

**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 7:03 p.m., Monday, October 8, 2012.

The Meeting was opened by Pledging Allegiance to the Flag followed by moment of 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, David Sage, Robert Fazzini, Jennifer McDade, Steven Purcell, Karen Schmidt, Jim Fruin and Mayor Stephen F. Stockton.

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

PUBLIC COMMENT: Mayor Stockton opened the Public Comment section of the meeting. He added that there would not be a response from the City under the Public Comment portion of the meeting.

Alton Franklin, 508 Patterson Dr., addressed the Council. He cited the Council's Work Session and the Labyrinth project. He added that there were a number of comments regarding same. This project would only serve four (4) people. He noted that there were fifteen individuals on the waiting list for CDBG, (Community Development Block Grant), housing rehabilitation projects. He questioned if the Labyrinth project was an appropriate use of City funds.

Mr. Franklin expressed his support for the Miller Park Zoo (MPZ) Master Plan. Children represented the City's future. Children needed to acquire knowledge.

He commended the Council for taking action on video streaming Council meetings and purchasing an Enterprise Resource Planning program, (MUNIS). Citizens wanted cost efficient and effective City services. He was pleased with the Council's direction and encouraged them to keep moving.

Donny Herrin, 1504 Julie Dr., addressed the Council. He extended appreciation to the City Administration Office for clarifying confusion regarding the City's new web site.

He questioned the MPZ Master Plan. He cited the projected cost at \$16 million. He specifically questioned where and from whom these dollars would come. He questioned the Council's participation in the process and the outcome. He appreciated feedback from the Council.

Daniel Rolph, 1027 Maple Hill Rd. #2, addressed the Council. He extended his personal appreciation to the Council. He had been unable to attend Council Meetings. He expressed his opinion that the Public Comment section of the meeting should be used to address problems/issues. He noted the time and effort that the Council dedicated to improve the City. Each was elected to represent a ward. He thanked them for their efforts.

The following was presented:

SUBJECT: Council Proceedings of September 24, 2012

RECOMMENDATION/MOTION: That the reading of the minutes of the previous Council Proceedings of September 24, 2012 be dispensed with and the minutes approved as printed.

BACKGROUND: The Council Proceedings of September 24, 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 Fruin, seconded by Alderman Anderson that the reading of the minutes of the previous Council Proceedings of September 24, 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/MOTION: 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, October 4, 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 Fruin, seconded by Alderman Anderson 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: Application of Morrissey Unit One, LLC, d/b/a Sweet & Savory Grille, located at 1605 Morrissey Dr., for an RAS liquor license, which will allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week

RECOMMENDATION/MOTION: That an RAS liquor license for Morrissey Unit One, LLC, d/b/a Sweet & Savory Grille located at 1605 Morrissey Dr., be created, contingent upon compliance with all applicable health and safety codes.

BACKGROUND: The Bloomington Liquor Commissioner Buchanan called the Liquor Hearing to order to hear the application of Morrissey Unit One, LLC d/b/a Sweet & Savory Grille, located at 1605 Morrissey Dr., requesting an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Richard Buchanan, Marabeth Clapp, Steve Petersen, Mark Gibson, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk, and Stephanie Karonis, owner/operator and Applicant representative.

Commissioner absent: Steve Stockton.

Commissioner Buchanan opened the liquor hearing and requested that the Applicant address the Commission. Stephanie Karonis, owner/operator and Applicant representative, addressed the Commission. Sweet & Savory Grille would offer home made food, large portions and employ local residents.

Commissioner Gibson cited the complete application. He questioned Ms. Karonis' liquor license experience. He questioned owner/operator and staff training. He also questioned Ms. Karonis' familiarity with local ordinances and state law. Ms. Karonis stated her intention to attend server classes, for herself and her employees. Commissioner Gibson cited BASSETT, (Beverage Alcohol Sellers & Server Education & Training), and STEPS, (Safety Training to Encourage Profitable Services), training.

Commissioner Clapp strongly recommended server training. She added that BASSETT training was available as web based training.

Ms. Karonis informed the Commission that she had grown up in the restaurant business. She currently owned/operated Wildberries in Normal and Peoria, IL.

Commissioner Buchanan noted that Ms. Karonis would be the operations manager. He questioned the individuals who would be employed upon opening and their experience level. Ms. Karonis noted that Sweet & Savory Grille would be a family business. She planned to employ family members.

Commissioner Petersen questioned the space used and if it would include the outdoor patio. Ms. Karonis noted that the application included the outdoor patio.

Commissioner Gibson questioned the business hours. Ms. Karonis stated 10:00 a.m. to 10:00 p.m., seven (7) days a week. The central bar would offer alcohol and coffee service.

Commissioner Buchanan noted that this had been the site of the Red Fire Grille.

He requested public input regarding this application. No one came forward to address the Commission.

Motion by Commissioner Tompkins, seconded by Commissioner Clapp that the application of Morrissey Unit One, LLC, d/b/a Sweet & Savory Grille, located at 1605 Morrissey Dr., requesting an RAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week, be approved.

Motion carried, (viva voce).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph on September 4, 2012 in accordance with City Code. In accordance with City Code, approximately nine (9) courtesy copies of the Public Notice were mailed on August 31, 2012. In addition, the Agenda for the September 11, 2012 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT: This would be a new liquor license. Annual fee for an RAS liquor license is \$2,210.

Respectfully,

Reviewed by:

Stephen F. Stockton
Chairman of Liquor Commission

Randall D. McKinley
Police Chief

Motion by Alderman Fruin, seconded by Alderman Anderson that an RAS liquor license for Morrissey Unit One, LLC, d/b/a Sweet & Savory Grille, located at 1605 Morrissey Dr., be created, contingent upon compliance with all applicable health and safety codes.

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: Variance from Chapter 38, Section 123(a) of City Code to Allow a Driveway Approach Twenty-eight Foot (28') Wide at 3201 Stonebridge Dr., Lot 27 in White Eagle South Subdivision

RECOMMENDATION/MOTION: That the variance be approved.

BACKGROUND: Staff has received a written request from Matt Vose, owner of 3201 Stonebridge Dr., to grant a variance to Chapter 38, Section 123(a) of City Code to allow a driveway approach twenty-eight feet (28') wide at this address. This is an existing single family residence with a three (3) car garage on a corner lot that has 110' of frontage along Plantation Ln. which is where the existing eighteen feet (18') wide driveway approach is located. The driveway itself is currently twenty-eight feet (28') wide and the owner is asking permission to add ten feet (10') to the driveway approach to match the existing driveway. City Code allows residential double wide driveways to be up to twenty feet (20') wide at the property line. The maximum taper allowed by City Code is two feet (2') on either side of the driveway, resulting in a thirty-two feet (32') curb cut. Driveway variances are recommended by the Public Works Department on a case by case basis after evaluation of criteria such as sight distance, width of adjacent roadway and amount of property frontage.

The following is the evaluation by staff on the different criteria:

- Sight distance – there are no identified issues with horizontal or vertical sight distance by allowing this variance.
- Width of adjacent roadway – the adjacent roadway is of sufficient width to allow the driveway widening without causing concern.
- Distance to intersection – the driveway is being expanded further away from the intersection so that is not a concern.
- Amount of property frontage – with 110' of frontage, this is enough to allow for expanding the existing driveway by ten feet, (10').

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Matt Vose, homeowner.

FINANCIAL IMPACT: None.

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

Barbara J. Adkins
Deputy City Manager

Recommended by:

David A. Hales
City Manager

Motion by Alderman Fruin, seconded by Alderman Anderson that the Variance be approved.

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: Permanent Easement for the Construction, Replacement and Extension of Electrical Lines located near Evergreen Lake in Comlara Park

RECOMMENDATION/MOTION: That the Easement Agreement with Corn Belt Energy Corporation regarding City owned property located near Evergreen Lake in Comlara Park be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: Corn Belt Energy Corporation (CBEC) provides power to over 33,000 households and businesses in eighteen (18) counties throughout Central Illinois, including McLean County. Their electricity is supplied by Wabash Valley Power Association, a generation and transmission cooperative based in Indianapolis, IN. CBEC, the largest energy cooperative in Illinois, is owned by the members it serves.

On May 29, 2012, the Council approved a contract between the City and CBEC in which the City agreed to sell to CBEC 0.75 acres of City owned vacant land located near Evergreen Lake in Comlara Park in the amount of \$16,500. In an effort to meet a growing demand for electricity in that area, CBEC requested to purchase the land for purposes of building an electric substation.

CBEC is now requesting a permanent nonexclusive easement near the area of the proposed substation to construct one or more lines, poles, cross arms, wires, conduits, cables, cabinets, transformers, anchors, guy wires, foundations, footings, and any other appurtenances thereto for the purpose of transmitting and distributing electric energy, telecommunications, or other power.

The City is not requesting compensation for granting the easement. Requesting compensation for easements of this type has not been a traditional practice. Moreover, the City has had a long

cooperative relationship with CBEC. Recently, CBEC and the City executed an easement that will cross the landscaped area in front of CBEC's corporate office. The City plans to install a new twenty-four inch (24") water main line to improve service in that area. This was granted to the City by CBEC at no charge. Similar agreements have been made in the past, such as the City expanding an old township road in front of CBEC's substation at the corner of Airport and GE Rd. CBEC has also relocated and extended electric lines at Comlara Park benefitting McLean County, volunteering materials and labor.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: None.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Rosalee Dodson
Asst. Corporation Counsel

Craig Cummings
Director of Water

David A. Hales
City Manager

EASEMENT

BY THIS AGREEMENT entered and executed this ____ day of October, 2012, by and among the **CITY OF BLOOMINGTON**, an Illinois municipal corporation (hereinafter referred to as "Grantor"), and **CORN BELT ENERGY CORPORATION**, an Illinois electric cooperative (hereinafter referred to as "Grantee"), for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantor does hereby convey unto Grantee the permanent, non-exclusive, right and easement in, on, over, upon, along, under, through, and across the following described real estate:

Eighty (80') feet of City of Bloomington property that is utilized as road right of way, designated McLean County Highway 8, except the area that crosses the Evergreen Lake dam.

Additionally, the Westerly twenty (20') feet off the south one thousand three hundred and twenty (1320') feet of property in NW ¼ of the SW ¼ of Section 12 and a twenty (20') foot strip of property south of the drive entrance to 345 Evergreen Lake Road, that connects the last described route to County Highway 8.

Additionally, a guy easement ten (10') foot wide by twenty (20') foot long in an Easterly direction, to back up the overhead line on the adjoining property as shown on Exhibit A.

Additionally, a ten (10') foot by fifty (50') foot strip of property lying on the north side of County Highway 8 and Southwesterly from the drive entrance to 363 Evergreen Lake Road.

Additionally, a twenty (20') foot strip of property, in the area around the dam, that extend off of the eighty (80') foot road right of way in a Northeasterly direction as installed in the field and as indicated by a centerline on Exhibit A for Future Underground Electric.

Additionally, a twenty (20') foot strip of property, in the area around the dam, whose centerline is depicted by the existing pole line.

Additionally, a ten (10') foot strip of property lying on the north side of County Highway 8 and Southwesterly from the Corn Belt Energy substation for a distance of two hundred and twenty five (225') feet.

Additionally, a twenty (20') foot strip of property lying on the south side of County Highway 8, beginning at a point directly across from the west property line of the new Corn Belt Energy substation and extending along County Highway 8 in a Northeasterly direction for a distance of eight hundred (800') feet.

Additionally, a twenty (20') foot strip of property lying on the Northeasterly side of the new Corn Belt Energy substation.

Additionally, a guy easement twenty (20') feet wide and fifty (50') feet long in a Southeasterly direction on the south side of County Highway 8, to back up the high voltage line crossing County Highway 8 as it enters the Corn Belt Energy substation.

Additionally, a twenty (20') foot strip of property lying on the north side of County Highway 8, beginning at a point Five hundred and thirty (530') feet east of the east property line of the new Corn Belt Energy substation and extending along County Highway 8 in a Northeasterly direction for a distance of Six hundred and thirty five (635') feet.

SEE ALSO EXHIBIT A WHICH IS ATTACHED HERETO AND HEREBY INCORPORATED BY THIS REFERENCE AS THOUGH FULLY STATED HEREIN

(hereinafter referred to as "Easement"), for the purpose of surveying, staking, constructing, re-constructing, erecting, placing, keeping, operating, maintaining, inspecting, patrolling, adding to the number of and relocating, at any time, and from time to time, in, on, over, upon, along, under, through, and across the Easement one or more lines, poles, cross arms, wires, conduits, cables, cabinets, transformers, anchors, guy wires, foundations, footings, and any other appurtenances thereto for the purpose of transmitting and distributing electric energy, telecommunications, or other power (hereinafter referred to as the "Facilities"); together with the right and privi-

lege to trim, cut, clear, eradicate, or remove, at any time, and from time to time, by any means whatsoever, from the Easement or the adjoining premises of the Grantor any and all trees, brush, vegetation, and any and all obstructions of whatsoever kind or character which, in the sole and exclusive judgment of Grantee, may endanger the safety of, or interfere with the use of the Easement or the Facilities, or the exercise of the Grantee's rights granted herein; and together with the right of ingress to and egress from the Easement over and across the adjoining lands of the Grantor at any and all times for doing anything necessary or convenient in the exercise of Grantee's rights granted herein. All materials or equipment used in the construction, installation, operation, maintenance, repair and/or replacement of the Facilities, and all surplus soil and debris excavated in the course thereof, may be transported to or from and be used and stored upon the Easement. Grantor shall not restrict Grantee's access to the Easement.

The Grantor shall not erect or construct any building or structure on the Easement, or create or permit any hazard or obstruction of any kind or character which, in the sole and exclusive judgment of Grantee, will interfere with the Grantee's use of the Easement or the Facilities, or the exercise of the Grantee's rights granted herein.

The Grantor does hereby further warrant and covenant unto Grantee that, subject to liens and encumbrances of record as of the date of Grantor's execution of this Easement, Grantor is the fee simple owner of the real estate described herein, has full right and authority validly to grant this Easement to the Grantee, and that Grantee shall have the quiet use and enjoyment of the Easement for the uses and purposes set forth herein.

Subject to Grantee's right to trim, cut, clear, eradicate, or remove by any means whatsoever, from the Easement or the adjoining premises of the Grantor any and all trees, brush, vegetation, and any and all obstructions of whatsoever kind or character which may endanger the safety of, or interfere with the use of the Easement or the Facilities, Grantee shall be responsible for all other actual damages occurring on the Easement or the adjacent real estate of the Grantor which are actually caused by the actions of the Grantee and shall reimburse the owner thereof for such actual loss or damage which exceed Grantee's right herein. The consideration hereinabove recited shall constitute payment in full for any damages to the Easement area described in Exhibit A by reason of the initial construction and installation of the improvements; provided, however, that Grantee shall pay Grantor for actual damages caused to growing crops caused by Grantee, and shall restore the Easement area to its approximate condition that existed prior to Grantee conducting its activities on the Easement. Grantee shall not be liable for any special, lost profits, consequential, indirect, exemplary, punitive damages or losses.

TO HAVE AND TO HOLD the Easement, together with any and all rights, privileges, appurtenances and immunities hereto belonging or in anywise appertaining unto said Grantee, its successors, assigns, agents, lessees, tenants, contractors, subcontractors, and licensees, forever. This Easement shall constitute a covenant running with the land for the benefit of the Grantee, its successors and assigns, and this Easement shall be binding upon and inure to the benefit of the successors, assigns and legal representatives of the Grantor and the Grantee. This Easement shall not be effective until acceptance thereof by the Grantee.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed this 9th day of October, 2012.

GRANTOR: CITY OF BLOOMINGTON

By: Stephen F. Stockton, Mayor

ACCEPTANCE

CORN BELT ENERGY CORPORATION hereby accepts the foregoing Easement and agrees to the terms thereof.

GRANTEE: CORN BELT ENERGY CORPORATION

By: _____
Ronald D Hopkins, Manager of Engineering Services

ACKNOWLEDGEMENT

STATE OF ILLINOIS)
) SS.
COUNTY OF McLEAN)

I, the undersigned Notary Public in and for said County and State aforesaid, do hereby certify that this instrument was acknowledged before me on the 9th day of October, 2012 by Stephen F. Stockton as Mayor of the **CITY OF BLOOMINGTON**.

Given under my hand and notarial seal this 9th day of October, 2012.

Tracey M. Sullivan-Covert
Notary Public

My commission expires: October 15, 2014

ACKNOWLEDGEMENT

STATE OF ILLINOIS)
) SS.
COUNTY OF _____)

I, the undersigned Notary Public in and for said County and State aforesaid, do hereby certify that this instrument was acknowledged before me on the ____ day of October, 2012 by _____ as _____ of **CORN BELT ENERGY CORPORATION**.

Given under my hand and notarial seal this ____ day of October, 2012.

Notary Public

My commission expires:

PIN: 19 – 01 – 300 – 002
 19 – 01 – 400 – 002
 19 – 12 – 100 - 002
 19 – 12 – 300 – 004

EXHIBIT A. EASEMENT DETAIL EVERGREEN SUBSTATION – EIGHT SHEETS ON FILE IN CLERK’S OFFICE

Motion by Alderman Fruin, seconded by Alderman Anderson that the Easement Agreement with Corn Belt Energy Corporation regarding City owned property located near Evergreen Lake in Comlara Park 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: Client Agreement with Catamaran for Pharmacy Benefit Management (PBM) Services for the City’s Preferred Provider Organization (PPO) Employee/Retiree Health Insurance Plan

RECOMMENDATION/MOTION: That the Client Agreements be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: The City hired Jeff Scarpinato, Holmes Murphy, in August 2012, to facilitate a Request for Proposal (RFP) for PBM services for the City’s PPO employee/retiree health insurance plan. Mr. Scarpinato, an insurance broker, was hired on a flat fee basis to prepare the RFP and perform a detailed analysis of the proposals submitted to the City. Pharmacy benefits are a particularly complex area and the City does not possess the in-house capability to fully evaluate these proposals.

Of thirteen (13) potential vendors who received RFPs, seven (7) submitted proposals. Holmes Murphy conducted a thorough analysis of each submitted proposal based on cost, access to in network pharmacies, formulary disruption, (prescriptions which would change from the current copay to a different copay), and customer service. Mr. Scarpinato is recommending that the City select the second to lowest bidder, Catamaran, because of the significant disruption and the lower network access rate with the Humana product. Catamaran is the City's current PBM and the product would continue to be purchased through Heartland Healthcare Coalition, a group of regional employers. Heartland has access to this product through an agreement with the Employers Health Purchasing Corporation (EHPC), an Ohio purchasing coalition. It is the EHPC's name that is on the contract.

Cost: Holmes Murphy sent potential bidders the City's pharmacy claims for 2011 and the first half of 2012. Before being released to Holmes Murphy, claims were stripped of any patient identification information. Vendors were required to re-price the claims under the discounts and terms they were proposing to arrive at an estimate of future claim costs. The firms also estimated the manufacturers' rebates that the City would receive. Claim cost, manufacturer rebates and any proposed administrative fees were combined to obtain a net total cost. The difference between the actual costs and the proposed costs were documented in Figures 1 and 2 for the three (3) finalists (Catamaran, Humana and Blue Cross/Blue Shield).

Formulary Disruption and Access: Aggressive pricing without consideration of formulary disruption and network access can lead to a transition that is difficult for both employees and management. Figures 3 and 4 illustrated the disruption and exclusions from coverage with the top three (3) vendors. Figure 5 showed the average distance to two (2) pharmacies for the three (3) products, (based on zip code analysis), and Figure 6 showed the percent of employees with access to two (2) in network pharmacies within ten (10) miles.

Customer Service: Responders were required to complete an extensive questionnaire concerning customer service and quality issues. Although it was felt that the top firms addressed most of the issues very well, Catamaran provides twenty-four/seven (24/7) phone access, including holidays, for member service and clinical questions while Humana staffs its live phone line only Monday through Friday from 8:00 a.m. to 6:00 p.m. depending on time zone. This was thought to be an important distinction in that pharmaceutical issues, their quality and timely provision which are key concerns of plan members and to the City, as a stakeholder, in the provision of prescription medications.

Catamaran omitted returning an addendum to the RFP and staff is requesting Council to waive the technicality and accept a signed copy of the addendum from the selected firm.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: None.

FINANCIAL IMPACT: The FY 2013 budget appropriated \$6,060,070 for the employee/retiree PPO health insurance within the employee and retiree health insurance fund line items 60200210-70717 and 60280210-70717. Approximately \$1,321,314 was budgeted in regards to pharmacy benefits for both classifications of former and current employees. The proposed three (3) year contract, which is based upon calendar year, will impact the last four (4) months of FY

2013 in addition to the FY 2014, FY 2015, and FY 2016 budgets. The FY 2013 expenditures within these line items for these pharmacy agreements within the employee and retiree health insurance fund is slightly below the budgeted amount.

Respectfully submitted for Council consideration.

Prepared by:

Laurie Wollrab, MBA, PHR
Compensation & Benefit Manager

Reviewed as to legal sufficiency:

Rosalee Dodson
Asst. Corporation Counsel

Recommended by:

David A. Hales
City Manager

(FIGURES 1 – 6 WERE PREPARED BY HOLMES MURPHY AND ARE ON FILE IN THE CLERK’S OFFICE)

Reviewed by:

Emily Bell, IPMA – CP
Director of Human Resources

Financial review by:

Patti-Lynn Silva
Director of Finance

RESOLUTION NO. 2012 - 31

A RESOLUTION WAIVING THE BIDDING PROCESS AND AUTHORIZING A CONTRACT FOR PHARMACY BENEFIT MANAGEMENT SERVICES

BE IT RESOLVED BY THE
CITY COUNCIL OF THE
CITY OF BLOOMINGTON, ILLINOIS

That the sealed bidding process be waived and the Mayor and City Clerk be authorized to execute a contract on behalf of the City for Pharmacy Benefit Management Services for the City’s Preferred Provider Organization for Employee/Retiree Health Insurance Plan with Catamaren PBM of Illinois, Inc., for the reasons that the City staff solicited Requests For Proposals from numerous firms and for the other reasons set forth in the memo from the City staff to the City Council included in the packet for the regularly scheduled City Council meeting for October 8, 2012.

ADOPTED this 8th day of October, 2012

APPROVED this 9th day of October, 2012.

APPROVED:

Steven F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Fruin, seconded by Alderman Anderson that the RFP for Pharmacy Benefit Management Services be awarded to Catamaran, the technicality waived, the agreement approved, the Mayor and City Clerk be authorized to execute the necessary documents 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.

The following was presented:

SUBJECT: Analysis of Bids for Additional Curtaining System for the US Cellular Coliseum

RECOMMENDATION/MOTION: That the bid for additional curtaining system be awarded to Athletic + Performance and Rigging, in the amount of \$49,227, and the Purchasing Agent be authorized to issue a Purchase Order for same.

BACKGROUND: Since the opening of the US Cellular Coliseum (USCC) in 2006, Central Illinois Arena Management (CIAM) has been responsible for bringing events into the Coliseum. At that time, Council approved the purchase of drapes and trusses that would allow CIAM to create smaller size seating capacities, thus allowing them to book different types of events.

Over the last couple of years, CIAM discovered shows have requested a fully draped concert stage. By adding these additional curtaining system pieces this will allow CIAM to enclose the

stage to give the performers a closed box look, creating a true proscenium theater that touring shows desire. This will increase the capabilities and versatility of the facility, allowing theater type shows to also play in this cut down arena theater set up. New shows include; Broadway shows, comedians, theatrical and dance productions, concerts that require a more intimate setting and local performers and organizations.

The desired capacity of the new theater set up would range from 2,600 – 3,900 seats. The variance in capacity and the more intimate theater set up will allow for flexibility based on the show's needs. While this will allow CIAM the opportunity to host new types of shows, the USCC's size of the theater will not directly compete with any other entertainment venue in the City.

The City's Purchasing Agent released Bids on August 20, 2012 with a deadline of September 7, 2012.

Bids were received in the City Clerk's Office. Three (3) bids were received and opened on September 7, 2012 at 11:00 a.m. Central Standard Time (CST).

Company	Amount of Bid	Location
Athletic + Performance and Rigging*	\$49,227.40	Tiffin, OH
Sosonic	\$55,626.00	Madison, WI
iWeiss	\$53,626.00	Fairview, NJ

**After reviewing the Bids, staff determined that Athletic + Performance Rigging was the lowest bid and met all of the criteria of the bid specifications. There is a one (1) year manufacturer's warranty.*

If the purchase is approved, CIAM anticipates the project to be completed by November 2012.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Advertise in the Pantagraph and City's web site.

FINANCIAL IMPACT: The FY 2013 Budget appropriated \$70,000 to purchase additional curtaining system in line item 57107110-72140. The low and recommended bid of \$49,227.40 was submitted and is \$20,772.60 or 29.6% below the appropriation amount.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed by:

John Butler
President of CIAM

Barbara J. Adkins
Deputy City Manager

Kim Nicholson
Purchasing Agent

Financial review by:

Recommended by:

Patti-Lynn Silva
Director of Finance

David A. Hales
City Manager

Motion by Alderman Fruin, seconded by Alderman Anderson that the bid for Additional Curtaining System be awarded to Athletic + Performance and Rigging, Tiffin, OH, in the amount of \$49,227, and the Purchasing Agent be authorized to issue a Purchase Order for same.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Approval of Contract Amendment in the amount of \$137,802 for Morris Ave. Reconstruction: Six Points Rd. to Fox Hill Apartments

RECOMMENDATION/MOTION: That additional unit prices be accepted from Stark Excavating, Inc. and a contract amendment be approved in the amount of \$137,802.

BACKGROUND: At the July 9, 2012 meeting, Council approved a contract with Stark Excavating for the reconstruction of Morris Ave. between Six Points Rd. and Fox Hill Circle. After the existing pavement was removed and earth excavation began, a problem with the subsurface soils was discovered. The existing soils approximately two to three feet (2 – 3') below the old pavement consisted of very silty clay with high moisture content. The soil with high moisture was not discovered during the design phase, which included three (3) soil borings. Since the high moisture was not discovered, standard construction methods were specified in the bid documents. Standard methods require the contractor to disk and dry the subgrade for several days, then compact the dried soils to form a hard, stable surface for the pavement structure. Although this process was completed, the high moisture content in the deeper soil was brought to the surface with each pass of construction equipment.

Upon discovering the subsurface problems, Testing Service Corporation (TSC) was brought in to evaluate the conditions and provide a recommended solution. The TSC report was provided to the Council. As indicated in the TSC report, the suggested solution was to install underdrains and perform subgrade remediation. To avoid lengthy project delays, Stark Excavating's price for

underdrains was accepted by the City Manager as an emergency expenditure. The underdrains are currently being installed.

Suggested subgrade remediation methods include geogrid reinforcing system over the saturated soils or removing the soils and replacing them with granular embankment. The geogrid reinforcing system is quite expensive. Stark Excavating's price to install the geogrid system over the entire subgrade area is \$131,760. Unit prices for removing existing soil and replacement with granular embankment were already included in the contract. There is not sufficient quantity for the recommended treatment depth indicated in the TSC report. Substantial additional quantities need to be added to the contract.

Another issue with the existing site and poor subsurface soils involves existing utilities. There are several utilities below the future road that conflict with the soil removal and replacement depths recommended by TSC. The utilities could be relocated, but there would be additional cost and a considerable delay in the project schedule. To minimize the cost associated with these utilities and avoid delays, the geogrid reinforcing system shall be installed over the utilities. The proposed subgrade remediation involves a combination of soil removal and replacement and geogrid reinforcing system.

The current project completion date is November 30, 2012. To date there have been some project delays, including those related to Nicor Gas' main relocation, weather and this subgrade issue. Although the contractor has not submitted a request to delay the completion date, it is unlikely that the entire project can be completed by November 30, 2012. The current goal is to have the road completed and open to traffic by that date. Approval of the proposed subgrade remediation will allow the contractor to continue working and hopefully achieve this goal. An additional concern related to delay with this project involves the Morris Ave. Fire Station. The current road closure creates about a three (3) minute delay in the station's response time.

With this amendment, the revised total contract cost is still under both the engineer's estimate and budget.

Original Contract	\$1,046,725.75
Underdrains	\$ 24,402.00
Subgrade Remediation	<u>\$ 113,400.00</u>
Revised Total Contract Cost	\$1,184,527.75
Engineer's Estimate	\$1,351,570.00
Budget	
MFT	\$1,140,000.00
Storm Water	\$ 210,000.00
Sanitary Sewer	\$ 65,000.00
Water	<u>\$ 200,000.00</u>
Total Budget	\$1,615,000.00

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Stark Excavating, Inc.

FINANCIAL IMPACT: The FY 2013 budget appropriated \$1,615,000 for the project within the MFT, Storm Water, Water, and Sanitary Sewer Funds. On July 9, 2012, the Council approved \$707,695 of MFT funds for this project. The total MFT budget available for this project was \$1,140,000. The contract amendment will appropriate an additional \$137,802 which will total \$845,497 for the MFT portion of this project. The total MFT appropriation remains \$294,502 below the original MFT budget. The contract revision across all funds will be as follows.

	<u>Original</u>	<u>Revised</u>
Motor Fuel Tax Funds (20300300-72530)	\$ 707,695.75	\$ 845,497.75
Storm Water (53103100-72550)	\$ 122,880.00	\$ 122,880.00
Sanitary Sewer (51101100-72550)	\$ 58,100.00	\$ 58,100.00
Water (50100120-72540)	<u>\$ 158,050.00</u>	<u>\$ 158,050.00</u>
Total Construction	\$1,046,725.75	\$1,184,527.75

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Financial review by:

Jim Karch, PE, CFM
Director of Public Works

Barbara J. Adkins
Deputy City Manager

Patti-Lynn Silva
Director of Finance

Reviewed as to legal sufficiency:

Recommended by:

J. Todd Greenburg
Corporation Counsel

David A. Hales
City Manager

Mayor Stockton introduced this item.

Alderman Stearns stated that she had submitted questions to City staff regarding this item. She noted that this item involved a change order in the amount of \$137,802. She questioned who performed the soil testing.

Jim Karch, Public Works Director, addressed the Council. He stated that during road construction the first step was to remove the existing pavement. Three (3) soil borings had been done prior to preparation of the bid documents. He cited from previous experience with the other phases of this road project. City staff anticipated that there would be issues. The road could not be construction on the site's soil. A stable base was required. Three (3) days were spent on a disk and dry procedure. The soil remained unacceptable. Additional evaluation was done. He noted that this project was time sensitive. The road needed to be open by November 2012.

David Hales, City Manager, addressed the Council. The bid specifications requested unit prices which were included in the contract. This was an unforeseen situation. Unit prices offers the contractor protection. The City had done good and reasonable soil testing. He added that City staff considered the cost benefit of the testing. This represented a legitimate contract amendment. Water problems were rarely seen.

Mayor Stockton noted that bid specifications were written for perfect conditions.

Mr. Hales added that the Council's unwillingness to approve contract amendments would result in higher contract amounts.

Mr. Karch presented comparable figures. He noted the cost for geotechnical soil borings at \$2,500 each. The City could have spent \$100,000 on soil borings and still have missed the substandard soil. He added that in addition to soil testing the City still has the road construction costs. There would always be risk when addressing underground projects. The City requested unit prices for capital projects as it is not possible to mitigate all risks.

Alderman Stearns expressed her understanding. She expressed here opinion that the bid specifications should include the possibilities and the contractor would be responsible for what was found. She believed such action would save the City money. Mr. Karch noted that there were projects that have come in under budget. It was important for the City to prepare bid specifications that vendors will want to bid on.

Alderman Purcell noted that this item was contained on an Addendum I. He planned to vote no on this item.

Alderman Mwilambwe encouraged City staff to inform the Council when projects are completed under budget. This would be a good news story.

Motion by Alderman Fruin, seconded by Alderman Anderson that the Change Order, in the amount of \$137,802, 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: Alderman Stearns and Purcell.

Motion carried.

The following was presented:

SUBJECT: Request Approval of Miller Park Zoo Master Plan

RECOMMENDATION: That the Miller Park Zoo Master Plan be adopted as presented without any funding requirements.

BACKGROUND: On September 12, 2011, Council approved a \$126,230 contract with WDM Architects to prepare a Master Plan for Miller Park Zoo, (MPZ). The Miller Park Zoological Society (MPZS) agreed to fund \$116,230 for this Master Plan, with the remaining \$10,000 funded within the Zoo's operating budget. A Master Plan is needed for the MPZ to demonstrate a roadmap for what the facility will look like over the next twenty (20) years. This Master Plan also included a business plan element to help project attendance, admission rates and analyze the competitive market throughout the region. The purpose of the Master Plan will be to provide a tool for future facility development that provides a dynamic vision and realistic plan for improvement. The MPZ seeks to develop a viable plan for facility and program development that encompasses the most current zoo trends and best practices that will enhance the guest's experience and enhance the MPZ's conservation and education programming.

A very important aspect in the success of the MPZ is its accreditation status with the American Zoo and Aquarium Association, (AZA). MPZ has been AZA accredited since 1978 and goes through a thorough review process every five (5) years. Being accredited is the only way the MPZ can house many of its featured animals and assures that the management practices meet the highest standards within the industry. Without the accreditation MPZ would most likely not be able to have such a diverse and interesting animal collection. For FY 2012, the Council approved funding for a Zoo Curator position in order to satisfy one of the findings in the AZA's accreditation report. Another concern of the AZA was the lack of a Master Plan. Completing a Master Plan will greatly improve the MPZ's ability to recertify its accreditation.

On July 9, 2012, the Council heard a presentation on the draft Miller Park Zoo Master Plan, (land use plan). A business plan was distributed to the Council later in July. This business plan included pro forma projections, a draft schedule and budget along with recommendations for both the City and the MPZS. On August 27, 2012, the Council heard a presentation of the draft Business Plan with funding alternatives. These two (2) plans, (land use plan and business plan), combine to form the MPZ Master Plan being recommended for adoption.

The recommendation is to adopt the MPZ Master Plan, as presented without binding any financial requirements. The financial planning and funding would be decided within the citywide long term capital improvement budget which would require Council approval. The funding received from private funding, such as through the MPZS, will be needed to assist in financial planning for the implementation of the Master Plan.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Numerous community groups and users of MPZ's facilities. Two (2) Council discussions.

FINANCIAL IMPACT: The adoption itself of the MPZ Master Plan as a working document has no financial impact. The approval of various projects suggested within the Master Plan will have financial impact that would require Council approval during future annual budget review processes. Adoption of the MPZ Master Plan does not commit the Council to the funding of the individual projects within the Master Plan.

Respectfully submitted for Council consideration.

Prepared by:

John Kennedy
Director of Parks, Recreation & Cultural Arts

Reviewed by:

Barbara J. Adkins
Deputy City Manager

Recommended by:

David A. Hales
City Manager

RESOLUTION NO. 2012 - 32

A RESOLUTION RECOMMENDING APPROVAL OF THE MILLER PARK ZOO MASTER PLAN

WHEREAS, the City of Bloomington is a home rule unit of local government with authority to legislate in matters concerning its local government and affairs; and

WHEREAS, it is highly recommended by the Association of Zoos and Aquariums for the governing body to adopt a Master Plan for the operations of an accredited zoo; and

WHEREAS, it is in the best interests of the health, safety and welfare of the animals of Miller Park Zoo to obtain proper care at an accredited zoo; and

WHEREAS, it is in the best interests of the health, safety and welfare of the citizens of the City of Bloomington to receive and accept the Miller Park Zoo Maser Plan and that said Plan be adopted.

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

SECTION ONE: That the Miller Park Zoo Master Plan prepared by WDW Architects is and the same is hereby accepted and placed on file and approved; however, the City Council explicitly does not approve a funding mechanism to implement said Plan.

ADOPTED this 8th day of October, 2012.

APPROVED this 9th day of October, 2012.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Mayor Stockton introduced this item. He reviewed the history of the Zoo Master Plan. City staff had requested the Council's guidance.

David Hales, City Manager, addressed the Council. He cited the Resolution which he respectfully requested the Council adopt. There was no financing commitment. He noted the importance of a Zoo Master Plan. Currently, the City did not have one. The lack of a master plan was cited by the AZA, (American Zoo and Aquarium Association), as a factor which would impact the Zoo's accreditation status. A master plan was a requirement for good planning. The City was in the process of developing a number of master plans. These plans would lead to a needs assessment for the City's capital budget plan. The first step would be to determine what the City had and the age of its assets. A master plan was a plan for the future. He compared it to a road map. The Miller Park Zoo (MPZ) Master Plan included a business plan. Improvement were needed at the MPZ as it was in competition with other area zoos. The goal was to increase attendance and fees. The Council would be asked to look at other City facilities such as water and transportation. The City needed to repair, maintain and/or replace its infrastructure in order to serve current and future residents.

John Kennedy, Director – Parks, Recreation & Cultural Arts, addressed the Council. The AZA's accreditation process was a five (5) year process. A deficiency of the previous accreditation process was the fact that there was no master plan. The City partnered with the Miller Park Zoological Society, (MPZS). The MPZS funded the majority cost for the Master Plan. The MPZS had been a support partner. A Master Plan was needed to be eligible to received grant dollars. The process included public input. The AZA's verbal report regarding the accreditation process had been positive. There was a hearing at the AZA's Conference. The MPZ was granted a one (1) year accreditation. Concerns were raised. He anticipated and was confident that the MPZ would be granted a five (5) accreditation next year.

Mr. Hales noted that after Council adoption, City staff would address the next steps. The City would need to enter into a Memorandum of Understanding with the MPZS. He cited the role of fundraising and the importance of private dollars. The Master Plan would be addressed at budget time. The City would prepare an implementation plan.

Alderman McDade addressed the questions raised earlier in the evening. The Council had been given the opportunity to have input into the plan. It had been a long and ongoing process. Two (2) Work Sessions were held and written questions had been received. She noted the strategic planning effort. This Master Plan was a community plan. Private dollars would drive the fundraising efforts not the City. There had been robust community input from the variety of public meetings that had been held. The MPZS had a key role to play. The MPZ Master Plan had been community driven. The Council played an appropriate role of policy maker. The City had to have a plan in place in order to receive accreditation.

Mayor Stockton noted that a funding plan was essential. The Master Plan was the foundation. There was more work to be done. It would take the City working with the private sector and individuals. The Council may need to set a subsidy level. The Master Plan was just the beginning.

Alderman Anderson addressed quality of life. There was a value to the MPZ. The City had been interested in providing funding for economic development. Business looked at a community's quality of life. He cited the Glen Oak Zoo in Peoria, (operated by the Peoria Parks District).

Alderman Sage restated his appreciation to the MPZS. This group walked the talk. He extended his thanks and acknowledged the effort to draft a master plan.

Alderman Fazzini addressed a few points. He questioned if the City should have a zoo which placed large animals in small cages. He expressed his opinion that years ago the MPZ was a community asset. Today, television and the Internet can provide one with access to view animals in their native habitat. Finally, he encouraged the City to consider alternatives. He cited zoos where the animals are allowed to roam free. He stated his intention to vote no on this item.

Alderman Mwilambwe questioned if there was room for change in the plan in the future. Mr. Kennedy noted that the plan must be flexible as it was a long range plan. The MPZ would be open to opportunities. Alderman Mwilambwe questioned a 3D experience. He described something innovative through the use of technology. He believed that the Council needed to be sensitive to those who enjoyed visiting zoos. He added that the MPZS must show the way regarding the fundraising effort. The City's quality of life efforts should be offered City wide.

Alderman Anderson noted that the MPZ participated in endangered animal breeding programs. The MPZ also housed injured/disabled animals. The Master Plan addressed quality of life. Mr. Kennedy noted that participated in some of these programs required that the MPZ be accredited by the AZA.

Alderman Schmidt had attended various meetings during the Master Plan process. The Council needed to support the MPZ. The breeding programs were important. She

noted the public's response during the planning process. The MPZS has been successful in its efforts to support the MPZ. Funding this plan would be a challenge.

Alderman Purcell expressed his concern regarding the cost. There would need to be a public/private partnership which addressed funding. The plan would change over the years. A zoo allowed a person to see animal up close. He restated his concerns regarding fundraising.

Alderman Stearns questioned the MPZ's footprint on the Miller Park. She noted that this plan included bricks and mortar. Mr. Kennedy stated that the MPZ expansion occurred in the Master Plan's later stages. Two (2) acres of land would be added to the MPZ. Alderman Stearns expressed her opinion that if you supported the MPZ then you must support the Master Plan. She expressed her concern regarding the cost, \$16 million. The MPZ was not sustainable into the future. The fundraising effort was an unknown. She planned to vote no on this item. She noted that the Master Plan was a whole zoo concept. She was troubled by some aspects. The MPZ needed to be more humane, provide the animals with more space and treat the animal with respect.

Alderman Fruin noted that he had been engaged in the earlier steps. He cited the various discussion groups.

Mayor Stockton noted that the City had a plan. There were no assurances regarding financings. Over time the Master Plan would be modified. He expressed his appreciation to City staff and the MPZA for their efforts.

Motion by Alderman Fruin, seconded by Alderman Anderson that the Master Plan be adopted as presented, without any funding requirements, and the Resolution adopted.

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

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

Nays: Aldermen Stearns and Fazzini.

Motion carried.

CITY MANAGER'S DISCUSSION: None.

MAYOR'S DISCUSSION: Mayor Stockton addressed the Liquor Commission's agenda for October 9, 2012. The draft Text Amendment for the class E, Entertainment and Q, Qualified restaurant, appeared on the Commission's agenda. This Text Amendment would appear on the Council's October 22, 2012 meeting.

ALDERMEN'S DISCUSSION: Alderman Fruin reminded the Council that the Township Supervisor and Township Assessor's Salary Ordinance would appear on the

Township's October 22, 2012 meeting agenda. He expressed his belief that the Township Supervisor received a stipend from the Scott Health Commission in the amount of \$16,000. He had contacted the Scott Commission's Board President. The goal was to equalize the salaries for these two (2) positions.

Alderman Stearns questioned if there would be a Christmas tree this year at City Hall. David Hales, City Manager, offered to report back to the Council regarding same.

Alderman Fazzini reminded the Council that each member needed to complete the Attorney General's Office's on line Open Meetings Act training.

Alderman McDade expressed her appreciation for the Rules of Procedure. She recommended that they be kept in the drawers contain on the dais. She also noted the monthly financial report and requested that it be sent electronically.

Motion by Alderman Anderson, seconded by Alderman McDade, that the meeting be adjourned. Time: 8:05 p.m.

Motion carried.

**Tracey Covert
City Clerk**