both of the other agreement drafts were subject to CIA's rights under the POSM Agreement.

Specifics of the Management Agreement is as follows:

CIA has negotiated a naming rights agreement with United States Cellular Corporation for the arena and with Pepsi-Cola General Bottlers, Inc. for the public ice rink. U.S. Cellular will contribute \$150,000 annually for ten years; Pepsi will contribute \$50,000 annually for ten years. By approving this Management Agreement, the City is also approving these naming rights agreements. The parties to the naming rights agreements provide \$2,000,000 in revenue to the Coliseum over ten years. In addition, in the unlikely event of a termination of the naming rights agreements, CIA remains responsible for the naming rights revenue, although it retains the ability to resell the naming rights.

CIA shall provide a Capital Contribution of up to \$1,000,000 in cash or equipment to the Coliseum for the purchase of all concession equipment necessary and appropriate to provide the Coliseum with commercially reasonable food and beverage and merchandise related equipment. CIA is responsible for providing to the Coliseum commitments from professional sports franchises as long-term, primary tenants at the Coliseum. CIA has tendered draft leases with BMI Hockey, L.L.C. and B-N Football, L.L.C. which are being reviewed by staff. As stated earlier, it is anticipated that these leases will be on the Council agenda for the October 10, 2005 meeting.

The term of the management agreement is ten years, with an option by CIA to exercise one 5 year renewal. The City has the right to renegotiate fees and conditions for the 5 year renewal term.

CIA's compensation for acting as the manager of the Coliseum is set forth in Section 10 of the Agreement. It will receive an annual fee or 4% of gross revenues; it will also receive a 20% share of the Coliseum's operating revenues. Gross revenues and operating revenues are defined in Section 10. There is an incentive fee which would be divided between the City and CIA in the event the naming rights are resold at a future date for an amount in excess of \$200,000; as noted before, this clause would operate only in the unlikely event of a termination of the US Cellular and Pepsi contracts.

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

Respectfully,

J. Todd Greenburg
Corporation Counsel

Tom Hamilton
City Manager

(AGREEMENT ON FILE IN THE CITY CLERK'S OFFICE)

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Approval of Professional Hockey License Agreement with Central Illinois Arena Management, Inc. and BMI Hockey, LLC; and Approval of Indoor Football License Agreement with Central Illinois Arena Management, Inc. and B-N Football, LLC

Two proposed leases with professional sports teams are submitted to the City Council. The terms of the leases are, in most cases, identical. Therefore, one memo will summarize the content of the leases.

BMI Hockey, LLC is a member of the United Hockey League Association (UHL); it has a debt-free, valid membership in that league. Thirty-eight (38) home games will be played at the U.S. Cellular Coliseum.

B-N Football LLC is a member of the United Indoor Football Association (UIFA). It will play eight (8) home games at the U.S. Cellular Coliseum.

Each team promises to pay a fixed base license fee of \$6,000.00 per home game.

Both leases are for five (5) year terms, renewable for two (2) additional five (5) year terms. The license fee will increase by the Consumer Price Index multiplier (a measurement calculated by the U.S. Department of Labor) cumulatively for each such five (5) year period. However, the increase is capped at twelve percent (12%) for each five (5) year period. The parties have the ability to suggest changes during the renewal terms; if changes cannot be agreed upon, the terms will be status quo.

The division of revenue from ticket sales is set forth. The sports teams have the right to set general admission ticket prices. Club seats and premium seat revenue is established by the operators of the Coliseum.

For club seat revenue during 2006, the split is as follows: Club seats: the City receives \$300; the hockey team receives \$334; the football team receives \$79. During 2006, the Hockey team receives \$2,750 from the sale of each suite; the football team receives \$1,000 from the sale of each suite (the suites are sold for \$25,000; the remainder of the revenue goes into the Coliseum Fund).

For club seat revenue during 2007 and subsequent years, the split is as follows: Club seats: the City receives 38.5% of the revenue; the hockey team receives 50%; the football team receives 11.5% (club seats will be priced at \$850.00 per seat; after commissions, the amount to be divided among the parties will be \$765.00). During 2007, the Hockey team receives seven percent (7%) from the annual suite fee; the football team receives four percent (4%) of the annual suite fee (the suites are sold for \$25,000; the remainder of the revenue goes into the Coliseum Fund).

The leases have standard language on the rights of the teams to use and occupy the premises, as well as requirements for notice prior to each season on required dates for home games, practices, and possible post-season play. The teams are granted certain exclusive use areas, such as locker rooms.

The sports teams have exclusive broadcast rights.

For the football team, the City covenants to have the Coliseum available for occupancy by April 1, 2006. There is a liquidated damages clause which requires the City to pay \$110,775.00 per league football game not played in the Coliseum in the 2006 season.

For the hockey team, the City covenants to have the Coliseum available for occupancy by September 1, 2006.

In return there are damages provisions for failure to play football or hockey seasons, which depend on how much notice is received that a season. For the football teams, if the operator receives notice after January 1st that the season for that year will not be played, the football team must pay \$48,000 (the cost of eight home games at \$6,000.00 per game). If notice is received between May 1st and December 30, the cost is \$30,000; if notice is received after January 1st but prior to May 1st for the season that commences the following year - \$18,000. If more than one year's notice is received, no damages are owed.

For the hockey team, any cancellation after March 30 for the season that commences in the current calendar year will require a payment of \$228,000; notice of cancellation between January 1st and March 30th for the season that commences in the current calendar year will require a \$152,000 payment; a cancellation after September 1st but prior to January 1st for the hockey season that commences the following calendar year will require a \$101,333.00 payment. Notice received prior to that time would not require a payment of damages.

The leases also contain indemnification clauses. As is standard in business contracts, each party agrees to indemnify the other parties for its own actions which cause damage to the other parties. In addition, the indemnification clauses include language in which the City agrees to indemnify and defend the hockey and/or football teams in the event those teams are sued in connection with pending litigation involving the arena management or litigation in connection with the sports leases which is subsequently filed by third parties. In return, however, the City has the option of having the sole discretion of choosing counsel of its choice to defend the sports team and to settle any such litigation.

The leases have language which permit the sports teams to terminate their leases in the event the management contract with CIA is not approved simultaneously with the sports agreements or if the CIA management agreement is terminated or expires.

The City staff recommends the approval of these leases.

Respectfully,

J. Todd Greenburg
Corporation Counsel

Hannah Eisner
Deputy Corporation Counsel

Tom Hamilton
City Manager

(LEASES ON FILE IN THE CITY CLERK'S OFFICE)

Tom Hamilton, City Manager, introduced this item. City staff had been working on this item for several weeks. The City has all of the documents and Central Illinois Arena Management, (CIA), has met its obligations. The Council had received copies of the Management Agreement, the Naming Rights, and the Football and Hockey Leases. The package of documents was acceptable. The sport teams were compatible with the market. The majority of the teams were located in the Midwest. He expressed his opinion that this was the best package. City staff recommended approval.

Mayor Stockton stated his expectation that there would be a lot of discussion regarding this item.

Alderman Gibson described the presentation of these documents as the eleventh hour. The Council was expected to make a decision this evening in order for this project to stay on schedule. CIA waited until April 2004 to exercise its right. He noted that City staff had recommended approval.

Alderman Purcell questioned if CIA had met all of its obligations. Todd Greenburg, Corporation Counsel, responded affirmatively. The only exception was for future day to day management. Alderman Purcell questioned the fixtures.

Alderman Crawford expressed his concern regarding planning. He noted that the Council received documents as this evening's meeting was starting. He expressed his opinion that the Council had two (2) choices: 1.) lousy and 2.) lousier.

Alderman Sprague noted that the building's construction was on target. He cited CIA's accomplishments from December 2003 to the present. The project was on budget and on time. The project involved multiple choices on management. The City wanted good people involved in the management of this facility. He added that good people would want to be involved in this great project.

Alderman Finnegan noted the legal issue burden. The City did not have the right to deny CIA the opportunity to manage this facility. He noted that the other group, (Bloomington Normal Arena Management/BNAM), was also made up of excellent people.

Alderman Sprague stated the choice, CIA or BNAM. Mr. Greenburg noted that City staff recommended CIA. Alderman Sprague noted that the Council could vote against this recommendation. Mr. Greenburg cited one legal issue with such action: breach of legal obligation. He questioned if CIA would then file legal action against the City. Beyond that the City would have to try to complete management agreement with BNAM. The only party that the City would be able to bargain with was BNAM.

Alderman Purcell cautioned that the key words in the original agreement were right of first refusal. Alderman Sprague questioned what would happen if the court would find that BP and/or BNAM were the rightful management group. Mr. Greenburg cited the most likely outcome. BP did not hold a valid contract. BNAM's contract was subject to CIA's prior rights. He expressed his opinion that neither would be successful. The City has the duty to bargain in good faith with CIA. It was not wise to refuse.

Mayor Stockton questioned if CIA had not met all of its obligations, then the City would be able to negotiate with BNAM. Mr. Greenburg cited the legal ramifications of refusal.

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

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

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

Nays: None.

Motion carried.

John Butler and Mike Nelson, CIA, addressed the Council. They thanked the Council for the opportunity to address them. They had been involved in this project since 1999. Their first contract with the City dated back to January 2002 and the second one was dated April 2004. CIA had fulfilled its obligations. They listed the following: two (2) tenants, sponsorships, naming rights, and suite/club seat sales. US Cellular supports this project. The UHL (United Hockey League) would also have a team in Hoffman Estates. They offered to answer any questions.

Mayor Stockton questioned the quality of the teams (East Coast Hockey League/ECHL versus UHL). He questioned how the two (2) leagues compared. Mr. Nelson noted that both leagues were double AA. Bloomington Partners (BP) would have brought an ECHL team. He cited his long relationship with Peoria's hockey team. CIA would have been comfortable with a Bloomington/Peoria rivalry. Peoria went to the AHL (American Hockey League). Regional rivalries were a good thing. He cited travel costs and budget. He believed that CIA had made the right choice. CIA had twenty (20) years experience with minor league sports.

Mayor Stockton questioned indoor football. Mr. Nelson noted that when Arena Football 2 started it had been owned by the NFL (National Football League). Peoria dropped out of the league AF2 due to the high travel costs. CIA had recommended a Midwest league. It was relatively new. The hope was to create rivalries and maintain costs. The league had a great first season. The Bradys were willing to invest in the team.

Alderman Huette expressed his belief that football would put people in seats. Mr. Nelson noted that the AF2 offered higher attendance with much higher costs. He noted that the teams within the United Indoor Football League, (UIF), experienced different levels of attendance. He expressed his belief that the UIF would be a faster growing league. The average attendance was just under 4,000. The teams located in Peoria, Rockford, and Hoffman Estates were in this league.

Mayor Stockton questioned financial statements. Mr. Butler noted that CIA would make an additional contribution of \$200,000 on or before April 1, 2006. He welcomed other questions and/or concerns.

Alderman Matejka requested that this infusion of cash be presented to Mr. Hamilton. Mr. Butler offered to show the balance sheet effective March 30, 2006. Alderman Sprague questioned the line item entitled unencumbered. Mr. Butler noted that

this line contained a combination of cash flow, share holder loans and/or stock sales. Mr. Greenburg noted that the agreement could be approved contingent upon assurances contained in the letter.

Mayor Stockton questioned indemnification clauses. Bill Mueller, 210 N. Center St., addressed the Council as CIA's attorney. He noted the pending lawsuits and discussion of indemnification. The clause contained in the sport teams' leases were identical. These agreements contained standard language. The City would have complete control in defending a lawsuit. The parties needed to accept these clauses given today's market.

Alderman Huette wanted to confirm the discussion regarding concession equipment. It would be in place and operational by April 1, 2006. Mr. Butler noted that if the contract was approved, then CIA would go forward with the purchase. Everything was on schedule.

Alderman Sprague addressed the sport teams' leases. He cited particulars within the football lease. He noted the general design and the lack of office space. He questioned if there was a need for year round space. Mr. Nelson noted that the football team's staff would share space with CIA. CIA would provide administrative oversight to both teams. There were a number of rooms plus open space.

Alderman Sprague questioned Exhibit A, page 4, (building plans). He did not have them and requested a copy. He questioned the CPI, (Consumer Price Index), multiplier contained on page 5. Mr. Nelson noted that this figure was cumulative over the five (5) years. Mr. Hamilton added that the number was less than four percent (4%). Alderman Sprague noted that the rental fee was the same for both sport teams. Mr. Nelson stated \$6,000 per game. Alderman Sprague questioned the facility fee. Mr. Nelson noted the \$1 parking fee. The facility fee was attached to tickets purchased by telephone or internet. Alderman Sprague noted that football did not pay a facility fee. Mr. Nelson noted that it should be there. The fee may vary by event. It would be lower for hockey and football. The pro forma listed a facility fee with estimated revenue of \$300,000. Mr. Hamilton noted that Rockford charges \$3 for hockey ticket orders placed over the internet.

Alderman Sprague questioned page 25 of the football lease which addressed damages if the facility was not completed in time for the football season. Mr. Nelson noted Ed Brady's \$80,000 investment with a total revenue budget estimated at \$880,000. The total budget would be divided by eight (8) games. Mr. Brady had used ten (10) games. There would not be any preseason games during the first years. Alderman Sprague noted that eight (8) Friday and/or Saturday nights had been reserved for football. Mr. Nelson added from March through the middle of July.

Alderman Huette noted that hockey season would begin in January. Alderman Sprague questioned scheduling from January through mid July. Mr. Nelson noted that there would be by weeks due to other events. Eight (8) Friday and/or Saturday games over twenty-two (22) weeks would not be an issue.

Alderman Sprague questioned the \$750 premium seat charge and how it would be divided. Mr. Nelson noted that club seats for both hockey and football would cost \$750. The City would receive \$300, the hockey team would receive \$334 (approximately \$9 per game), and the football team would receive \$79 (approximately \$10 per game). This figure was based upon forty-six (46) dates minus commission.

Alderman Sprague questioned 2006 suite sales. Mr. Nelson noted that the figure was based upon the number of games. The City would receive \$20,000 per suite. Suite sales were obligated guaranteed income. This figure had not changed.

Alderman Sprague addressed the hockey lease (page 9). He questioned the changes. Alderman Crawford noted that the document was only a couple of days old. Mr. Greenburg noted that the main change was to the numbers which had been listed in a fax received from Mr. Butler. There were also clerical changes to section numbers.

Alderman Matejka was glad to see the Consumer Price Index (CPI) had been used in terms of pricing. This fact should be considered when reviewing the budget for this facility. This fact should carry through to staffing.

Alderman Huette noted that the naming rights agreement called for a 375 parking space structure. Mr. Hamilton noted that there were 275 parking spaces.

Alderman Sprague questioned the number of suites. Mr. Nelson stated that there were twenty-four (24) suites which held fourteen (14) people. There were also two (2) luxury suites which held twenty (20) people. These could be rented for an individual event.

Tom Arkel, 1001 N. Main St., addressed the Council as BNAM's attorney. He thanked them for the opportunity to speak. He informed them that he had played hockey at the collegiate level. He noted his knowledge and background with regards to the game. He read from a prepared statement from his client. He cited BNAM's financial stability. BNAM planned to bring ECHL and AF2 team to the US Cellular Coliseum. These two (2) facts were a vast improvement over CIA's plans. ECHL team are affiliated with the NHL, (National Hockey League). He encouraged the Council to research the quality of these two (2) leagues, (ECHL and UHL). He encouraged the Council to consider quality versus cost. He requested that the Council lay this item over until their November 14, 2005 meeting. If the Council felt compelled to vote this evening, he encouraged a no vote. A delay would allow the Council time to have its concerns addressed. There would be no impact from delaying this vote until early November. He questioned the dates contained in the agreement with Pepsi. He noted that BNAM held a ten (10) year management contract. CIA exercised its right of first refusal afterwards. CIA also exercised this right after the naming rights were secured. He noted that Mr. Greenburg had given direction to the Council that CIA's right of first refusal was still valid. He noted his disagreement with same. The City had negotiated in good faith. BNAM has held conversations with the ECHL and AF2. He again questioned which leagues were less costly. The delay would allow the Council time to evaluate both proposals and determine which was in the best

interest of the taxpayers. He added that CIA was currently being sued by both BP and BNAM.

Alderman Gibson noted that CIA held a right of first refusal. CIA exercised this right in July 2005. CIA had until December 2005 to exercise this right by their agreement with the City. Mr. Arkel apologize for any misunderstanding. Alderman Gibson noted that CIA had done an excellent job during a short period of time. Mr. Arkel questioned BNAM's role. Alderman Gibson restated that BNAM knew that CIA had a right of first refusal.

Alderman Crawford noted that the late receipt of documentation. He added that the Commissioner of the ECHL should have contacted BNAM and/or City earlier. Mr. Arkel restated the key question, quality versus cost.

Alderman Purcell questioned if this was BNAM's first communication with the ECHL. He also questioned if during the span of one (1) month could BNAM have leases secured with ECHL, AF2 and a concessionaire. Mr. Arkel stated that BNAM could provide the best sports and management teams. He had spoken with individuals who have managed other facilities.

Mayor Stockton questioned what would happen if the City rejected the agreement with CIA. Mr. Arkel stated that BNAM planned to offer CIA's staff employment with them.

Alderman Purcell noted that Mr. Arkel was Larry Hundman's attorney. He questioned if there were any gaps between BNAM's contract and a potential hockey team. He expressed his concerns regarding cash flow. Mr. Arkel questioned why BNAM was left out of the agreement with Pepsi. Alderman Purcell cited CIA's right of first refusal which he believed was contained in BNAM's agreement with the City. Mr. Arkel reminded the Council that Bill Hundman, Larry's brother, had served BNAM's attorney before his death. Alderman Purcell acknowledged BNAM request for another month.

Mayor Stockton questioned BNAM's right to participate. Mr. Hamilton noted CIA's first right of refusal. The City has an obligation to work with CIA and negotiate in good faith. He had contacted Mr. Hundman by emailed last Thursday, October 6, 2005, regarding questions for/from the Council. Mr. Arkel's appearance before the Council was the first response.

Mr. Greenburg stated that the City's legal position remained the same. The City had obtained information from Mr. Hundman. The BNAM agreement language was clear. This agreement was subordinate to the City's agreement with CIA. Mr. Arkel stated his belief that there was a ten (10) year agreement. Mr. Greenburg restated that CIA had exercised its right of first refusal.

Alderman Sprague questioned what had been given to Mr. Hamilton and to BNAM. BNAM's agreement was dated December 2004 and CIA's agreement was dated April 2004. He noted that both groups were requested to secure tenants.

Mayor Stockton referred BNAM to the Pre Opening Sales and Marketing agreement. Mr. Greenburg stated that the preamble explicitly stated that CIA held a right of first refusal.

Ed Brady, 39 Country Club Pl., addressed the Council. He thanked the Mayor and the Council for the opportunity. This football franchise has been a two (2) year project. Meetings were held with the AF2, National Indoor Football League and the UIF. He had the opportunity to provide an AF2 team. The business models were compared. The UIF was less expensive and therefore more affordable. This had meant that the UIF has been more successful. He had met with the current team owners and the league's expansion committee. He restated that the AF2 was simply too expensive. He noted his comfort with the quality of the UIF. He stressed the need to move forward as the UIF's deadlines had past. He needed to hire coaches, name the team, and start promoting same. The US Cellular Coliseum was scheduled to open on April 1, 2006. He noted that the criticism was unfortunate as due diligence had been done.

Alderman Crawford questioned the impact of laying this item over for one (1) month. Mr. Brady stated that the 2006 season would be gone. Mayor Stockton stated that the league needed an answer by October 12/13th. Mr. Brady requested that the Council move forward with the management contract. Mr. Butler and Mr. Nelson would oversee the day to day operations of the football team. He had always planned for CIA to perform these tasks.

Alderman Purcell expressed his opinion that a thirty (30) day timeline to acquire an AF2 team was reasonable. Mr. Brady restated that he spent two (2) years acquiring an indoor football team. An AF2 model would not work in this market. This league requires larger markets. He was excited about a rivalry with Peoria. He wanted the franchise to be successful.

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

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

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

Nays: None.

Motion carried.

Alderman Sprague questioned the additional investment by CIA. Mr. Greenburg noted CIA's willingness to do so. He cited a letter dated October 7, 2005. Alderman

Sprague questioned if the leases that were before the Council for approval contained the same language. Mr. Greenburg noted page 37 of the document. He cited a fax received which addressed revenue. He added the division for club seat revenue. There were no material differences in the terms as presented. Alderman Sprague restated that this was the only substantial change. Mr. Greenburg responded affirmatively.

Mayor Stockton questioned if the agreement was consistent with the pro forma. Mr. Hamilton responded affirmatively. Mayor Stockton recommended that the motion be subject to final proofing by the Council. The agreement needed to be checked for typographical errors. He requested that this information be included in the motion. He restated that there would be no substantial changes to the agreements.

Alderman Matejka made a final comment. Legally, the City had no choice. CIA had performed. He stated his recollection that CIA and BNAM were partners. This partnership would have provided a better product. The City needed to go forward. He wished the parties involved could have cooperated.

Mayor Stockton noted the substantial risk with a project of this size. This evening was the time to act. Alderman Gibson requested that the Mayor hold off on signing the agreement. Mayor Stockton would allow twenty-four to forty-eight, (24 – 48), hours for the document to be proofed.

Motion by Alderman Matejka, seconded by Alderman Purcell that the Development and Management Agreement be approved other items subject to this agreement include the Professional Hockey License Agreement with Central Illinois Arena Management, Inc. and BMI Hockey, LLC; and that the Indoor Football License Agreement with Central Illinois Arena Management, Inc. and B-N Football, LLC, and the Mayor and City Clerk be authorized to execute the necessary documents, contingent upon providing proof to the City Manager that Central Illinois Arena Management, Inc. has made an additional investment of \$200,000 by April 1, 2006.

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

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

Nays: None

Motion carried.

MAYOR'S DISCUSSION: None.

CITY MANAGER'S DISCUSSION: None.

ALDERMEN'S DISCUSSION: Alderman Schmidt thanked CIA for the regular information. She anticipated that activity flow would be similar to the Bloomington Center

for the Performing Arts. The information provided gave her a better understanding. She thanked them for making it possible for the City to participate in these markets.

Alderman Purcell noted that his term began midstream. He planned to help this project to be successful by being a season ticket holder. He thanked the various parties involved: CIA, US Cellular, Pepsi, and the hockey and football leagues and team owners.

Motion by Alderman Sprague, seconded by Alderman Matejka, that the meeting be adjourned. Time: 10.55 p.m.

Motion carried.

**Tracey Covert
City Clerk**

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