

**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 7:02 p.m., Monday August 27, 2012.

The Meeting was opened by Pledging Allegiance to the Flag followed by silent prayer.

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

Aldermen: Judy Stearns, Mboka Mwilambwe, Bernard Anderson, Robert Fazzini, Jennifer McDade, Steven Purcell, Karen Schmidt, Jim Fruin, David Sage, and Mayor Stephen F. Stockton.

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

The following was presented:

2012 Beautification Awards.

Mayor Stockton introduced Stan Cain, Beautification Committee Chairman. Mr. Cain addressed the Council and recognized the Beautification Committee members who were present at this evening's meeting. For the Beautification Committee these awards were the highlight of the year. This year, the Committee received fifty (50) nominations. Eleven (11) residential and three (3) commercial properties had been selected this year.

Residential awards were presented to the following: Paul & Carolyn Jarvis, 15 White Pl.; David & Diane Meece, 11 Briarwood Ave.; Jeffrey & Gina Tarter, 5 Cherrywood Ln.; John & Rozella Spicer, 603 S. Mercer Ave.; Gary & Deborah Calhoon, 204 S. State St.; Robert & Donna Armes, 1305 W. Chestnut St., Brady Jipp, 214 Mecherle Dr.; Robin Hawkins, 1512 N. Hershey Rd.; Todd & Raney Miller, 2807 Clearwater Ave., Jan & Kim Jamison, 2 Cherrywood Ln.; and Mayors Manor, Mid Central Community Action, 504 W. Washington St.. A property owner for each address was present to receive their award. Mark Kotte, Mid Central Community Action Board President and Char Talkington, Master Gardener, were present to receive the award on behalf of Mayors Manor. Bob Larkin, Commerce Bank President, was present to receive the award given to Commerce Bank, 1339 E. Empire St. Dr. Mark Burgess was present to receive the award given to the Oakland Professional Plaza, 2111 E. Oakland Ave. Adam Bellas was present to receive the award given to Bellas Home and Garden, 1312 N. Main St.

Mr. Cain thanked the Council and City staff for their support. Mayor Stockton congratulated the Beautification award recipients. These awards were a win-win for the City, the property owners and property values.

The following was presented:

SUBJECT: Council Proceedings of August 13, 2012

RECOMMENDATION: That the reading of the minutes of the previous Council Proceedings of August 13, 2012 be dispensed with and the minutes approved as printed.

BACKGROUND: The Council Proceedings of August 13, 2012 have been reviewed and certified as correct and complete by the City Clerk.

In compliance with the Open Meetings Act, Council Proceedings must be approved within thirty (30) days after the meeting or at the Council's second subsequent regular meeting whichever is later.

In accordance with the Open Meetings Act, Council Proceedings are made available for public inspection and posted to the City's web site within ten (10) days after Council approval.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Tracey Covert
City Clerk

David A. Hales
City Manager

Motion by Alderman Schmidt, seconded by Alderman Purcell that the reading of the minutes of the previous Council Meeting of August 13, 2012 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, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, 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 posted on the City's website on Thursday, August 23, 2012 by posting via the City's web site.

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:

Patti-Lynn Silva
Director of Finance

David A. Hales
City Manager

(ON FILE IN CLERK'S OFFICE)

Motion by Alderman Schmidt, seconded by Alderman Purcell that the Bills and Payroll be allowed and the 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, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Financial Assistance Agreement known as Partners in Conservation ("Agreement") between the Illinois Environmental Protection Agency, Bureau of Water ("IEPA") and the City

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

BACKGROUND: Staff respectfully requests that Council authorize entering into the Agreement between the IEPA and the City for funding of a shoreline erosion control project at the Evergreen Lake reservoir. This cooperative effort would entail funding a \$100,000 project with \$36,000 coming from IEPA, Bureau of Water and \$64,000 coming from the City's Water Improvement Fund.

To date, the Water Department has garnered over \$500,000 in competitive cash grants from the Sand County Foundation, a private foundation that funds watershed programs and the IEPA. This Agreement will add to that tally and will utilize a proven mitigation effort, (shoreline protection), that is part of the IEPA's strategy to reduce phosphorous in the City's drinking water reservoirs.

The Agreement is designed to mitigate problems with reservoirs that have been determined to be impaired based upon targeted contaminants that may be found in the reservoirs above certain levels.

This Agreement is the culmination of many years of work on improving the quality of the City's drinking water reservoirs. Starting in 2003, the IEPA conducted a Source Water Assessment and a Total Maximum Daily Load ("TMDL") analysis of the Evergreen Lake reservoir. A TMDL is the greatest amount of a given contaminant that a reservoir can receive without violating water quality standards and designated uses.

The Evergreen Lake reservoir is a high quality reservoir. It is impaired by phosphorous which can stimulate the growth of algae within the reservoir eventually resulting in low dissolved oxygen levels and the proliferation of nuisance organisms. Phosphorous can come from many sources but one known source is completely natural. Phosphorous can be released into the reservoir from soil that has eroded from the shoreline. To minimize the phosphorous load into the reservoir, shoreline erosion must be reduced.

Once the Source Water Assessment is combined with the TMDL analysis of the Evergreen Lake reservoir completed in 2006, an implementation plan for reducing pollutants in the reservoirs was determined. Only then could grant dollars from the state and federal government become available for implementation or mitigation effort. The awarding of grant dollars is a competitive process and the amount in the Partners in Conservation program can vary from year to year. The City has applied for grant dollars in the past but has not been successful in its efforts to complete a project from this funding source.

Staff therefore respectfully requests that the Council authorize entering into the Agreement between the IEPA and the City. The City's portion for this \$100,000 project is \$64,000 and will be paid for from the Water Improvement Fund. This project is identified in the 2013 Capital budget as the Reservoir Shoreline/Stream Erosion Control Improvements project in the amount of \$100,000. No funds have been expended for this project at this time

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The McLean County Department of Parks and Recreation and Illinois Department of Natural Resources were contacted as part of this project.

FINANCIAL IMPACT: The City's commitment to this Agreement in the amount of \$64,000 is budgeted. The funding would be drawn from Water Department, Water Improvement Fund Account (#50100130 - 70220)

Respectfully submitted for Council consideration.

Prepared by:

Financial review by:

Reviewed by:

Craig M. Cummings
Director of Water

Patti-Lynn Silva
Director of Finance

Barbara J. Adkins
Deputy City Manager

Reviewed as to legal sufficiency:

Recommended by:

J. Todd Greenburg
Corporation Counsel

David A. Hales
City Manager

(CONTRACT ON FILE IN CLERK'S OFFICE)

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Amendments to Chapter 21. Refuse Code

RECOMMENDATION: That the Text Amendment be approved and the Ordinance passed.

BACKGROUND: Public Works staff recently reviewed City ordinances for possible changes to Chapter 21. Refuse. It found a number of minor, housekeeping changes. Public Works staff prepared changes and the Corporation Counsel and City Manager reviewed same.

SUMMARY OF CHANGES:

Section 300.5.: Frequency of Collection - Change Public Service to Public Works.

Section 300.6: Holiday Collection - Deletes Labor Day as a non-collection day. The City has been collecting refuse on Labor Day for a number of years.

Section 300.9: Leaf Collection: - Changes Public Service to Public Works.

Section 400.4: Placement of Refuse for Collection - Changes the deadline (6:00 instead of 9:00 a.m.) for placement of containers and bags on the curb for collection. Residents already are instructed to make the 6:00 a.m. deadline. This is the time set on the City's official web site. Also corrects a scrivener's error (day of instead of day ~~following~~). Also changes Public Service to Public Works and corrects a typographical error (known instead of knows).

Section 400.6: Elimination of Substandard Refuse Containers - Changes Public Service to Public Works.

Section 800.11: Nuisance Abatement - Changes Public Service to Public Works.

Section 102.1: Authority of Director - Changes Public Service to Public Works.

Section 301.2: Garbage Collectors - License Required; Fee; Issuance; Etc.: Corrects a typographic error to clarify the section.

Section 900.3: Lien - Changes Public Service to Public Works.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed as to legal sufficiency:

Jim Karch
Director of Public Works

Barbara J. Adkins
Deputy City Manager

J. Todd Greenburg
Corporation Counsel

August 27, 2012

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Recommended by:

David A. Hales
City Manager

ORDINANCE NO. 2012 – 58**AN ORDINANCE AMENDING BLOOMINGTON CITY CODE CHAPTER 21**

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

Section One: That the Bloomington City Code Chapter 21, Section 300.5, shall be and the same is hereby amended to read as follows (additions are indicated by underlining; deletions are indicated by strikeouts):

SEC. 300.5. FREQUENCY OF COLLECTION.

Garbage shall be collected once per week according to a collection schedule established by the Director of Public ~~Service~~ Works, except for such holidays as hereinafter provided.

Debris shall be collected on a schedule established by the Director of Public ~~Service~~ Works which shall ensure collection every other week, with the following exception. No brush or tree debris containing limbs, logs, branches, leaves from Ash trees commonly known as White Ash, Green Ash and Blue Ash will be collected between April 30th and September 1st in any year when there is an Emerald Ash Borer Quarantine in effect in McLean County.

Section Two: That the Bloomington City Code Chapter 21, Section 300.6, shall be and the same is hereby amended to read as follows (additions are indicated by underlining; deletions are indicated by strikeouts):

SEC 300.6. HOLIDAY COLLECTION.

(a) The City shall collect garbage on all holidays which fall within the weekly calendar for collection, except Christmas ~~and Labor Day~~.

(b) Garbage shall not be collected on Christmas ~~or Labor Day~~, but shall be collected on the following day in which garbage is collected.

Section Three: That the Bloomington City Code Chapter 21, Section 300.9, shall be and the same is hereby amended to read as follows (additions are indicated by underlining; deletions are indicated by strikeouts):

SEC. 300.9. LEAF COLLECTION.

Leaves may be collected by the City from time to time as directed by the Director of Public ~~Service~~ Works and approved by the City Manager. No person shall rake or store leaves on any street.

Section Four: That the Bloomington City Code Chapter 21, Section 400.4, shall be and the same is hereby amended to read as follows (additions are indicated by underlining; deletions are indicated by strikeouts):

SEC. 400.4. PLACEMENT OF REFUSE FOR COLLECTION.

(a) Street Collection. Not earlier than 2:00 p.m. on the day prior to the scheduled collection day, all refuse to be collected shall be placed so as not to present a hazard to pedestrian or vehicular traffic. Placement of refuse on the owner's property shall constitute authorization for refuse collectors to enter onto said property for the purpose of collecting refuse deposited thereon.

(b) Alley Collection. Where alley pick up is authorized under this Chapter, all refuse to be collected shall be placed within five (5) feet of the alley, or in the alley in such a manner as to be readily collectible and not to present a hazard to vehicular traffic. Placement of refuse on the owner's property shall constitute authorization of refuse collectors to enter onto said property for the purpose of collecting refuse deposited thereon.

(c) Collection in General. During the period of time beginning at 2:00 p.m. on the day prior to the scheduled collection day and ending at ~~9:00~~ 6:00 a.m. on the day ~~following~~ of the collection ~~day~~, garbage placed for collection may be placed in any of the approved refuse containers specified in Section 200.4, including plastic refuse bags established by the Director of Public ~~Service~~ Works.

(d) No person shall place any brush or tree debris of any kind, including but not limited to limbs, logs, branches, leaves; from Ash trees commonly ~~known~~ known as White Ash, Green Ash and Blue Ash for collection by the City of Bloomington between April 30th and September 1st in any year when there is an Emerald Ash Borer Quarantine in effect in McLean County.

Section Five: That the Bloomington City Code Chapter 21, Section 400.6, shall be and the same is hereby amended to read as follows (additions are indicated by underlining; deletions are indicated by strikeouts):

SEC. 400.6. ELIMINATION OF SUBSTANDARD REFUSE CONTAINERS.

(a) City collectors shall have the authority to condemn defective refuse containers. A container may be considered defective if it:

- (1) has no cover or the cover fits so badly as to allow insects or animals access to the contents;
- (2) has no handles;
- (3) is rotted or has any holes in top, side or bottom;
- (4) has ragged or sharp edges or any other defect liable to hamper or injure a refuse collector; or
- (5) is in an unsanitary condition.

(b) A container may be condemned by placing a red tag or sticker on it in a conspicuous place. If such container is defective according to subsection (a)(1), (2), (3) or (4) above, it shall be replaced prior to the next scheduled collection of refuse. If such container is defective according to subsection (a)(5) above, it shall be cleaned prior to the next scheduled refuse collection.

(c) Any condemned container not replaced or cleaned pursuant to subsection (b) above, shall be collected with the refuse at the next scheduled refuse collection. The City shall not be held liable for the collection of any defective container.

(d) Any person may dispute the condemnation of a container by calling the Director of Public ~~Service~~ Works, whose judgment shall be final. Failure to contact the Director within twenty-four (24) hours of condemnation shall constitute an admission that the container was defective.

Section Six: That the Bloomington City Code Chapter 21, Section 800.11, shall be and the same is hereby amended to read as follows (additions are indicated by underlining; deletions are indicated by strikeouts):

SEC. 800.11. NUISANCE ABATEMENT.

(a) In the event of a violation of Article VIII of this Chapter, the Director of the Planning and Code Enforcement, the Director of the Public ~~Service~~ Works Department or their designates, shall notify, in writing, such owner to cut, destroy, or remove such growth or objects as are prohibited by said Section. In the event such owner cannot be located after reasonable inquiry, posting shall be sufficient notice. The notice shall state that unless such nuisance is so abated or removed by a specific date, the City will cause it to be abated or removed, the cost thereof will be charged to the owner, and that such cost shall be a lien upon the real property where the nuisance was abated or removed. Such notice shall also state that the failure of such owner to abate the nuisance as required by such notice shall be deemed an implied consent for the City to abate or remove such nuisance. Such implied consent shall be deemed to form a contract between such owner and the City. If such owner fails to abate any nuisance within the time limit specified in such notice, the City may proceed to abate such nuisance, keeping an account of the expense of the abatement as to each particular lot or tract, and such expense shall be charged and paid by such owner.

(b) Administrative Expense. In addition to the expenses set forth in subsection (a), the City shall charge a One Hundred Dollar (\$100.00) per lot or Four Hundred Dollar (\$400.00) per acre fee to cover a portion of the administrative costs incurred for removal of the nuisance. This expense shall be assessed against the owner of any property which received a notice from the City as set forth in subsection (a), regardless of whether the City or its agents are required to mow the property involved.

(c) Lien or Personal Judgment. If the costs of abating or removing the nuisance remain unpaid, the City, at its option, may file a lien upon the real property where the nuisance was abated or removed, or commence proceedings in the Circuit Court seeking a personal judgment from the owner of such property where the nuisance was abated or removed.

(1) Lien. When the City exercises its right to file a lien upon the real property where the nuisance was abated or removed, the City must file a Notice of Lien in the office of the Recorder of Deeds of McLean County. Such notice shall consist of a sworn statement setting out:

(1) A description of the real estate, sufficient for identification;

(2) The amount of money representing the cost and expense incurred or payable for the service; and

(3) The date or dates when such cost or expense was incurred by the municipality. This lien shall be superior to all other liens except taxes, provided, however, it shall not be valid as to any purchaser whose right in and to such real estate have arisen subsequent to the date on which such costs were incurred and prior to the filing of such notice, and a lien of the City shall not be valid as to any mortgages, judgment, creditor or other alienor whose rights in and to such real estate arise prior to the filing of such notice. Upon payment of the costs and expenses by the owner of any other person interested in such property, after the Notice of Lien has been filed, the lien shall be released by the City and the release may be filed of record as in the case of filing the Notice of Lien. The lien may be enforced by proceeding to foreclosure, as provided by law. Interest on the lien shall accrue at the rate of 6% per year.

(2) Personal Judgment. When the City exercises its right to obtain a personal judgment against an owner for the cost of abatement or removal of a nuisance, the City shall file an action in the Circuit Court against any person or persons to whom notice was sent as authorized in Section 800.10(a). Said action shall be used upon the implied consent by said persons to form a contract with the City for the abatement or removal of said nuisances. The action authorized by this paragraph shall be in addition to, and without waiver, of any other remedy.

(d) Definition of "Owner". For the purpose of Chapter 21, the term "owner shall mean the person, partnership or entity paying property taxes on the real estate on which a violation of this Chapter occurs.

Section Seven: Sections 102.1, 301.2, and 900.3 of Chapter 21, of the Bloomington City Code, 1960, as amended, shall be and the same is hereby amended to read as follows (additions are indicated by underlining; deletions are indicated by strikeouts):

SECTION 102.1. AUTHORITY OF DIRECTOR.

(a) The Director of Public Service (Works) is hereby authorized to:

- (1) plan, establish, add to, or alter refuse collection routes;
- (2) supervise, regulate and direct conduct of City refuse collectors;
- (3) take such other and further steps as are necessary to insure the efficient collection of refuse within the City.

(b) The Director of Planning and Code Enforcement is hereby authorized to:

- (1) plan and establish inspection and reporting procedures;
- (2) supervise refuse inspections;
- (3) take such other and further steps as are necessary to insure efficient refuse inspections within the City.

SEC. 301.2. GARBAGE COLLECTORS – LICENSE REQUIRED; FEE; ISSUANCE; ETC.

All persons, before collecting garbage, rubbish, or ashes within the City shall procure annually a license form from the City Manager upon the payment of a fee of One Hundred Dollars (\$100.00).

SEC. 900.3. LIEN

Charges for the cost incurred by the City for the abatement of a violation from any property pursuant to this Chapter shall be a lien upon the premises with priority as provided in 65 ILCS 5/11-20-13, as heretofore or hereafter amended. At any time after a bill has been sent to the owner for abatement of the violation a lien may be filed with the Recorder of Deeds in the manner provided by paragraph 1 of 65 ILCS 5/11-20-13. The failure of the City to record such lien claimed or to mail notice or the failure of the owner to receive notice of such lien shall not affect the right to foreclose on the lien for such charges as provided in Section 900.1 of this Chapter. For purpose of this Section, the City shall be deemed to incur the cost of the abatement:

- (1) (If the abatement is done by a private contractor,) at the time the City pays for such abatement; or
- (2) (If abatement is done by City personnel,) at the time the Director of Public Service Works transmits to the Finance Department a calculation of the cost of the abatement.

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

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

Section Ten: This ordinance shall be effective upon its passage and approval.

Section Eleven: 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 August, 2012.

APPROVED this 28th day of August, 2012.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Schmidt, seconded by Alderman Purcell That the Text Amendment be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition from Hershey Grove, LLC Requesting Approval of a Final Plat for Brookridge Apartments, 7th Addition, located north of Hamilton Rd. and east of Hershey Rd.

RECOMMENDATION: That the Final Plat be approved and the Ordinance passed subject to the Petitioner paying the required fees prior to recording of the plat.

BACKGROUND: On April 22, 2002, Council approved the Preliminary Plan for Hershey Grove Subdivision. Staff reviewed the Final Plat and finds it in conformance with the provisions of the Preliminary Plan and the Brookridge Heights Apartments Street Name Plan dated July 15, 2003.

On August 22, 2011, Council approved a Development Agreement with Hershey Grove, LLC which modified that portion of the Annexation Agreement which addressed Hershey Rd. The amendment extended the timeframe of the Annexation Agreement to February 22, 2032. It also extended the deadline for the City to complete an extension of Hershey Rd. south of the Norfolk Southern Railroad. Additionally, the amendment clarified the construction of Hamilton Rd. pavement from the entrance to Brookridge Apartments east to the property line. This section of Hamilton Rd. is near completion and is on schedule for completion by November 1, 2012.

There are tap on fees due from this subdivision per the Annexation Agreement dated February 11, 2002, and amended August 22, 2011.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Hershey Grove, LLC.

FINANCIAL IMPACT: All survey and platting costs are being paid by Hershey Grove, LLC.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

Reviewed by:

Jim Karch
Director of Public Works

J. Todd Greenburg
Corporation Counsel

David A. Hales
City Manager

PETITION FOR APPROVAL OF FINAL PLAT

State of Illinois)
)ss.
County of McLean)

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

Now comes Hershey Grove, LLC, an Illinois limited liability company, hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioners is the owner of the freehold or lesser estate thereinof the premises hereinafter legally described in Exhibit A which is attached hereto and made a part hereof by this reference, of is a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That your petitioner seeks approval of the Final Plat for the subdivision of said premises to be known and described as Seventh Addition to Brookridge Apartments Subdivision, Bloomington, Illinois.
3. That your petitioner also seeks approval of the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code, 1960: None other than permitted by the Preliminary Plan and/or Annexation Agreement.

WHEREFORE, your petitioner respectfully prays that said Final Plat for the Seventh Addition to Brookridge Apartments subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

HERSHEY GROVE, LLC,
By Snyder Properties Trust, Member,

By: Stephen W. Snyder, One of its Trustees

ORDINANCE NO. 2012 - 60**AN ORDINANCE APPROVING THE FINAL PLAT OF THE SEVENTH ADDITION TO BROOKRIDGE APARTMENTS SUBDIVISION**

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

WHEREAS, said Petition requests the following exemptions or variations from the provisions of the Bloomington City Code-1960, as amended: None other than permitted by the Preliminary Plan and/or Annexation Agreement; and

WHEREAS, said Petition is valid and sufficient and conforms to the requirements of the statutes in such cases made and provided and the Final Plat attached to said Petition was prepared in compliance with requirements of the Bloomington City Code except for said requested exemptions and/or variations; and

WHEREFORE, said exemptions and/or variations are reasonable and in keeping with the intent of the Land Subdivision Code, Chapter 24 of the Bloomington City Code-1960, as amended.

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

1. That the Final Plat of the Seventh Addition to Brookridge Apartments Subdivision and any and all requested exemptions and/or variations be, and the same is hereby approved.
2. That this Ordinance shall be in full force and effective as of the time of its passage this 27th day of August, 2012.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

LEGAL DESCRIPTION
Seventh Addition to Brookridge Apartments Subdivision

Outlot 17 in the Sixth Addition to Brookridge Apartments Subdivision in the City of Bloomington, McLean County, Illinois, according to the Plat recorded September 23, 2011 as Document No. 2011-21011 in the McLean County Recorder's Office.

Motion by Alderman Schmidt, seconded by Alderman Purcell the Final Plat be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Amendments to Chapter 21. Refuse Code

RECOMMENDATION: That the Text Amendment be approved and the Ordinance passed.

BACKGROUND: Public Works staff identified five (5) sections of Chapter 21. Refuse which require amendments as the City ushers in more automated and efficient systems of refuse and recycling collections. It drafted proposals and the Corporation Counsel and City Manager reviewed same.

The amendments codify the shift from blue recycling bins to wheeled recycling carts. Staff asks they be adopted now so they are in place in time for our recycling bin rollout. Obviously, the ordinance cannot and will not be enforced until the carts are in place. Changes further accommodate forthcoming introduction of wheeled carts for collection of household refuse in some areas of the City and, potentially, the entire city.

Alleys are also addressed. Alley collection is done in eight (8) sections of alleyways. Four (4) alley sections are being deleted from the list because they cannot physically accommodate the process of automated collection of recycling carts. Residents will be individually notified by staff.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: None. This Text Amendment enables enactment of policies and procedures already decided upon the Council.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed as to legal sufficiency:

Jim Karch
Director of Public Works

Barbara J. Adkins
Deputy City Manager

J. Todd Greenburg
Corporate Counsel

Recommended by:

David A. Hales
City Manager

ORDINANCE NO. 2012 - 59

AN ORDINANCE AMENDING BLOOMINGTON CITY CODE CHAPTER 21

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

SECTION 1. That the Bloomington City Code Chapter 21, Section 200.4, shall be and the same is hereby amended to read as follows (additions are indicated by underlining; deletions are indicated by strikeouts):

SEC. 200.4 TERMS NOT DEFINED

Where terms are not defined through the methods authorized by this Section they shall have their ordinarily accepted meanings such as the context implies.

ANIMAL FECES: Solid waste excrement from animals.

APPROVED: Approved as applied to a device shall mean approved by the Code Official under the provisions of this Code, or approved by other authority designated by law to give approval in the matter in question.

APPROVED COMPOST BINS: Approved bins for composting include, and are limited to:

- (1) Snow Fence Bins;
- (2) Metal Bins;
- (3) Block or Brick Bins;
- (4) Wooden Bins;
- (5) Plastic Bins.

The compost bin is not to exceed thirty-six (36) square feet in area nor one hundred eight (108) cubic feet in volume.

APPROVED RECYCLE CONTAINERS:

- ~~(1) A can made of galvanized iron or lined with galvanized iron, of not more than thirty/thirty-three (30-33) gallon capacity, which is weather tight, has a tight fitting cover and two (2) handles, or~~
- ~~(2) A heavy duty durable plastic container of not more than thirty/thirty three (30-33) gallon capacity which is weather tight, has a tight fitting cover and has two (2) handles, or~~

(1) Wheeled carts of 65 gallons, 95 gallons or other volumes issued exclusively by the City of Bloomington Public Works Department and its designees and vendor for the sole

purposes of recycling, and excluding blue, hand-carried bins previously issued by the City. The carts are issued to addresses and remain the property of the City of Bloomington.

APPROVED REFUSE CONTAINER: The term “approved refuse container” shall mean:

(1) A can made of galvanized iron or lined with galvanized iron, of not more than thirty/thirty-three (30 - 33) gallon capacity, which is watertight, has a tight fitting cover and two (2) handles, or

(2) A heavy duty durable plastic container of not more than thirty/thirty-three (30 - 33) gallon capacity, which is watertight, has a tight fitting cover and has two (2) handles, or

(3) Plastic refuse bags meeting specifications established by the Director of Public ~~Service~~ Works and approved by the City Manager.

(4) Wheeled garbage carts issued exclusively by the City through the Department of Public Works or its designee or vendor. These carts remain the property of the City of Bloomington and may only be used in locations designated by the City.

(5) In certain areas of the City, or in the City as a whole, the City may mandate that City-issued wheeled carts be used for refuse and will be the exclusive issuer of the carts through the Department of Public Works and its designees and vendor. The City may prohibit use of any other containers, including those listed in (1), (2) and (3), in the areas affected.

BRUSH: Tree branches and/or trimmings, shrubbery branches and/or trimmings.

BUILDING: Interchangeable with structure.

BUILDING WASTE: All waste or residue resulting from building construction, reconstruction, repair, demolition, or replacement.

BULK WASTE: The following types of waste:

(1) Appliances, including, but not limited to: washer, dryer, refrigerator, freezer, stove, tv, water heater; or

(2) Indoor furniture, including, but not limited to: bed springs, mattress, carpet, couch, chair, cushions; or

(3) Car parts, including, but not limited to: wheel rims, hub caps, truck cap, junk metal, but **NOT** including batteries or tires; or

(4) Other items exposed to the elements not designed for exterior use; or

(5) Firewood, etc. not neatly stacked eighteen (18) inches above the ground. (Ordinance No. 2009 - 58)

CODE OFFICIAL: The official who is charged with the administration and enforcement of this Code or any duly authorized representative. The Director of Planning and Code Enforcement, the Director of Public ~~Service~~ Works, or their authorized representatives.

COMMERCIAL BUILDING: A building which is used for any commercial or industrial purpose whatever, and shall include hotel and motels.

COMPOSTING: The controlled decomposition of organic materials using aerobic bacteria.

DEBRIS: A generic term which includes rubbish, building waste, bulk waste, brush, garden waste and landscape waste.

DEPARTMENT: The Departments of Public ~~Service~~ Works and Planning and Code Enforcement of the City of Bloomington.

DIRECTOR: The Directors of Public ~~Service~~ Works and Planning and Code Enforcement of the City of Bloomington, or the authorized representative of either.

DWELLINGS: A building designed, arranged, used or intended to be used principally for residential occupancy (except a mobile home), including single-family, two-family and/or multi-family dwellings.

One-Family Dwelling (Single). A building containing no more than one (1) dwelling unit.

Two-Family Dwelling (Duplex). A building containing no more than two (2) dwelling units.

Multiple Family Dwelling. A building containing more than two dwelling units.

Rooming house. A building arranged or used for lodging, with or without meals, for compensation and occupied as a one-family dwelling and more than two (2) other unrelated by blood, adoption or marriage living in a dwelling unit.

EXTERIOR PROPERTY: The open space on the premises and on adjoining property under the control of owners or operators of such premises.

GARBAGE: Putrescible animal or vegetable waste resulting from the handling, preparation, cooking, and consumption of food; animal or vegetable products used as bait for hunting, fishing and trapping purposes; or animal carcasses of any size.

GARDEN WASTE: Remains of garden vegetation at the end of the growing season.

LANDSCAPE WASTE: Tree trimmings, grass clippings, leaves, flower trimmings, ornamental bush trimmings, house plant clippings and other vegetation trimmings.

LICENSED WASTE COLLECTOR: A person who obtains a license from the City of Bloomington to collect or transport public or private refuse over the streets of the City.

MOSQUITO HARBORAGE: Any land, vegetation, stagnant or fresh water (water standing in excess of five (5) days), or other condition which in the opinion of the Code Official constitutes a breeding area for mosquitoes.

OCCUPANT: Any person living or sleeping in a building; or having actual possession of a space within a building.

OPERATOR: Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER: Any person, agent, operator, firm, or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person.

PERSON: An individual, corporation, partnership or any other group acting as a unit; except that for purposes of defining a dwelling unit, or occupancy limits, "person" shall be defined as an individual.

PREMISES: A lot, plot or parcel of land, if any, including the buildings or structures.

PUBLIC NUISANCE: Includes the following:

- (1) The physical condition, or use of any premises regarded as a public nuisance at common law; or
- (2) Any condition or action declared to be a public nuisance by any provision of the Bloomington City Code other than this Article; or
- (3) Any premises which are unsanitary, or which are littered with animal feces, or which are littered with garbage and/or debris, or which has an uncontrolled growth of weeds, grass and/or other vegetation, or has improperly maintained vegetation, or has conditions which constitutes a mosquito harborage; or
- (4) Any premises which has garbage and/or debris stored in such a number or quantity that it has a potential of becoming an insect or rodent harborage or has an adverse or degrading effect on the surrounding areas or neighborhoods.

PUBLIC WAY: Any street, alley or other parcel of land open to the outside air leading to a public street, which has been deeded, dedicated or otherwise permanently appropriated to the public for public use and which has a clear width and height of not less than ten (10) feet (3048 mm).

RECYCLABLE MATERIALS: Aluminum and steel cans, glass bottles and jars, plastic bottles (#1 & #2), food boxes, cardboard and paper collected for the purposes of recycling.

REFUSE: The entire scope of several categories of natural and man-made waste including garbage and debris.

REFUSE CODE: The Refuse Code officially adopted by the City Council, or other such Codes officially designated by the City Council for the regulation of refuse collection and enforcement.

REFUSE COLLECTOR: An employee of the City of Bloomington assigned to pick up refuse or any person, including any employees, authorized by the Director of Public ~~Service~~ Works to pick up recyclable materials.

RUBBISH: Combustible and noncombustible waste materials, except garbage, and the term shall include the residue from the burning of wood, coal, coke, and other combustible materials, paper, rags, bedding, cartons, boxes, wood, excelsior, rubber, leather, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

SOLID WASTE: The entire scope of several categories of natural and man-made waste including garbage and debris.

STREET: All publicly dedicated streets in the City of Bloomington. Where refuse collection authorized by Section 300.1 of this Code may not be conveniently conducted from publicly dedicated street, "street" shall also include streets in a mobile home park which possesses the following characteristics:

- (1) pavement of not less than ten (10) feet in width;
- (2) freedom from all obstructions not less than two (2) feet on each side of the pavement;
- (3) absence of overhanging tree limbs which could interfere with any City refuse collection vehicle;
- (4) configuration which allows City refuse collection vehicles convenient ingress and egress.

STRUCTURE: That which is built or constructed, including without limitation because of enumeration, buildings for any occupancy or use whatsoever, fences, signs, billboards, fire escapes, railings, water tanks, towers, open grade steps, sidewalks or stairways, tents or anything erected and framed of component parts which is fastened, anchored or rests on a permanent foundation or on the ground.

TREE EXPERT: For purposes of this Chapter, a "tree expert" means any person, partnership, corporation, firm or any other entity of any description who trims or removes trees or stumps for hire.

YARD: An open space on the same lot with a building extending along the entire length of a street, or rear or interior lot line.

SECTION 2. That the Bloomington City Code, Chapter 21, Section 300.4, shall be and the same is hereby amended to read as follows (additions are indicated by underlining; deletions are indicated by strikeouts):

SEC. 300.4: PRESENT ALLEY COLLECTION.

The following paved alleys shall be used for collection of garbage:

- (a) The alley between White Place and the Illinois Central Railroad right-of-way, from Empire to Emerson;
- (b) The alley between White Place and Clinton Boulevard from University to Emerson;
- (c) The alley between Empire Street and Walnut Street from Clinton Boulevard to Elder Street;
- ~~(d) The alley between Monroe Street and Elmwood Road from Colton Avenue to Cecil Street;~~
- ~~(e) The alley between Jefferson Street and Monroe Street from Colton Avenue to Towanda Avenue;~~
- ~~(f) The alley between Grove Street and Olive Street from Vale Street to Moore Street;~~
- ~~(g) The alley between East Street and Prairie Street from Locust Street to Mulberry Street;~~
- ~~(h)~~ (d) The alley between Indianapolis Street and McClun Street from Oakland Avenue to Bell Street.

~~Persons residing on property abutting the alley described in subsections (d), (e) and (f) are prohibited from placing brush and bulk waste in said alleys for collection by the City, and are required instead to place brush and bulk waste at the curb on the street in front of their residences. (Ordinance No. 1995 - 63)~~

SECTION 3: That the Bloomington City Code, Chapter 21, Section 400.1, shall be and the same is hereby amended to read as follows (additions are indicated by underlining; deletions are indicated by strikeouts):

SEC. 400.1: PREPARATION OF REFUSE.

- (a) Garbage and Applicable Debris. All garbage and applicable debris shall be placed in approved refuse containers, in quantities not exceeding thirty-five (35) pounds unless the City indicates otherwise for a specific location and issues a wheeled cart for the location.
- ~~(b) Newspapers and empty boxes not placed in an approved refuse container shall be tied securely into bundles weighing not more than thirty five (35) pounds. (Ordinance No. 1995-63)~~

~~(e)~~ (b) Brush not in approved refuse containers shall be cut in lengths not to exceed six (6) feet in length and stacked neatly for collection.

~~(d)~~ (c) Bulk waste shall be prepared so as not to be a hazard. Doors must be removed from refrigerators, and other large appliances.

SECTION 4. That the Bloomington City Code Chapter 21, Section 600.2, shall be and the same is hereby amended to read as follows (additions are indicated by underlining; deletions are indicated by strikeouts):

SEC. 400.3: STORAGE OF REFUSE.

Except for a period of time beginning at 2:00 p.m. on the day prior to the scheduled collection day and ending at 9:00 a.m. on the day following the collection day, all refuse and refuse containers shall be stored on the owner's premises, screened so as to prevent their being viewed from the street.

Refuse stored on the exterior of any property must be stored in either an approved galvanized iron refuse container or an approved heavy duty durable plastic container, being not more than thirty/thirty-three (30-33) gallon capacity, and which is watertight, has a tight fitting cover and two (2) handles, as specified in Section 200.4, or in a City-issued wheeled garbage cart. Refuse stored on the exterior of the property shall not be stored in plastic or paper bags of any kind. (Ordinance No. 1995 - 63)

SECTION 5. That the Bloomington City Code Chapter 21, Section 600.2, shall be and the same is hereby amended to read as follows (additions are indicated by underlining; deletions are indicated by strikeouts):

SEC.: 600.2 APPROVED RECYCLING CONTAINERS

~~(1) A can made of galvanized iron or lined with galvanized iron, of not more than thirty/thirty-three (30-33) gallon capacity, which is weather tight, has a tight fitting cover and two (2) handles; or~~

~~(2) A heavy duty durable plastic container of not more than thirty/thirty three (30-33) gallon capacity which is weather tight, has a tight fitting cover and has two (2) handles; or~~

~~(3) Containers issued by the City of Bloomington Public Service Department for the purposes of recycling. (Ordinance No. 1995-63)~~

(1) Wheeled carts of 65 gallons, 95 gallons or other volumes issued exclusively by the City of Bloomington Public Works Department and its designees and vendor for the sole purposes of recycling, and excluding blue, hand-carried bins previously issued by the City. The carts are issued to addresses and remain the property of the City of Bloomington.

SECTION 6: Except as provided for herein, the Bloomington City Code, 1960, as amended, shall remain in full force and effect.

SECTION 7: The City Clerk is authorized to publish this ordinance in pamphlet form as provided by law.

SECTION 8: This ordinance shall be effective upon its passage and approval.

SECTION 9: 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 August, 2012.

APPROVED this 28th day of August, 2012.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Stearns stated that she would not support this plan and she planned to vote no on this item.

David Hales, City Manager, noted Alderman Stearns' concerns regarding alleys. Alderman Stearns expressed her understanding of City staff's plan. She was still concerned about the fact that City residents who would be effected were not informed about this change. This change was due to the new recycling carts. She restated her opposition to this item.

Jim Karch, Public Works Director, addressed the Council. He cited the operational roll out of the new recycling carts. The trucks used were larger and the alleys were too narrow. Four (4) alleys had been removed from recycling collection routes. He noted that these alleys were currently only being used for recycling collection. City staff planned to send a letter to those residents who would be impacted. He noted that four (4) alleys would continue to be used for recycling collection.

Alderman Anderson questioned uniformity and efficiency. He recommended that the proposed change be applied to all eight (8) alleys. Mr. Karch cited Whites Pl. which was unique. This street was a boulevard. The alleys were better able to serve for

collection. He noted that the alley behind Heritage Manor which was very wide. In addition, there were three (3) homes located on Indianapolis which did not have front yards. The only way to service these homes was from the alley.

Alderman Sage questioned Alderman Stearns' concerns. Alderman Stearns readdressed notification. Recycling collection was a special service. She believed that citizens would be upset. She wanted to see a recycling truck attempt to travel down an alley. She saw the use of alleys as a beautification issue. She did not want to see refuse in front yards. The letter from City staff should have been mailed out prior to Council action. She restated her disappointment. She restated that she understood City staff's plan. She restated that City residents need notification.

Alderman McDade questioned how the Council could have trouble with this Text Amendment. This change would be implemented throughout the City. Automated refuse/recycling collection was a significant change. The Council's goal was to control costs. This was change in the right direction.

Alderman Fazzini questioned the effective date. Mr. Karch addressed the current fiscal year. At this time, there were two (2) trucks and 7,000 carts. It would be a Council decision to phase in or implement this change City wide. This decision was not planned for this fiscal year.

Motion by Alderman Fazzini, seconded by Alderman Anderson that the Text Amendment be approved and the Ordinance passed.

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

Ayes: Aldermen Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.

Nays: Alderman Stearns.

Motion carried.

The following was presented:

Item 7A. Presentation Unaudited Year End Report for Fiscal Year 2012 – Patti-Lynn Silva.

Mayor Stockton introduced this topic.

David Hales, City Manager, addressed the Council. He noted that the Finance Department had undergone change. This presentation would address how the Fiscal Year (FY) ended. There was some good news to be shared. In addition, the Council would be informed about upcoming work projects.

Patti-Lynn Silva, Finance Director, addressed the Council. This presentation would address FY 2012 unaudited results. She noted that there were still struggles and challenges ahead.

Tim Ervin, Performance Auditor/Budget Manager, addressed the Council. He planned to present a report which would address three (3) words: transition, realistic and achievable. He noted that there would be challenges and opportunities. There was a back load of wants and needs. The City had limited resources.

Mr. Ervin noted that the FY 2012 budget was adopted in April 2011 and encompassed forty-two (42) distinct funds. The potential fund balance drawdown for the General Fund was \$3.5 million. He cited the challenges that faced the Finance Department. He addressed the General Fund Preliminary Financials. He compared both revenues and expenditures from the original budget to the preliminary results. Revenues were higher than anticipated and expenditures were lower. Four (4) revenue lines exceeded the budget projections by \$2.1 million, (Home Rule Sales Tax, State Mandated Sales Tax, Income Tax and Hotel/Motel). The state income tax lag had been reduced from five (5) to three (3) months. In addition, there were four (4) expenditure areas that were lower than budgeted by \$1.4 million, (Police, Non-departmental, Snow & Ice, and Other various line items).

Council approved transfers were addressed. There were unplanned capital projects. He cited Locust Colton CSO Project, a supplement to the Solid Waste Fund and supplement to accelerated funding of Storm Water Fund, White Eagle Lake project. Deficit fund balances were eliminated, (2007 Fire Station Fund, Pepsi Center Capital Project Fund and Casualty Fund, partial offset). Long term liabilities were reduced; supplement payments to the Police and Fire Pension Funds and IMRF (Illinois Municipal Retirement Fund). In addition, there was an offset to the 2005 General Obligation Bond Payment to the Bloomington Center for the Performing Arts Fund.

Mr. Ervin addressed historical data for the General Fund from FY 2008 to FY 2012. He addressed the transition over time. The time frame is known May 1 to April 30 for each fiscal year. Data was provided under the following headings: Revenue, Expenditures, Other, Net Change in Fund Balance, Unreserved, and Total Fund Balance. He stressed that the Unreserved figure supported existing operations. He cited the Fund Balance Policy which set a figure of \$11.2 million. At the end of FY 2012, the unreserved figure was \$14.1 million. He noted the plan drawdown in FY 2013 was \$1.6 million. He addressed GASB (Government Accounting Standards Board) #54. This new standard addressed the consolidation of Special Revenue Funds into the General Fund for financial reporting purposes.

A line chart had been prepared entitled General Fund Eleven Year Fund Balance. He called this document the most significant chart. The bond rating agencies want to see a straight line. The City needed to maintain a consistent balance. The fluctuations in the line graph reflected a variety of expenditures, (US Cellular Coliseum, Bloomington Center for the Performing Arts, Annexation Agreements, Communication Center, Firefighter/EMT – P).

Mr. Ervin addressed the Enterprise Funds. Historical data was presented for the Water Fund for FY 2008 to FY 2012. He cited the Water Fund's capital needs, (water treatment plant, alternative water sources, etc.). In addition, historical data was presented for the Sewer Fund for FY 2008 to FY 2012. The City needed to fund sewer operations and plan for capital projects. The City was in the fourth and final year of a sewer rate increase.

Mr. Hales questioned the Unrestricted Net Assets for FY 2012. Mr. Ervin stated that a positive trend line was projected through FY 2014. Assets were reflected on the financial statement. Mr. Hales expressed his hope that this fund would be in the black in the next two (2) years. The City will have to watch expenses. He cited the impact of the Locust/Colton Combined Sewer Overflow project.

Mr. Ervin presented historical data for the Storm Water Fund for FY 2008 to FY 2012. He noted the \$11 million loan with the Bloomington/Normal Water Reclamation District. The City does not own the asset. This fund was created in 2004. There had never been a rate increase. The City has held off projects due to the lack of funding. In addition, historical data was presented for the Parking Fund for FY 2008 to FY 2012. The City's parking garages were a capital investment. The Market St. Parking Garage was nearing the end of its useful life.

Mr. Hales expressed his opinion that this fund needed to be returned to the General Fund. This fund was not self sustaining. At a future date, he would present a recommendation to the Council.

Mr. Ervin addressed potential future financial challenges. He cited outstanding debt. General Obligation debt equaled \$79 million. He noted that fifty percent, (50%), of this debt would be retired in ten (10) years. He also addressed unfunded liabilities. He cited pensions at \$114 million. This figure will be added to the City's financial statements. There were deficit funds, (Sewer, Parking, Casualty, and Employee Health Retirement). Some of these deficits were shrinking and others were growing. He noted that deferred capital had not been listed. This item included equipment, vehicles and facilities. The key would be to maintain healthy reserves to provide long term financial sustainability.

Mr. Hales believed that the Council had been presented with positive news. The trend was in the right direction.

Mr. Ervin stated that the City was moving in the right direction. The Council needed to maintain and continue the momentum.

Ms. Silva readdressed the Council. In closing, she noted that the City still faced challenges. The City's outlook was stable. There were challenges ahead. She noted the City's diverse employment base. She cited the City's diverse revenues and its home rule status. She addressed the City's management team. The City's debt level was moderate. She expressed her concern regarding the City's capital needs. She cited Future Financial Planning. There were issues to be completed. Outstanding issues included capital and liability assessments. There were large numbers coming. The capital plan would be for

fifteen to twenty (15 – 20) years. She cited the fiscal impact analysis project and rate studies. This work would be thoughtful and considerate. The City would have a process on how to fund these needs. She hoped to take the Council on a tour of the City to see these needs. The plan would be palatable. The City has not performed a study this detailed before. She wanted the Council to take comfort. The City's finances were stable. She was encouraged and believed that the fund balance would be maintained. The City's operations must be managed. The City must address its infrastructure needs.

Mr. Hales stated that there would be a twenty (20) year long capital improvement plan. There would be funding issues. The City's capital needs could be found in the variety of master plans. There needed to be a comprehensive look at critical infrastructure needs. The City must make a good investment in basic infrastructure. This work would be completed in the next two to three (2 – 3) years. The Council would need to set spending priorities. The City was on stable, consistent, financial footing. The Council would need to adopt a Capital Improvement Plan with a financing plan. He noted the upcoming Property Tax Levy which would be impacted by pension funding and the actuarial report.

Alderman Fazzini expressed his concern regarding capital improvements and questioned deferred maintenance. Mr. Hales noted that this issue would be addressed in the capital plan.

Alderman Fazzini noted the Sewer Fund's net asset. He questioned the interest rate. Mr. Ervin stated one and half to two percent, (1½ - 2%). There were two (2) bonds that were callable in June 2014. He did not recommend refinancing at this time. He added that the Homes Rule Sale Tax would sunset on July 1, 2015.

Alderman Fazzini questioned the comfort level with the bond debt. Mr. Ervin noted that the City had a flattened debt structure. There was room for additional debt in the future.

Alderman Stearns cited pension liability. She believed that the Fire and Police Pension Funds were only fifty percent (50%) funded. She wanted to look out five (5) years and questioned the funding needs. She believed there were costs due to the number of City retirees. Ms. Silva informed the Council that the Request for Proposal for Actuarial Study/Services was in the review process. The goal was to stabilize the City's pension funds.

Alderman Sage thanked City staff for the results. He cited the work done on the City's budget. There had been positive change. The City's finances were being tracked and monitored, (revenues and expenditures).

Mayor Stockton cited his seven (7) years as mayor. He noted the City's spending, the global recession, the recovering, and slight increases in revenue. There had been expense control and stable tax rates. He congratulated City staff and hoped that their performance would continue. Mr. Hales noted that it had been a team effort.

The following was presented:

SUBJECT: Change Order #1 for Police Department Parking Garage Repair Project

RECOMMENDATION: That Change Order #1 be approved.

BACKGROUND: On July 25, 2011, Council approved a contract with Walker Restoration Consultants, Inc., Chicago, IL, to evaluate the condition of the Police Department Parking Garage and provide plans and specifications for the repairs. Part of the evaluation was to estimate the amount of area that would require full depth concrete replacement. This evaluation process is called sounding. Sounding is completed by dragging a chain across the surface of the concrete while listening for a hollow sound. When a hollow sound is discovered, the engineer will estimate the area that will need full depth concrete replacement and include that amount in the specification as a unit price per square foot. The engineer's estimate for the top deck, full depth concrete replacement was 670 square feet. The actual square footage after hydro demolition was 4,764 square feet. The difference in square feet resulted in additional cost of \$220,329.70.

There was a line item in the specification for floor preparation. Floor preparation is the hydro demolition and removing any loose concrete with hand held jack hammers after completing hydro demolition. The specification asked Western Waterproofing, Inc., the contractor, to remove concrete to a depth of 1.5 inches. During the demolition process, loose concrete was removed beyond the 1.5 inch depth. A total of 4,359 square feet of the concrete was removed beyond the 1.5 inch specification. The cost for this extra work was \$38,359.20.

When the specifications were written four of the eight drains were not scheduled to be replaced. It was believed that the concrete around the drains could be replaced and the steel drains could be saved. As the concrete around the drains was being removed, the condition of the steel drains was revealed and they had to be replaced. The cost for replacing the drains was \$12,260.

Total Cost for Change Order #1

Full Depth Concrete Replacement	\$220,329.70
Additional Floor Preparation	38,359.20
<u>Additional Four Drains</u>	<u>12,260.00</u>
Total for Change Order #1	\$270,948.90

Staff also asked Walker Consulting, Inc., the engineering firm, to provide a letter explaining the need for the extra work. A copy of same has been provided to the Council.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED Not applicable.

FINANCIAL IMPACT: This change order will result in an increase to the contract amount with Western Waterproofing, Inc., of \$270,948.90. The total cost of the project is:

Current Contract Amount	\$496,225.00
Change Order #1	<u>270,948.90</u>
New Contract Amount	\$767,173.90

Unbudgeted Funds for Change Order #1 will come from 40100100 – 70510, Capital Improvement Fund-Repair/Maintenance Building. The General Fund will transfer funds to the Capital Improvement Fund to offset this Change Order through a mid-year budget amendment. The General Fund will transfer the funds from the City's reserves.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed by:

Robert F. Floyd
Facilities Manager

Mark R Huber, Director
Director of PACE

Barbara J. Adkins
Deputy City Manager

Financial review by:

Recommended by:

Patti-Lynn Silva
Director of Finance

David A. Hales
City Manager

Mayor Stockton introduced this item. This was a major change. He noted past experience. It was difficult to accurately assess quantities. Something would always be found which would increase costs.

David Hales, City Manager, addressed the Council. It was difficult to determine the amount of concrete that would need to be replaced. The company used hydro blasting and the poor concrete was removed. The City had a unit price for concrete. The cost to repair the parking deck with this change order was still below a total replacement of the parking deck. City staff worked with the Finance Department to put other projects on hold. This structure was only twelve (12) years old. There were benefits gain from these repairs which have extended the life of the garage.

Mark Huber, PACE Director, addressed the Council. The parking structure was seventeen (17) years old. The permits were issued in 1995. He cited the significant deterioration. The City issued a Request for Qualifications directed at expert garage repair/maintenance firms. The City found Walker Restoration Consultants, Inc., a qualified vendor, who City staff recommended. Another option during the design process would have been to take concrete core samples. This process was expensive and time consuming. The repair work went beyond expectations. The parking deck was sound, solid, sealed, and water tight. Maintenance sealers would be applied every four to five (4 – 5) years. He described the concrete used as state of the art. The other option was to replace the entire parking deck. This repair project saved the City an estimated \$500,000.

Alderman Sage questioned and commented on the parking garage's useful life. Mr. Huber stated that with proper maintenance, the garage's life would be twenty to twenty-five, (20 - 25), years. At that time, the garage would be re-evaluated. Precast concrete was used. Precast's standard life expectancy was twenty to twenty-five, (20 - 25), years. At that point, substantial maintenance is required. Alderman Sage noted the changes to deck construction. There had also been changes to the process which reflected best practices. Mr. Huber cited the high quality of repairs. He hoped the garage would have a long life.

Mayor Stockton cited the issues the City has had with concrete performance. City staff would continue to review City policies.

Alderman Purcell questioned if the T's and slabs were precast. Mr. Huber responded affirmatively. The precast items were manufactured in Indiana. Alderman Purcell expressed his concern as the garage had been opened. Mr. Huber noted that the reinforced items were in place and not prestressed. Alderman Purcell questioned if the top should have been patched or removed and replaced. He hoped that it was as good as the original. Mr. Huber stated that the weak concrete had been removed. The top surface was now thicker than the original. Alderman Purcell noted the extensive work. He expressed his opinion that the Council had been by passed and the work had been completed. Mr. Hales addressed the Council. There were unknowns. Both halves did not have the same percentage of damage. It was not possible to stop the work in the middle of the project. City staff looked at the capital plan and other projects.

Mayor Stockton noted that there were unknowns. The City had requested unit prices.

Alderman Fazzini addressed substandard concrete. He questioned if City staff believed or knew this. He also questioned if the parking deck deterioration was tied to time and use. Mr. Huber expressed his opinion that the concrete was substandard. Seventeen (17) years later, the City hired an inspector. The City's maintenance practices will be changed. The role of Facilities Management had been expanded. Alderman Fazzini questioned the one (1) year warranty period. Mr. Huber noted that this warranty period applied to the entire project. He added that the company that manufactured the precast concrete no longer existed.

Alderman Fruin expressed his belief that the Council had been informed that there would be issues with this project. The Council saw the work being done. The project's time line had been extended.

Motion by Alderman McDade, seconded by Alderman Fazzini that Change Order #1 be approved.

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

Ayes: Aldermen Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage and Fruin.

Nays: Aldermen Stearns and Purcell.

Motion carried.

The following was presented:

SUBJECT: Request to Waive Bid and Replace Fifty-four (54), Scott AP75 4.5 Self-Contained Breathing Apparatus (SCBA) from SCOTT, a Sole Source Provider

RECOMMENDATION: That the purchase of fifty-four (54), Scott AP75 4.5 SCBA from SCOTT SAFETY, in the amount of \$274,119 be approved, the Purchasing Agent be authorized to issue a Purchase Order for same, and the Resolution adopted.

BACKGROUND: SCBA is one of the most critical pieces of equipment for the safety and survival of firefighters during work in a hazardous atmosphere such as a fire or hazardous materials event. The current SCBAs are experiencing a variety of problems including leaking high pressure lines and numerous regulator issues. These issues are due to their age and frequent use. SCBA is the lifeline for firefighters and it is critical that the City provide SCBA that is consistent throughout the department and dependable. The Fire Department uses only “fire certified” safety apparel and equipment for its firefighters and has invested over the years in SCOTT SAFETY brand of safety equipment. Due to the previous investment, compatibility, continuity, safety, training and warranty issues, staff is recommending the purchase of SCOTT SAFETY brand to replace the existing SCBA units.

Approximately forty-eight (48) SCBA units in use by the department are over fifteen (15) years old. None of these units meet current SCBA guidelines set by National Fire Protection Association (NFPA).

The purchase of SCOTT SAFETY brand SCBA is recommended for the following reasons:

1. The department has already invested in SCOTT SAFETY brand.
2. Staff is familiar with this brand; alleviating both safety and training concerns.
3. In order to maintain unit warranties, it is necessary to continue to purchase SCOTT brand accessory equipment.
4. SCBA equipment must be certified for use in firefighting operations. Not all SCBA have this certification. Many are certified for industrial use only. Not using those that are certified for firefighting could lead to death or serious injury to personnel and subject the City to liability.
5. SCBA equipment cannot be shared between manufacturers. Manufacturers only certify their products for use with their equipment. Any mixing of manufacturers products, (i.e. Scott SCBA with an MSA Cylinder), is not approved. This would lead to liability by the entity who allowed this use.

Last year, the Fire Department applied for and was unsuccessful in obtaining an Assistance to Firefighter Grant (AFG) from Federal Emergency Management Administration (FEMA) for the

purpose of replacing these units. It is proposed to use funds from the Fire Department's operating budget. The purchase cost includes packs, air cylinders, face pieces for all personnel, and other associated equipment necessary to maintain and test SCBA.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED The proposed vendor MESFire is a sole source vendor for SCOTT SAFETY. They are the only authorized Fire Service vendor for SCOTT SAFETY, selling "fire certified" SCBA air packs. Other vendors sell industrial equipment that is similar but not authorized for use in the Fire Service by SCOTT SAFETY.

There are approximately five (5) major vendors of Firefighting SCBA worldwide: Scott, MSA, Survivair, Draeger, and Avon. Avon is a United Kingdom company and has no vendors within Illinois or any neighboring states. This presents concerns with warranty, service and training with their equipment. Survivair is presently not selling to new customers based on an issue they are experiencing with PASS devices on their units. A letter regarding same was provided to the Council. Of the remaining three (3) vendors: Scott, MSA and Draeger pricing information has also been provided. The Draeger units are priced above the current Scott pack pricing, (approximately \$5500 per unit versus \$3,700 per unit). MSA units are also higher priced, \$4,310 per unit. In addition, if the City purchased from a manufacturer other than Scott, then the City would need to replace all existing SCBA equipment. This would mean an additional purchase of approximately 100 cylinders and thirty (30) voice amplification units, as well as ancillary equipment such as vehicle mounting brackets, straps, additional face pieces, etc. Based on pricing from the other vendors quotations, the cost would be approximately \$70,000 for the cylinders and \$12,000 for the voice amplifiers alone.

In addition, a quotation from MES Global under a Group Purchasing Organization (GPO) available to the City from the International Association of Fire Chiefs (IAFC) has been provided. The GPO provides purchase discounts to its members. The GPO pricing is still higher than the quotation provided by the local vendor. Based on this information, staff believes that the best, lowest cost option for providing this safety equipment for the department has been identified.

FINANCIAL IMPACT: The FY 2013 Budget appropriated \$300,000 in line item 10015210 - 72140. The total cost for SCBA is \$274,119. The purchase will come in under budget by \$25,881 or 8.6% of the total budget.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Mike Kimmerling
Fire Chief

Patti-Lynn Silva
Finance Director

David A. Hales
City Manager

RESOLUTION NO. 2012 - 29**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF SELF-CONTAINED BREATHING APPARATUS
FROM SCOTT AT A PURCHASE PRICE OF \$274,119**

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

1. That the bidding process be waived and the Purchasing Agent be authorized to Purchase Self-contained Breathing Apparatus at a Purchase Price of \$274,119.

ADOPTED this 27th day of August, 2012.

APPROVED this 28th day of August, 2012.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Mayor Stockton addressed this item.

David Hales, City Manager, addressed the Council. He recommended approval. City staff had worked on this item for several weeks. He acknowledged that there were other vendors. City staff's recommendation was the best purchasing decision for the City. He cited the warranty, compatibility, training, and life cycle cost. There had been no formal bid. He restated that this was the best purchasing decision and best long term value for the City.

Mike Kimmerling, Fire Chief, addressed the Council. This was a critical piece of safety equipment. He cited deferred maintenance. This piece of equipment was used daily for training and response to service calls. The life expectancy of the equipment was ten, (10), years. This equipment was fifteen (15) years old. There were a number of components that made up this equipment. The Fire Department maintained ninety (90) bottles. These bottles must be compatible. This equipment use was critical. He acknowledged that there were comparable brands.

Alderman Purcell expressed his appreciation for firefighter safety. He questioned the trade in value of the existing equipment. Chief Kimmerling stated that the City would

market the existing equipment after the new equipment is purchased. The existing carbon fiber bottles would continue to be used. Alderman Purcell questioned sales taxes and shipping. He expressed his concern regarding additional charges. Chief Kimmerling directed the Council to the quotation from MES – Illinois, Deer Creek, IL dated August 8, 2012.

Motion by Alderman McDade, seconded by Alderman Anderson that the purchase of fifty-four (54) Scott AP75 4.5 SCBA from SCOTT SAFETY, in the amount of \$274,119 be approved, the Purchasing Agent be authorized to issue a Purchase Order for same, and the Resolution adopted.

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

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

Nays: None.

Motion carried.

CITY MANAGER'S DISCUSSION: David Hales, City Manager, addressed the Council. He noted that the City had surpassed the sixty percent (60%) mark for the recycling carts.

MAYOR'S DISCUSSION: Mayor Stockton informed the Council that the City had received a liquor license application for a video gaming parlor. An "R", Restaurant or a "T", Tavern liquor license would supplement revenue. In order to obtain video gaming licenses from the state, a business must have a liquor license. The current limit was five (5) machines. The City may need to amend its Alcoholic Beverages code. He requested feedback from the Council. He had also requested that the Liquor Commission schedule an additional meeting to address the draft "E", Entertainment, and "Q", Qualified, liquor license classification.

Mayor Stockton informed the Council that he would be attending his son's wedding from September 1 – 3, 2012.

ALDERMEN'S DISCUSSION: Alderman Anderson reminded the Council of their participation in the Labor Day Parade on Monday, September 3, 2012.

He encouraged the Council to get a hold of video gambling.

Alderman Fazzini expressed support for Alderman Anderson's comments regarding video gambling.

He recommended that the Council's fall retreat be moved to another location. He suggested Davis Lodge, the McLean County History Museum and/or Ewing Manor. He expressed interest in a retreat environment.

Mayor Stockton encouraged Alderman Fazzini to work with David Hales, City Manager.

Alderman Sage cited the City Manager's Monthly Report. He noted that the City had received a 2012 Certificate of Distinction Award from the ICMA's, (International City/County Managers Association), Center for Performance Management. The focus was on the work performed by City staff. He wanted to recognize this award. Mr. Hales recognized Alex McElroy, Asst. to the City Manager, who had prepared the application.

Alderman Fruin expressed his support of the Liquor Commission to address the proposed new liquor license classifications. He noted that there were "R", Restaurants, that become "T", Taverns after a certain hour.

He addressed video gambling and recommended that the City work with the County and the Town of Normal. He cited quality of life issues. He cited various City facilities, (Miller Park, Pepsi Ice Center, etc.).

Alderman McDade informed the Council that the United Way Kickoff would be held on Wednesday, August 29, 2012 from 4:30 – 6:00 p.m. on the ground of IAA, 1701 Towanda Ave.

She also addressed the retreat. She noted that City staff worked and attended same. She wanted the retreat to be convenient for City staff and citizens. She was hesitant to change the location. She viewed the retreat as a Work Session.

She also cited the on going library process. She highlighted the Council's role.

Finally, she had participated in the University of Illinois' Edgar Fellows. She noted the opportunities and challenges facing the state. She was proud and felt good about Bloomington/Normal.

Motion by Alderman Anderson, seconded by Alderman Purcell, that the meeting be adjourned. Time: 9:00 p.m.

Motion carried.

Tracey Covert
City Clerk