

**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 7:32 p.m., Monday, September 27, 2010.

The Meeting was opened by Pledging Allegiance to the Flag followed by moment of silence.

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: Judy Stearns, Bernie Anderson, David Sage, John Hanson, Jennifer McDade, Steven Purcell, Karen Schmidt, Jim Fruin and Mayor Stephen F. Stockton.

Alderman absent: Kevin Huette.

City Manager David Hales, City Clerk Tracey Covert, and Corporate Counsel Todd Greenburg were also present.

Alderman Fruin read the same statement that appeared in the August 23, 2010 Council Proceedings prior to voting.

The following was presented:

SUBJECT: Council Proceedings of June 22, July 13 and July 27, 2009

RECOMMENDATION: That the reading of the minutes of the previous Council Proceedings of June 22, July 13 and July 27, 2009 be dispensed with and the minutes approved as printed.

BACKGROUND: The Council Proceedings of June 22, July 13 and July 27, 2009 have been reviewed and certified as correct and complete by the City Clerk.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Tracey Covert
City Clerk

Recommended by:

David A. Hales
City Manager

Motion by Alderman Hanson, seconded by Alderman Purcell that the reading of the minutes of the previous Council Meetings of June 22, July 13, and July 27, 2009 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 Stearns, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Bills and Payroll

RECOMMENDATION: That the bills and payroll be allowed and orders drawn on the Treasurer for the various amounts as funds are available.

BACKGROUND: The list of bills and payrolls will be furnished to on Thursday, September 23, 2010.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Total disbursements information will be provided via addendum.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Timothy Ervin
Director of Finance

David A. Hales
City Manager

(ON FILE IN CLERK'S OFFICE)

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

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

Ayes: Aldermen Stearns, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Payments from Various Municipal Departments

RECOMMENDATION: That the payments be approved.

BACKGROUND: All of the described payments are for planned and budgeted contracts previously approved by the City Council.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: As follows:

1. The twenty-fifth partial payment to Town of Normal in the amount of \$362,966.44 on a percentage basis contract of which \$5,543,783.52 will have been paid to date for work certified as ongoing for the Metro Zone Sales Tax Rebate. Completion date – None.
2. The twenty-third partial payment to Interchange City West in the amount of \$117,537.15 on a contract amount of \$3,912,913.66 of which \$2,968,505.10 (\$11,254.99 in reimburseables) will have been paid to date for work certified as 76% complete for the Interchange City West Tax Rebate. Completion date – April 2016.
3. The fourth partial payment to Downtown Bloomington Association in the amount of \$14,625 on a contract amount of \$175,500 of which \$73,125 will have been paid to date for work certified as 42% complete for the Downtown Bloomington Association Annual Funding. Completion date – April 2011.
4. The fifth partial payment to Convention & Visitors Bureau in the amount of \$42,300 on a contract amount of \$507,600 of which \$211,500 will have been paid to date for work certified as 42% complete for the CVB Annual Funding Commitment. Completion date – April 2011.
5. The fifth partial payment to Economic Development Council of Bloomington/Normal in the amount of \$6,000 on a contract amount of \$72,000 of which \$30,000 will have been paid to date for work certified as 42% complete for the McLean County Economic Development. Completion date – April 2011.
6. The second partial payment to the Pantagraph in the amount of \$1,699.04 on a contract amount of \$46,585.92 of which \$3,196.16 will have been paid to date for work certified as 7% complete for the 2010 - 2011 Seasonal Advertising Services. Completion date – April 2011.

7. The first and final payment to Frank & Andrea Hoffmann in the amount of \$19,500 on a contract amount of \$19,500 of which \$19,500 will have been paid to date for work certified as 100% complete for the Harriet Fuller Rust Façade Grant. Completion date – August 2010.
8. The eleventh partial payment to Stark Excavating, Inc. in the amount of \$7,481.82 on a contract amount of \$929,561.50 of which \$800,347.98 will have been paid to date for work certified as 86% complete for the Division B TIF District Streetscape Improvements. Completion date – September 2010.
9. The fifth partial payment to Illinois Department of Transportation in the amount of \$39,897.84 on a contract amount of \$624,200 of which \$350,829.75 will have been paid to date for work certified as 56% complete for the Constitution Trail Project – Grove St. to Croxton Ave. Completion date – October 2010.
10. The fourth partial payment to Stark Excavating in the amount of \$108,645.95 on a contract amount of \$1,318,948 of which \$1,196,726.07 will have been paid to date for work certified as 91% complete for the Kickapoo Creek Restoration – Phase II. Completion date – September 2010.
11. The first partial payment to JG Stewart Contractors in the amount of \$19,537.84 on a contract amount of \$162,505 of which \$19,537.84 will have been paid to date for work certified as 12% complete for the 2010 CDBG Sidewalk Rehabilitation. Completion date – October 2010.
12. The first partial payment to Shive Hattery in the amount of \$13,899.50 on a contract amount of \$19,500 of which \$13,899.50 will have been paid to date for work certified as 71% complete for the Design Emergency Resurfacing Repairs – General Maintenance Resurfacing. Completion date – January 2011.
13. The first partial payment to Rowe Construction in the amount of \$89,574.49 on a contract amount of \$1,197,050.76 of which \$89,574.49 will have been paid to date for work certified as 75% complete for the Emergency Repair Program Resurfacing – Lincoln Street & Ireland Grove Road. Completion date – July 2011.
14. The sixth partial payment to Felmley Dickerson in the amount of \$1,689.18 on a contract amount of \$308,157.50 of which \$97,691.02 will have been paid to date for work certified as 32% complete for the 2009 - 2010 Sidewalk Replacement and Handicap Ramp Program. Completion date – May 2010.
15. The fifth partial payment to Clark Dietz in the amount of \$932.50 on a contract amount of \$93,400 of which \$15,931.50 will have been paid to date for work certified as 17% complete for the Design Regency Pump Station Rehabilitation. Completion date – January 2011.

16. The sixth partial payment to Consoer Townsend Envirodyne in the amount of \$3,614.70 on a contract amount of \$41,600 of which \$24,817.96 will have been paid to date for work certified as 60% complete for the Design of Dust Collection System for Lime Conveyance System at Lake Bloomington. Completion date – December 2010.
17. The seventh partial payment to Consoer Townsend Envirodyne in the amount of \$2,401.25 on a contract amount of \$41,600 of which \$27,219.21 will have been paid to date for work certified as 65% complete for the Design of Dust Collection System for Lime Conveyance System at Lake Bloomington. Completion date – December 2010.
18. The fifth partial payment to Shive Hattery in the amount of \$5,572.22 on a contract amount of \$38,500 of which \$36,662.75 will have been paid to date for work certified as 95% complete for the Design for Water Main Replacement on Greenwood Ave. Completion date – December 2010.
19. The second partial payment to Gildner Plumbing, Inc. in the amount of \$14,780.70 on a contract amount of \$233,597 of which \$165,802.50 will have been paid to date for work certified as 71% complete for the Graham St. Water Main Replacement to O’Neil Park through O’Neil Park and back to Hinshaw. Completion date – December 2010.
20. The thirty-first partial payment to Clark Dietz, Inc. in the amount of \$4,511.25 on a contract amount of \$305,000 of which \$240,939.36 will have been paid to date for work certified as 79% complete for the Locust/Colton Sewer Separation & Water Main Replacement Design (CSO Elimination Phase I). Completion date – October 2010.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Tracey Covert
City Clerk

Timothy Ervin
Director of Finance

David A. Hales
City Manager

Motion by Alderman Hanson, seconded by Alderman Purcell that the payments be approved.

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

Ayes: Aldermen Stearns, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Report

RECOMMENDATION: That the report be received and placed on file.

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

1. Monthly Receipt & Expenditure Report, August, 2010.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Tracey Covert
City Clerk

Timothy Ervin
Director of Finance

David A. Hales
City Manager

(ON FILE IN CLERK'S OFFICE)

Motion by Alderman Hanson, seconded by Alderman Purcell that the report be received and placed on file.

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

Ayes: Aldermen Stearns, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Reappointment to Various Boards and Commissions

RECOMMENDATION: That the Reappointment be approved and the Resolution adopted.

BACKGROUND: I ask your concurrence in the reappointment of Robert Rush Jr. to the Public Building Commission with a term to expire September 30, 2015.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public Building Commission of McLean County.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Recommended by:

Stephen F. Stockton
Mayor

RESOLUTION NO. 2010 - 31

**RESOLUTION FOR REAPPOINTMENT OF ROBERT W. RUSH, JR.
AS A COMMISSIONER OF THE PUBLIC BUILDING COMMISSION
OF MCLEAN COUNTY**

WHEREAS, the term of Robert W. Rush, Jr. as this City's appointee to the Public Building Commission of McLean County, Illinois expires on September 30, 2010 and it is deemed advisable to reappoint him for another five (5) year term; and

WHEREAS, the Mayor of the City of Bloomington in accordance with the provisions of Chapter 50 of the Illinois Compiled Statutes Act 20/5 has the responsibility to fill the expiration of a five (5) year term by appointment or reappointment, with the advice and consent of the City Council.

BE IT THEREFORE RESOLVED, that the City Council of the City of Bloomington, now in regular session deems it appropriate to give its advice and consent to the reappointment of Robert W. Rush, Jr. as a commissioner of the Public Building Commission of McLean County, Illinois for a term of five (5) years to expire on September 30, 2015 or until his successor shall have been qualified and appointed.

BE IT FURTHER RESOLVED, that the City Clerk shall forward a certified copy of this Resolution of Reappointment of Robert W. Rush, Jr. to the Public Building Commission of McLean County, Illinois.

Adopted by the City Council of the City of Bloomington this 27th day of September, 2010.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Fruin questioned the appointment to the Public Building Commission (PBC). Mayor Stockton addressed the Council. Council had been given a list of PBC members. Alderman Fruin noted the members were all of the same gender. This fact should be considered with future appointments.

Alderman Purcell questioned the attendance, length of tenure and background of the PBC members. Mayor Stockton stated the PBC was not a City Commission. Only one (1) member was appointed by the City.

Motion by Alderman Hanson, seconded by Alderman Purcell that the Reappointment be approved.

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

Ayes: Aldermen Stearns, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Payment for the Emergency Purchase of an Ebara Brand Pump

RECOMMENDATION: That the payment to Thomas Pump Company for an Ebara Brand Pump in the amount of \$16,894 be approved.

BACKGROUND: The Water Treatment Plant sludge decant pumps are pumps used to return water that has settled at the lime sludge lagoons near the Water Treatment Plant. These pumps are critical to keeping the plant in compliance with federal water discharge regulations and can only be out of service for a short duration.

Council approved a contract on February 22, 2010 with AECOM, the engineering firm, to provide the design, specification preparation and bidding for a new sludge decant pump. This was the second phase in replacing the existing sludge decant pumps. The first phase was a study to determine the head characteristics necessary for a new pump, utilizing the existing piping conditions in the decant water return line at the plant.

Those specifications and plans were being prepared when the current pump failed. It is critical that the sludge decant pump operate 24/7. A replacement pump needed to be purchased immediately. In the days that it took to order and have a new pump delivered, it was necessary to rent a diesel powered pump to pump the decant water back into the plant. The specifications prepared by AECOM were used for this emergency pump purchase and will also be used to solicit bids for the purchase of a redundant pump to be on standby for when the current pump is taken out of service for maintenance. That purchase is planned for this fall.

Staff sought quotations for an emergency replacement pump. The quotations for a 60 HP, 1800 RPM, 6" discharge, 40' cable, with quick discharge connector were as follows:

Luczak Sales, Inc., Schaumburg, IL	\$18,349
Thomas Pump Company, Inc., Aurora, IL	\$16,894
General Pump and Machinery, Inc, Peoria, IL	\$22,000

Staff respectfully recommends that the invoice for the purchase of the Ebara brand pump from Thomas Pump Company be approved in the amount of \$16,894.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Luczak Sales Inc., Thomas Pump Company, Inc., and General Pump and Machinery, Inc.

FINANCIAL IMPACT: \$16,894 was budgeted in the Capital Equipment Line Account #5010-50130-72140 (Water, Purification, Capital Outlay Equipment Other than Office).

Respectfully submitted for Council consideration.

Prepared by:	Reviewed by:	Recommended by:
Craig M. Cummings Director of Water	Tim Ervin Director of Finance	David A. Hales City Manager

Ron Schultz, 1208 E Oakland Ave., addressed the Council. He cited past issues with caustic water and undersized lines. He expressed concern regarding environmental problems. He questioned the pump's specifications. Craig Cummings, Water Director, addressed the Council. There were future plans to upgrade the pipes. The pump size was based upon current conditions.

Alderman Purcell questioned the amount of pressure. Mr. Cummings stated a consultant was hired to draft specifications to meet today's conditions. The conditions were difficult for the pump. The pump had a short life span. There was some scale build up in the lines.

Motion by Alderman Hanson, seconded by Alderman Purcell that the payment to Thomas Pump Company for an Ebara Brand Pump in the amount of \$16,894 be approved.

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

Ayes: Aldermen Stearns, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Analysis of Bids for Water Treatment Chemicals

RECOMMENDATION: That the bids be awarded to the various vendors and the Purchasing Agent authorized to issue Purchase Orders for same.

BACKGROUND: On September 10, 2010, bids were opened for water treatment chemical needs for the next twelve (12) months. There were certain chemicals that increased in price, others decreased and two (2) chemical prices remained the same as last year. This is a clear indication of the volatility of the bulk chemical market.

All vendors were invited to submit proposals for a three (3) year agreement to supply chemicals in addition to the standard one (1) year bid. A few vendors submitted three (3) year proposals, one (1) vendor for sodium hexametaphosphate, one (1) for liquid chlorine, one (1) for hydrofluosilicic acid and two (2) for carbon dioxide.

Only one proposal for carbon dioxide from Praxair capped yearly increases for years two and three (2 - 3) to four percent (4%) each year. Staff believes this proposal to be the most beneficial to the City. The new price would remain constant for that year and annual renewal is subject to mutual agreement. Council would approve renewals each year.

The use of these individual chemicals in the water treatment process is as follows:

Ferric Sulfate – a compound used to increase the removal of suspended materials, such as small soil particles, that are suspended in the water. Basically, very small suspended particles clump together to settle quicker in the water treatment plant.

Carbon Dioxide – the compound that gives pop its fizz is the same material used to lower the pH in water after the removal of dissolved minerals through the use of lime (the water softening process). Lime greatly increases the pH of the water and that pH must be lowered to prevent the formation of scale on the filters and to make the water palatable. Carbon Dioxide, which forms a weak acid, is bubbled into the water to accomplish this.

Sodium Hexametaphosphate – this phosphate compound is used to prevent scale from forming on the filters in the water treatment plant.

Liquid Chlorine – Chlorine is used as a disinfectant in water treatment plants. It is a strong oxidant so it helps with taste and odor as well. In the United States, a minimal amount of chlorine must be present in the pipes in all areas of the water distribution system to continue working as a disinfectant all the way to a customer’s water service connection.

Anhydrous Ammonia – Ammonia is added to the water already containing chlorine to form a class of compounds known as chloramines. Chloramines act as disinfectants, just like chlorine, but are stable in the water delivered to customers for a longer period of time than just chlorine alone.

Hydrofluosilicic Acid – commonly referred to as fluoride, this chemical is added to the water to increase the amount of fluoride in drinking water to levels which are optimal for the protection of adults, but to a greater extent, children’s teeth from cavities. There is a modest amount of naturally occurring fluoride in the water taken from our reservoirs; the addition of hydrofluosilicic acid simply increases that to optimal levels. The addition of fluoride to optimal levels is a state law.

The responsive and qualified low bidders are as follows:

CHEMICAL	VENDOR	Unit of Measure	CURRENT YEAR	LAST YEAR	% Change
Ferric Sulfate	Kemira Water	Ton	\$141.30	\$234.40	-65.9%
Carbon Dioxide	PraxAir	Ton	\$48.90*	\$48.90	0%
Sodium Hexametaphosphate	Shannon Chemical Corp.	Ton	\$1,940.00	\$1,112.00	76.3%
Liquid Chlorine	Alexander Chemical, Inc.	Ton	\$482.00	\$487.00	-1%
Anhydrous Ammonia	National Ammonia	Ton	\$1,360.00	\$1,360.00	0%
Hydrofluosilicic Acid	LCI, Ltd.	Ton	\$648.00	\$722.00	-11.4%

* Three (3) year agreement with the price increase limited to 4% in years 2 and 3.

It should be noted that one (1) bidder did not provide a bid with the proper equipment as specified in the bid requirements and was rejected.

Staff recommends the awarding of bids to the qualified, responsive low bidders for the next twelve (12) months with the exception of the carbon dioxide bid which staff recommends the acceptance of a three (3) year bid with annual cost escalation not to exceed four percent (4%) per year. Council would approve the annual renewal for carbon dioxide each year.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Payment for the purchase of water treatment chemicals throughout the year will be made from the Water Department, O & M budget, Purification Division, Water Treatment Chemicals, Account #5010-50100-50130-71720. This account is budgeted at \$550,000 for FY 2010/11 and it is expected that this full amount will be expended this fiscal year. In FY 2009/10 \$582,000 was expended on water treatment chemicals.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Craig M. Cummings
Director of Water

Tim Ervin
Director of Finance

David A. Hales
City Manager

Motion by Alderman Hanson, seconded by Alderman Purcell that the bids be awarded to the various vendors and the Purchasing Agent authorized to issue Purchase Orders for same.

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

Ayes: Aldermen Stearns, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Change Order in the amount of \$1,556.20 to the Professional Services Agreement with Lewis, Yockey and Brown, Inc. for the design of a Water Main Abandonment Project on Main Street from Near Oakland Avenue to Miller Street

RECOMMENDATION: That the Change Order be approved.

BACKGROUND: In December 2007, staff proposed a project to abandon the water main in south Main Street from near Oakland Avenue to Miller Street. There are two (2) water mains that run parallel in this area. One is the original six inch (6") water main (c. 1900) and the other is a sixteen inch (16") water main that was added in 1973. This project would tap the existing water services (most of them likely being constructed of lead) connected to the six inch (6") water main over to the sixteen inch (16") water main. The six inch (6") water main would then be abandoned. The new services would be installed with copper up to the property line of each home/business.

Water mains smaller than eight inches (8") in diameter have the highest rate of failure in the City. Approximately seventy-five percent (75%) of all the water main breaks encountered in the City occur on water mains less than eight inches (8") in diameter. Additionally, the removal of the metal lead from anywhere in the City's water distribution system is a move towards better water quality for all customers.

Staff directed the design firm to make certain changes to the plans that expanded the work area slightly beyond the scope provided to the contractor. This was the basis for their original \$12,000 proposal. Staff has reviewed the additional work completed and finds it to be in order.

Staff intends to include this construction/abandonment project in the proposed FY 2011/12 Capital Budget and if approved construct this project early in that fiscal year. Staff respectfully recommends the approval of a change order with Lewis, Yockey and Brown, Inc. in the amount of \$1,556.20 to modify the water main abandonment plans from near Oakland Avenue to Miller Street.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Residents who will have their water service line connected to the sixteen inch (16") water main will be contacted to schedule the work. The City will be replacing the water line from the water main to the property line and a contractor will be mobilized to complete this work. These residents will be provided with information concerning the contractor that will be performing the work. The residents will have the opportunity to work with the same contractor to replace their portion of the water service line (from the property line into their home) at their own cost.

FINANCIAL IMPACT: This change order will require the payment of an additional \$1,556.20 from the Water Department Depreciation Fund, X50200-72540. This fund has a positive balance and will have little impact on the Water Department's overall budget.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Craig M. Cummings
Director of Water

Tim Ervin
Director of Finance

David A. Hales
City Manager

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

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

Ayes: Aldermen Stearns, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Client Agreement between Vision Service Plan, Inc. (VSP) and the City of Bloomington for Employee Vision Benefit

RECOMMENDATION: That the contract renewal be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: The City utilizes Vision Service Plan, Inc. (VSP), to administer its employee and retiree vision benefit. The City has obtained this service through Heartland Healthcare Coalition (Heartland) which is a purchasing cooperative of local and regional employers. Heartland is able to negotiate good pricing because it can bring many employers and plan participants to a vendor. The City also benefits from the expertise Heartland has in the area of benefit contracting and their skill in vendor negotiations.

In its contract renewal, VSP is offering the City a 4.35% reduction in its premiums and a small improvement in benefits. The agreement runs from January 1, 2011 through December 31, 2012 and has a two (2) year rate guarantee. The reduction is due to actual utilization versus underwriting estimates of utilization and the discount arrangement obtained through Heartland. The City would be agreeing to the "Enhanced Plan B" as described in a letter from VSP with the monthly rates of \$8.07 for single coverage, \$12.83 for employee plus one, and \$17.59 for family coverage. A sample contract has been provided. The final contract will include the terms outlined in the renewal letter and reflect the City's eligibility criteria.

During the FY 2010/11 budget process it was estimated that the City's cost for the vision benefit would increase by six percent (6%) in January 2011 and \$51,549 was budgeted for this expense. As a result of the premium decrease, it is estimated that the City's cost for the vision benefit will instead be approximately \$41,960 for the current fiscal year or a savings of about \$9,579 due to the budgeted expense. Employee participation in this plan is subject to change in January with open enrollment. The City's fiscal year expense may vary somewhat as a result. City employees equally share the cost of this benefit. Employees would also receive a premium reduction with the approval of this contract. VSP has provided excellent service to employees and have been an excellent benefit provider from the standpoint of benefit administration.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Estimated savings of about \$9,579 from FY 2010/11 budgeted expense.

Respectfully submitted for Council consideration.

Prepared by:

Laurie Wollrab, MBA, PHR
Compensation and Benefit Manager

Reviewed as to legal sufficiency:

Rosalee Dodson
Asst. Corporation Counsel

Reviewed by:

Emily Bell, IPMA – CP
Director of Human Resources

Recommended by:

David A. Hales
City Manager

July 13, 2010

Laurie Wollrab
City of Bloomington
109 E. Olive Street
Bloomington, IL 61701

RE: VSP renewal effective January 1, 2011 for contract # 12059032

Dear Laurie:

The purpose of this letter is to provide you with renewal information for the VSP program. The current benefits and rates are as follows:

Signature Plan B (12/12/24)	Rates: \$8.43/\$13.41/\$18.39
\$10 Exam copay	
\$10 Materials copay	
\$120 Retail Frame Allowance	
\$120 Elective Contact Lens Allowance	

Effective January 1, 2011, I'd like to increase your retail frame allowance and elective contact lens allowance to \$130 in order to keep up with trend and inflation. I'd also like to upgrade your plan to an Enhanced Plan B. Under your current plan design, if a member purchases contacts they must wait 24 months. The member can purchase a frame after 12 months. All new Plan B's are sold as "Enhanced Plan B" and this will bring your plan up to current standards. The new rates for increasing allowances and moving to an Enhanced Plan B are: \$8.07/\$12.83/\$17.59.

If you would like to hold your current rates, we can increase the retail frame allowance and elective contact lens allowance to \$140.

Renewal rates are guaranteed for 24 months. Please call me with any questions of if you'd like to see any other renewal options.

Sincerely,

____Increase RFA & ECL to \$130

____Increase RFA & ECL to \$140

Ronda D. Meyer, CEBS
Senior Account Executive

Stephen F. Stockton

09/28/10

Motion by Alderman Hanson, seconded by Alderman Purcell that the Contract renewal 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 Stearns, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Agreement with Nugent Consulting Group (NCG) for Insurance and Consulting Services

RECOMMENDATION: That the Agreement with Nugent Consulting Group for Insurance and Consulting Services be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: In Fiscal Year (FY) 2008 - 2009, Council authorized a contract with NCG to review insurance services provided by Risk Insurance Management Company (RIMCO). During the last year, Mr. Nugent has provided guidance to staff regarding Insurance Brokerage Services, Third Party Administrators, Nurse Triage, and Risk Management, by using a cost effective and efficient program which will insure that the City's present and future assets are protected.

NCG is very familiar with the City's operations, which has proved to be an important asset in the administration of the City's Workman's Compensation, Property Casualty and Risk Management Programs. NCG has assisted with Request for Qualification (RFQ); interviewing/selection process for Insurance Brokerage, Third Party Administrator and Safety Audit.

NCG's background in the municipal insurance arena, including private and public sector risk management experience, brings the qualifications and experience to assist staff in carrying out its work. NCG contracts with approximately thirty (30) municipalities.

Over the next year, NCG will assist the staff with:

- Nurse Triage System set up
- Medical network development
- Safety Plan
- Review of insurance policies and issuance
- Day to day risk management advice
- Insurance coverage and services renewal plan for FY 2011 - 2010
- Assist staff in implementing/overseeing Renewal Plan and Renewal Terms

COMMUNITY GROUPS/INTERESTED PERSONS CONTACT: Not applicable.

FINANCIAL IMPACT: Services will be provided at an hourly rate of \$135, with an annual cap of \$20,000.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed by:

Barbara J. Adkins
Deputy City Manager

Kim Nicholson
Purchasing Agent

Tim Ervin
Director of Finance

Reviewed as to legal sufficiency:

Recommended by:

J. Todd Greenburg
Corporation Counsel

David A. Hales
City Manager

CONTRACT # 2010-15

AGREEMENT FOR SERVICES BETWEEN THE CITY OF BLOOMINGTON (THE CITY) AND NUGENT CONSULTING LLC

2010 - 2011

SCOPE

Nugent Consulting LLC will provide the following services to the City (estimated hours in parenthesis):

- Assist in nurse triage system set up (35)
- Assist in medical network development (5)
- Develop safety plan upon completion of Safety Analysis report (20)
- Review insurance policies upon issuance (10)
- Attend staff and Council meetings as required (10)

- Provide day to day risk management advice to the City (20)
- Provide a insurance coverage and services renewal plan to the City by November 15, 2010 (10)
- Implement / oversee renewal plan and present all renewal terms to the Council (20)

TERM

June 1, 2010 to June 1, 2011.

Either party can cancel the agreement by giving 60 days written notice.

FEE

The fee for all services in the above scope will not exceed \$20,000 for the 12 month period commencing June 1, 2010. The hourly rate is \$135. Nugent will handle all normal expenses and the City will pre-approve any unusual expenses in the delivery of this scope. Monthly billings will be sent with an hour statement.

CONFLICT OF INTEREST

Nugent Consulting LLC will not receive any revenue of any kind from any provider or other organization other than the fee outlined above in performance of this agreement.

Nugent Consulting LLC

City of Bloomington

Signature

Stephen F. Stockton
Mayor

Date

September 28, 2010

(PARTIALLY EXECUTED CONTRACT ON FILE IN CLERK’S OFFICE)

Motion by Alderman Hanson, seconded by Alderman Purcell that the Agreement with Nugent Consulting Group for Insurance and Consulting Services 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 Stearns, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Resolution Granting the City Ownership and Maintenance of the Three (3) Person Bronze Statuary Group of Abraham Lincoln, David Davis, and Jesse Fell

RECOMMENDATION: That the Resolution granting City ownership of the three (3) person bronze statuary group of Abraham Lincoln, David Davis, and Jesse Fell be approved effective October 23, 2010.

BACKGROUND: On August 14, 2006, Council approved an Intergovernmental Resolution that created an ad-hoc intergovernmental Abraham Lincoln Bicentennial Commission of McLean County, (ALBC). The same Resolution was subsequently approved by both the Town of Normal and County. The original Resolution contained a termination date of December 31, 2009.

The purpose of the ALBC was to bring local leaders, historians and Abraham Lincoln enthusiasts to plan potential celebratory activities and legacy projects that would highlight McLean County's impact on Lincoln's life. The ALBC aimed to be a local extension of the national and state bicentennial commissions that were previously formed for similar purpose.

In order to accomplish the goals set forth by the commission, the three (3) local governments agreed to provide local funding of \$104,000, which was split equally among the governments as well as a staff person.

On December 14, 2009, Council authorized a one (1) year extension of their term and was subsequently approved by both the Town and McLean County. There was an outstanding project to complete as outlined:

- The statuary group of Lincoln, David and Fell and its public unveiling. The project was paid for by private donations as required by the three (3) local governments.
- The ALBC raised the necessary funds from the private sector to pay for the acquisition; design execution; fabrication; transportation and/or installation of the statuary group.
- A local Bloomington artist, Andrew Jumonville was chosen and commissioned through a selection process adopted by the ALBC.

The statuary group is a gift to the citizens of Bloomington, Normal and McLean County as a legacy of the time that Abraham Lincoln, David Davis and Jesse Fell spent together in Bloomington.

The Commission has coordinated several high quality activities over the last four (4) years. They have been excellent stewards of the local government and private dollars.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Citizens of McLean County and the Cultural Commission.

FINANCIAL IMPACT: \$20,000 of Downtown TIF was used to construct the base for the statuary in the green area on the south lawn of the Performing Arts Center. The funds were approved by Council on November 19, 2009. The Parks, Recreation and Cultural Arts Department will be responsible for the maintenance and upkeep of the statuary group and will budget \$5,000 in Fiscal Year 2011 - 2012 for any upkeep and maintenance.

Respectfully submitted for Council consideration.

Prepared by:

Barbara J. Adkins
Deputy City Manager

Reviewed as to legal sufficiency by:

J. Todd Greenburg
Corporation Council

Concurred with:

John Kennedy
Director of Parks, Recreation and
Cultural Arts

Recommended by:

David A. Hales
City Manager

RESOLUTION NO. 2010 - 32

A RESOLUTION REGARDING OWNERSHIP AND MAINTENANCE OF THE BRONZE STATUARY DEPICTING ABRAHAM LINCOLN, DAVID DAVIS AND JESSE FELL LOCATED ON THE SOUTH LAWN OF THE PERFORMING ARTS CENTER (KNOWN AS FESTIVAL PARK)

WHEREAS, the Abraham Lincoln Bicentennial Commission (ALBC) appointed by the City of Bloomington, Town of Normal, and County of McLean has agreed to sponsor a three-person bronze statuary of Abraham Lincoln, David Davis, and Jesse Fell paid for with private donations; and

WHEREAS, the Cultural District Commission has approved the statuary project which has been designed to be located in Festival Park, which is located on the south side of the Center for the Performing Arts; and

WHEREAS, the Bloomington City Council approved funding to develop the site to receive said statuary, in cooperation with the artist and the Abraham Lincoln Bicentennial Commission; and

WHEREAS, ownership of said statuary, when completed and installed on site, as agreed upon by the Abraham Lincoln Bicentennial Commission and the Artist; and

WHEREAS, the Artist will transfer ownership to the ALBC once the statuary is completed, installed and accepted by the ALBC.

NOW THEREFORE BE IT RESOLVED by the City of Bloomington to accept ownership and maintenance of the statuary from the Abraham Lincoln Bicentennial Commission; developed and financed the site with the approval of the parties named above; and to provide ongoing maintenance of the statuary and site.

This Resolution shall take effect on the 23rd day of October, 2010.

ADOPTED this 27th day of September, 2010.

APPROVED this 28th day of September, 2010.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman McDade thanked City staff and volunteers for their efforts. She believed there would be future opportunities for staff and volunteers.

Alderman Stearns questioned the \$5,000 maintenance budget for the statue. John Kennedy, Director of Parks, Recreation and Cultural Arts, addressed the Council. This statue would be a first for the City. He had spoken with Greg Koos, McLean County History Museum's Executive Director, regarding maintenance of the Abraham Lincoln Bench. The City will also work with the sculptor. The budget was a high end estimation.

Alderman Stearns questioned the budget for the Veterans Memorial at Miller Park. Mr. Kennedy stated the memorial was maintained by a local veterans POW/MIA group. Alderman Stearns believed the City should address the issue of a budget for the memorial. Mr. Kennedy stated the City could work cooperatively with the veterans group. Alderman Stearns questioned who owned the memorial. Mr. Kennedy stated it was owned by the City.

Mayor Stockton expressed appreciation for the efforts of the Abraham Lincoln Bicentennial Commission (ALBC) and the public donations which made the statue possible. The City was Abraham Lincoln's second home. The statue was in a visible location and included Jesse Fell and David Davis. The dedication was scheduled for October 23, 2010. He thanked all involved on behalf of the Council and community.

Motion by Alderman Hanson, seconded by Alderman Purcell that the Resolution granting City ownership of the three (3) person bronze statuary group of Abraham Lincoln, David Davis, and Jesse Fell be approved effective October 23, 2010.

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

Ayes: Aldermen Stearns, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Suspension of Chapter 6 Section 26(d) to Allow Possession of Open Alcohol on Public Property the B 104 Country Music Radio Station and St. Jude Children's Hospital Charity Event with National Artists Trailer Choir

RECOMMENDATION: That the Ordinance be passed.

BACKGROUND: B 104 Country Music Radio Station and St. Jude Children's Hospital Charity Event at Six Strings, located at 525 N. Center St. on October 22, 2010. They will be securing the adjacent portion of the public alley and private parking lot behind their building and will have food service in that area. The event organizers want to allow people to walk across the public alley to the private parking lot with their drinks to enjoy the outdoor food vendors. They have requested that Chapter 6 Section 26(d) of the City Code, which prohibits having open containers of alcohol on public right of way, be suspended for the date, time and location of the event. A nationally known country artist will be performing, and all alcoholic beverages will be sold inside the premise. Outdoor consumption would be allowed between the hours of 12 noon and 2:00 a.m.

This has been done for other organizations. Most recently, Council suspended the Ordinance to allow consumption of alcohol on the street for the 107.7 The Bull's 3rd Annual Birthday Party at Six Strings, located at 525 N. Center St. on August 13, 2010. Staff reviewed plans for the event with the organizers. Given the nature of this event, the type of crowd it attracts, and the high degree of involvement by event staff, all concerned believe that there would be no issues with suspending the ordinance as requested.

Staff prepared the necessary Ordinance suspending the code as needed for this event and respectfully requests Council approval.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed and concur:

Recommended by:

Tracey Covert
City Clerk

Randall D. McKinley
Police Chief

David A. Hales
City Manager

ORDINANCE NO. 2010 - 43

AN ORDINANCE SUSPENDING PORTIONS OF SECTION 26(d) OF CHAPTER 6 OF THE BLOOMINGTON CITY CODE TO ALLOW POSSESSION OF OPEN ALCOHOL ON PUBLIC PROPERTY DURING THE B 104 COUNTRY MUSIC RADIO STATION AND ST. JUDE CHILDREN'S HOSPITAL CHARITY EVENT AT SIX STRINGS

WHEREAS, B 104 Country Music Radio Station and St. Jude Children's Hospital will be hosting a Charity Event at Six Strings, located at 525 N. Center St. on October 22, 2010; and

WHEREAS, Six Strings plans to have food vendors outside of the facility and has requested permission to allow the consumption of alcohol in the public alley and private parking lot during the event; and

WHEREAS, to allow possession of an open container of alcohol on public right of way, Section 26(d) of Chapter 6 of the Bloomington City Code, which prohibits the possession of open containers of alcohol on public right of way, must be suspended.

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

Section 1: That Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, is suspended on the following dates during the following hours: October 22, 2010 between 12:00 o'clock p.m. (noon) and 2:00 o'clock a.m. in the public alley and private parking lot adjacent to the rear of the building. This suspension shall be effective only as to persons inside the designated area and for alcohol provided by Six Strings, located at 525 N. Center St.

Section 2: Except for the dates, times and location set forth in Section 1 of this Ordinance, Section 26(d) of Chapter 6 of the Bloomington City Code, 1969, as amended, shall remain in full force and effect. Nothing in this ordinance shall be interpreted as repealing said Section 26(d).

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

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

PASSED this 27th day of September, 2010.

APPROVED this 28th day of September, 2010.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Hanson, seconded by Alderman Purcell that the Ordinance be passed.

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

Ayes: Aldermen Stearns, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition submitted by VCNA – Prairie Illinois Inc., Requesting the Rezoning of Land from B-2, General Business Service District, to M-2 General Manufacturing District for the Property located just east of 917 E. Grove Street

RECOMMENDATION: That the Rezoning be approved and the Ordinance passed.

BACKGROUND: On September 8, 2010, the Planning Commission held a public hearing on this petition. One (1) person from the public made inquiry but none spoke in favor or against it.

In addition to the subject property, the petitioner owns the site to the east zoned B-2, General Business Service District and acts as a buffer to the heavy industrial concrete business from the homes to the east. The proposed zoning change is for a narrow strip of land between the old community center building or lumber yard and the petitioner’s small office building.

The proposed rezoning will be compatible with the adjacent zoning and should not create any nuisance for the immediate adjacent parcels. It is a relatively narrow piece of property and does not enable a large expansion of the existing use. The petitioner intends to use the additional land for the improvement of its concrete truck cleanout operations, making it more efficient. If there were to be a negative impact it would be more upon the residential properties beyond the adjacent parcels. Staff does not see any increase in nuisances from what currently exists.

The Commission voted 8-0 in favor of this petition and recommends Council approval.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with City Code. In accordance with City Code,

approximately one hundred twenty two (122) courtesy copies of the notice were mailed to the nearby property owners. Additionally a public notice/identification sign was posted on the property.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Mark Woolard
City Planner

Mark Huber
Director of PACE

Reviewed by:

Recommended by:

Barbara Adkins
Deputy City Manager

David A. Hales
City Manager

PETITION FOR ZONING MAP AMENDMENT

State of Illinois)
) ss.
County of McLean)

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

Now comes VCNA - Prairie Illinois Incorporated, hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A, which is attached hereto and made a part hereof by this reference, or is (are) a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That said premises legally described in Exhibit "A" presently has a zoning classification of B-2, General Business Service District under the provisions of Chapter 44 of the Bloomington City Code, 1960;
3. That the present zoning on said premises is inappropriate due to error in original zoning, technological changes altering the impact or effect of the existing land uses, or the area in

question having changed such that said present zoning is no longer contributing to the public welfare;

4. That your petitioner hereby request that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended to reclassify said premises into the M-2, General Manufacturing zoning district classification;
5. That said requested zoning classification is more compatible with existing uses and/or zoning of adjacent property than the present zoning of said premises; and
6. That said requested zoning classification is more suitable for said premises and the benefits realized by the general public in approving this petition will exceed the hardships imposed on your petitioner by the present zoning of said premises.

WHEREFORE, your petitioner respectfully prays that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended by changing the zoning classification of the above-described premises from B-2 to M-2.

Respectfully submitted,

By: Denny Odewaldt

ORDINANCE NO. 2010 - 44

AN ORDINANCE REZONING LAND LOCATED JUST EAST OF 917 E. GROVE STREET FROM B-2 GENERAL BUSINESS TO M-2 GENERAL MANUFACTURING

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

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

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

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

1. That the premises hereinafter described in Exhibit "A" shall be and the same are hereby rezoned from B-2, General Business District to M-2, General Manufacturing District.
2. The Official Zoning Map of said City shall be amended to reflect this change in zoning classification.
3. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 27th day of September, 2010.

APPROVED this 28th day of September, 2010.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

The following tract is to be rezoned to M-2 (General Manufacturing) in the City of Bloomington, Illinois:

An irregular parcel of land located in the Southwest Quarter of Section 3, Township 23 North, Range 2 East of the Third Principal Meridian, Bloomington, Illinois, more particularly described as follows: Beginning at a point on the South Line of Grove Street, said point being also the Northwest Corner of Parker's Addition in the City of Bloomington, Illinois, as said Addition was recorded in Plat Book 8, Page 151. From said Point of Beginning thence south 663.6 feet along the West Line of said Addition to the Southwest Corner of Lot 16 in said Addition, thence northwest 28.85 feet along the northwesterly extension of the South Line of said Lot 16 to a point which is 26.48 feet west of the West Line of said Addition, thence north 318.75 feet to a point which is 21.85 feet west of the West Line of said Addition, thence west 8.5 feet parallel with the South Line of Grove Street thence north 156 feet to a point which is 28.71 feet west of the West Line of said Addition, thence west 25.35 feet parallel with the South Line of Grove Street, thence north 148 feet to a point on the South Line of Grove Street, said point being 53 feet west of the Point of Beginning, thence east 53 feet along the south line of Grove Street to the Point of Beginning, containing 20,375 square feet.

Alderman Stearns questioned the dimensions of the strip. Mark Huber, Director – PACE, addressed the Council. He could not provide exact dimensions. The estimate was fifty to seventy-five feet (50 – 75') wide. David Hales, City Manager, addressed the Council. The legal description had been provided.

Alderman Stearns expressed neighborhood concerns. She questioned the exact width measurements. Mr. Huber would have to review the legal description.

Alderman Purcell questioned the change from B – 2, General Business District to M – 2, General Manufacturing District. Mr. Huber noted it was a proposed modification and expansion of the washout pit in order to comply with Environmental Protection Agency (EPA) regulations to control run off.

Motion by Alderman Hanson, seconded by Alderman Purcell that the Rezoning be approved and the Ordinance passed.

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

Ayes: Aldermen Stearns, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Enterprise Resource Planning Project

RECOMMENDATION: That an Enterprise Resource Planning (ERP) project, with Tyler Technologies, Inc. (to implement their MUNIS enterprise application) and ClientFirst Consulting, for project management and implementation oversight, and a budget for a time keeping, attendance, accruals and advanced scheduling co-project be approved in the amount of \$621,856 for Fiscal Year 2010 - 2011, and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: With Council approval, staff has been working on the ERP project since January 2007. Due to the current number of manual processes, and lack of systems integration, staff believes the City would recognize significant productivity gains through the implementation of an Enterprise system. Thousands of staff hours from all departments and much due diligence have gone into the recommendation being brought to Council at this time. The ERP project has benefited from support by staff from all City departments.

History - Below is a timeline showing major milestones of the ERP project to date:

- January 2007 – Council approved a “Preliminary Needs Assessment” contract with TDSi (now ClientFirst Consulting). This assessment helped quantify the current state of our enterprise and departmental applications. It also confirmed that there was significant return on investment and productivity gains, to be realized with the implementation of an integrated ERP solution.
- June 2007 – After performing onsite interviews with all City departments, ClientFirst provided a “Preliminary Enterprise Application Needs Assessment” document as a deliverable for the contract. The interviews focused on the core operational applications for each department, as well as their specific use of City-wide applications such as budgeting, time keeping, payroll, Human Resources, purchasing, utility billing, permits, work orders, etc. The results of the assessment showed that the City could gain significant overall productivity through the implementation of a city-wide ERP system.
- September 2008 – Council approved a “Full System Selection” contract with ClientFirst. Under this contract, staff began the process of selecting an ERP vendor. The process provided and managed by ClientFirst was uniquely tailored for the City, but was also very structured in its approach. This structure ensured that ERP decision criteria were specific to our feature/function requirements and that the final solution would be the best overall choice for the City, while also providing documentation for each decision made.
- A selection committee was formed with personnel from multiple City departments. Care was taken to select key users throughout the City (staff who do, or could, represent eventual users of the system), as it was important to the

process that users be involved in choosing the system. Employees who made up the selection committee were:

- Pam Reel – Finance
- Kim Nicholson – Finance
- Leslie Lebel – Finance
- Mark Huber – PACE
- Sharon Walker – PACE
- Nancy Tague – PACE
- Kevin Kothe – Public Works
- Renee Gooderham – City Clerk
- Nick O’Donoghue – Water
- Angie Brown – HR
- Laurie Wollrab – HR
- Multiple Information Services (IS) personnel

Departments that did not have a specific representative were assigned to an IS staff member who worked directly with key personnel within those departments to address any questions, concerns or functionality requirements. This kept the selection committee to a manageable number, while still addressing concerns from all departments.

The selection committee, end users from every City department and key Information Services personnel, led by ClientFirst consultants, committed thousands of man hours of due diligence to the ERP project. Staff believed this process allowed the City to select and negotiate the solution that best fit the near and long term needs of the City. Examples of this due diligence include:

- Selection committee was formed with personnel from multiple City departments.
- After hours of in-depth interviews with all City departments, ClientFirst developed and released an RFP on October 14, 2009 with final responses being due on November 16, 2009. Although the process of creating the RFP naturally takes months to complete, there was an extended delay introduced to this process as City budget related issues caused staff to pause to re-evaluate the ERP timeline. Eventually, the process picked up again to result in the October 2009 release.
- The RFP included approximately 3,200 feature and function requirements, specific to each City department and functional area.
- Staff received a total of six (6) responses to the RFP. Those vendors and software solutions were:
- Cogsdale Corporation , Cogsdale Software
 - Integrated Technology Partners Corp., Oracle PeopleSoft Software
 - New World Systems Corp., Aegis Software
 - Tyler Technologies Inc., Eden Software

- Tyler Technologies Inc., MUNIS Software
 - Springbrook Software Inc., Springbrook Software
- The selection committee members met multiple times to develop a short list of vendors from which City staff would request on site demonstrations. Selection committee members worked within their functional areas, and as an overall City team, to select three (3) short list vendors based on their overall RFP response and their compliance with the feature/function list mentioned above.
- Initial, two day demonstrations were held with the short list vendors in January of 2010. City staff from all departments (eventual users of the ERP system) were invited to participate in the vendor demonstrations. Evaluation sheets were provided and completed by all participants. These evaluations were reviewed by selection committee members representing all City departments.
- During a selection workshop, and armed with results from the vendor demonstration evaluations, the selection committee selected a primary candidate from the short list of vendors. The selection was based on compliance with the original RFP feature/function list, information learned during the two day demonstrations, and compilation of responses within the evaluation sheets completed by all City personnel who attended the demonstrations.
- This primary candidate was Tyler Technologies; their ERP suite of products is titled “MUNIS”. “MUNIS” will be used interchangeably with “Tyler Technologies” and “vendor” throughout this document.
- Further on site and online demonstrations were held with MUNIS beginning in March 2010. ClientFirst, IS and specific departmental “functional lead” staff worked many hours to define and determine specific functionality within the MUNIS application suite.
- City staff has spoken to multiple reference sites in an effort to gain an understanding of their satisfaction level with the MUNIS application and Tyler Technologies’ approach to implementing this type of project. A number of municipalities within Illinois are currently using MUNIS applications, the Village of Glenview and City of Schaumburg among them.
- The City of Schaumburg’s implementation was of particular interest, as they had originally migrated from Banner (the same HR/Finance/Payroll application the City currently uses), and were completing an upgrade to MUNIS version 8, which is the most recent version. Not only were we able to learn some of the successes and pitfalls of Schaumburg’s implementation, but we also have developed a relationship that should lead to sharing of ideas and approaches.

Limitations of Current Applications – Many existing application solutions throughout all City departments require an unusual and unnecessary amount of manual effort, duplicate entries, and shadow systems (e.g., MS Excel and MS Access) to complete the required processes. These applications are mostly specific to the department, or

functional area and were not implemented with integration with other functional areas in mind. Over the years, this approach has resulted in “silos” of information, making it difficult to generate the administrative reports necessary for Council and the executive management team to make informed decisions.

Benefits - During their initial Preliminary Enterprise Needs Assessment engagement, ClientFirst found that the City could realize many efficiency gains through the implementation of an integrated, Citywide ERP solution. These efficiencies will be realized in every department. Many areas will be automating some processes for the first time. The overall integration aspect of the new system will also make possible the sharing and reporting of information that is currently unavailable. Below is a list of the benefits of ERP implementation:

- Enterprise Wide
 - A more user-friendly, up-to-date, and integrated suite of Citywide applications.
 - Elimination of many of the current manual processes throughout the City.
 - The integration of applications will allow for much easier manipulation of data and generation of reports.
 - The ERP system will be compliant with the Payment Card Industry Data Security Standards (PCI-DSS). PCI-DSS are standards for ensuring the security of credit/debit card information.
 - Designed from the ground up with municipal government in mind, the integrated solution will become a “decision engine” for Council and executive staff.

- Financial
 - A more automated and streamlined budgeting process allowing for easier budget reporting and transparency. Will also provide the ability to run “what if” budget scenarios.
 - Increased efficiency in purchasing and Accounts Payable (A/P) process through automation and electronic record keeping.
 - Ability to produce a Trial Balance and Financial Statements with the push of a button instead of all the steps required now, copying information to Excel spreadsheets.
 - Integration of systems which are currently manually accounted for and manually journaled into the general ledger system today. This will save staff time and increase accuracy.
 - A tremendous amount of staff time saved through automation of processes, including cash receipting. Automated cash receipting system will allow standardization of the cash receipting system thereby increasing accounting and auditing accuracy.
 - Reduction of staff time spent performing data entry (sometimes double or triple entry), allowing more time for analysis and reporting.

- Elimination of multiple spreadsheet based shadow systems, such as budgeting and Capital Project construction.
- Human Resources
 - Payroll (HR and Finance) - Efficient staff time to produce a payroll check. Will eliminate duplication of efforts and multiple manual processes.
 - Employee self-service (online) will make it more efficient for employees to make payroll changes affecting their payroll and benefits.
 - More efficient use of HR staff time in making benefit and deduction changes. Particularly a concern during open enrollment periods. Reduction of paperwork. Improvements to the accuracy and reliability of this process.
 - Greater ability to monitor employee's time and work assignments.
 - Reduced City liability for wage and hour violations.
 - Ability to break payroll information down for better reporting and budgeting projections.
 - Tremendously greater efficiency and reliability in administering retiree benefits. HR administers benefits for approximately two hundred (200) retirees. Currently, this is done through multiple spreadsheets.
 - Reduction in paper and staff time involved in collecting, tracking, and reviewing employment applications and managing the entire selection process.
 - Simplified creation and transmission of electronic benefit enrollment files to benefit vendors, while also opening this process up to more benefit vendors. This will reduce time spent auditing enrollments and will allow for more timely cancellations, enrollments, and an overall reduction in errors.
- PACE
 - The application currently used for permitting and licensing is Permits Plus from Accela. Although Accela is maintaining support for Permits Plus, it is not sold any longer and has been replaced by a web-based, enterprise software product.
 - Automation for permits, inspections, code enforcement, planning and zoning projects, business licenses, land/parcel/address management and provide GIS integration.
 - Capability to allow online access to citizens and developers.
 - Reduced risk of institutional knowledge reliance on highly manual processes leaving the City due to staff turnover or retirement.
 - Improved project and permit tracking and reporting.
 - Financial system integration.
 - Public Works, Water, Parks Recreation & Cultural Arts
 - Integrated Work Order and Asset Management. Currently, there is no consistent method across departments to enter and track work orders. This system will standardize the approach to handling work order

- requests, allow staff to track assets affected and resources used during a work order, and also allow communication across departments when a work order involves more than a single department.
- Utility Billing will now be fully integrated with the Finance modules, eliminating double entry and minimizing errors.
- Utility Billing will be integrated with the Work Order/Asset Management system, allowing detailed accounting and long term tracking and cost accounting of City infrastructure.
- The Public Service division will gain efficiencies with the implementation of the Work Order and Asset Management modules. Today, staff uses a database created with the help of IS to track activities. However, a true WO/AM system will extend the automation while integrating into the general ledger. Among other benefits, this integration will allow detailed cost tracking of projects or disaster events.
- Public Safety
 - The overall ERP implementation will include an advanced time-keeping and scheduling module. The scheduling module will save the Police and Fire Departments hours of staff time per week by providing automation to the process of filling rosters. Currently, this filling of rosters is done manually by management staff.

Negotiations With Primary Vendor – Corporate Counsel and IS staff, along with ClientFirst’s consultants have been negotiating with Tyler Technologies over MUNIS features since after the demonstrations. Approximately two hundred (200) follow up issues were identified after the initial demonstrations.

These issues have been the basis for months of follow up discussions and demonstrations between, staff and MUNIS, to further clarify functionality and, if necessary, request modification of the application to provide the functionality needed by the City.

MUNIS has proven their willingness to provide modifications to applications and/or modify their standard implementation approaches, where possible, to meet the City’s needs. The City’s current budget situation requires us to fund this project over multiple fiscal years. MUNIS has modified their typical implementation plan to include multiple phases, which translates to multiple City fiscal years.

The ClientFirst consultants and staff have been negotiating with MUNIS over contract terms, payment terms, concessions on application modifications and concessions on inclusion of additional modules. Staff believes the current negotiated contract is the best agreement for both the City and Tyler Technologies. Exhibit 8 of the MUNIS contract includes a list of additional features offered by MUNIS.

These offerings were a direct result of negotiations led by the ClientFirst consultants. Total savings negotiated by Corporate Counsel IS and ClientFirst were:

- Initial License Fee Discount with Proposal: 10%, approx. \$71,900
- Additional Final Negotiation License Fee Discount: \$65,740
- GIS Customizations to be made to base MUNIS software: \$65,000
- List of interfaces and minor modifications (various modules): \$51,400
- Free CRM/311 Module: \$35,000
- Reduction in maintenance fees over first three years: approx. \$35,377

Total Savings = \$324,417

Time, Attendance, Accruals and Advanced Scheduling – As part of the overall ERP project request, staff is requesting that Council approve a budget for the time, attendance, benefit accruals and advanced scheduling software. This functionality was included in the original RFP for the project and is an extremely important aspect of the overall solution.

Driven mainly by our requirements for advanced scheduling, all of the short listed vendors chose to work with a partner to provide this functionality. In working through the negotiations with MUNIS and their partner, it became clear to staff that the City would benefit by taking a bit more time to investigate our options for this required functionality and return to Council for final contract approval when ready.

Project Request Summary – Staff is respectfully requesting Council approval for the following:

- Approval to enter into a contract with Tyler Technologies for the purchase and implementation of their MUNIS Enterprise software.
- Approval to enter into a contract with ClientFirst Consulting Group for Project Management Oversight.

Return On Investment Information – The following is an excerpt from ClientFirst’s “Preliminary Enterprise Applications Needs Assessment Discussion Guide”. This document is the deliverable from the ClientFirst “Preliminary Enterprise Application Needs Assessment” performed in 2007.

IT Infrastructure

The alternative to implementing an integrated enterprise solution as the City grows—and demand for additional internal/external services and support increases—is to increase investments in additional staff (throughout the City, especially in IT) and IT infrastructure such as on-going system hardware (servers) and systems software.

The City currently manages over 60 servers. We believe a new enterprise solution may

potentially eliminate the equivalent of 5-6 servers, the associated maintenance costs and IT labor support costs associated.

Labor Costs

Additionally, the savings associated with the “avoidance” of one new-hire due to increased productivity, the elimination of many of the City’s shadow systems and duplications of effort, and the reduction or limited growth of IT support is \$45,000 - \$60,000 per year (including total payroll, taxes and benefits). We also believe there will be opportunities to avoid some future new-hires in other departments throughout the city. The life of a new system is 10 years making the saving of just one new-hire the equivalent of \$450,000 - \$600,000.

Staff believes the implementation of the ERP system being proposed will save man-hours not only within the Information Services department, but also throughout every City department. The efficiencies gained through automation will allow staff in multiple departments to shift time spent on repetitive, manual processes towards more proactive activities benefitting our citizens.

Performance Measurements – Performance measurements will be fully defined after contract signing by a team consisting of City, ClientFirst and Tyler Technologies personnel. Staff believes the following performance measures will be included at a minimum:

- **Timeline** – Project implementation goals and milestones will be tracked and on-time completion percentage will be measured. Goal will be for the project to be completed within the agreed timeline.
- **Budget** – Goal for the project will be to come in at, or under, the four year budget.
- **Time, Attendance, Accruals Payroll Process** – Goal will be to reduce staff time spent on the manual process related to time keeping by 50%.
- **Automation of Cash Receipting Process** – The current cash receipting process is very manual and slightly different for each department, functional area or application. Goal will be to standardize on a single automated cash receipting process and apply the process to existing applications throughout the City.
- **Automation of the Work Order Management Process** – Today, there are multiple systems being used to track work orders throughout the different departments. Goal will be to standardize on a single work order management process for the entire City that will allow citizens to initiate a work order and to receive feedback as to the status of that work order.
- **Reduction of Shadow Systems** – Investigations as part of the Enterprise Application Needs Assessment project revealed hundreds of spreadsheets and approximately one hundred thirty (130) individual databases as shadow systems to our current enterprise applications. These were created by staff throughout every department in order to accomplish a task that current applications either

couldn't do or were too cumbersome. Goal for the ERP project will be to reduce these shadow systems by 50%.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The overall ERP project budget is \$2,190,002 over four (4) fiscal years (FY 2011 through FY 2014). Staff is requesting Council approval for the overall project, but to commit funds affecting only phases 1 and 2 of the project for the first fiscal year. The amount requested for FY 2011 is \$621,856 (\$615,856 for software and services and \$6,000 for maintenance). These funds have been budgeted within the Information Services Capital Outlay Office and Computer Equipment account (G11610-72120). Future fiscal year appropriations will be included in the City budget for Council approval. The document titled "Enterprise Information Management System – Project Budget" includes an overview of yearly costs.

Respectfully submitted for Council consideration.

Prepared by:

Concur with:

Scott A. Sprouls
Director of Information Services

Tim Ervin
Finance Director

Reviewed by:

Reviewed as to legal sufficiency:

Recommended by:

Barbara J. Adkins
Deputy City Manager

J. Todd Greenburg
Corporation Counsel

David A. Hales
City Manager

Mayor Stockton introduced this item. David Hales, City Manager, addressed the Council. Additional information had been provided to the Council via email. Scott Sprouls, Director – Information Services (IS), addressed the Council. He acknowledged David Krout, Principal Owner – Clientfirst Consulting, and Alban Michaud, Sales Representative, Tyler Technologies, Inc. Mr. Sprouls provided a brief history for this item. In 2007, Council approved a contract for an Enterprise Needs Assessment. The Enterprise Resource Planning (ERP) Project included applications throughout the City. The results of the study revealed numerous efficiencies with a new system. The current system was outdated. The Human Resources and Finance Departments including the payroll function had created shadow systems in order to complete daily tasks. He cited the Permits Plus application used by PACE which was no longer available. On September 22, 2008, Council approved a full system selection process. A Request for Proposals (RFP) resulted in seven (7) responses with three (3) companies short listed. All departments had participated. A list of over 3,000 feature functions was created. Staff was recommending the MUNIS product from Tyler Technologies, Inc. Staff was requesting for approval of a \$2.2 million project budget over four (4) years which included thirty (30) applications. The new system would provide numerous benefits.

Mr. Hales stated staff had performed some cost analysis. The current system was old and outdated. He believed the Banner System was inefficient. Mr. Sprouls addressed the Council's questions from the hand out. He believed the minimum life of the ERP system was ten (10) years. He cited seven (7) examples of labor savings and time that could be assigned to other duties.

Alderman Purcell questioned if the workforce would be reduced due to the time savings. Mr. Sprouls stated the examples were portions of a person's day. Additional research would be needed.

Alderman Purcell clarified that this was a software package for the City. He questioned a contingency plan. Mr. Sprouls stated there were redundancies built into the current system. The City had been virtualizing servers. Alderman Purcell questioned if there was a back up plan. Mr. Sprouls responded affirmatively.

Alderman Hanson questioned if there was a performance contract for the project. Mr. Sprouls questioned the definition of a performance contract. The applications were paid for as they were implemented over four (4) years. He cited the contract negotiation process. A non-appropriations clause was included in the contract. The City had the ability to back out of the contract.

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

Motion carried.

David Krout, Clientfirst Consulting, 1181 California Ave, Suite 101A, Corona, CA, addressed the Council. He would not define this contract as a performance contract. The modules were off the shelf. There was leverage. This was a multi year project schedule. There were retention amounts on the software applications. He cited the non-appropriations clause. The company had errors, omissions, and general liability insurance coverage. The City's interest would be protected throughout the process.

Alderman Anderson believed cities were generally ten (10) years behind regarding service oriented business. He believed the new system would move the City forward. He cited cost analysis. The new system would provide the ability to create reports quickly. It also allowed the City to be more accountable.

Alderman Sage had held several conversations with Mr. Sprouls. The staff report made a number of references across departments' lines and used subjective phrases. He believed there had been an emphasis on cost benefit analysis over the years. The project predated his tenure on Council. He expressed concern that there was no true cost benefit analysis. He cited the cost: over \$2 million. He questioned why the City would not spend one percent (1%) of this cost to complete a cost analysis to determine and document benefits. He believed there would be benefits. He supported ERP. Mr. Sprouls stated when the Enterprise Needs Assessment was completed there was an obvious need for a new

system. There was no cost benefit to completing an analysis. Staff would complete a cost benefit analysis if Council desired. Mr. Hales cited the handout including the low end cost savings information. There had been some discussions on cost benefit analysis. It could be compared to fiscal impact analysis. Cost benefit analysis was not part of the City's culture. He believed the Council had established fiscal impact analysis as a priority. A priority could also be to examine the return on investment for ERP. He believed common sense told the City it could not stay with the Banner system. A cost benefit analysis could be done. It would require additional time and money. He was not recommending same. Mayor Stockton believed there was an obvious need to replace the current system. He questioned what to replace the system with, how to configure the time involved and if the City was spending money in the right place.

Alderman Sage expressed his concern that the City should do a cost benefit analysis on any other multimillion dollar project.

Alderman Stearns wanted to see hard data and cost savings to the City. She found it interesting that the Council was being asked to approve only Phase I and II. Mr. Sprouls stated staff was asking for approval for a dollar amount for this fiscal year.

Alderman Stearns was not comfortable with the current data. She cited the City's reserves and pension liability. The City was not in financial shape to embark on a \$2.2 million project without more data. She would like a cost benefit analysis completed by a third party consultant. She did not have technological expertise. She cited citizens' concerns regarding streets, sewers and pensions. She cited the recession and current economic times. She would like someone to look at alternatives, possibilities and pit falls. This project had a large transition phase and training element. She believed the City was not ready to embark on a \$2.2 million investment at this time.

Alderman Schmidt questioned if the system was a proprietary one. Mr. Sprouls responded negatively. The City would be buying an off the shelf application. If the City backed out of the contract it would have multiple systems like today. Alderman Schmidt also worked with Banner. She believed the City was in the middle of a cultural shift. She was interested in a cost benefit analysis.

Alderman Purcell questioned phased implementation. Mr. Sprouls did not have the staff to complete the transition in one (1) phase. Alderman Purcell questioned the budget over three (3) years. Mr. Sprouls stated the figure was slightly below budget. It was a large percent of the IS budget. Alderman Purcell clarified that IS staff was small in number. Mr. Sprouls responded affirmatively. There was a lot of work involved. IS was involved in a lot of the reports generated.

Alderman Purcell questioned if managed competition would assist with determining cost services across the City. Mr. Sprouls stated the key to the system was configuration and implementation. The system would be able to manage and maintain the City's assets. Alderman Purcell questioned automated permits and online payments. He believed this would be a plus for the system. Mr. Sprouls stated that basic permits would be available

online. Staff had negotiated with MUNIS for the Citizen Request Management and 311 systems as concessions by the vendor. Alderman Purcell understood the system was a big ticket item. He would support it if it would pay for itself over the life of the system.

Alderman Sage reiterated his support of ERP. He believed the system would pay for itself. He questioned when looking at a \$2 million expenditure why the City would not spend \$20,000 on a cost benefit analysis. He was confident in the outcome. He supported the IS Department. This project was reaching critical mass.

Mr. Hales questioned the time needed to complete a study. Mr. Sprouls referred to Mr. Krout to answer. Mr. Krout stated a detailed cost benefit analysis would require further discussion. It was rare for a city of this size to do this detailed of an analysis. Other cities looked at specific examples of items that would be of benefit. There was a variety of methods that could be used depending on the level of detail desired. There were a number of decisions ahead about how work flow was affected.

Alderman Anderson was more comfortable with this project because he had gone through the process. His employer was currently in Phase 2. This process would make the City more accountable. It was included in the IS budget. He was confident in the numbers. There were external and internal benefits.

Alderman Fruin planned to support this project. Staff had spent three (3) years working on this project. It was time to change and make an investment. He believed Council needed to understand the cost savings. He questioned if it was possible for the City to spend one percent (1%) for a cost benefit analysis and return to Council in thirty (30) days. Mayor Stockton stated if the Council wanted more evidence, (keeping in mind this project was part of the Strategic Plan), a couple Aldermen should be involved in the study. A new system would cost millions. He questioned what the Council wanted answered. Mr. Hales stated staff could work with Alderman Sage to work through a scope of work. He questioned deliverables. The scope of work needed to be determine in order to determine how much time and the cost.

Alderman Stearns would be happy to provide deliverables. She questioned the cost to the various departments in terms of the transition phase. Mr. Sprouls stated cost would be in manpower and time. He reiterated that the \$2.2 million was in the IS budget.

Alderman Sage would also be happy to be part of the process. There had been staff reductions in the past couple of years. He commented on the development of next year's budget. He expressed concern for the request of additional staff.

Alderman Hanson stated plenty of information had been given to Council. He believed it was not necessary to hire a consultant to check the work of another consultant. He believed a thorough analysis had been completed. There were many benefits to the new system.

Alderman McDade cited the length of discussions on this topic. She believed Council had a right to express their concerns. The Council had a problem reaching bid decisions and delayed decisions because they did not have enough information. She also believed the City was unable to do a cost analysis on the current system. Council was demanding more information from staff. Qualitative data was not quantitative data. Today's inefficiencies were in information technology not people. The City needed access to information.

Mayor Stockton stated the Council needed to make a decision tonight. If they decided to delay the process then what specific information was needed from staff. The other option was to move ahead with the project as it was presented.

Alderman Schmidt agreed with Alderman McDade. She had looked at the people who made this selection and believed it was the right decision. She would like more process time with the document presented this evening. The City had to move forward. She wanted more information in order to approve the expenditure of \$2.2 million.

Alderman Stearns questioned the number of consultants available. Mr. Sprouls believed there were dozens. She reiterated that there were dozens of consultants available. She cited the large investment. Every piece of information she had requested had nothing to do with technology. She believed there was value in moving forward. She wanted more hard data. She questioned moving ahead with this project due to the current financial climate.

Alderman Fruin questioned if discussions took place could this item be brought back in two to four (2 – 4) weeks better defined.

Alderman Sage wanted to support this project. He needed to be able to observe the possibilities after ERP. It was possible that there would be a request for additional staff next year. The cost benefit analysis was linked to how to redeploy staff.

Mayor Stockton did not believe that \$20,000 would pay for a complete restaffing plan. If there were Council members who wanted more time, then the item could be laid over for two (2) weeks. He believed there were no definite answers. He questioned how the Council's concerns would be answered.

Mr. Hales stated if the item was laid over staff would need to know what information the Council wanted. Technology impacts staff productivity. He cited the back log of work. The system was the foundation for the work. A new system would provide compliance and control. He hoped questions could be answered in two to four (2 – 4) weeks. He cited the upcoming Council retreat.

Mayor Stockton questioned given the concerns of the Council if resolution could be found in two to four (2 – 4) weeks. This project had been in the Strategic Plan and was in the IS budget. The process should not be stopped after three (3) years of work. Mr. Sprouls added that the target go live date was May 1, 2010. He expressed concern for the

expense of a cost benefit analysis. He did not believe another consultant would be able to answer all questions and concerns for \$20,000. The consultant would have to review the history of the project. It would require a lot of staffs time.

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

Motion carried.

Alderman Fruin asked that interested Council members meet with Mr. Hales and Mayor Stockton to address concerns.

Alderman Sage was interested in the redeployment of staff with the implementation of ERP.

Alderman Purcell stated this was a tool to operate the City. Council needed to look at payback and efficiency. He reiterated that staff had been working on this project for three (3) years. The question was is this system needed. It was going to cost millions.

Mayor Stockton added that Council needed to keep moving on this project.

Alderman Sage expressed concern that cost benefit analysis had not been discussed.

Motion by Alderman Fruin, seconded by Alderman Sage that this item be laid over until the Council's October 25, 2010 meeting.

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

Ayes: Aldermen Stearns, Schmidt, Sage, Fruin and Purcell.

Nays: Alderman McDade, Anderson and Hanson.

Motion carried.

The following was presented:

SUBJECT: An Ordinance Amending Section 83.5 of Chapter 38 of the City Code, Damage or Destruction of Mailboxes

RECOMMENDATION: That the Ordinance be passed.

BACKGROUND: In 1989, the City was notified that the U.S. Postal Service no longer delivered mail to mailboxes on or in new homes. Delivery depended upon the installation of mailboxes constructed on public right of way. Since the City controls its right of way, and regulates its use, ensuring that construction does not contain materials (such as non-breakaway poles) which would constitute an unreasonable danger to the public (including City employees

plowing snow), it requires that structures placed on the public right of way be issued a permit from the City. As a condition of that permit, a provision limiting the City's liability is included in the event the mailbox and/or post is damaged in the course of City operations.

This past snow season, staff has received a few requests to review the current policy, which caps City liability for replacement of mailboxes at \$50. This provision was last changed in 2006. Staff brought a proposed revision to the September 13, 2010 Council meeting based upon a request from Alderman Fruin. Staff met with Alderman Fruin on Friday, September 17, 2010 to discuss potential revisions to the Ordinance based upon the additional Council input. Based upon this meeting with Alderman Fruin, the proposed Ordinance would cap the cost of replacing a mailbox at \$400. Full reimbursement for damaged mailboxes would occur up to \$150 with any additional amount covered at 50% up to the \$400 cap. Receipts would be required for any reimbursements and would be coordinated through the City's Third Party Administrator, (TPA). Residents still retain the option to have the City install a mailbox (with a post if necessary) with materials of the City's choosing. It also contains a new provision which would require the City to inspect a mailbox which has been reported as damaged within 48 hours from the time of the report and require the City to place a temporary mailbox at the same time if necessary. The Ordinance also requires damage to be reported within ten (10) business days or as soon as reasonably possible.

Council has the following options with the current mailbox Ordinance:

1. Allow the current Ordinance to remain unchanged.
2. Pass the proposed Ordinance.
3. Provide additional direction to staff for further modifications based on the majority opinion of the Council.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: AFSCME Local 699.

FINANCIAL IMPACT: The amount budgeted for mailbox reimbursements in FY 2010-2011 is \$500 (Item 1001-16124-70590). Last year, forty-nine (49) mailboxes were replaced for a total amount of \$2,450 (\$50.00 per mailbox). During the 2009 – 10 snow season staff received one hundred fifty four (154) damaged mailbox reports with one hundred nine (109) being repaired by staff and forty-five (45) being reimbursed \$50. There were less than five (5) mailbox claims to the City's TPA during the last fiscal year for an amount over \$50. The number of damaged mailboxes varies each season but has been reduced over the past three (3) seasons.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed by:

J. Todd Greenburg
Corporation Counsel

Jim Karch
Director of Public Works

Emily Bell, IPMA - CP
Director of Human Resources

Recommended by:

David A. Hales
City Manager

ORDINANCE NO. 2010 - 45

**AN ORDINANCE AMENDING CHAPTER 38 OF
THE CITY CODE RELATING TO REPLACEMENT OF MAILBOXES**

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

Section One: That Sections 83.1 and 83.5 of Chapter 38 of the Bloomington City Code, 1960, as amended, are further amended as follows (additions are indicated by underlines; deletions are indicated by strikeouts):

Section 83: Policy.

It is the policy of the City Council of the City of Bloomington that any mailbox or newspaper delivery box (hereafter referred to as "mailbox") should not interfere with the safety of the motoring public or the operation of the street system. It should conform to rules and regulations of the U.S. Postal Service. Any mailbox constructed or located contrary to this policy and the requirements of Section 83.1 - 83.5 of this Chapter, whether before or after September 8, 1989, is hereby declared to be an unauthorized obstruction under Bloomington City Code Chapter 38 and under Section 9-117 of the Illinois Highway Code (~~Ill. Rev. Stat. ch. 121, §9-117~~). (605 ILCS 5/9-117).

Chapter 38: Section 83.1: Permit Required.

No person shall construct or locate a mailbox on public right-of-way without a permit to do so from the Department of ~~Engineering and Water~~ Public Works. The application for a permit shall contain an agreement limiting the City's liability for damages to the mailbox to ~~Twenty-five Dollars (\$25.00)~~. the amounts specified in Chapter 38, Section 83.5.

Section 83.2: Location of Mailboxes.

- (a) No mailbox may be constructed where access to it is from lanes of a freeway or where it is otherwise prohibited by law or regulation.
- (b) Mailboxes shall be located on the right hand site of the roadway in the direction of the delivery route except on one-way streets where they may be placed on the left hand aide. The bottom of the box shall be set at an elevation establishes by the U.S. Postal Service, usually between 3' 6" and 4' 0" above the roadway surface. The roadside face of the box shall be offset from the edge of the traveled way a minimum distance of the greater of the following: 8' (where no paves shoulder exists), the width of the all-weather shoulder present plus 8" to 12", or the width of an all-weather turnout specified by the City plus 8- to 12".
- (c) Exceptions to the lateral placement criteria above will exist on residential streets and certain designated rural roads where the City deems it in the public interest to permit lesser clearances or to require greater clearances.

- (1) On curbed streets, the roadside face of the mailbox shall be set back from the face of curb a distance between 6" and 12".
- (2) On residential streets without curbs or all-weather shoulders and that carry low traffic volumes operating at low speeds, the roadside face of a mailbox shall be offset between 8" and 12" behind the edge of pavement.
- (3) On very low volume rural roads with low operating speeds, the City may find it acceptable to offset mailboxes a minimum of 6' 8" from the traveled ways and under some low volume, low speed conditions may find clearances as low as 2' 8" acceptable.
- (d) Where a mailbox is located at an intersecting road, it shall be located a minimum of 100' beyond the center of the intersecting road in the direction of the delivery route. This distance shall be increased to 200' when the average daily traffic on the intersecting road exceeds 400 vehicles per day.
- (e) Support structures for the mailbox shall not be located closer than 18" from the back of any curb.

Section 83.3: Construction and Materials.

- (a) Mailboxes shall be of light sheet metal or plastic construction conforming to the requirements of the U.S. Postal Service. Newspaper delivery boxes shall be of light sheet metal or plastic construction of minimum dimensions suitable for holding a newspaper.
- (b) No more than two (2) mailboxes may be mounted on a support structure unless the support structure and mailbox arrangement have been shown to be safe by crash testing. However, lightweight newspaper boxes may be mounted below the mailbox on the side of the mailbox support.
- (c) Mailbox supports shall not be set in concrete unless the support design has been shown to be safe by crash tests when installed.
- (d) A single 4" x 4" or 4 1/2" diameter wooden post or a metal post with strength no greater than 2" diameter standard strength steel pipe and embedded no more than 24" into the ground will be acceptable as a mailbox support. A metal post shall not be fitted with an anchor plate, but it may have an anti-twist device that extends no more than 10" below the ground surface.
- (e) The post-to-box attachment details should be of sufficient strength to prevent the box from separating from the post top if the installation is struck by a vehicle.
- (f) The minimum spacing between the centers of support posts shall be three-fourths (3/4) the height of the posts above the groundline.
- (g) Mailbox support designs not described in this regulation will be acceptable if approved by the City Engineer.

(h) It will be the responsibility of the postal patron to inform the City of any new or existing mailbox installation where shoulder construction is inadequate to permit all-weather vehicular access to the mailbox.

Section 83.4: Removal of Unsafe Mailboxes.

Any mailbox hereafter constructed in violation of these Sections 83.2 - 83.3 is subject to removal at the owner's expense, whether done by the owner or by the City after the owner has failed to remove it upon ten (10) days written notice to do so.

Chapter 38: Section 83.5: Damage to or Destruction of Mailboxes.

The City shall not be financially responsible for the cost of mailbox replacement beyond that set forth hereafter in this section for repair or replacement of mailboxes damaged or destroyed by City vehicles or employees in the course of their operations, ~~except to the extent that such repair or replacement would have been necessary if the mailbox were installed in conformity with the policy in this Chapter, and then not to exceed Fifty Dollars (\$50.00). City liability for repair or replacement of any mailbox is limited to Fifty Dollars (\$50.00).~~ The City shall inspect mailboxes reported as damaged and place a temporary mailbox within 48 hours after the mailbox damage is reported to the City. The temporary mailbox will be removed after 30 days. At the request of the owner of the mailbox, the City will install a permanent mailbox and/or post from materials in compliance with Section 83.3 giving due consideration to appearance requests of the owner of the mailbox. Mailbox replacements or reimbursements shall only occur for damage reported within ten business days of the date the damage occurred or as soon as reasonably possible thereafter.

Reimbursement Schedule:

~~Replacement of mailbox and/or post where original value was \$150 or less: Full reimbursement. Replacement of mailbox and/or post where original value was more than \$150.00 but less than \$650: Full reimbursement for the first \$150.00 of value and 50% reimbursement for the increment between \$150.00 and \$650.00.~~

~~Replacement of mailbox and/or post where original value was more than \$650: Maximum payment of \$400.~~

Replacement of mailbox and/or post will be capped at a maximum of \$150.

Section Two: Except as provided for herein, the Bloomington City Code, 1960, as amended, shall remain in full force and effect.

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

Section Four: This ordinance shall be effective ten days after the date of its publication.

Section Five: This ordinance is passed and approved pursuant to the home rule authority granted Article VII, Section 6 of the 1970 Illinois Constitution.

PASSED this 27th day of September, 2010.

APPROVED this 28th day of September, 2010.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Mayor Stockton introduced this item. The previous ordinance had not been amended in years. He questioned how much the City should pay for mailboxes. David Hales, City Manager, addressed the Council. This text amendment began as an Alderman's request. The belief was that a \$50 reimbursement was not appropriate for mailboxes damaged by snow plows. Staff had to consider union work rules. Staff had worked with Alderman Fruin on additional revisions. The City would provide a temporary mailbox within forty-eight (48) hours of reported damage. The reimbursement amount would change to a maximum amount \$400. The amount was a policy decision. He recommended an amount no higher than \$150. There were some elaborate mailboxes in the public right of way.

Mayor Stockton questioned the number of mailboxes damaged per year. Mr. Hales stated that in the 2009 – 2010 snow season 109 mailboxes were damaged and forty-five (45) were replaced. Mayor Stockton questioned the need to spend time checking receipts. Mr. Hales stated data did not include the value of the mailboxes.

Alderman Fruin summarized an email he received from Mr. Wright. Mr. Wright did not want to criticize snow plow drivers. He wanted more caution and safety. He had a mailbox damaged last year. He believed the dollar amount should be raised. Alderman Fruin stated there were more mailboxes that were damaged. He supported the \$400 maximum allowance. He cited many instances of elaborate mail boxes which were deemed "non-compliant". He believed many damaged mailboxes were located on high traffic volume streets. This issue impacted a third of the Council. The discussion involved a limited number of cases. It was an administrative burden. The issue could be turned over to the Alternative Service Concepts, LLC (ASC) claims service. When the City restores damaged property the homeowner needed to be considered. He believed this issue was unique to certain neighborhoods. The majority of the Council supported a \$100 limit. He

appreciated staff's efforts. He cited the draft ordinance and supported it as written. He thanked staff for their response to calls and installation of temporary mailboxes.

Alderman Anderson supported Mr. Hale's recommendation of \$150 maximum.

Alderman Stearns also supported the \$150 maximum.

Alderman Fruin would like the Council's input before he made a motion. He questioned support for the \$400 cap.

Alderman Sage reviewed the proposed ordinance and commented on the "as soon as reasonable" phrasing for reporting a damaged mailbox. He questioned the sliding scale and how it worked. Mr. Hales stated ASC would handle claims.

Alderman Hanson believed that in Ward 8 ninety percent (90%) of homes had motorized postal routes. The majority of the mailboxes fell within \$150 in value. There were a limited number of mailboxes over \$400 in value. They were the reason for the graduated scale. Replacing mailboxes was not new to the City.

Alderman McDade agreed that this was a neighborhood specific issue. There were a limited number of mailboxes in her ward. She was interested in an efficient process.

Alderman Purcell believed the snow caused the problem. He did not agree with the \$400 cap.

Mayor Stockton stated the City wanted mailboxes to break away as a safety precaution. He questioned if the Council wanted to endorse expensive mailboxes. The question was the reimbursed limit.

Alderman Fruin stated an ordinance with a \$150 cap would not be right for his neighborhood. He believed the Council would support that amount. He appreciated staff's amendments. Mayor Stockton stated the issue could be monitored and changed in the future if needed.

Motion by Alderman Fruin, seconded by Alderman Stearns that the amended Ordinance be passed, (capping the cost for mailbox replacement at \$150).

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

Ayes: Aldermen Stearns, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Renaming Festival Park to Lincoln Park

RECOMMENDATION: That the park located just south of the Bloomington Center for the Performing Arts (BCPA), now known as Festival Park, be renamed either Lincoln Park or Lincoln Festival Park

BACKGROUND: Phase two (2) in development of the Cultural District consisted of creating a green space that would serve, in part, as a location for outdoor concerts to promote visits to Downtown Bloomington. This park was named Festival Park. It was completed and hosted its first Outdoor Summer Concert Series in 2009. Due to the donation of the three (3) group statuary featuring Abraham Lincoln, Jesse Fell and David Davis, by the McLean County Abraham Lincoln Bicentennial Commission to the City, which will be placed in this park.

Bloomington is commonly referred to as Lincoln's "second city" and staff believes that a park named after his legacy is an appropriate gesture to the 16th President of the United States. Renaming the park in this manner is consistent with the Parks Naming/Renaming Policy currently used by the Parks, Recreation and Cultural Arts Department. The Cultural District Commission is in agreement with this recommendation.

There is a 32' x 32' piece of property owned by the City which is located to the south east of Vrooman Mansion along the 700 block of East Taylor Street that has signage referring to the area being called Lincoln Oak Memorial and Lincoln Memorial Park. The Parks, Recreation and Cultural Arts Department has considered this a memorial as opposed to a park.

This area featured the original Oak tree under which Abraham Lincoln and Stephen Douglas made speeches between 1855 and 1860. The original tree died and was removed in 1977. A replacement Oak tree was planted there in 1980 and is currently still there. The monument in the photograph is labeled "Lincoln Oak Memorial" and has 2 plaques on it that give the history of the Lincoln Oak, including a quote from Adlai E. Stevenson from April 17, 1914. There also exists, at ground level, a granite plaque that was installed as part of a 1998 Eagle Scout project. It is this granite plaque that calls the area "Lincoln Memorial Park". It is believed that this plaque calling the area a park was installed and included the word park without consent from the Parks & Recreation Department. Had the department been asked at that time, staff would have recommended the plaque read "Lincoln Oak Memorial" to be consistent with a memorial.

Staff recommendation is to rename Festival Park to either Lincoln Park or Lincoln Festival Park, whichever is preferred by the City Council.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Cultural District Commission, McLean County Abraham Lincoln Bicentennial Commission and Vrooman Mansion staff.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

John R. Kennedy,
Director of Parks, Recreation
& Cultural Arts

Barbara J. Adkins
Deputy City Manager

David A. Hales
City Manager

Mayor Stockton introduced this item. John Kennedy, Director of Parks, Recreation and Cultural Arts, addressed the Council. The City worked with the Abraham Lincoln Bicentennial Commission (ALBC) to provide the statue. He referred to the back up report for the rationale behind the name change. There was some confusion about the area by Vrooman Mansion that had been referred to as Lincoln Memorial Park. It was the Lincoln Oak Memorial. It memorializes the oak tree site where Abraham Lincoln and Stephen Douglas made many speeches. The confusion was a result of an Eagle Scott Project in 1998. A plaque was placed in the park labeled Lincoln Memorial Park. Mr. Kennedy confirmed the name Lincoln Park with both the ALBC and the Cultural District Commission (CDC).

Motion by Alderman Stearns, seconded by Alderman McDade that the park located just south of the Bloomington Center for the Performing Arts (BCPA), now known as Festival Park, be renamed Lincoln Park.

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

Ayes: Aldermen Stearns, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Text Amendment to Chapter 4 Section 26 – Open Fires Prohibited

RECOMMENDATION: That the Ordinance be passed.

BACKGROUND: In response to the proliferation of outdoor recreational fire containers not for the purpose of cooking, the proposed Ordinance was developed through research of similar Ordinances from communities throughout Illinois. It is an effort to address the popularity of these devices which were not available at the time of the original Ordinance, allowing for non cooking fires. The Fire and Police Chiefs still retain the right to order a fire extinguished if legitimate complaints are made.

The Town of Normal is considering action on this issue in the near future. The present City and Town's Ordinances allow for cooking fires only. The Town requires a permit for open fires for this purpose while the City's does not.

Possible alternatives to passing this Ordinance may be: 1) leaving the existing Ordinance in place; 2) provide further direction to staff regarding changes, modifications or revision, or 3) consider the Town's changes to their Ordinance before taking any action.

A consequence of not passing the Ordinance would be continued public confusion over the ability to have outdoor recreational fires not for the sole purpose of cooking. Under the present Ordinance, all outdoor fireplaces, chimneys and fire pits, even those commercially available for purchase, are illegal to use.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Cities of Peoria, Joliet, Urbana, Champaign, Elgin, Rockford, Aurora, and Naperville. Staff met with Town officials to discuss the draft Ordinance. A draft copy of the Ordinance has been available to numerous citizens courtesy of Council members. The draft Ordinance together with the "Frequently Asked Questions" has also been placed on the City's website for review and comment.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

Recommended by:

Michael S. Kimmerling
Fire Chief

J. Todd Greenburg
Corporation Counsel

David A. Hales
City Manager

ORDINANCE NUMBER 2010 - 46

**AN ORDINANCE AMENDING SECTION 26 OF CHAPTER 4 OF THE CITY CODE,
REGARDING COOKING FIRES AND RECREATIONAL FIRES**

WHEREAS, the City of Bloomington, Illinois does not allow the burning of combustible material within the City limits; and

WHEREAS, the City has determined controls and guidelines are needed for recreational fires, including those used for cooking, for the safety and well being of the public; and

WHEREAS, the City intends to hereby set forth clearly and concisely the restrictions so imposed in order to inform all residents of the City of Bloomington as to said restrictions.

IT IS HEREBY ORDAINED BY THE CITY COUNCIL
OF THE CITY OF BLOOMINGTON, ILLINOIS:

Section One: That Section 26 of Chapter 4 of the Bloomington City Code, 1960, as amended, be further amended as follows (additions are indicated by underlines; deletions are indicated by strikeouts):

~~Section 26: Open Fires Prohibited:~~

~~(a) Except as provided herein, it shall be illegal for any person to cause or allow the open burning of any combustible material, to conduct any salvage operation by open burning, or to cause or allow the burning of any combustible material in any chamber not specifically designed for the purpose and approved by the Illinois Environmental Protection Agency pursuant to regulations adopted by the Illinois Air Pollution Control Board.~~

~~(b) Cooking Fires. It shall be illegal for any person to set fire to, ignite, or burn any combustible material in any outdoor fireplace, grill, or barbecue pit unless:~~

~~1. such fire is used solely for the purpose of cooking; and~~

~~2. such fire is kept under competent and continuous supervision; and~~

~~3. all flammable and combustible material is removed a sufficient distance from the fireplace, grill, or barbecue pit so as not to constitute a fire hazard; and~~

~~4. all fires or coals in said fireplace, grill, or barbecue pit are thoroughly extinguished after the use thereof has been completed.~~

~~(c) Waste Vegetation. Unless permitted to do so by written authority of the Chief of the Bloomington Fire Department, it shall be illegal under this Section for a person to engage in open burning of waste vegetation. Such authority may be granted if, but only if, the Chief finds that:~~

~~(1) the site and immediate surroundings of the burning are free from hazards;~~

~~(2) the burning would not have adverse impact on residents of adjacent properties;~~

~~— (3) — the applicant has agreed to take any and all precautions and follow any instructions established by the Chief;~~

~~— (4) — the burning will not generate noxious fumes, smoke or odors;~~

~~— (5) — the cost of alternative disposal of such vegetation is prohibitive; and~~

~~— (6) — The Illinois Environmental Protection Agency has issued to the applicant a permit for open burning and a copy of such permit is provided to the Fire Chief by the applicant.~~

~~— The Chief may revoke his grant of authority orally or in writing if he finds that there has been a change in any of the conditions or circumstances upon which he authorized the burning including, but not limited to, weather conditions at the time of the proposed burning.)~~

~~(d) — Penalty. Any person, firm or corporation violating any provision of this Section hereof shall be fined not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for each offense; and a separate offense shall be deemed committed on each day during which a violation occurs or continues.~~

SEC. 26 OPEN FIRE REGULATIONS

A. Within the city of limits of Bloomington, no person shall burn any garbage, solid waste, commercial solid waste, yard waste, household waste, junk, refuse, rubbish, construction waste, hazardous waste, buildings or structures.

B. The use of outdoor grills and barbecues for cooking is permitted.

C. Recreational fires shall be allowed in approved containers or fire pits.

D. Recreational fire shall be defined as an outdoor fire whose purpose is for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

1. For the purpose of this section, approved container shall be defined as a device specifically designed for the use of burning wood or charcoal, including but not limited to portable fireplaces, fire pits or chimineas. All portable devices shall be equipped with a spark arrestor (i.e. screen or chimney). The approved container may not be larger than forty-two (42) inches in diameter. The use of devices made of stone, metal, or ceramic construction designed for the purpose of containing a fire shall also be permitted provided the total fuel area does not exceed 3 feet in diameter and 2 feet in height. Wood contained in permissible fires shall be no more than 3 feet in length.

2. No approved container shall be located within eight (8) feet of a structure or public way. No approved fire pit shall be located within twenty five (25) feet of a structure or public way.

3. Only clean, dry firewood or charcoal may be used for recreational fires. Construction materials or yard waste are strictly prohibited. The use of

flammable or combustible liquids, other than commercially produced charcoal lighter fluid, to start the fire is strictly prohibited.

4. All recreational fires shall be constantly attended by a responsible adult until the fire is extinguished. A minimum of one portable fire extinguisher with a 4-A rating or a functional garden hose attached to a functional water source shall be available for immediate use.

5. All recreational fires have maximum time limit of 4 hours and shall be properly extinguished at the end of activities or time limit. Regardless of when the fire was initiated it is not allowed to extend later than 11:00 p.m. and may begin no earlier than 7:00 a.m.

6. The fire shall be immediately extinguished any time wind conditions become strong (at or above 15 MPH or greater) or if there are sustained wind gusts in excess of 20 MPH, or if the wind begins to carry brands or embers creating a potential for fire extension.

E. Bonfires may be allowed only for officially sponsored activities of civic, educational and religious organizations. Bonfires are not approved for the general public. Allowed bonfires are subject to the following conditions

1. The organization requesting the bonfire must submit a map of the burn site to the Bloomington Fire Department for review a minimum of 7 business days prior to the event. The site map must show emergency access points to the site (i.e. roads, parking lots, alleys, etc.) burn sites proximity to buildings/structures, location of hydrants, and approximate number and location of participants.

2. The organization requesting the bonfire must obtain a burn permit (\$50.00) from the Bloomington Fire Department at least 48 hours prior to the lighting of the bonfire. A fire department official will need to inspect the site the day of the burn.

3. The location of the bonfire shall be no closer than 50 feet to any structure, tree, shrub or combustible material and provisions shall be made to prevent the fire from spreading to within 50 feet of any structure or combustible material.

4. The Organization requesting the bonfire will appoint a minimum of 2 adults to act as bonfire supervisors throughout the entire event. These supervisors shall each have a means of communication (cell phone, etc.) to alert the Fire Department in the event of any issues.

5. The fuel for the bonfire shall consist only of clean, dry non-treated lumber or firewood stacked no more than 10 feet in height and with a diameter of not to exceed 10 feet at the base of the pile.

6. The use of flammable or combustible liquids, other than commercially produced charcoal lighter fluid, to start the fire is strictly prohibited. Small amounts of paper and kindling should be used. Only dedicated bonfire supervisors will initiate the fire.

7. No one, except the bonfire supervisors and/or emergency personnel shall be allowed within 10 feet of the bonfire throughout the duration of the event. Adequate security measures must be in place to prevent the audience from encroaching on the pile.

8. The bonfire shall be properly extinguished at the end of activities, but in any case will not be allowed after 11:00 p.m.

9. The bonfire can be suspended or cancelled at any time during the event if wind conditions become strong (15 MPH or greater) or if there are sustained gusts in excess of 20 MPH, or if the wind begins to carry brands or embers creating a potential for fire extension. Bonfires identified as offensive or objectionable due to excessive smoke or odor emissions may be extinguished by fire department officials.

F. The Fire Chief/Police Chief or their designee may prohibit any type of burning that becomes a nuisance based on complaints of irritation of eyes or breathing of others, when the atmospheric conditions or local conditions make such fires hazardous and may order the extinguishment of any fire which creates or adds to a hazardous or objectionable situation.

G. Definitions

1. Bonfire – A large outdoor utilized for ceremonial purposes, as an expression of public joy and exultation, or for amusement
2. Fire Pit - A pit dug into the ground or made from stones, masonry, etc. that rests on the ground, for keeping a fire used for recreation or cooking.
3. Public Way – A public street, sidewalk, alley or bike trail
4. Recreational fire – A small outdoor fire whose purpose is for pleasure, viewing, religious, ceremonial, cooking, warmth or similar purposes using only seasoned dry firewood or commercially available charcoal briquettes
5. Rubbish – Items such as paper, plastic, rubber, food products, metal, glass and combustible liquids
6. Structure - A building, garage, house, or shed attached to the ground that consists of a roof and may have walls.

7. Yard Waste- Vegetative matter resulting from landscaping and yard maintenance operations and includes materials such as tree and shrub trimmings, vegetables, flowers, leaves, grass clippings, trees and tree stumps.

H. Penalty. Any person, firm or corporation violating any provisions of this Section shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense; and a separate offense shall be deemed committed on each day during which a violation occurs or continues.

Section Two: Except as provided for herein, the Bloomington City Code, 1960, as amended, shall remain in full force and effect.

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

Section Four: This ordinance shall be effective ten days after its publication.

Section Five: This ordinance is passed and approved pursuant to the home rule authority granted Article VII, Section 6 of the 1970 Illinois Constitution.

Section Six: The deletion of the language in Section 26 of Chapter 4 as it existed prior to the effective date of this ordinance shall in no way affect the validity of any ordinance violation notices which were issued under said language prior to the effective date of this ordinance.

PASSED this 27th day of September, 2010.

APPROVED this 28th day of September, 2010.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Mayor Stockton introduced this item. The proposed ordinance was a clarification of the original ordinance. David Hales, City Manager, addressed the Council. He cited the input from Council members regarding this issue. Mike Kimmerling, Fire Chief, had researched other cities' ordinances. He had also reached out to the Town of Normal which allows recreational fires. Chief Kimmerling addressed the Council. Council had requested

an ordinance. The draft ordinance was posted on the City's web site and had received public comments. It was impossible to be all encompassing with this ordinance. Therefore the ordinance was broadly written.

Alderman Stearns questioned recreational fires. She believed this would be complaint driven, ("smoke issue"). She questioned the actions of the Fire Department. Chief Kimmerling stated the Fire Department had the authority to extinguish fires. There were usually other issues outside of the fire. The Police Department was the first line of defense. The fire must be a nuisance from smoke and/or odors. Todd Greenburg, Corporate Counsel, addressed the Council. Subsection (f) contained a list of nuisance factors.

Alderman Schmidt thanked staff for being responsive to questions.

Alderman Purcell had requested a text amendment. He had heard from some of his constituents regarding the ordinance. It was complaint driven by neighbors. He believed Council would support legalizing open fires with guidelines provided. He believed this was a good ordinance. He also believed that people could have an open fire and not cause a problem.

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

Motion carried.

Dale Roberts, 3203 Suffolk Way, addressed the Council. He had sent an email to Council members. He was grateful for the open fire guidelines. He provided a brief overview of his email. For the past twenty (20) years, he has hosted a major event involving open fire. This year, the event was held on September 18th. The Fire Department arrived during dinner and extinguished the fire. He wanted to know that he has the ability to plan this event. He wanted to be reassured that this event would not be shut down in the future.

Motion by Alderman Anderson, seconded by Alderman McDade to return to order.

Motion carried.

Chief Kimmerling addressed the issue of tiki torches internally. With regards to Mr. Roberts's fire, he did not know where the complaint came from. He hoped the ordinance would work out. The Fire Department would try their best to enforce the ordinance but he made no guarantees. Randy McKinley, Police Chief, addressed the Council. He had spoken with Chief Kimmerling about the Police Department as the first responders. The action taken will be dependent upon the circumstances. The Police Department would make an effort to speak to the complainant before calling the Fire Department. The Police Department would respond to a call regardless of the telephone number used.

Alderman Stearns questioned when a complaint is related to health concerns would the fire be extinguished. She also questioned if the officer(s) would side with the complainant. Chief McKinley trusted the judgment of his Police Officers and hoped they would look for alternatives. Mayor Stockton stated the issue can be readdressed if needed.

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

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

Ayes: Aldermen Stearns, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Extension of Contract for Water Main Replacement Projects with George Gildner, Inc.

RECOMMENDATION: That the Change Order to the contract with George Gildner Inc. for Water Main Replacement Projects in the amount of \$99,539.60 be approved and the Resolution adopted.

BACKGROUND: On November 9, 2009, Council approved Resolution No. 2009-52, A Resolution Setting Priority Projects for the Downtown Tax Increment Financing (TIF) District, which authorized the expenditure of Downtown TIF funds for water main replacement projects.

On December 29, 2009 Council approved a contract with George Gildner, Inc. in the amount of \$414,990 for these water main replacement projects. The Prairie Street water main replacement project involved the replacement of a four inch (4") diameter water main, obsolete fire hydrants, and all active water service lines from the water main to the property line on Mulberry Street, from the alley between East and Prairie Streets to Prairie Street, and then on Prairie Street from Mulberry to Washington Street.

Additional work related to this project is desired on Prairie Street. As part of the restoration for the project, the specifications called for patching the trenches that were excavated for the water main/fire hydrant/service line installations. This work was completed, however, as noted by Gildner, the street, as a whole, is in poor condition and the patches that have been installed will quickly degrade. This is due to the severe cracking in the asphalt in the rest of the street. The permanent patches will start cracking very quickly at their edges because there was no good pavement for the patches to be feathered into. Once the edges of the patches begin to degrade, it is only a matter of time before the entire patch fails. Staff also requested from Gildner, a letter

indicating that the “patching” that was completed on Prairie Street met the specifications that are outlined in the contract, but because Prairie Street is in such poor condition, that the patches will degrade very quickly.

In order for the work to be performed, timing is of the essence, due to the Asphalt Companies shutting down in November or earlier (depending on the weather).

In August, 2010, the TIF Team which is composed of Jim Karch, Kevin Kothe, Jeff Kohl, John Kennedy, Bobby Moews, Mark Huber, Mark Woolard, Leslie Lebel, Rosalee Dodson, Erika Kubsch, and Barb Adkins met to discuss the “patch” work on Prairie Street. Staff contacted Kathy Orr, the Downtown TIF Attorney for her opinion on using additional TIF dollars to “overlay” several blocks of Prairie Street. Because the Water Main Project was designated prior to the expiration of the Redevelopment Plan, all costs relating thereto, including necessary change orders, may be paid with funds available for eligible redevelopment costs as a result of the adoption of the TIF Act. Kathy Orr’s letter is included.

The Finance Department recently completed an updated financial analysis of the revenue and expenses in the Downtown TIF District. A copy of the updated financial analysis has been included. A few positives came from this analysis. Property tax revenue came in \$65,654 higher than projected. The sidewalk project in the 100 block of S. East Street and 300 block of N. East Street are projected to come in almost \$100,000 lower than originally projected. Also the Water Main Project on Prairie Street is projected to come in nearly \$4,000 under budget. By contrast the only area that the Finance Department projects significantly higher expenses than expected is Kathy Orr’s legal services in regard to the Devon Corporation lawsuit.

After reviewing all the updated information, Finance projects that \$108,497 will be the remaining balance in the Downtown TIF Fund after all projects, as currently committed, are completed and paid for.

Therefore, if the City committed to the Prairie Street overlay as recommended the Finance Department projects that the City would still have \$8,957 remaining in the Downtown TIF Fund at its closure that would be set aside as additional dollars for the Devon Corporation lawsuit.

Prairie Street was previously scheduled to be resurfaced in 2012 or 2013. Currently, the street has a condition rating of 3 and 2, poor to very poor, on a scale from 1 to 10, with 10 being the best condition. The traffic volume on this street is approximately 1,560 vehicles per day. The additional work will consist of Gildner subcontracting with McLean County Asphalt to mill several inches of the existing asphalt and overlay with new asphalt on Prairie Street from Washington Street to Mulberry Street and Mulberry Street from Prairie Street west approximately 200 feet toward East Street. It is Gildner’s right to extend its subcontract with McLean County Asphalt to do the overlaying.

Staff met with Erika Kubsch, the Executive Director of the DBA to discuss the problems/concerns on Prairie Street and the recommendation that Council authorize additional funds be used to overlay Prairie Street. The DBA’s Executive Board met on August 23, 2010 and were not in support of using additional Downtown TIF dollars for overlaying Prairie Street.

They responded that if the dollars can not be used for lighting in the 600 block of Main Street, they preferred that the dollars be returned to the taxing bodies. The 600 block of Main was not in the initial contract approved by Council in December of 2009; therefore no new contract could be entered into. The DBA was in support of the December 2009 list of Downtown TIF Closeout Projects that Council approved.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Downtown Bloomington Association Executive Director and Executive Board.

FINANCIAL IMPACT: When the budget was developed to close the Downtown TIF, the staff conservatively projected that the City would collect real estate taxes of \$1,263,574 in FY 2011 for calendar year 2009 taxes. The City has received a notification from McLean County that the actual amount of property taxes to be received will be \$1,329,612 which is \$66,038 more than the conservative estimate. The combination of additional real estate tax revenue, plus the savings gleaned from TIF projects approved by Council, will allow the City to complete this additional work.

Respectfully submitted for Council consideration.

Prepared by:

Concurred with:

Concurred with:

Barbara J. Adkins
Deputy City Manager

Jim Karch
Director of Public Works

Craig Cummings
Director of Water

Reviewed by:

Recommended by:

Rosalee Dodson
Asst. Corporation Counsel

David A. Hales
City Manager

RESOLUTION NO. 2010 - 33

A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE AMOUNT OF \$99,539.60 IN THE CONTRACT BETWEEN THE CITY OF BLOOMINGTON AND GEORGE GILDNER, INC. FOR WATER MAIN REPLACEMENT PROJECTS

WHEREAS, the City of Bloomington has previously entered into a contract with George Gildner, Inc. for the water main replacements projects on Prairie Street; and

WHEREAS, for the reasons set for in a staff report dated September 27, 2010 it will be necessary to mill several inches of existing asphalt and overlay with new asphalt on Prairie Street; and

WHEREAS, it is finding of the City Council that the decision to perform the work described in the September 27, 2010 staff report was in the best interest of the citizens of the City of Bloomington.

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

That a change order in the amount of \$99,539.60 in the contract between the City of Bloomington and George Gildner, Inc. for additional work in connection with the Prairie Street water main replacement project be approved.

ADOPTED this 27th day of September, 2010.

APPROVED this 28th day of September, 2010.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Mayor Stockton introduced this item. Jim Karch, Director – Public Works, addressed the Council. This recommendation comes with utilization of Tax Increment Financing (TIF) funds in the area in need of resurfacing. Prairie St.’s pavement was failing. He believed it was a logical use of the remaining funds.

Alderman McDade questioned if the whole street would be resurfaced. Mr. Karch responded affirmatively. There would also be some inlet reconstruction. Mayor Stockton stated this work was on the list but was moved up due to the water main break and that it was TIF eligible. Mr. Karch added that it had been on the list for next year.

Alderman Stearns was please with this expenditure.

Motion by Alderman Stearns, seconded by Alderman Schmidt that the Change Order to the Contract with George Gildner, Inc. for Water Main Replacement Projects in the amount of \$99,539.60 be approved and the Resolution adopted.

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

Ayes: Aldermen Stearns, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

Financial Report for the First Quarter of Fiscal Year 2011 – Presentation and Discussion.

Davis Hales, City Manager, addressed the Council. He recommended that this item be laid over until October 11, 2010 due to the lateness of the hour. Mayor Stockton requested that the item be place on the City’s web site.

Motion by Alderman Purcell, seconded by Alderman Schmidt that this item be laid over until the Council’s October 11, 2010 meeting.

Motion carried, (viva voce).

MAYOR’S DISCUSSION: None.

CITY MANAGER’S DISCUSSION: David Hales, City Manager, addressed the Council. He referenced the draft hand out of Future Council Agenda items. There were significant issues to review. Staff had been struggling to complete Action Agenda items along with daily tasks. He wanted everyone to work together to use their time efficiently. Staff would make an effort to have packets out by Tuesday in order to receive feedback by Friday. He commented on the Neighborhood Preservation Ordinance.

He had attended the Illinois Municipal League (IML) conference. There was a session on Police and Fire Pension reform. A bill would be submitted during the veto session. It was critical for the Council to reach out to legislators. He would provide more information on this priority issue. There also was a good discussion on railroad crossings. An at grade level railroad crossing would be difficult. He had also met with officials from the Illinois Commerce Commission (ICC) regarding future railroad crossings.

Mayor Stockton requested the Future Council Agenda document be place on the City’s web site.

ALDERMEN’S DISCUSSION: Alderman Anderson hoped that mailboxes would be in compliance going forward.

Alderman Stearns stated the Neighborhood Interest Group had an intern conducting vacant house ordinance research among other cities. Mayor Stockton added that there were Council members who had special interests in certain areas. The

Neighborhood Interest Group was interested in quality of life. Another area of interest was noise ordinances. Alderman Purcell added that there was also interest in in-fill development.

Alderman Purcell thanked the Water Department for the Graham St. water main. He expressed appreciation for the Managed Competition Report regarding the Village of Glenview. He also thanked Mike Kimmerling, Fire Chief, and Randy McKinley, Police Chief, for the Open Fire Ordinance.

Alderman Schmidt was also thankful for the Managed Competition Report. She also thanked staff for the Friendship Park meeting.

Alderman Fruin commented on the meeting length (five hours). He had been reflecting on the Regular Agenda and believed many of those items took time away from the Strategic Plan discussions. He thanked staff for providing options to the Council on some of the items on the agenda. They helped the Council make decisions. Mayor Stockton also appreciated the options.

Alderman Hanson stated on September 19, 2010 he represented the City at the opening of Benjamin Elementary School. There was good attendance by the public. Mayor Stockton added that Cedar Ridge Elementary School also opened recently.

Motion by Alderman Purcell, seconded by Alderman Schmidt, that the meeting be adjourned. Time: 10:45 p.m.

Motion carried.

**Tracey Covert
City Clerk**

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