

**CITY OF BLOOMINGTON
COUNCIL MEETING AGENDA
109 E. OLIVE
TUESDAY, NOVEMBER 13, 2012, 7:00 P.M.**

- 1. Call to order**
- 2. Pledge of Allegiance to the Flag**
- 3. Remain Standing for a Moment of Silent Prayer**
- 4. Roll Call of Attendance**
- 5. Public Comment**
- 6. Recognition/Appointments**
- 7. “Consent Agenda”**
 - A. Council Proceedings of October 22, 2012 and November 22, 2010, the Council and Cultural District Commission Joint Meeting Minutes of June 11, 2012, and Citizen Voice Meeting Minutes for September 26, 2012. (Recommend that the reading of the minutes of the previous Council Proceedings of October 22, 2012 and November 22, 2012, the Joint Meeting Minutes of June 11, 2012 and Citizen Voice Meeting Minutes of September 26, 2012 be dispensed with and the minutes approved as printed.)**
 - B. Bills and Payroll. (Recommend that the Bills and Payroll be allowed and the orders drawn on the Treasurer for the various amounts as funds are available.)**
 - C. Petition from Deneen Brothers Farms, LLC requesting approval of an Expedited Final Plat for Deneen Section 17 Subdivision located east of Towanda-Barnes Road and south of Ireland Grove Road. (Recommend that the Petition be accepted, with the understanding that the bonds and fees be waived until future development occurs and that they be collected at the time this lands is further subdivided for development, the Final Plat be approved and the Ordinance passed.)**

- D. Request to enter into an Early Order Program with Helena Chemical, (the distributor), for procurement of Syngenta and BASF, (the manufacturers), golf course chemicals from a single source. (Recommend that participation in an early order discount program for the purchase of various Syngenta-and BASF branded chemicals for golf turfgrass management for the 2013 golf season and use of Helena Chemical, as the local distributor, for these products be approved, and that the Purchasing Agent be authorized to issue a Purchase Order for same.)**
- E. Analysis of Bids for the purchase a new Heating and Cooling System for Miller Park Pavilion. (Recommend that the bid for the purchase of a new heating and cooling system at Miller Park Pavilion, from Hermes Service and Sales, in the amount of \$45,625 be approved, and the Purchasing Agent be authorized to issue a Purchase Order for same.)**
- F. Purchase Two (2) Dump Trucks for the Public Works Sewer Maintenance and Operations Division using the State of Illinois Joint Purchasing Contract. (Recommend that the purchase one (1) International 4300 Low Pro Dump Truck, in the amount of \$135,307, and one (1) 7400 Dump Truck, in the amount of \$145,625, from Prairie International of Normal, IL, utilizing the State of Illinois Joint Purchasing Contract #PSD4016932 be approved, and the Purchasing Agent be authorized to issue a Purchase Order for the same.)**
- G. Analysis of Bids for the Purchase one (1) Backhoe for the Public Works' Sewer Maintenance and Operations Division. (Recommend that the bid for the purchase of one (1) Caterpillar 430F IT Backhoe, from Altorfer Inc., East Peoria, IL, in the amount of \$163,550.22 be approved, and the Purchasing Agent be authorized to issue a Purchase Order for same.)**
- H. Analysis of Bids for the Market St. Parking Garage Repairs, Phase II. (Recommend that the bids be rejected and the project be rebid in Fiscal Year 2014.)**
- I. Extension of Bid for an Additional \$50,000 for Shoreline Protection Work along the Evergreen Lake Reservoir. (Recommend that the additional funding be approved.)**
- J. Payment of \$10,546 to A and R Mechanical Contractors, Inc. for a Change Order for Construction Changes to Fittings, Piping and Painting Associated with the Lime Dust Collection System at the Water Treatment Plant. (Recommended that the Amendment to the Contract with A and R Mechanical Contractors, Inc., for construction changes to fittings, piping and painting associated with the Lime Dust Collection System at the Water Treatment Plant in the amount of \$10, 546 be approved.)**

- K. Payment of \$34,393.91 to AECOM, Inc. for Professional Services Provided for Various Design Changes in the Lime Dust Collection and Recarbonation Systems at the Water Treatment Plant. (Recommend that the Amendment to the contract with AECOM, Inc., for various design changes in the Lime Dust Collection and Recarbonation Systems at the Water Treatment Plant, in the amount of \$34,393.91 be approved.)**
- L. Petition from Wingover East, LLC Requesting Approval of Dedication for a Water Main Easement, located at Lot 126 Airport Park Subdivision, 15th Addition, west of Ekstam Dr. (Recommend that the Dedication be approved and the Ordinance passed.)**
- M. Lake Bloomington Lease Transfer Petition for Lot 1, Block 14 of Camp Potawatomie, commonly located at 25105 White Owl Ln., Hudson, from Jansen and Deanne Wiley to Tim and Cathy Strader. (Recommend that the Lake Lease be approved and the Mayor and City Clerk be authorized to execute the necessary documents.)**
- N. Application of MGN Foods, Inc., d/b/a West Market St. Grocery, located at 301 W. Market St., Unit B, for a PBA liquor license, which will allow the sale of packaged beer and wine only for consumption off the premises seven (7) days a week. (Liquor Commission recommends that the Council create a PBS liquor license for MGN Foods, Inc., d/b/a West Market St. Grocery, located at 301 W. Market St., contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) the sale of packaged beer and wine would be limited to nothing smaller than a six (6) pack of beer and 750ml of wine and. 2.) no alcohol sales permitted before 9:00 a.m. on Monday through Friday.) (*Change of ownership and a change in conditions.*)**
- O. Text Amendment to Chapter 40 of the Bloomington City Code relating to Taxicabs and Vehicles for Hire. (Recommend that the Text Amendment be approved and the Ordinance passed.)**

8. “Regular Agenda”

- A. Connect Transit 2012 Annual Report. (Presentation by Andrew Johnson, Bloomington Normal Public Transit System’s General Manager.) (*10 minutes*)**
- B. Contract Amendment with Hanson Professional Services Inc., to the Professional Services Agreement for Travel Demand and Railroad Crossing Study. (Recommend that the contract amendment with Hanson Professional Services Inc. for travel demand and railroad crossing study, in the amount of \$105,136 be approved, the Resolution adopted, and the Mayor and City Clerk be authorized to execute the necessary documents.) (*20 minutes*)**
- C. Proposed 2012 Tax Levy and Process. (Presentation and Discussion.) (*30 minutes*)**

- D. **Bloomington Public Library Tax Levy Figure for 2012.** (Presentation by Bill Wetzel, Board member and Georgia Bouda, Library Director.) *(15 minutes)*
 - E. **Proposed 2012 Tax Levy, (City and Library), and Adoption of Estimated Levy.** (Recommend that the proposed tax levy be adopted as the estimate of \$XX,XXX,XXX for the 2012 Tax Levy). *(10 minutes)*
9. **City Manager's Discussion**
 10. **Mayor's Discussion**
 11. **City Aldermen's Discussion**
 12. **Executive Session - cite section**
 13. **Adjournment**
 14. **Notes**

FOR COUNCIL: November 13, 2012

SUBJECT: Council Proceedings of October 22, 2012 and November 22, 2010, the Council and Cultural District Commission Joint Meeting Minutes of June 11, 2012, and Citizen Voice Meeting Minutes for September 26, 2012

RECOMMENDATION/MOTION: That the reading of the minutes of the previous Council Proceedings of October 22, 2012 and November 22, 2012, the Council and Cultural District Commission Joint Meeting Minutes of June 11, 2012, and Citizen Voice Meeting Minutes for September 26, 2012 be dispensed with and the minutes approved as printed.

BACKGROUND: The Council Proceedings of October 22, 2012 and November 22, 2010, the Council and Cultural District Commission Joint Meeting Minutes of June 11, 2012, and Citizen Voice Meeting Minutes for September 26, 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: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

**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 7:05 p.m., Monday, October 22, 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, 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 Asst. Corporate Counsels George Boyle and Rosalee Dodson were also present.

Staff absent: Todd Greenburg, Corporation Counsel.

Motion by Alderman Sage, seconded by Alderman Mwilambwe to allow Alderman Anderson to participate remotely via telephone.

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

Nays: None.

Motion carried, (viva voce).

The following was presented:

Oath of Office for Police Patrol Officers: David Ashbeck, Jared Johnson, and Luke Maurer.

Randy McKinley, Police Chief, introduced David Ashbeck, Jared Johnson and Luke Maurer, Police Patrol Officers. He stated that each individual was accompanied by their families. Each had served in the military. He added that every probationary police patrol officer does not complete probation successfully. Chief McKinley introduced Luke Maurer. Mr. Maurer's employment with the City commenced in January 2011. Mr. Maurer had been employed with the Charleston, SC Police Department. He had served in the Army and was currently in the Army Reserves. He cited a commendation received by Mr. Maurer. Chief McKinley introduced David Ashbeck. Mr. Ashbeck was also a student at Illinois State University. He had served in the Army and the Guard. He noted a service award given to Mr. Ashbeck. Chief McKinley introduced Jared Johnson. Mr. Johnson

graduated from Lincoln Community High School. He had served active duty tours in Afghanistan and Iraq.

Tracey Covert, City Clerk, administered the Oath of Office. Mayor Stockton presented each with their certificate. He expressed his appreciation to them for their service to the nation and the City.

The following was presented:

SUBJECT: Appointments to the Beautification Committee and Cultural District Commission

RECOMMENDATION/MOTION: That the appointments be approved.

BACKGROUND: I ask your concurrence in the appointment of Amy Davis of 501 S. Clayton St., to the Beautification Committee. Her four (4) year term will begin October 22, 2012.

I ask your concurrence in the appointment of Sherry Galbreath of 3 Mallard Ct., to the Cultural District Commission. Her four (4) year term will begin October 22, 2012.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Kathryn Buydos
Executive Assistant

Stephen F. Stockton
Mayor

Mayor Stockton introduced Amy Davis. Ms. Davis was an attorney. She had been employed with McLean County as both an Asst. State's Attorney and a Public Defender. She currently chaired the Master Gardeners. She believed that she had skills which would assist the Beautification Committee.

Mayor Stockton introduced Sherry Galbreath. Ms. Galbreath was a small business owner. She was interested in the Bloomington Center for the Performing Arts, (BCPA). Ms. Galbreath regularly attended events at the BCPA. She hoped to see this facility grow and prosper.

Mayor Stockton expressed his appreciation to citizens who were willing to serve the City.

Motion by Alderman Sage, seconded by Alderman Mwilambwe that the appointments 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:

Barbara J. Adkins – ICMA 25 Years of Service Award.

Mayor Stockton recognized Barb Adkins, Deputy City Manager, for her twenty-five (25) years of service to the City. He noted her knowledge of the City's history. Ms. Adkins had the ability to see that things are completed.

David Hales, City Manager, addressed the Council. Ms. Adkins was a member of the ICMA (International City/County Managers Association). He noted the ICMA's Code of Ethics and Best Practices. The ICMA's focus was on professional government management. Ms. Adkins commenced her employment with the City in the Parks & Recreation Department. She served in park security. She had also held positions in Community Development and Human Relations. He cited her institutional knowledge. Ms. Adkins served as his right hand man. He assigned complicated issues to her as he knew they will be handled.

Ms. Adkins addressed the Council. She extended her appreciation to all. She had always wanted to work in city government. She was humbled to serve as a public servant. She recognized the assistance received from City staff.

Mayor Stockton spoke on behalf of the Council that working was Ms. Adkins was enjoyable.

The following was presented:

SUBJECT: Council Proceedings of October 8, 2012, Work Session Minutes of October 8, 2012 and Executive Session Minutes of May 29, 2012

RECOMMENDATION/MOTION: That the reading of the minutes of the previous Council Proceedings of October 8, 2012, Work Session Minutes of October 8, 2012 and Executive Session Minutes of May 29, 2012 be dispensed with and the minutes approved as printed.

BACKGROUND: The Council Proceedings of October 8, 2012, Work Session Minutes of October 8, 2012 and Executive Session Minutes of May 29, 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 Sage, seconded by Alderman Mwilambwe that the reading of the minutes of the previous Council Proceedings of October 8, 2012, Work Session Minutes of October 8, 2012 and Executive Session Minutes of May 29, 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 18, 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 Sage, seconded by Alderman Mwilambwe 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: Economic Development Strategic Plan and Incentive Guideline

RECOMMENDATION/MOTION: That the Economic Development Strategic Plan and Incentive Guideline be approved and the Resolutions adopted.

BACKGROUND: With the recent economic recession, the City lost sources of revenue critical to the day-to-day operation of our community. Now, in an attempt to minimize losses and provide citizens with the same high level of services and overall quality of life, the City is proposing the implementation of a more aggressive, proactive and business-friendly approach to economic development.

The Bloomington community is fortunate to have successful and rooted businesses like State Farm to maintain its foundation, and prosperous economic development organizations like the

Economic Development Council of the Bloomington-Normal Area, (EDC), to assist in the attraction of new industries. Despite these factors, the cost of City services continues to rise and individual taxpayers can no longer afford to share the burden. As such, it is imperative that the City expand upon the business tax base. Given that forty percent (40%) of the City's General Fund dollars are generated by sales taxes and twenty percent (20%) are generated by property taxes, the City should strive to compliment the EDC's efforts by actively collaborating in the development process and leading the charge toward retail retention and expansion.

Per the Council's direction, and in accordance with one of the action items for 2012, staff has prepared the enclosed Economic Development Strategic Plan and Incentive Guideline. These documents emphasize retail development and contain a secondary focus for collaborative efforts with the EDC. Throughout the short and long term, the City's economic development office will focus on the community's image and its reputation within the business community; it will serve to facilitate municipal processes pertinent to business and create a cultural shift whereby the City utilizes a customer service approach when dealing with local enterprises.

The Strategic Plan and Incentive Guideline are inclusive of feedback received at the Council's September 10, 2012 Work Session and also various pieces of correspondence received from several local groups and residents. By taking a proactive approach, the plan and guideline reflect a community approach to economic development.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: EDC meetings were held on July 11 and August 30, 2012; McLean County Chamber of Commerce meeting were held on September 9 and 20, 2012; Downtown Bloomington Association meetings were held on September 12 and October 9, 2012; Downtown Property Owners Association meetings were held on September 12 and October 9, 2012; Bloomington-Normal Area Convention & Visitors Bureau meeting was held on September 12, 2012; Center for Emerging Entrepreneurs meeting was held on September 12, 2012; West Bloomington Revitalization Project meeting was held on September 12, 2012; Bloomington-Normal Association of Realtors meeting was held on September 13, 2012; Bloomington-Normal Area Home Builders Association meeting was held on September 21, 2012 and various developers which included CBL Properties meeting was held on September 21, 2012; Snyder Companies meeting was held on September 21, 2012 and Shirk companies meeting was held on September 21, 2012.

FINANCIAL IMPACT: While the adoption of the proposed resolutions poses no direct financial impact, indirectly, the economic development office will work to execute the Strategic Plan and Incentive Guideline in such a way so as to increase the municipal commercial tax base and relieve the burden on individual taxpayers.

Respectfully submitted for Council consideration.

Prepared by:

Justine Robinson
Economic Development Coordinator

Recommended by:

David A. Hales
City Manager

RESOLUTION NO. 2012 - 33

**A RESOLUTION ADOPTING AN ECONOMIC DEVELOPMENT STRATEGIC PLAN
POLICY**

WHEREAS, the City of Bloomington seeks to enhance the economic viability of its community and its residents through the use of economic development practices and collaboration with other economic development organizations; and

WHEREAS, when evaluating projects in relation to economic development, the City of Bloomington will reference the following goals and objectives:

- (1) Initiate retail retention and recruitment efforts that will expand the commercial tax base in such a way so as to enhance municipal operations and relieve the burden on individual taxpayers;
- (2) Actively collaborate with the Economic Development Council, McLean County Chamber of Commerce, Center for Emerging Entrepreneurs, Small Business Development Center, Central Illinois SCORE and other economic development organizations of the Bloomington-Normal area to promote capital investment and job creation;
- (3) Establish a downtown Bloomington strategy and relevant priorities;
- (4) Consider the ramifications of economic development decisions when planning for public services and facilities;
- (5) Improve the financial viability of properties and programs owned, managed or funded by taxpayer dollars;
- (6) Enhance the overall quality of life of the citizens of the City of Bloomington in order to promote economic growth;
- (7) Ensure that investment in economic development will add economic value and increase employment within the City; and

WHEREAS, the purpose of the Economic Development Strategic Plan Policy is to provide a catalyst for commercial development and improve the socioeconomic status of the City of Bloomington and its residents; and

WHEREAS, the City of Bloomington has determined that the Economic Development Strategic Plan Policy is in the best interest of the municipality and its citizens.

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

The City of Bloomington Economic Development Strategic Plan Policy, attached, is hereby adopted and approved; and be it further

RESOLVED, that the City Clerk of Bloomington shall attest the same after signature of the Mayor.

ADOPTED this 22nd day of October, 2012.

APPROVED this 23rd day of October, 2012.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

RESOLUTION NO. 2012 - 34

A RESOLUTION ADOPTING AN ECONOMIC DEVELOPMENT INCENTIVE GUIDELINE

WHEREAS, the City of Bloomington may, at its discretion, provide financial or in-kind assistance to new or existing development through the use of incremental and other revenues accrued by the City; and

WHEREAS, the Economic Development Council of the Bloomington-Normal area will assist developers in seeking financing and incentives available through alternate, non-municipal programs; and

WHEREAS, when evaluating opportunities for financial assistance, the City of Bloomington will reference the following goals and objectives:

- (1) Economic incentives considered by the City of Bloomington must provide a distinct financial return to the City;
- (2) Economic incentives considered by the City of Bloomington must be initiated by a formal application process;

- (3) Economic incentives considered by the City of Bloomington should be derived from new incremental revenue sources unless the “but for” theory is proven and the City will benefit from a distinct financial return;
- (4) Economic incentives considered by the City of Bloomington must be of an appropriate amount and extend over an appropriate amount of time as related to the proposed project;
- (5) Economic incentives considered by the City of Bloomington will be provided on a project basis;
- (6) Economic incentives considered by the City of Bloomington will be subject to a development agreement inclusive of performance based measurements and appropriate claw back provisions;
- (7) Economic incentives considered by the City of Bloomington will be subject to conformity with applicable State and Federal provisions;
- (8) Economic incentives considered by the City of Bloomington will not be considered on a retroactive basis; and

WHEREAS, the purpose of the Economic Development Incentive Guideline is to assist in attracting and retaining high quality development that is compatible with the long-range goals expressed in the Strategic Plan; land uses as outlined in the Comprehensive Land Use Plan, and certain priority areas as outlined in the Target Area Map; and

WHEREAS, the City of Bloomington has determined that the Economic Development Incentive Guideline is in the best interest of the municipality and its citizens.

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

The City of Bloomington Economic Development Incentive Guideline, attached, is hereby adopted and approved; and be it further

RESOLVED, that the City Clerk of Bloomington shall attest the same after signature of the Mayor.

ADOPTED this 22nd day of October, 2012.

APPROVED this 23rd day of September, 2012.

APPROVED:

Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

Economic Development Strategic Plan

PURPOSE: The purpose of this policy is to provide a catalyst for commercial development wherein the policy, related goals and objectives will serve to improve the socioeconomic status of the City of Bloomington and its residents.

Ultimately the efforts outlined below should serve enhance the citywide Comprehensive Plan and provide an economic perspective for critical questions such as:

- What are the priorities for City economic development?
- What is the role of retail development in the City’s overall economic development strategy?
- What are the priorities for recruiting new “good” jobs near workers? For retaining/expanding existing businesses?
- What is the appropriate mix of land use types in the City to meet these goals – economic, fiscal, social, environmental, etc.?
- How can mixed use development be promoted in the City, particularly as part of multifamily developments?
- What type of nonresidential development is worth incentivizing from both an economic and fiscal perspective?
- What can the City do from a land use planning perspective to support economic development efforts?

GENERAL POLICY: The City of Bloomington seeks to enhance the economic viability of its community and its residents through the use of Economic Development practices and collaboration with other Economic Development Organizations.

GOALS: The City of Bloomington will reference the following goals and objectives when evaluating projects in relation to Economic Development.

1. Retail Retention & Recruitment:

Initiate retail retention and recruitment efforts that will expand the commercial tax base in such a way so as to enhance municipal operations and relieve the burden on individual tax payers.

Objectives:

- a. Assist existing retail businesses with operational and expansion strategies in order to secure the foundation and stimulate growth of current retailers.

- b. Exercise efforts to attract and recruit commercial retailers so as to improve upon shopping center occupancy rates and encourage revitalization of older commercial properties.
- c. Engage the community's twenty (20) largest sales tax sources on a semi-annual basis to gather commentary on the current business environment and identify trends in business productivity and municipal services.
- d. Participate in networking opportunities sponsored by organizations like the International Council of Shopping Centers and the McLean County Chamber of Commerce whereby relationships can be forged and productive dialogue can be initiated with retail professionals including leasing agents, brokers, managing companies and business and property owners.

2. Regional Economic Development Efforts:

Actively collaborate with the Economic Development Council of the Bloomington-Normal Area (EDC), Center for Emerging Entrepreneurs (CEE), Small Business Development Center (SBDC), Central Illinois SCORE and other regional economic development organizations to promote capital investment and job creation.

Objectives:

- a. Assist in the EDC in the Executive Pulse business retention survey program in an effort to facilitate the retention and expansion of existing local businesses and start-up of new businesses, especially where retail job creation and retention are a top priority.
- b. Coordinate with the EDC to host an annual BN by the Numbers focused on retail trends. Event should be held in the second quarter and should include a private session with retailers, EDC and City Staff to be followed by the public, formal presentation and discussion.
- c. Serve as a conduit through which current and start-up businesses become aware of programs sponsored by local economic development organizations.
- d. Contribute to efforts that will promote and market the City of Bloomington to outside businesses for the purpose of business recruitment.
- e. Collaborate and provide information for the Location One Information System (LOIS), which maintains a supply of commercial and industrial sites useful for new and expanding businesses looking to locate or remain in the City of Bloomington.
- f. Encourage regular updates of inventories of land utilization, land demand and suitable properties for residential, industrial, commercial, public facility and agricultural use.

3. Downtown Development:

Establish Downtown Bloomington Strategy and relevant priorities

Objectives:

- a. Work cooperatively with the Downtown Bloomington Association (DBA) and Downtown Property Owners to construct a list of economic development priorities and timelines for Council consideration and adoption.

- b. Research opportunities that, when implemented, will result in innovative funding sources suitable for the DBA and downtown improvements.

4. Public Services & Facilities:

Consider the ramifications of economic development decisions when planning for public services and facilities.

Objectives:

- a. Work with public service providers to deliver the services and facilities necessary to support a high quality of life and attract business investment.
- b. Review land use and permitting procedures to assure that regulatory processes are understandable, predictable, and can be accomplished within reasonable time periods in a manner that meets or exceeds state statutory requirements.
- c. Examine, evaluate and enforce City Codes intended to assist business owners and improve the climate for commercial activity.
- d. Plan for a diversity of ready-to-build sites with sufficient support infrastructure and services needed to meet the demand for commercial and industrial growth.

5. City Properties:

Improve the financial viability of properties and programs owned, managed or funded by taxpayer dollars.

Objectives:

- a. Encourage local businesses partnerships that provide financial support and enhance the overall quality of life of the citizens of the City of Bloomington.
- b. Work with City Departments to identify solutions that, when implemented, will result in City funding being reduced or eliminated when appropriate.

6. Quality of Life:

Enhance the overall quality of life of the citizens of the City of Bloomington in order to promote economic growth.

Objectives:

- a. Identify community retail leakage and surplus opportunities through surveys, social media and other mediums applicable for public input
- b. Publish a retail environment report wherein leakage, surplus, community demand and sales tax trends are referenced.
- c. Encourage a range of commercial retail and service businesses to meet local resident needs and serve visitors to the City of Bloomington.
- d. Encourage commercial and industrial developments that incorporate innovative applications and demonstrate an ability to conserve natural resource and/or protect or enhance environmental quality.
- e. Support local efforts to improve and market visitor services.

- f. Provide for siting and development of quality residential neighborhoods.
- g. Encourage development of human and social service facilities that create job opportunities, meet community needs, and maintain the City's quality of life. These include, but are not limited to, healthcare, education, transportation and other services for persons with special needs.

7. Prosperous Community:

Ensure that investment in economic development will add economic value and increase employment within the City.

Objectives:

- a. Increase the commercial and industrial tax base by actively working towards initiatives that positively impact business taxes including, but not limited to, property taxes, sales taxes, food and beverage taxes and hotel/motel taxes.
- b. Provide normal and customary incentives to new and existing businesses that locate within the City and create jobs.
- c. Carefully scrutinize requests for non-customary assistance or incentives to ensure a favorable return on any City investment and minimize risk to City taxpayers.

Economic Development Incentive Guideline

PURPOSE: The purpose of this policy is to assist in attracting and retaining high quality development that is compatible with the long-range goals expressed in the Strategic Plan and land uses outlined in the Comprehensive Land Use Plan. Furthermore, it serves to stimulate development within certain priority areas as outlined in the Target Area Map, wherein enhanced incentive tools and levels may be deemed necessary. It is important to note that a guideline is intended to provide a recommended practice that allows some discretion or leeway in its interpretation, implementation or use, depending on the circumstances surrounding the particular project being evaluated.

GENERAL POLICY: The City of Bloomington may, at the City's discretion, provide financial or in-kind assistance to new or existing development through the use of incremental and other revenues accrued by the City. The Economic Development Council of the Bloomington-Normal Area will assist developers in seeking financing and incentives available through alternate, non-municipal, programs.

GOALS: The City of Bloomington will reference the following goals and objectives when evaluating opportunities for financial assistance.

1. Strategic Use of Incentives:

Economic incentives considered by the City must provide a distinct financial return to the City.

Objectives:

- a. Developer will be required to provide either an affidavit to support their “but for” claim or proof of a competing incentive offer from a location outside of McLean County.
- b. Careful consideration will be given in order to evaluate the financial situation of the developer and attest to the legitimacy, or lack thereof, of said affidavit.
- c. If a financial return is not identified, other types of incentives can be considered so long as the direct result of the incentive is the encouragement of development and the City's goals and objectives are met.
- d. Economic incentives considered by the City of Bloomington will additionally factor in the economic impact an incentive to a specific applicant has to revitalize a particular area of the City beyond just the applicant’s property.

2. Incentive Application Process:

Economic incentives considered by the City must be initiated by the formal application process.

Objectives:

- a. Requests for economic development assistance must be in the form of a completed Application.
- b. Applications must be accompanied by detailed financial information that demonstrates the anticipated revenue that the project is expected to generate and also includes a ‘sources and uses statement’.
- c. Information of a detailed financial nature will be regarded as proprietary and will remain confidential.

3. Incentive Sources and Uses:

Economic incentives considered by the City should be derived from new incremental revenue sources unless the ‘but for’ theory is proven and the City will benefit from a distinct financial return.

Objectives:

- a. For projects that are requesting sales or property tax rebate incentives, only those City revenues which are directly accrued on an annual basis by the proposed project, will be considered for use to assist in the development or redevelopment activities and costs.
- b. Incremental revenues are those which annually result from the proposed project in excess of current City revenues being generated from the project site or area.
- c. Projects that involve relocation of an existing activity from one location to another within the boundaries of Bloomington Normal should be accompanied by a testimonial whereby the affected business’ operations would not continue ‘but for’ the alternate location.
- d. The redevelopment of an existing activity shall have the incremental revenue generation amount based upon the amount in excess of the revenue previously accruing to the City at the existing location.

4. Incentive Guidelines:

Economic incentives considered by the City of Bloomington must be of an appropriate amount and extend over an appropriate amount of time as related to the proposed project.

Objectives:

- a. Normally, not more than 20% of the total project cost will be supported by incentive revenues.
- b. Total project cost is the cost of development of the project including all land, site, and public infrastructure, and building and site amenity costs necessary to constitute an operating commercial or industrial project.
- c. Financial assistance will not normally exceed 50% of the incremental City revenue to be generated by retail commercial uses and will be limited to a 5 year period.
- d. In those instances when City funds are provided at the beginning of the project, assistance will not normally exceed 10% of the total project cost and funds will be subject to reimbursement within three (3) years of the date of completion.
- e. For those projects where a competing offer is provided, the proposed incentive will be evaluated against the criteria found herein.

5. Incentive Limitations:

Economic incentives considered by the City of Bloomington will be provided on a project basis.

Objectives:

- a. For multi-phase projects, or those having multiple buildings, assistance will be provided based on the overall development program and channeled through a single development agreement with the prime developer.
- b. No separate financial incentives or assistance to owners or developers of parcels that are sub-components of the primary project will be provided.

6. Incentive Terms and Agreements:

Economic incentives considered by the City of Bloomington will be subject to a development agreement inclusive of performance based measurements and appropriate claw back provisions.

Objectives:

- a. All project assistance from the City will be provided based on a negotiated development project agreement between the City and the developer and is subject to performance based measurements as adopted by the City Council.
- b. The agreement will contain a cost recovery process whereas in the event that the assisted project fails prior to the completion of the period covered by the incentive, claw back measurements will ensue to ensure recovery of assistance.

7. State and Federal Regulations:

Economic incentives considered by the City of Bloomington will be subject to conformity with applicable State and Federal provisions.

Objectives:

- a. All projects for which City financial assistance is requested (except those within the TIF District) will be required to conform to all local, state and federal regulations and shall meet all of the stipulations and requirements therein.
- b. Projects proposed within a TIF Districts shall be subject to the provisions of the Illinois Tax Increment Allocation Redevelopment Act (TIF Act, 65 ILCS 5/11-74, 4-1), as amended.

8. Incentives for Future Development:

Economic incentives considered by the City of Bloomington will not be considered on a retroactive basis.

Objectives:

- a. No assistance will be provided to any project for expenditures incurred prior to the adoption of the ordinances required to implement the project.

DUE CONSIDERATION: In addition to the policies set forth above, the following provisions should be noted by any applicant/developer seeking economic development financial assistance from the City of Bloomington:

- a. The adoption of these policies by the City Council in the form of a resolution should not be construed to mean that the provision of financial incentives is inherently approved for any applicant and/or project that may be able to comply with the policies as set forth herein. Each project will be approached as an entity to be independently evaluated.
- b. The City reserves the right to amend, modify, or withdraw these policies; revise any requirement of these policies; require additional statements, sworn affidavits or other information from any applicant/developer, to negotiate or hold discussions with any applicant/developer/and or project which does not completely conform to the policies as set forth above, to waive any nonconformity with these policies, to eliminate these policies in whole or in part, if the City deems it is in its best interest to do so, and to waive any timetables established by ordinance, resolution or motion.
- c. Submission of an application for economic development assistance that complies with the spirit and intent of these policies does not commit the City to approval of the development/ redevelopment project associated with said application.
- d. The City may exercise the foregoing rights at any time without notice and without liability to any applicant, developer and/or project or any other party for its expenses incurred in the preparation of an application for economic development assistance. The preparation of any such application and related costs associated with responding to the City in its review of such application shall be the sole responsibility of the applicant/developer.

Motion by Alderman Sage, seconded by Alderman Mwilambwe that the Economic Development Strategic Plan and Incentive Guideline be approved and the Resolutions 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: Extension of Fuel Agreement for Fleet Vehicles and Equipment

RECOMMENDATION/MOTION: That the Fuel Purchasing Agreement with Evergreen FS be extended for one (1) year, and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: In 1999, the City fuel contract was let for bid and awarded to Evergreen FS for a three (3) year period. From 2002 to 2008, the contract was extended in two (2) year intervals after checking with other vendors to see if the current vendor was competitive. On February 11, 2008, Council approved an extension with Evergreen FS until April 30, 2009. On December 9, 2008, a bid package was let for the City's annual fuel purchase and only one (1) bid package was returned. At the January 12, 2009 Council meeting, the bid was opened and staff recommended the bid be awarded to Evergreen FS from May 1, 2009 to December 31, 2010 with four (4), one (1) year renewal options. On October 25, 2010, the first of four (4), one (1) year renewal options was approved by Council. Staff emphasized the best time to purchase fuel was in January and/or February.

Evergreen FS is the only known vendor that can meet all of the current contract specifications. These services include, bulk fuel transport to the bulk tank at the Public Works fuel station, deliveries to various smaller fuel tanks at the parks, golf courses, emergency generators, and to fire apparatus at working fires. It also includes a fuel card to purchase fuel from local FS stores when the Public Works Department fuel station is out of service for maintenance. Operate and maintain a local tank farm with the ability to deliver fuel from the tank farm to the City in the event of a natural or manmade disaster. The City used this service last winter during the big snow event when bulk fuel transports could not deliver fuel. Evergreen FS offers a fuel risk management program that allows schools, (a total of eighteen in the area), and municipalities, (Bloomington Normal Public Transit and Town of Normal participated last year), to pool their fuel purchases for volume discounts and guaranteed fuel costs. Evergreen FS provides fuel storage tank sampling and testing with storage tank maintenance recommendations at no charge to the City on an annual basis.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The FY 2013 Budget has appropriated \$1,730,000 for gasoline and diesel fuel for City vehicles and equipment. The \$1,730,000 is budgeted in the Fleet Management division of Public Works in line item 10016310-71070.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed by:

Jim Karch, PE CFM
Director of Public Works

Patti-Lynn Silva
Director of Finance

Barb Adkins
Deputy City Manager

Financial reviewed by:

Recommended by:

Tim Ervin
Budget Manager

David A. Hales
City Manager

Motion by Alderman Sage, seconded by Alderman Mwilambwe that the Fuel Purchasing Bid Renewal with Evergreen FS be extended for one (1) year, 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: Client Agreement between Vision Service Plan, Inc., (VSP), and the City for Employee Vision Benefit

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

BACKGROUND: The City obtains its employee and retiree vision benefit from Vision Service Plan, Inc., (VSP). This is a fully insured plan which means that the insurance company holds the risk that the premiums will cover expenses and profit. The City accesses this plan through Heartland Healthcare Coalition, (HHC), which is a purchasing cooperative of forty-four, (44), local and regional employers representing more than 365,000 covered lives.

Through the HHC arrangement the City is able to obtain this benefit with a slight reduction in premiums despite a rather high utilization rate. In the City's 2011 renewal with VSP, there was a 4.35% reduction in premiums and a small improvement in benefits. The term of the agreement presented here is January 1, 2013 through December 31, 2014 with a two (2) year rate guarantee. The rates in the proposed agreement as compared to the prior renewal are shown below. The

City shares the premium fifty/fifty (50/50) with employees while retirees pay 100% of their own premiums.

	Single	Employee + 1	Family
Jan. 2011 – Dec. 2012	\$8.05	\$12.80	\$17.54
Jan 2013 – Dec. 2014	\$8.07	\$12.83	\$17.59

A sample contract was provided to the Council. The final contract will include the terms outlined in the renewal letter, Option 5 which provides for the current benefit level.

VSP has provided a strong network of local and national providers, benefits that do not require claim forms and excellent employee web support. This past summer VSP brought their mobile vision clinic to the City and with the help of local optometrists, provided free eye exams and glasses to uninsured and underserved individuals, (an article was published in the Pantagraph on July 25, 2012).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: None.

FINANCIAL IMPACT: The FY 2013 budget for this benefit totals \$100,833 and may be found within the employee and retiree health insurance fund divisions 60200250 and 60280250. During the FY 2013 budget process, staff estimated that the City’s cost for the vision benefit would increase by six percent (6%) in January 2012 and \$40,533 was budgeted for the City’s share of this expense. As a result of the relatively flat premium, it is estimated the City’s cost for the vision benefit will be approximately \$39,800 for the current fiscal year or a savings of about \$730 from the budgeted expense.

Respectfully submitted for Council consideration.

Prepared by:

Laurie Wollrab, MBA, PHR
Compensation and Benefit Manager

Reviewed by:

Emily Bell, IPMA – CP
Director – Human Resources

Reviewed as to legal sufficiency:

Rosalee Dodson
Asst. Corporation Counsel

Recommended by:

David A. Hales
City Manager

Motion by Alderman Sage, seconded by Alderman Mwilambwe that the contract renewal with Vision Service Plan, Inc., for Employee Vision Benefit 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 between MetLife and the City for Employee Life Insurance and Accidental Death and Dismemberment, (AD&D), Insurance and Retiree Life Insurance

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

BACKGROUND: The City offers group term life and AD&D to its full-time employees and to the retirees remaining on its health insurance plans. The death benefit varies between \$5,000 and \$50,000 depending on the employee group. Retirees have a life benefit, (no AD&D), of \$5,000 or \$2,500 depending on age. The City pays 100% of the cost for this benefit.

Lincoln Financial Group is the City's current vendor for this benefit. Mr. Sauder, the City's insurance agent, received quotations from seven (7) firms. The best quote was from MetLife which matched the current benefit levels for a cost of \$37,203 or \$8,424 (18.5%) below Lincoln. The companies quoted on the same enrollment and benefit levels. MetLife is offering a two (2) year rate guarantee with the following rates:

	2012 Rates	2012 Total	2013 Renewal	2013 Total
Lincoln Financial				
Life Insurance	\$.18/\$1000		\$.20/\$1000	
AD&D	\$.03/\$1000	\$41,639.40	\$.03/\$1000	\$45,627
Total	\$.21/\$1000		\$.23/\$1000	
MetLife				
Life Insurance			\$.154/\$1000	
AD&D	NA	NA	\$.027/\$1000	\$37,203
Total			\$.181/\$1000	

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: None.

FINANCIAL IMPACT: A total of \$41,138 is budgeted for group life insurance within the employee and retiree health insurance fund divisions 60200290 and 60280290 for FY 2013. The MetLife pricing would save \$1,462 in this fiscal year assuming the same enrollment level.

Respectfully submitted for Council consideration.

Prepared by:

Laurie Wollrab, MBA, PHR
Compensation and Benefit Manager

Reviewed as to legal sufficiency:

Rosalee Dodson
Asst. Corporation Counsel

Recommended by:

David A. Hales
City Manager

Reviewed by:

Emily Bell, IPMA – CP
Director of Human Resources

Financial review by:

Patti-Lynn Silva
Director of Finance

Motion by Alderman Sage, seconded by Alderman Mwilambwe that the Client Agreements with MetLife, for Employee Life Insurance and Accidental Death and Dismemberment Insurance and Retiree Life Insurance 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: AccuMed Ambulance Billing Contract

RECOMMENDATION/MOTION: That the unit prices from AccuMed, for Ambulance Billing Services be accepted, and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: In 2005, the Fire Department under direction from Council upgraded its service level from Basic Life Support, (BLS), to Intermediate Life Support, (ILS). During this upgrade a decision was made to begin charging for Emergency Medical Services, (EMS), by those using the service. The intent was to collect on insurance and other eligible benefits

available for healthcare, (such as Medicare and Medicaid), and to offset some of the expense with this change in service since the existing BLS service was provided free of charge.

Within nine (9) months of this transition, Lifeline Mobile Medics, the local Advanced Life Support, (ALS), provider, ceased operations in the community. Again, under direction of the Council, the Fire Department trained and hired personnel and transitioned into ALS service to the community. The collection of revenue from EMS billing was designed to defer part of the cost associated with the move from BLS to ALS service.

When the decision to charge for service was made, research into the best means to bill for service was investigated. Due to the complexity of healthcare billing, including legal requirements, federal and state guidelines for Medicare and Medicaid billing, recordkeeping, and ongoing training and compliancy issues, the decision was made to outsource the billing as opposed to hiring staff, acquiring hardware and software, and know how to internally provide this service. A City staff team that included three (3) members of the Fire Department, (Deputy Chief of Administration, Training Officer, and Administrative Assistant), three (3) members of Finance Department including purchasing, and one (1) member from Information Services and Corporation Counsel, was established. A total of eight (8) reviewed the Request for Proposal, (RFP), and then reviewed all RFP responses received. From those, interviews were conducted with the top three (3) vendors and one (1) was chosen. This process involved over 160 hours of staff time.

In addition to evaluating vendor bids for qualifications and compliance with the City's RFP requirements, the Evaluation Committee's scoring criteria measured the following elements unique to EMS billing operations: Compliance Record and Compliance Resources; Relative Experience; Services Offerings, (including cost free consultation services); Customer Services Approach; Recovery Success; and Fee. Based on the evaluation criteria, AccuMed Billing prevailed by a significant margin in the formal RFP process and has delivered exceptional service and results to the City since.

Compliance with Medicare law continues to be assigned the greatest priority and weighting as staff monitors overall EMS billing effectiveness. This is because EMS providers like the City have been targeted for federal and state fraud and abuse audits.

Compliance is the focus of federal and state regulatory entities and strict adherence to Medicare law is necessary to maintain licensure, avoid fraud and abuse convictions and or criminal punishment. These regulatory agencies have, through fines and litigation, collected over \$4.1 billion dollars in 2011, and prosecutions for fraud are up 157% over the past five (5) years. Medicare Recovery Audit Contractors have already identified just under \$400 million in overpayments during the first quarter of 2012.

As supported by AccuMed's internal compliance resources, including oversight of City's conformity to federal and state billing regulation, the City has maintained a perfect compliance record. As supported by AccuMed's cost free consultation services, the City is able to adjust and remain compliant with evolving regulation.

With and through the Finance Department, staff closely monitors AccuMed's recovery performance, which continues to produce at expected levels, consistent with similar EMS systems, with like payor mix, (demographics), charge strategy, data capture methods, and collection policies.

Of significant interest, two (2) recent case studies are relevant: the Town of Normal is also an AccuMed client. In August 2012, the Town studied this same issue and renewed a contract with AccuMed for five (5) years at the reduced rate of 6.5%. Also in August 2012, Leroy Ambulance Service initiated a formal bidding process and selected AccuMed. The Leroy Ambulance Service billing rate is 6.75%. Leroy Ambulance found AccuMed to be both the most qualified and competitive amongst the bidders. Again however, pricing is simply one (1) variable to consider when selecting the most qualified, result engineered billing vendor. Lastly, in the course of ongoing benchmarking with other communities, staff has concluded that in addition to qualifications, AccuMed delivers the results, (recovery), customer service, compliance, and resources at a price point which would best position AccuMed to prevail in a formal bidding environment.

Therefore, it is the recommendation of the Fire and Finance Departments to execute an addendum to replace the expired Agreement with AccuMed. The recommended term is five (5) years at a rate of six percent, (6%), along with a credit of \$15,035.39. The credit represents the 14.28% price reduction between the current fee of seven percent, (7%), to the new fee of six percent (6%), retroactive to January 1, 2012.

Using actual 2012 City recovery data, over the five (5) year term, the proposed 14.28% price reduction along with the retroactive credit will equate to a \$115,271.32 cost reduction to the City.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: None.

FINANCIAL IMPACT: In FY 2013, the City's Budget for revenue of basic and advanced ambulance service was \$3,922,795 million. The receivables generated for this service are recognized in object code 10015210-54910. In FY 2013, the City's Budget appropriated \$124,390 for billing and collection services for ambulance billing. The payments paid by the City for AccuMed to process the ambulance billings are expended from object 10015210-70643.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

Michael Kimmerling
Fire Chief

J. Todd Greenburg
Corporation Counsel

Financial review by:

Recommended by:

Patti-Lynn Silva
Director of Finance

David A. Hales
City Manager

**THIRD AMENDMENT TO
BILLING SERVICE AGREEMENT**

AccuMed:AccuMed Billing, Inc.
a Michigan corporation
P. O. Box 212
Riverview, MI 48192
Phone: (734) 479 - 6300
Facsimile: (734) 479 - 6319

Customer: City of Bloomington
310 N. Lee Street
Bloomington, Illinois 61701
Contact: Chief Michael Kimmerling
Phone: (309) 434 - 2500
Facsimile: (309) 434 - 2291

Effective Date: November 1, 2012

THIS THIRD AMENDMENT is made by and between AccuMed and Customer.

1. AMENDMENT. AccuMed and Customer hereby agree that the Billing Service Agreement with an Effective Date of February 1, 2005 and the First Amendment thereto which had an Effective Date of June 1, 2006 and the Second Amendment thereto which had an Effective Date of March 1, 2008 (the "Agreement") be and the same hereby is amended as hereinafter set forth. With the exception of the provisions of the Agreement specifically or by necessary inference amended hereby, all of the provisions of the Agreement shall remain in full force and effect.

2. TERM. The provisions of Section 2 of the Agreement shall be read and interpreted so that the Initial Term as defined therein shall commence on February 1, 2005 and shall end on October 31, 2017. At the end of Initial Term, this Agreement shall renew for additional one (1) year terms until canceled by either party, by giving to the other written notice of such cancellation not more than ninety (90) days nor less than thirty (30) day's prior to the expiration of the current term.

3. PAYMENT AND COLLECTION. The provisions of section 4 A. of the Agreement shall be amended to read:

A. In full payment for AccuMed's services provided herein, Customer agrees to pay the following amounts:

An amount equal to six (6.0%) percent of the amount collected each month for EM Services until this Agreement is terminated

A one-time credit in the amount of \$15,035.39 shall be issued to Customer to reflect the price differential of 7.00% to 6.00% from January 2012 to November 1, 2012.

All other provisions of Section 4 of the Agreement shall remain in full force and effect. .

ACCEPTANCE:

ACCEPTANCE:

ACCUMED BILLING, INC.

CITY OF BLOOMINGTON

BY: _____

BY: Stephen F. Stockton, Mayor

NAME: _____

DATE: _____

DATE: October 23, 2012

Motion by Alderman Sage, seconded by Alderman Mwilambwe that the contract with AccuMed, for Ambulance Billing Services, be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Lake Bloomington Lease Transfer Petition for Lot 1, Block 22 of Camp Potawatomie from CDTD, LLC to Daniel J. O'Brien

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

BACKGROUND: Staff has reviewed the Lake Bloomington Lease Transfer Petition for Lot 1, Block 22 of Camp Potawatomie from CDTD, LLC to Daniel J. O'Brien. The sewage disposal system inspection was completed in June 2012. The septic system was functioning properly at that time. However, the sewage disposal system was almost sixty (60) years old. The septic tank was undersized. The septic field could not be probed to verify its size and condition. The McLean County Health Department estimates sewage disposal systems have an average life span of approximately twenty to twenty-five (20 - 25) years. This can be affected greatly by usage patterns of the premises, (seasonal versus full time occupancy), and system maintenance. The sewage disposal system has a subsurface discharging system. This means that the system effluent, following treatment, does not directly discharge to the Lake Bloomington Reservoir. The effluent flows slowly through a leach field and then into the ground. If there were a problem with the system, it would back up into the premises and poses little direct threat to the reservoir.

The septic tank has been replaced on this system and currently meets code. The leach field has been functioning properly in past as this system has not had any percolation problems.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: There were no community groups contacted for this petition as it is a routine matter.

FINANCIAL IMPACT: This petition will have a neutral financial impact in that the lease uses the current formula, (\$0.40 per \$100 of Equalized Assessed Value), for determining the Lake Lease Fee. The current lake lease formula generates about \$380 per year in lease income. This lake lease income will be posted to Lake Lease revenue account 50100140-57590.

It should be noted that the term of this lease is until December 31, 2131, the same term as other lease renewals since 1998.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Craig M. Cummings
Director of Water

Barbara J. Adkins
Deputy City Manager

Financial review by:

Reviewed as to legal sufficiency:

Recommended by:

Patty-Lynn Silva
Director of Finance

J. Todd Greenburg
Corporation Counsel

David A. Hales
City Manager

Motion by Alderman Sage, seconded by Alderman Mwilambwe that the Lake Lease 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 Blue Cross/Blue Shield of Illinois (BC/BS) for Third Party Administrator, (TPA), Services and Individual Stop Loss, (ISL), Insurance for the Employee and Retiree Preferred Provider Organization (PPO) Health Plans; Client Agreement with Health Alliance Medical Plans, (HAMP), for Employee and Retiree Health Maintenance Organization, (HMO), Plan Option; Client Agreement between BC/BS for TPA Services for the Employee and Retiree Dental Plan; Client Agreement with Clemens and Associates for Broker Services

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

BACKGROUND: The City provides health and dental options to its employees and retirees. Employees and retirees have a choice between two (2) City provided health plans; a PPO plan and an HMO plan. Sworn police personnel have an additional option of a union plan which is not being discussed here. The City has used the broker services of Phil Sauder of Clemens and Associates in procuring and assisting with these benefits and the group life insurance plan.

The PPO plan elements consist of medical and pharmacy claims, administrative fees and individual stop loss. The pharmacy benefit management portion of the plan is administered by a separate entity, Catamaran and the contract for those services was approved by City Council at the October 8, 2012 Council meeting.

The PPO plan is self-insured by the City whereas the HMO plan is fully insured. With a self-insured plan the City holds the risk that the claims will not exceed planned for expenses. Stop loss insurance covers some of this risk. In a fully insured plan the insurance company holds the risk that plan expenses and a profit margin will be covered by the premiums charged.

Blue Cross PPO Administration: The City utilizes Blue Cross as its Third Party Administrator (TPA) to administer its employee and retiree PPO health plans. Through the Administrative Services Only arrangement (ASO) the City has access to the Blue Cross provider network, provider discounts and a variety of services for members and administrative staff. Blue Cross's rate is increasing 5.3% for the ASO contract to \$47.43 per employee per month (PEMP).

Blue Cross also charges an Illinois Facility Access Fee enabling them to develop and maintain an extensive discounted provider network. The Illinois Facility Access Fee is based on Illinois inpatient hospital claims and is a percentage of the savings resulting from the Blue Cross discounting arrangements with the providers. There is no change (0%) to the Facility Fee for 2013.

Individual Stop Loss (ISL) for PPO Plans: Individual stop loss, or reinsurance, insures the City in the event that any member of its PPO health plan incurs catastrophic claims during the plan year in excess of a certain dollar amount known as the "deductible". Last year the ISL deductible was increased to \$155,000. Mr. Sauder of Clemens and Associates and Blue Cross have analyzed the specifics of the City's PPO claims and recommend no increase to the deductible for 2013.

Staff requested that Mr. Sauder bid out the City's ISL. Blue Cross is currently providing the ISL for the City's PPO plans. Mr. Sauder received quotes for ISL. The least expensive quote was received from Blue Cross. That rate is \$46.55 per employee per month which is an increase of five percent (5%) over the 2012 rate.

PPO Total Costs

The following shows the total projected plan totals for calendar 2012 and 2013. The medical claims figures were developed by actuaries at Blue Cross.

	2012 Plan Year	2013 Plan Year	Percent Change
Projected Enrollees	485	464	-4.3%
Projected Net Paid Medical Claims	\$3,826,427	\$4,155,064	8.6%
Administrative Fee	\$262,249	\$264,090	0.7%
Illinois Facility Access Fee	\$43,746	\$46,977	7.4%
Individual Stop Loss	\$258,001	\$259,190	0.5%
Broker Fee	\$9,500	\$9,500	0.0%
Total Projected Cost	\$4,399,923	\$4,734,821	7.6%
Recommended Change in Reserves	\$18,555	\$44,255	

Plan premiums are currently being calculated as they will need to include an amount for the pharmacy benefit. They are anticipated to increase between eight and twelve percent (8 - 12%). The City shares this cost with employees based on an average split of seventy-five percent (75%) City and twenty-five percent (25%) employee. Retirees pay the full premium.

Health Alliance Medical Plan (HAMP) HMO: The City utilizes HAMP to provide an HMO health plan option to its employees and retirees. This is a fully insured product. The City offers two (2) levels of HMO plans. Currently, one (1) option is provided to some union employees and another option, with higher out-of-pocket costs, is offered to classified employees and other union employees.

The HAMP HMO premiums are increasing eight percent (8%) for 2013 over those for 2012. Based on 109 enrollees, the estimated total cost for the calendar 2012 plan year is \$1,587,276.

Dental Plan: The City uses Blue Cross/Blue Shield of Illinois to administer its self-funded employee and retiree dental plan. Through the contract the City has access to a small local and nationwide provider network and the discounts which Blue Cross has negotiated.

The dental premiums are comprised of an administrative fee and an actuarial projection of claim costs for plan participants. The following shows the total projected plan totals for calendar 2012 and 2013. The dental claims figures were developed by actuaries at Blue Cross.

	2012 Plan Year	2013 Plan Year	Percent Change
Projected Enrollees	651	661	1.5%
Projected Net Paid Claims	\$473,407	\$485,518	2.6%
Administration Fee	\$30,467	\$32,125	5.4%
Total Projected Cost	\$503,874	\$517,643	2.7%
Recommended Change in Reserves	\$3,249	\$3,109	
Recommended Premium Increase			.6%

Due to the only slightly higher per enrollee costs, dental premiums will increase only .6% for 2013 over 2012. The City splits the costs of this plan fifty/fifty (50%/50%) with its employees. Retirees pay full premium costs (0% City/100% retiree).

Broker Services: The City has worked with Phil Sauder of Clemens and Associates since 2009 for broker and other services to the plans described above. In addition to obtaining for the City the plans and quotes discussed and group life insurance, Mr. Sauder and the Clemens staff help the City with day-to-day operational and larger scale issues with the insurance plans, assist in communicating information to employees and retirees, and with open enrollments. Staff often relies on Mr. Sauder and the Clemens' staff to resolve the more complex claim issues that plan members sometimes have. Plan participants can call their office directly for assistance if they choose. Mr. Sauder provides staff with reports and updates on local provider issues.

For the above work Mr. Sauder quoted the City an annual flat fee of \$9,500 for calendar 2013 to be paid quarterly. His fee has not changed since 2009.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: None.

FINANCIAL IMPACT: The total amounts cited above represent the anticipated full cost to provide health and dental insurance for employees, retirees and for Township employees. The Township reimburses the City for their benefit costs. Once premiums and reimbursements from all sources are factored in, the City pays for approximately fifty-eight percent (58%) of the total health insurance costs and about forty-eight percent (48%) of the dental costs.

The following illustrates the projected impact the current renewals may have on the budget. The actual figures will depend on January's open enrollment and on the actual claims paid under the

PPO and dental plan. Broker services were budgeted within the PPO fund divisions and there is no change to the cost of this service.

	Blue Cross PPO Medical	HAMP HMO	Dental Plan
Total Budgeted Amt.	\$4,633,217	\$1,614,166	\$528,905
Budgeted City Amt.	\$2,707,517	\$1,538,890	\$296,815
Budgeted Increase %	7.0%	7.0%	6.0%
Renewal Increase %	7.6%	8.0%	2.7%
Est. Projected Impact To Total Budget	+\$9,300	+\$5,400	-\$5,800

The items in this memo are budget for FY 13 as follows:

Blue Cross PPO, Claims, Administration and Stop Loss: fund divisions 60200210 and 60280210.

Health Alliance Medical Plans HMO: fund divisions 60200232 and 60280232.

Dental Claims and Administration: fund divisions 60200240 and 60280240.

Broker Services: Budgeted for FY 13 in fund divisions 60200210 and 60280210. There will be no increase for this service in FY 13.

Respectfully submitted for Council consideration.

Prepared by:

Laurie Wollrab, MBA, PHR
Compensation and Benefit Manager

Reviewed as to legal sufficiency:

Rosalee Dodson
Asst. Corporation Counsel

Recommended by:

David A. Hales
City Manager

Reviewed by:

Emily Bell, IPMA – CP
Director of Human Resources

Finance review by:

Patti-Lynn Silva
Director of Finance

Mayor Stockton introduced this item.

Alderman Fruin noted that Laurie Wollrab, Compensation and Benefits Manager, and Bill Sauder, City's insurance consultant, were present at the meeting.

David Hales, City Manager, addressed the Council. The annual review had been completed. The recommendation was to continue the City's health insurance program for another year. He noted that the process had been time consuming.

Laurie Wollrab, Compensation and Benefits Manager, addressed the Council. She reviewed the Council memorandum. The City offered two (2) health insurance plans: a PPO, (Preferred Provider Organization), or an HMO, (Health Maintenance Organization). In addition, the City offered a dental plan and retained an insurance broker. She reviewed the components of the PPO and HMO. She addressed the stop loss coverage. She noted that BlueCross/Blue Shield, (BC/BS), was the lowest cost provider. She addressed cost projections for the PPO which were completed on the calendar year. She noted the lower number of City employees. The projections were also completed by an actuary. The estimated change was 7.86%. The premium increase would be twelve to fifteen percent (12- 15%). She reviewed the HMO's components. The projections were completed by an actuary. The estimated change was eight percent (8%). The City's pharmacy benefit was a separate plan. The Dental Plan was self insured and administered by BC/BS. The estimated increase was two percent (2%). The premium increase would be .6%. There would be no increase to the broker fee. This fee was \$9,500 annually. The City will be invoiced quarterly. She noted the financial projections and the current fiscal year.

Alderman Fruin expressed his concern regarding management's part in controlling claim costs. He questioned the focus on the pharmacy side. He cited high dollar claims and case management. Ms. Wollrab noted that the Council approved the pharmacy plan on October 8, 2012. There was case management for specialty drugs. There was a pharmacy benefit manager. She noted the City's limited capability. All benefit changes must be bargained. The City encouraged wellness. She cited health risk assessments as an example. The City's Wellness Coordinator offered a variety of programs. Alderman Fruin stated the high dollar claims for prescription drugs and case management were important. He also questioned if the access fee would be waived.

Bruce Sauder, City insurance consultant, addressed the Council. There needed to be 1,000 insured lives for this fee to be waived. This fee was a small percentage of the total cost. He addressed case management. Stop loss occurred at \$155,000. This provided added protection to the City. Alderman Fruin noted that the access fee was \$46,000. He questioned stop loss coverage for the pharmacy plan. Ms. Wollrab responded negatively. She restated that there was specialty drug case management. City staff could look at stop loss coverage for pharmacy benefits in the future. Alderman Fruin expressed his opinion that the City needed stop loss coverage on the pharmacy side. Medical cost represented a huge employer expense.

Alderman Fazzini questioned if it was critical to approve this item this evening. He noted the delay in the Council receiving the information. Ms. Wollrab noted the number of reviewers. She noted open enrollment. City staff was currently working on the Fiscal Year

2014 budget. She stated her preference that this item be approved this evening. City staff had acted in good faith. She understood that the Council wanted adequate time to review same.

Mayor Stockton noted the lateness of the addendum.

Motion by Alderman Fruin, seconded by Alderman Schmidt that the Client Agreements with BlueCross/Blue Shield of Illinois for Third Party Administrator Services and Individual Stop Loss Insurance for the Employee and Retiree Preferred Provider Organization Health Plans; and with Health Alliance Medical Plans for Employee and Retiree Health Maintenance Organization Plan Option; and with BlueCross/Blue Shield for Third Party Administrator Services for the Employee and Retiree Dental Plan; and with Clemens and Associates for Broker Services be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: Alderman Purcell.

Motion carried.

The following was presented:

SUBJECT: Consent to Assignment of Indoor Football Lease at U.S. Cellular Coliseum

RECOMMENDATION/MOTION: That the consent to the assignment be approved and that the Mayor and City Clerk be authorized to execute the consent.

BACKGROUND: For the reasons set forth by John Butler, Central Illinois Arena Management, Inc.'s, (CIAM), President, in a memorandum dated October 15, 2012, James R. Morris, d/b/a Roar, LLC and Roar Football, LLC desires to assign the lease for Indoor Football to Hockey Sensation, LLC.

As you are aware, Sandra Hunnewell is the primary owner of Hockey Sensation, LLC. A provision of the Indoor Football lease is that CIAM and the City will not "unreasonably withhold" their consent to assignment of the lease. The staff concurs with Mr. Butler's recommendation.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: None.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Todd Greenburg
Corporation Counsel

David A. Hales
City Manager

**ASSIGNMENT AND ASSUMPTION
OF
INDOOR FOOTBALL LICENSE AGREEMENT
-U.S. CELLULAR COLISEUM**

This Assignment and Assumption is dated October 12, 2012 by and between Roar, LLC and Roar Football, LLC, an Illinois Limited Liability Company as Assignor and Hockey Sensations, LLC as Assignee.

This is the Assignment of the Indoor Football License Agreement as described in an Asset Purchase Agreement dated October 12, 2012 between Assignor as Seller and Assignee as Buyer for the sale and purchase of the Bloomington Edge Football team assets.

Therefore pursuant to the terms of the Asset Purchase Agreement, Ten Dollars (\$10.00) in hand paid, the mutual promises herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor and Assignee agree as follows:

1. Assignment. Assignor does hereby sell, assign, transfer, convey and deliver to Assignee, its successors and assigns all its right, title and interest as Licensee in, to and under of Indoor Football License Agreement dated January 9, 2012 by and among the City of Bloomington, Illinois (the City), Central Illinois Arena Management, Inc., (the Operator), (the City and Operator jointly as Licensor thereunder) and Assignor as Licensee thereunder (the Football License), intending hereby to convey all of its right, title and interest therein, subject only to the consent of the Operator and the consent of the City.
2. Assumption. Assignee hereby assumes, undertakes and agrees to discharge in accordance with all the terms of and to the full extent provided in the Football License all obligations and liabilities of the Licensee arising on or after October 12, 2012 and to hold Assignor harmless from all liabilities to the City and Operator arising from the Football License.
3. Mutual Release. Upon execution and delivery of this Assignment and Assumption Agreement, the Operator and City release the Assignor and the Assignor releases the Operator and the City from all claims of every nature the City and Operator may have against the Assignor as Licensee under the Football License Agreement and all claims of every nature the Assignor as Licensee may have against the City and Operator (jointly the Licensor) under the Football License Agreement.

This Assignment and Assumption shall inure to the benefit and be binding upon the successors and assigns of the Assignor and Assignee.

In witness thereof, Assignor and Assignee have caused this Assignment and Assumption Agreement to be duly executed and delivered as of the date first set forth above.

ASSIGNOR:ASSIGNEE:

Roar, LLC

Hockey Sensations, LLC

By: James R. Morris
Its Manager
Title: President

By: David Holt
Its General Manager

Roar Football, LLC

By: Roar Entertainment & Sports, LLC

Central Illinois Arena Management, Inc.

James R. Morris
Its Manager

John Y. Butler
President

City of Bloomington

By: Stephen F. Stockton, Mayor

CONSENT

Central Illinois Arena Management, Inc., Operator under the Football License Agreement, pursuant to paragraph 21F hereby consents to the Assignment and Assumption of the Football License Agreement as described herein.

Dated this 12th day of October, 2012

Central Illinois Arena Management, Inc.

By: John Y. Butler, President

CONSENT

The City of Bloomington, the City under the Football License Agreement, pursuant to paragraph 21F hereby consents to the Assignment and Assumption of the Football License Agreement as described herein.

Dated this 23rd day of October, 2012

City of Bloomington

By: Stephen F. Stockton, Mayor

Mayor Stockton introduced this item. He noted that Roar, LLC and Roar Football, LLC, (last year's owner), wished to terminate the business relationship. The indoor football team had been sold to the hockey team's owner.

David Hales, City Manager, addressed the Council. He recommended approval. He described this development as significant and positive. Hockey Sensations, LLC had purchased the assets of the indoor football team. He believed that there would be a synergy and cost efficiencies. He cited marketing and promotions as examples. He added that there would be a long term presence with winning teams. This assignment was a one (1) year agreement. Hockey Sensations would negotiate a new agreement with Central Illinois Arena Management, (CIAM). He noted that John Butler, CIAM's President and David Holt, Hockey Sensation's General Manager, were present at this evening's meeting.

Alderman Fazzini noted that the terms were the same and the owner would be stronger. The hockey and football teams would have a single owner.

Alderman Purcell questioned the number of teams in the league and the number of games in the season. David Holt, Hockey Sensation's General Manager, addressed the Council. There would be ten (10) teams and six (6) home games.

Mayor Stockton questioned the additional teams. Mr. Holt stated that there would be official announcements next week. He restated that the league total would be ten (10) teams. He added that a number of these cities also have hockey teams.

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the consent to the assignment from Roar, LLC and Roar Football, LLC to Hockey Sensation, LLC be approved, and the Mayor and City Clerk be authorized to execute the consent.

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: Text Amendment to Chapter 6. Alcoholic Beverages, Additional License Classifications

RECOMMENDATION/MOTION: The Liquor Commission recommends to the City Council that the Text Amendment be approved and the Ordinance passed.

BACKGROUND: The Bloomington Liquor Commissioner Steve Stockton called the Liquor Hearing to order to address the Text Amendment regarding the creation of a class “E”, Entertainment and “Q”, Qualified restaurant. Present at the hearing were Liquor Commissioners Stephen Stockton, 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

Commissioner Stockton opened the liquor hearing to address the proposed Text Amendment. He noted that the Commission held a Work Session on September 18, 2012 and a Public Hearing on September 20, 2012.

George Boyle, Asst. Corporation Counsel, addressed the Commission. The draft ordinance had been prepared based upon these two (2) meetings. He noted that the language addressed an application for an “A”, All types of alcohol, license. He offered to draft additional language which would address a “B”, Beer & wine only, license/application. He had removed language from the previous drafts which addressed floor space and occupancy. He cited Chapter 6. Alcoholic Beverages, Section 4 C. Conditions of Creation. He added his intention to add the proposed class E and Q license classification into Section 7. Classification.

He added that language regarding ineligibility for a class E if eligible for an “R”, Restaurant and/or Q had also been removed.

Commissioner Stockton questioned language regarding a cover charge for the class E. Mr. Boyle noted that based upon the Commission’s two (2) previous meetings on this subject no conclusion had been reached regarding a cover charge.

Commissioner Stockton recommended that the Commission take a few moments to review the proposed text amendment language.

Commissioner Buchanan addressed the cover charge issue. He noted that this would be a new concept for the City. He added the sale of nonalcoholic items and the City’s current definition of tangible items. He questioned where cover charges would fall. Mr. Boyle noted that this was his first attempt at ordinance language. The current language included all revenue derived from the business.

Commissioner Stockton addressed the cover charge issue. Revenue would include alcohol and non alcohol sales. He believed that a cover charge should be required for a class E liquor license. This was an important issue and would be included in the computation of the ratio of

alcohol versus non alcohol sales. He restated the belief that there should not be any additional tavern liquor licenses in the Downtown.

Commissioner Tompkins supported the addition of a statement regarding the class E and the cover charge requirement. He recommended that this text amendment be sent on to the Council. There were applications pending. The City needed to move forward on this item.

Commissioner Stockton also added that in order to be eligible for a class E, the applicant could not be eligible for a class R and/or Q. Mr. Boyle restated same and affirmed Commissioner Stockton's statement. He cited the percentage of alcohol sales for each - sixty percent (60%) for an E license and seventy percent (70%) for a Q license.

Commissioner Gibson expressed his opinion that currently the Commission was unsure if establishments holding an R license truly meet the fifty-one percent (51%) or greater food sales criteria. He expressed his concern regarding enforcement as both the E and Q classifications listed a percentage of alcohol sales. He saw this as added complexity. He did not believe that these two (2) classifications would address Downtown issues. He restated his concerns regarding enforcement and management of these proposed classifications.

Commissioner Stockton noted that the Downtown Entertainment Task Force (DETF) had raised other issues. He cited alcohol sales training for servers/sellers. He suggested that an R licensed establishment might file a simple form at year end renewal. The Commission/City did not have the resources to audit each R licensed establishment. As Commissioner, there were R licensed establishments that have been required to provide receipts. He could not recall a single true audit being conducted during his tenure on the Commission. The City would need to retain a skilled auditor. If the City received questions/complaints, then an investigation is begun. He restated that a simple one (1) page form could be designed which would require the license holder to certify that the business was eligible for an R liquor license.

Commissioner Clapp noted that the DETF had met on Monday, October 8, 2012. The issue was control. She recommended that the Commission review the DETF's latest comments. Commissioner Stockton recommended that this item be added to the Commission's October 19, 2012 meeting. Commissioner Clapp added that the DETF added specificity and provided positive direction. Commissioner Stockton directed that the Commission be provided with copies of same.

Commissioner Gibson questioned if the DETF addressed the Commission's concerns. He noted that Alderman Karen Schmidt chaired the DETF. There needed to be joint perspective. The Commission and the DETF needed to be in alignment with each other. The efforts by each group needed to be coordinated. The Commission has responsibilities.

Commissioner Stockton noted that the Council expected a Text Amendment regarding these two (2) license classifications on their October 22, 2012 meeting agenda. The Council may return the proposal back to the Commission. He added that the DETF had made its final recommendations in June 2011. The Commission had continued to work on this group's recommendations. The DETF has continued to meet and refine its recommendations. The

Commission needed to move forward on this issue. He noted that there was at least one (1) pending Downtown application that might benefit from the Q license classification.

Commissioner Stockton expressed his comfort level with the proposed Text Amendment. The Commission would see how the Council responded to same.

Commissioner Buchanan noted the various expectations of the Commission, Council and DETF. He expressed his willingness to support the draft ordinance.

Commissioner Stockton questioned the Commission's comfort level. He noted that this was a general concept which could be fine tuned in the future.

Commissioner Petersen noted the complexity due to the legal language. He questioned if the definitions could be simplified. The draft ordinance was well written. He appreciated Commissioner Stockton's and Mr. Boyle's efforts on same. He questioned where these two (2) classifications might fit in the Downtown. Commissioner Stockton provided the following examples: Castle Theater, located at 209 E. Washington St., - class E and Elroy's located at 102 W. Washington St., - class Q. Commissioner Petersen added that the class EA2 might be a good fit for the Castle Theater. Commissioner Stockton responded affirmatively.

Commissioner Buchanan noted that he considered existing licensed establishments when reviewing the proposed text amendment.

Commissioner Gibson questioned the US Cellular Coliseum's, (USCC), license classification. He added that he did not believe that the USCC was a restaurant or a tavern. He added his belief that the Commission was establishing a new standard. Commissioner Stockton restated that if an establishment was eligible for an R license than it was not eligible for an E license. (*BMIA Concessions, LLC holds an RAS license at the USCC.*) Commissioner Buchanan viewed the USCC as a unique venue. He did not believe that there would be another similar facility located in the City. Commissioner Stockton noted that the Commission could consider what other cities with similar venue have done. Currently, the City has three (3) major classes, R, Restaurant, T, Tavern, and P, Packaged. The R and T addressed on premise consumption and the P addressed off premise consumption. The proposed E and Q classifications would address special circumstances and the presence of eighteen to twenty (18 - 20) year olds. He added that the Q addressed when an establishment operated as a restaurant during the day and had a different atmosphere at night, i.e. tavern.

Commissioner Gibson expressed his confusion. He cited Reality Bites, located at 414 N. Main St., as an example. This establishment currently held an R license. He questioned why it would not be classified as a Q license. Commissioner Tompkins noted the earlier closing hour for class Q establishments.

Commissioner Gibson cited bowling alleys and entertainment venues as examples of an E license. He restated his belief that the USCC should be an E licensed establishment. The City needed to have an option for the USCC. He was attempting to understand the difference.

Commissioner Stockton restated his belief that the USCC qualified for an R license. This building was unique.

Commissioner Petersen questioned the EA1 classification. Mr. Boyle acknowledged that the USCC might fit under this classification with the exception that only those eighteen (18) years and older were permitted on the premise. Commissioner Stockton restated his belief that the USCC was a restaurant. Mr. Boyle noted the definition of restaurant, (See Chapter 6. Alcoholic Beverage, Section 7A. Classification, (13) and (14). He cited sales of tangible items which excluded services and rentals. He believed that the USCC could be addressed by the City. Commissioner Stockton added that cover charges would be included as revenue for a class E license.

Commissioner Buchanan expressed his opinion that these two (2) proposed classes provided something between the current class R and T. The proposed text amendment was needed and would be modified and enhanced over time.

Commissioner Petersen questioned the application of the class Q. Commissioner Stockton cited establishments that served lunch. If the business held a class T liquor license then no one under twenty-one (21) years of age was allowed on the premise. Commissioner Petersen noted that the class Q had an earlier closing hour.

Commissioner Stockton addressed the class E which stated that no alcohol could be served or consume on premise after 12 midnight Monday through Friday, or 1:00 a.m. on Saturday and Sunday. The class Q stated that “restricted” periods for alcohol service were the earlier of 1.) one hour after the “qualified food service” ends; 2.) 10:00 p.m. for A, All types of alcohol, licensed establishments or 3.) 11:00 p.m. for B, Beer and wine only, licensed establishment. There was no requirement to close at an earlier hour. Mr. Boyle acknowledged that he did not include an earlier closing hour for the class Q. Commissioner Stockton noted that if an establishment qualified for an R license, it is allowed to sell alcohol until closing time. Under the class Q, the percentage of sales from alcohol was limited to seventy percent (70%). Individuals under the age of twenty-one, (21), were not permitted on the premise during “restricted” hours.

Commissioner Clapp noted that the establishment could remain open until the close of business hours. Commissioner Stockton believed that a class Q establishment should also have an earlier closing time. Commissioner Petersen expressed his opinion that Elroy’s, located at 102 W. Washington St., would not apply for a class Q. Commissioner Stockton noted that Elroy’s has a number of options: class T, which it currently holds, class R which it has been approved for, or class Q if approved by the Council.

Commissioner Petersen questioned the closing time for the class Q. Commissioner Stockton cited the September 20, 2012 *Initial Draft - for Preliminary Discussion Purposes Only, Restrictions on Hours of Operation*. Alcohol service/consumption would stop at 12 midnight on Monday through Friday, and at 1:00 a.m. on Saturday and Sunday. He recommended that this language be included in the proposed draft ordinance. He restated that to be eligible for a class E

and establishment could not be eligible for a class R and/or Q. He restated the closing time for a class Q.

Jay Balmer, 16 Fountain Lake Ct., addressed the Commission. He noted that he had not seen the most recent draft of the proposed ordinance. He believed that the proposed class E and Q were contradictory. He noted that liquor sales were supposed to be ancillary of the business. At sixty to seventy percent, (60 - 70 %), liquor sales would be the primary revenue source. He expressed his opinion that additional restrictions were needed.

Commissioner Stockton noted that the percentage of alcohol sales was greater than a class R license. He added that other privileges had been taken away. Mr. Balmer questioned the verification process. As a member of the DETF, he had attended their meetings. Liquor distributors were required to provide sales information to the state by law. He noted the relationship between sales taxes and alcohol sales. The City should require written documentation as proof. He did not believe that additional man hours would be required. In addition, he recommended that the Commission continue this discussion regarding the class E and Q as the recommendations were vague in his opinion.

Daniel Rolph, 1027 Maple Hill Rd., #2, Six Strings' owner/operator and license holder, addressed the Commission. He noted that the statement submitted to the state was an ILST - 1. He recalled when the discussion of the class E license started. He noted the challenge of operating a business with limited hours, i.e. twelve (12) hours per week. He recommended that the City have a liquor license. The Commission would manage the parameters. Each license would be designed to address the individual license holder. This approach would provide flexibility. He added that the highest profit hour was the last hour of business.

Commissioner Stockton noted that Mr. Rolph has strayed from the proposed text amendment. Mr. Rolph stated that currently there were a variety of license types with a variety of parameters. He acknowledged that there were management issues. Commissioner Stockton summarized that Mr. Rolph's recommendation was for the City to have a single liquor license which would be controlled by various conditions placed upon each establishment.

Motion by Commissioner Tompkins, seconded by Commissioner Buchanan that the proposed amended text amendment, (additional language to address to be eligible for a class E the business could not be eligible for a class R and/or Q and closing hour for class Q), be approved and forwarded on to the Council for their October 22, 2012 meeting.

Motion carried, (viva voce).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Commission held a Work Session on September 18, 2012 and a Public Hearing on September 20, 2012. In addition, the Agenda for the October 9, 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: None.

Respectfully,

Stephen F. Stockton
Chairman of Liquor Commission

Mayor Stockton introduced this item. He reviewed the history of same. He noted the Council's request to reduce the number of conditions placed upon liquor licenses. He noted the proposed liquor license classifications: E1, E2 and Q, (Entertainment and Qualified). The Commission's proposed classifications were based upon their understanding of the Council's questions and concerns. He introduced Marabeth Clapp, Liquor Commissioner and Downtown Entertainment Task Force, (DETF), member.

Marabeth Clapp, Liquor Commissioner, addressed the Council. She reviewed the background of this item. She noted that currently there were only two (2) liquor licenses which addressed sale by the glass: restaurant or tavern. All liquor license applications do not always fit into these two (2) options. In the past, the Commission placed conditions upon restaurant and/or tavern liquor licenses to address special situations. She addressed potential venues for the E, Entertainment license classifications. She cited bowling alleys, the US Cellular Coliseum, (USCC), located at 101 S. Madison St., and Bloomington Center for the Performing Arts, (BCPA), 600 N. East St., as examples of E venues. She noted discussions regarding events for eighteen to twenty (18 – 20) year olds. The E license classification would provide a better fit for establishments which were not focused on alcohol consumption. The new E classification might bring new venues to the Downtown. The E license classification if properly developed would bring balance to the Downtown's atmosphere.

She addressed the Q, Qualified license classification. There were restaurants that morphed into taverns after 9:00 – 10:00 p.m. Liquor sales exceeded food sales. She cited Elroy's located at 102 W. Washington St. and Reality Bites, 414 N. Main St., as examples. The Q license could be distinguished from a tavern due to the earlier closing hour, (one hour earlier). This would have a positive impact on the Downtown at closing time. There needed to be appropriate license classifications. In addition, there needed to be appropriate oversight when a license is created.

Ms. Clapp addressed the Downtown's history and tavern locations. She cited the Downtown's north end. The goal was to change the Downtown's atmosphere. There needed to be a better balance. Other cities have been successful. Liquor license applications were complicated. The Commission had drafted an ordinance.

Mayor Stockton noted a trend amongst college students. They were consuming alcohol prior to coming Downtown. Their behavior had become more intense. He expressed his concern regarding over serving. There needed to be alternatives to consuming alcohol. He cited bowling alleys as examples. He believed that individuals would be interested in patronizing piano bars, jazz cafes and comedy clubs. The goal of this ordinance was to address something beyond alcohol consumption. He hoped to see E

liquor licenses issued. The Commission had tried to answer questions regarding functionality. If the Council rejected this item, then the Commission would need guidance. The E license classification might be applicable to the BCPA, USCC, and the City's golf courses. There needed to be appropriate parameters for City facilities.

Alderman Fazzini noted the number of restrictions. This was already being done by the City by placing conditions upon a liquor license. Conditions could be posted at each establishment. He noted that the City was already doing this. He added that the proposed ordinance would give the City something official. The City would be able to offer something beyond a tavern. He was unsure if the Council was committed to approving this item.

Alderman Schmidt stated that she would vote against this item on behalf of the DETF. At the DETF's last meeting the conversation addressed better control over existing license types. She described the DETF as a lively, independent group. She believed that the Commission needed to increase the scope. The first issue that needed to be addressed was how alcohol was handled.

Mayor Stockton noted that these classifications would be applied throughout the City.

Alderman Purcell expressed his opinion that the proposed ordinance was confusing. He noted the issue of college students being over served in the Downtown. He believed that college towns faced similar issues with their taverns. The Downtown's taverns have created issues in the Downtown. Currently, these taverns have had a negative impact upon the Downtown.

Commissioner Clapp noted enforcement as one of the DETF's focus areas. She noted the role of the Police Department. Police officers issue citations and ordinance violations. She believed that the DETF's recommendations could be effective. Key areas identified were over serving, over crowding and maintenance.

Alderman Purcell noted issues in Carbondale and Southern Illinois University's students. The police department started arresting college students. He described these students as wild and intoxicated.

Commissioner Clapp questioned the monitoring entity. Liquor license conditions needed to be reviewed. Mayor Stockton added that enforcement was important. He noted the state's Liquor Control Commission's 4th Annual College Town Summit, held in Springfield on October 17, 2012. He had attended same. Those in attendance were all facing common problems. Enforcement was important. The Commission had drafted a text amendment which addressed server training, (BASSETT – Beverage Alcohol Sellers & Servers Education & Training). In addition, the Commission would consider additional limitations beyond the state's Happy Hour Law. He restated that over serving was an issue. In addition, an audit letter had been draft for restaurant liquor license holders.

Alderman Purcell expressed his opinion that the Downtown taverns knew when they were over serving. He had visited the Downtown between the hours of 10:00 p.m. and 2:00 a.m.

Mayor Stockton noted the City of Springfield's plan. The City will start by reducing occupancy, business hours, etc. to address the over serving issue.

Alderman Anderson concurred with the Commission's direction. He expressed his opinion that the City was losing the confidence of the citizens and businesses. He stated his opinion that no additional liquor licenses be approved until the City addresses what it has. The City needed to take a step back.

Alderman McDade cited her email. She expressed her appreciation to the Commission for their efforts. There were issues with alcohol in the community. She noted the creation of the DETF and BNCCC, (Bloomington Normal Community Campus Coalition), as examples of the community trying to address these issues. The City was not the only community dealing with these issues. The City was not addressing the problem. This issued needed to be solved. The City continues to micromanage liquor. The percentage of food sales was unknown. The Police Department tried to keep the people safe. The City needed to enforce what it had. Action was overdue.

Alderman Sage expressed his appreciation to Commissioner Clapp for her service on the Commission and DETF. He examined her comments. There had been a number of conversations regarding license management during the past four (4) years. He noted Commission discussions and papers. The DETF under Alderman Schmidt's leadership was a collaborative effort. The issues needed to be addressed with deliverables. He expressed his appreciation to Alderman Schmidt. He agreed with the comments made by the other Aldermen. He recognized the Commission's attempts to address the issue. He planned to vote no on this item.

Alderman Stearns had participated in police ride alongs. She had seen what happens in the Downtown from personal experience. The Downtown was out of control. The police cannot provide adequate enforcement. There were enforcement issues with liquor licenses and bands of youth. Newer licensed establishments were out of control. There had been two (2) fatalities in the Downtown. Another individual had been injured. The City needed to look to the Town of Normal. She believed that the problem could be solved. There was a discrepancy between the DETF and the Commission. She expressed her opinion that there would be another fatality. She would not support this item.

Alderman Fruin encouraged the Council to take a step back. He appreciated the efforts made. He noted what had been accomplished. Things were better. The Council, Commission and DETF had difficult jobs. He noted various entertainment venues, USCC, Castle Theater located at 209 E. Washington St., and the City's golf courses. He believed that a check list could be posted by an establishment's door for police enforcement. Balance needed to be found for each issue. He cited the City's two (2) major Downtown investments: USCC and BCPA. The Downtown was the place for people who come to live,

work and play. The Downtown was a mixed use area. It was here to stay. There needed to be collaborative solutions. Individuals and businesses had purchased property and relocated within the Downtown. It had been suggested that the City tell people where to go if they were interested in a liquor license. He cited W. Front St. and/or the warehouse district. He cited the former Montgomery Wards building located at 102 N. Center St. and the former Elks building located at 110 N. Madison St. He questioned if this suggestion was even possible. He cited the cost of same. He had attended a number of Commission and DETF meetings. He noted the diversity of opinions and solutions. The rules needed to be enforced. There needed to be a sound business climate to support Downtown growth. There were responsible restaurant and tavern owners. Some have been in the Downtown for a number of years. These venues needed to be nurtured to compliment the USCC and BCPA. He hoped that the Commission and Council were not discouraged. Solutions must be found for the Downtown to grow.

Alderman McDade noted that the hardest thing was that this issue was outside the scope of the Council's control. Information had been provided to the Commission. The Commission needed to visit other communities. The problem must be labeled. The work must be done by the Commission.

Mayor Stockton noted that from the Commission's standpoint worked has been done. The Commission worked with/on the DETF's recommendations. He noted the issues of enforcement and over serving. The Commission was attempting to find ways to encourage other activities beyond alcohol consumption. He cited the role of BASSETT training. The Commission had discussed liquor license fee increase to address the cost of enforcement. Liquor license fees could be based upon alcohol sales, occupancy, etc. There were a number of possible text amendments. The Commission saw some of the problems.

Alderman Mwilambwe expressed his appreciation for the work completed to date. All parties involved had the best interest of the Downtown and City in mind. He added that the expectations for the proposed class E and Q were clear. The placement of conditions upon a liquor license was not ideal. There were issues in the Downtown. The City needed to find ways to address same. Enforcement was an issue. The City needed to come up with a plan and allocate the necessary resources. There were painful decisions to be made. The work was exhausting.

Alderman Stearns stated that she needed to hear something new beyond be flexible. She had received a telephone call from a developer who would not locate within the Downtown. She refused to share any other information citing confidentiality.

Mayor Stockton stated that the Commission would continue its work. He added that the Commission needed specific ideas/information from the Council.

Motion by Alderman Fazzini, seconded by Alderman Mwilambwe that the Text Amendment be approved.

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

Ayes: Aldermen Mwilambwe and Fazzini.

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

Motion failed.

The following was presented:

SUBJECT: Application of Setinthebar, d/b/a Gat's Jazz Cafe, located at 424 N. Main St., for a TAS liquor license, which will allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days week

RECOMMENDATION/MOTION: The Liquor Commission recommends that a TAS liquor license for Setinthebar, Inc., d/b/a Gat's Jazz Cafe, located at 424 N. Main St., be created, contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) the establishment will be run as a Jazz Cafe; not a traditional tavern - the Commission reserves the right to modify this condition to insure compliance; 2.) the business will be committed to the promotion of live jazz music and commits to stay with the jazz music theme, as opposed to other forms of music; 3.) the hours of operation of the business will be Sunday through Thursday from 11:00 a.m. until 10:00 p.m. and Friday and Saturday from 11:00 a.m. until 12:00 a.m.; 4.) the tables and chairs will not be removed from the premise so as to maintain a close, intimate Jazz Cafe atmosphere at all times; 5.) food, as shown on the sample menu or substantially similar and comprehensive menu will be served up until one hour prior to closing with continued work towards establishing a full kitchen with a vaster meal type menu; 6.) marketing house events which for a set price, reserves a table for entertainment viewing and provides certain food and drink for one price; and 7.) with all of these conditions, there was confidence that a successful Jazz Cafe will be established at 424 N. Main St. which will add to the Downtown's quality of life and the area as a whole without adding to the issues cited by the Downtown Entertainment Task Force (DETF).

BACKGROUND: The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the application of Setinthebar, Inc., d/b/a Gat's Jazz Cafe, located at 424 N. Main St., requesting a TAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days week. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Steve Petersen, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Bob Wall, Asst. Police Chief, and Tracey Covert, City Clerk; and James Gaston, owner/operator and Applicant representative, and Jim Bass, Applicant's attorney.

Commissioner Stockton opened the liquor hearing and requested that the Applicant address this request. James Gaston, owner/operator and Applicant representative, and Jim Bass, Applicant's attorney, addressed the Commission. It was described as the same request with possible conditions upon the license. Mr. Bass noted that the Council's vote, 4 to 5. The application was turned down by one (1) vote. A list of proposed conditions had been provided to the

Commission. In addition, there was a statement of intent. It was noted that the business needed to be profitable. It had been Mr. Gaston's dream to operate a Jazz Cafe.

Commissioner Stockton noted Mr. Gaston's background. He added that for a number of years concerns had been expressed regarding the number of Downtown "T", Tavern, liquor licenses. He noted recent comments from the Council regarding same. He added that there was an informal moratorium on tavern liquor licenses in the Downtown. He cited Laugh Comedy Club located at 108 E. Market St. as an example of a Downtown T liquor license with conditions. Concerns had been raised that this establishment would become another Downtown tavern. The Applicant needed to convince the Commission, Council, and citizens that safeguards were present to insure that Gat's Jazz Cafe would not become another Downtown tavern. He read the list conditions submitted by Mr. Gaston. Another issue was a sufficient operations plan.

Mr. Bass noted that the tables would not be removed at anytime. He believed that the strongest argument to support this application was the closing hours. Gat's Jazz Cafe would not be just another Downtown tavern. Gat's Jazz Cafe would not be a young person's tavern. Commissioner Stockton acknowledged the weekend closing time: midnight. He questioned what would happen at the Jazz Cafe from 11:00 a.m. until the music started. Mr. Gaston stated that the Jazz Cafe would not be just a tavern. It would be a cafe that served food, coffee and cocktails.

Commissioner Stockton noted that the Commission needed to understand his vision. Mr. Bass stated that a sample menu had been provided. Mr. Gaston planned to work towards a full kitchen.

Commissioner Petersen questioned if the Cafe would serve lunch. Mr. Gaston stated that the Cafe would serve upscale appetizers, hors d'oeuvres and tapas.

Commissioner Tompkins stated that he had never seen such onerous, burdensome conditions. This Cafe would be an outstanding venue. He believed that Mr. Gaston was a quality applicant and that he would make this business a success. He questioned what the City wanted the Downtown to be. Mr. Gaston should be given a fair chance to operate this business.

Commissioner Petersen noted that the Commission recommended this application to the Council. The Council did not approve it. He questioned what was needed for the Council to change its mind.

Commissioner Tompkins restated that Mr. Gaston provided the list of conditions. The Commission could include any of them or none of them. Commissioner Stockton stated that a number of conditions had been placed upon a number of Downtown establishments. Commissioner Tompkins described these conditions as onerous and burdensome. Mr. Gaston would comply with the rules. Mr. Gaston would have everything to loose.

Commissioner Petersen questioned who drafted the conditions. Mr. Gaston noted himself with the assistance of his attorney. Commissioner Petersen described the situation as unfortunate. The Downtown was volatile. He described the conditions submitted as good. Mr. Bass restated

that there was not a commitment to install a full kitchen. It was a goal with no set date. He noted Mr. Gaston appearance before the Commission. He addressed Mr. Gaston's past experience. There were individuals present at the hearing who wanted to address the Commission. Mr. Gaston had experience in the liquor business and with jazz music.

Commissioner Stockton noted that the Council did not approve this application without conditions. Commissioner Tompkins noted that the Commission could include the list of conditions provided by the Applicant.

Commissioner Stockton reviewed the list. He described the first condition as a general statement. Mr. Bass added that there would be a jazz piano on weekdays. Mr. Gaston added that there would be live music only during certain hours. There would be jazz music at all times. The decor would have a jazz theme. He restated his commitment to jazz. Commissioner Stockton questioned the hours for live performance. Mr. Gaston noted the in the evening: weekdays - 6:00 until 9:00 p.m. and weekends - 7:00 until 11:00 p.m. Commissioner Stockton noted that during other business hours recorded jazz music would be played. He noted that the Cafe would be open for lunch.

Mr. Gaston added that there would be a jazz brunch available on Sundays. He did not plan to be open every Sunday. He stressed that he knew what he wanted the business to be, a jazz club. There would be no reason to remove the tables.

Commissioner Stockton questioned if food would be available one (1) hour prior to the Cafe's closing. Mr. Bass noted that the menu submitted was a sample. Similar items might be offered.

Commissioner Buchanan questioned logistics. Mr. Gaston stated that if approved a kitchen would be established which would not require a hood. Commissioner Buchanan stated that a full scale kitchen was not needed to open. Mr. Gaston responded affirmatively.

Linda Gaston, Applicant's spouse, addressed the Commission. The food would be prepared ahead of time and served cold. There would not be a hood and/or fryers in the kitchen. The food preparation area would be simple.

Commissioner Stockton questioned if the menu would attract a lunch crowd. Mrs. Gaston noted the community's conservative food tastes. The Cafe would offer quality items. She believed that the community would be willing to try an offering of different food. Between lunch and dinner, coffee, tea, desserts and snacks would be available.

Commissioner Stockton questioned condition 6. Mr. Gaston cited Friday/Saturday night events with live music. Food, a bottle of wine and a reserved table would be available for a set price. Commissioner Stockton noted that the goal of this type of event would be to bring people in for the full experience. The business was being called a cafe and food would be offered. He questioned if non alcoholic beverages would be available for sale. He also questioned if the Cafe would use a cover charge. He questioned if the Applicant had considered an R liquor license. He questioned the financial model.

Mr. Gaston described the Cafe as a place for adults. He wanted to discourage young persons. A T liquor license would mean that no one under twenty-one (21) years of age would be admitted. Mr. Bass added that there was unsurety about a commitment to fifty-one percent (51%) non alcohol sales. A full scale kitchen was not affordable at this time. A cafe was different than a tavern. It would not be a typical tavern.

Commissioner Stockton questioned the percentage of sales from alcohol. Mr. Gaston believed that initially the Cafe would sell more liquor than food. He restated that there would not be a full scale kitchen. He added that percentages were unknown at this time. He had done a limited study of the demographics.

Commissioner Buchanan expressed his concern that this application had been cast in with the idea of what a Downtown tavern was and conclusions were made. He believed that persons who would frequent the Cafe would do so for the jazz and its ambiance. He hoped Mr. Gaston would bring in quality performers. He believed that these customers would support the Cafe's food offerings. Mr. Gaston restated his intention to create a complete jazz package, (music, decor, menu, etc.). Commissioner Buchanan described the typical customer as a jazz enthusiast. He questioned anticipated liquor sales. Mr. Gaston cited cocktails and wine.

Commissioner Petersen recommended that condition 6 change the word specials to events and remove the second appearance of the word specials.

Commissioner Stockton addressed the proposed "E", Entertainment, and "Q", Qualified liquor license classifications. A "Q" liquor license would be between an R and T liquor license. It would allow for a higher percentage of alcohol sales.

Commissioner Stockton opened the hearing to public input.

Susan Heiser, Crossroads, 428 N. Main St., addressed the Commission. She served as a volunteer at Crossroads. She addressed her concerns regarding the expansion of liquor establishments into the 400 block of N. Main St. Crossroads had been at its locations for seventeen (17) years. She cited the addition of First Fridays to the Downtown. She expressed her hope for more retail establishments in the Downtown. It was exciting to be a part of the Downtown. She had hoped for a new business to replace Twin City Consignments. More people in the Downtown would be good for Crossroads. She added her preference for an R as oppose to a T liquor license. She added her concern regarding compatibility. She cited the Downtown Entertainment Task Force, (DETF), report which recommended no expansion of liquor licenses on this block. She restated her opposition to this application. She believed that people liked to eat and shop in the Downtown. A jazz club would be something different and interesting. She described the request for a T liquor license as a stunner.

Commissioner Stockton reviewed the proposed list of conditions. He requested Ms. Heiser's feedback to same. He added that there were restaurants that morphed into taverns. Ms. Heiser stated that Reality Bites, located at 414 N. Main St., held an R liquor license. She stated that there was a difference between a restaurant and a tavern. She was not comfortable with a T application. She expressed concern regarding food sales. Commissioner Stockton noted the

essence of Ms. Heiser's objections. He questioned if there was an acceptable percentage. Ms. Heiser stated that the Cafe would be located next door. Alcohol would be served through out the day. She restated her belief that the establishment would be a restaurant.

Commissioner Buchanan expressed his concern regarding the reliance upon the liquor license classification, R versus T. The key issue should be what it is and what it is intended to be. He acknowledged the risk that the marketplace would decide. He noted Mr. Gaston's intentions. The business needed to be viable financially. He did not believe that one could take comfort or be concerned about an R versus a T license classification. Ms. Heiser noted that she could not address the future.

Commissioner Stockton noted that a T liquor license can be more restrictive based upon conditions. He recommended that individuals be careful when comparing a T versus an R. Ms. Heiser stated her belief that the City verified the balance sheets for each R licensed establishment on an annual basis.

Commissioner Petersen questioned enforcement of conditions which have been placed upon a liquor license. He addressed his concerns.

Commissioner Tompkins assured those present that as a Liquor Commissioner that the Commission and citizens would watch the Jazz Cafe's operations. He encouraged those present to think about the possibilities. He believed that the Jazz Cafe would create a synergy. He hoped that those present would place their trust and belief in the Commission. He hoped the City would grant Mr. Gaston the opportunity.

Ms. Heiser stated that the issue was not about Mr. Gaston. It was about the business and its compatibility with Crossroads. She informed the Commission that four (4) other Crossroad volunteers had attended the hearing with her.

Commissioner Stockton thanked Ms. Heiser for attending and sharing her comments with the Commission. He readdressed Laugh Comedy Club located at 108 E. Market St. It held a T liquor license with conditions. There had been no complaints with this business. It was not a typical T. He noted the belief that there was an unofficial moratorium on Downtown taverns. A jazz cafe would be something different than a college bar. The Downtown needed to offer something different. He cited his willingness to support a jazz club. A key concern was how to arrive there and insure it happens. Mr. Gaston had explained what he planned to attempt in the Downtown.

Bruce Meeks, 1402 Wright, addressed the Commission. He cited his attendance at Council meetings. He expressed his opinion that the Commission had reached the right decision. There was a problem with the word taverns. He noted that the DETF's report and its recommendations had not been put into ordinance form and/or adopted as an official policy by the City. Individuals seemed to believe that the DETF has promised them something. There had been no formal action taken by the Council. A moratorium on Downtown taverns had not been adopted. He expressed support for recommending this application for a T liquor license without conditions. The Downtown needed a transition. He believed that this business had the ability to

generate sales taxes. He noted recent Council discussions regarding leakage. This appeared to be a viable business. The City's alcoholic beverage ordinance was antiquated. This application should be expedited to the Council. The Council would be asked to consider an Enterprise Zone for the Downtown.

Commissioner Tompkins noted that the DETF's report called for a tavern moratorium in the 500 and 600 blocks of N. Main St. The Commission has stayed within this recommendation. It was a sad day when there was opposition to a jazz cafe.

Commissioner Stockton added that the Council appeared interested in a moratorium which was wider than the DETF report specified. The Commission had attempted to focus on taverns in the Downtown's south end.

Willie Brown, 3208 Dorset Ct., addressed the Commission. He was a life long resident of the City and a Crossroads customer. He noted the concerns raised regarding the word "tavern". This would be a jazz cafe. The clientele would be different. The Jazz Cafe would offer high end cocktails, appetizers and jazz. Customers would come to eat, drink and listen to the jazz music. He noted the Downtown's college bars and taverns. He believed that the City would continue to have college bars. He was familiar with Mr. Gaston. The Jazz Cafe would be locked down with conditions. Mr. Gaston was willing to accept same. He encouraged the Commission to move forward. The Jazz Cafe would attract the proper clientele. It would offer something different to the Downtown. It would be located in the 400 block of N. Main St. Mr. Gaston and his investors were willing to accept the conditions. The Jazz Cafe would not be an additional load upon the Police Department. He noted that Laugh Comedy Club located at 108 E. Market St. was working with conditions. He questioned if he would be willing to go forward with the Jazz Cafe with all of the conditions proposed. He added his support of this application.

Doug Lane, 213 Vale, addressed the Commission. He had known Mr. Gaston for twenty-two (22) years. He informed the Commission of his eleven (11) years of experience at Rosie's Pub located at 106 E. Front St. It took hard work to build a reputation. He believed that a jazz club could be successful in the Downtown. He noted the planned decor and pricing for the Jazz Cafe. He cited Mr. Gaston's dedication to the business plan. He encouraged the Commission to grant Mr. Gaston the opportunity. He stated his support for this application. He also was a Crossroads' customer.

Kevin Stearns, ADDRESS, addressed the Commission. He addressed Mr. Gaston's character and his relationship with Mr. Gaston. They had known each other since the second grade. He noted their mutual interest in sports and music. Mr. Gaston was well liked and respected throughout the community. Mr. Gaston was a musician, entertainer and small business owner. He noted their collaboration on a local talent search project. He had also been involved in a fundraising project at Heartland Community College for the Tsunami. They had worked together on a three (3) day wheelchair billiards tournament. He described Mr. Gaston as a catalyst. He had been dedicated to entertainment and the betterment of the community. The Jazz Cafe would not add to Downtown issues. It would create something unique. He encouraged the Commission to give Mr. Gaston the opportunity. He expressed his faith and confidence in Mr. Gaston. He was looking forward to the Jazz Cafe. It would offer a bit of sophistication to the

Downtown and enhance other businesses. He thanked the Commission for the opportunity to address them.

Marlene Gregor, 107 W. Market, addressed the Commission. She added that she had addressed the Commission at the first hearing for the Jazz Cafe. She liked the concept of a jazz club. She preferred a hot lunch. The license classification needed to be an R. She added that there needed to be other considerations. As a Downtown resident, she offered a different point of view. The location was wrong. A jazz club should not be located in the 400 block of N. Main St. She cited the 600 block of N. Main St. as an alternative. She encouraged the Commission to visit the property to view its exterior and interior. The building's first restaurant rehabilitation happened in 1981. She had served on a number of Downtown organizations. Her goal was a moratorium on Downtown taverns. She cited damage to her property's awnings and flowers over the weekends. She addressed the New Urbanism. Diversity was good and the Downtown residents were a strong component.

Trish Stiller, 305 W. Monroe, addressed the Commission. She introduced herself as the Downtown Business Association's, (DBA), Executive Director. She made a brief statement. She thanked the Commission for the time to address them. She expressed her concern for the Downtown's health. A jazz club would be a great addition to the Downtown. She recommended that the applicant consider an R component. She cited support for the comments made by Ms. Heiser, (Crossroads). She added her concern regarding spillover. She believed those in attendance at the hearing were more educated about the application. An earlier closing hour had alleviated some of her concerns. She questioned who would watch and enforce these conditions. The Downtown was for all. She wanted to protect the integrity of the Downtown and move forward. She questioned the urgency and believed that a better fit could be found. The bottom line was that the Commission had been presented with a proposal. She noted the length of this hearing.

Commissioner Stockton noted that Ms. Stiller believed that the best fit for the 400 block of N. Main St. would be a restaurant. Ms. Stiller noted the emphasis placed on an R versus a T liquor license. An R liquor license was more palatable.

Commissioner Stockton stated that there was another group looking at the area for a restaurant. Ms. Stiller added the increased demand for residential space. She cited quality of life. The Downtown offered dining, shopping and entertainment. Commissioner Stockton added that conditions were placed upon liquor licenses to address personal concerns raised by Downtown residents. Ms. Stiller stated that her interest in the Downtown went beyond her employment. The Downtown was her neighborhood. She walked to work. Commissioner Stockton questioned if Ms. Stiller had been speaking for herself or on behalf of the DBA. She responded that her comments were personal statements.

Commissioner Tompkins expressed his opinion that Mr. Gaston would be true to his word. The Jazz Cafe would enhance the Downtown. Ms. Stiller cited past experience. If a Downtown liquor license holder found the business to not be financially viable, then the business plan was changed. Commissioner Tompkins hoped that Ms. Stiller would believe that this would be a jazz club which would benefit the Downtown. Ms. Stiller noted that as the DBA's Executive

Director there were many development opportunities. She noted the Downtown's south end and the former Montgomery Wards building. She described Mr. Gaston's proposal as admirable. As the DBA's Executive Director, she must listen to every voice.

Commissioner Buchanan stated that Ms. Stiller's comments were interesting and credible. He noted his experience on the Commission. Some licensed establishment's business plans did not work out. Many of these businesses did not last. He also noted that there were R licensed establishments that become a T. He cited late night as an example of when this was likely to occur. Ms. Stiller noted that her concerns regarding business plans addressed T licensed establishments.

Commissioner Stockton noted that there were no comments from the Police Department.

Commissioner Buchanan cited the Commission's deliberation on this application. He noted the Commission's function and role. He believed that a good job had been done on this application.

Commissioner Stockton hoped that the Commission would pull together a recommendation that might be successful before the Council. He noted that the Council supported the Laugh Comedy Club located at 108 E. Market St. He believed that this would be a true jazz club and the applicant had provided the Commission with a reasonable degree of certainty. The Commission had spent time on the details. The Commission had a number of alternatives: 1.) reject this location for a liquor license; 2.) grant a T liquor license with suitable conditions; 3.) grant an R liquor license with earlier closing hours; and 4.) lay this item over until the "Q", Qualified, license classification is available. He questioned if there was a win-win position for the City and the Applicant. He also questioned the Applicant's willingness to wait for a new liquor license classification. Finally, the Commission could approve a T liquor license with conditions. He added that the Commission could present a preferred recommendation to the Council with alternatives. He cited the Council's 4 to 5 vote on July 9, 2012. He hoped that conditions with alternatives might give this application the chance to be supported by the Council.

Commissioner Tompkins cited Eleven located at 105 E. Front St. This establishment had exceeded the Commission and Council's expectations. The Commission would watch the Jazz Cafe. He did not want the City micro managing the Applicant. Commissioner Stockton recalled Sidecar's application which would have been located at 907 E. Oakland Ave.

Commissioner Petersen expressed his willingness to support a motion which included conditions. The Commission had heard from the Applicant. He believed that Mr. Gaston was sincere. The Commission had heard from those in support of and in opposition to this application. He questioned condition enforcement. The Commission would be placing faith in the business plan.

Commissioner Tompkins noted that enforcement would be done by the Commission, Police Department, Corporation Counsel Office, and the Mayor.

Commissioner Petersen questioned the Applicant's willingness to accept an "R" license classification. He also questioned if the Council would be more willing to create same.

Commissioner Stockton reviewed the revised conditions. He added that the Commission could 1.) present the Council with alternatives; 2.) lay this item over for the propose “Q”, Qualified, license classification; 3.) change the classification from a T to an R for a certain period of time. The Jazz Cafe may need to have cover charges.

Commissioner Buchanan believed that it would take a year for development of the “Q”, Qualified, license classification. He expressed his support for a “T” liquor license with conditions.

Motion by Commissioner Petersen, seconded by Commissioner Buchanan to call for the question.

Ayes: Commissioner Stockton, Buchanan, Petersen and Tompkins.

Motion carried.

Motion by Commissioner Tompkins, seconded by Commissioner Buchanan that the application of Setinthebar, Inc., d/b/a Gat’s Jazz Cafe, located at 424 N. Main St., requesting a TAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week be approved with the following conditions: 1.) the establishment will be run as a Jazz Cafe; not a traditional tavern - the Commission reserves the right to modify this condition to insure compliance; 2.) the business will be committed to the promotion of live jazz music and commits to stay with the jazz music theme, as opposed to other forms of music; 3.) the hours of operation of the business will be Sunday through Thursday from 11:00 a.m. until 10:00 p.m. and Friday and Saturday from 11:00 a.m. until 12:00 a.m.; 4.) the tables and chairs will not be removed from the premise so as to maintain a close, intimate Jazz Cafe atmosphere at all times; 5.) food, as shown on the sample menu or substantially similar and comprehensive menu will be served up until one hour prior to closing with continued work towards establishing a full kitchen with a vaster meal type menu; 6.) marketing house events which for a set price, reserves a table for entertainment viewing and provides certain food and drink for one price; and 7.) with all of these conditions, there was confidence that a successful Jazz Cafe will be established at 424 N. Main St. which will add to the Downtown’s quality of life and the area as a whole without adding to the issues cited by the DETF.

Motion carried, (viva voce).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph on August 6, 2012 in accordance with City Code. In accordance with City Code, approximately ninety-one (91) courtesy copies of the Public Notice were mailed on August 7, 2012. In addition, the Agenda for the August 14, 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:

Respectfully,

Stephen F. Stockton
Chairman of Liquor Commission

Motion by Alderman Fazzini, seconded by Alderman Purcell that the item be laid over until the Council's November 13, 2012 meeting.

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 an article regarding the sell of assets of Di Paolo Construction Company, Glen View, IL.

He added that there would be an Economic Development Council update meeting on Wednesday, October 24, 2012 at 5:00 p.m. in the Government Center, 115 E. Washington St.

He informed the Council that he had attended the Illinois Municipal League, (IML), Conference in Chicago, from October 18 -20, 2012.

MAYOR'S DISCUSSION: Mayor Stockton cited the state's Liquor Control Commission's College Town Summit. He had attended same with Rich Buchanan, Liquor Commissioner, George Boyle, Asst. Corporation Counsel, and Bob Wall, Asst. Police Chief. There were a number of discussion topics. One issue was the state licensure of party buses. He noted the City of DeKalb's serious issues involving violent crime. In Champaign Urbana, things were better. He noted that underage individuals were allowed in the campus town bars. For Macomb and Carbondale, the issues were similar. Alternative events were scheduled. Keys to success were building consensus and participation from tavern owner/operators. He added overarching collaboration from subcommittees with each focused on a specific issue. The City of Springfield's problems were not solved. He noted reductions to sale hours and occupancy. Evanston was no longer dry and was experiencing issues. The City needed the bars to participate in the process.

ALDERMAN'S DISCUSSION: Alderman Anderson left the meeting at 8:45 p.m.

Alderman Schmidt addressed the Commission's October 19, 2012 meeting. She noted that Tracey Covert, City Clerk, had provided the Council with a time line. She added that there were individuals who wanted to be a part of the conversation.

Mayor Stockton informed the Council that he had spoken with the City Clerk earlier in the day. Another Commission meeting would be scheduled. The Council's next meeting would be November 13, 2012. There were three (3) weeks in between meetings. He noted that the list serve feature appeared not to be working. City staff has taken additional steps. He noted that there were a number of people who spoke in opposition to Six Strings' application at the Commission's September 11, 2012 meeting. There was an opportunity to promote understanding. He cited the restriction on occupancy. Two (2) tavern licenses would be surrendered near the 500 block of N. Main St. He cited the food court and an indoor Farmer's Market. The Commission's recommendation would be advanced to the Council.

Alderman Schmidt addressed notification. The City did not provide courtesy notices when an item was laid over. She believed that this practice needed to be reviewed.

David Hales, City Manager, addressed the Council. He cautioned the Council to be careful of additional notifications. He noted the City's email notification. Mayor Stockton noted that the October 19th Liquor Commission's Meeting Agenda was placed on the City's web site on October 17, 2012. In addition, this meeting was scheduled during the Commission's October 9, 2012 meeting. Mr. Hales did not want to provide false expectations.

Alderman Fazzini also attended the IML Conference. He attended sessions which addressed the Emerald Ash Borer, street resurfacing, Open Meetings Act/Freedom of Information Act (FOIA), pension reform, municipal aggregation, and council teamwork. He visited with individuals from different cities. A number of cities attended the IML Conference as a team building experience. He had written a three (3) page report to the Council. He requested that Mr. Hales, City Manager, distribute same to the City's department heads. He offered to make it available to the public.

Alderman Stearns had also attended the IML Conference. She had a CD, (Compact Disk), from same. Mr. Hales offered to place the information on the City's web site. Alderman Stearns reviewed topics of interest and speakers. She added that personal account emails were subject to FOIA. Entire councils attended the IML Conference and attended different sessions.

Motion by Alderman Purcell, seconded by Alderman McDade, that the meeting be adjourned. Time: 8:56 p.m.

Motion carried.

**Tracey Covert
City Clerk**

**COUNCIL PROCEEDINGS
PUBLISHED BY THE AUTHORITY OF THE CITY COUNCIL
OF BLOOMINGTON, ILLINOIS**

The Council convened in regular Session in the Council Chambers, City Hall Building, at 7:32 p.m., Monday, November 22, 2010.

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

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

Aldermen: Judy Stearns, Kevin Huette, Bernie Anderson, David Sage, John Hanson, 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.

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

The following was presented:

SUBJECT: Proclamation

RECOMMENDATION: That the proclamation be made a matter of record.

BACKGROUND: The proclamation will be presented:

1. National Drunk and Drugged Driving (3D) Prevention Month – December 2010.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Tracey Covert
City Clerk

Recommended by:

David A. Hales
City Manager

Mayor Stockton read and presented the 3D Prevention Month Proclamation to Randy McKinley, Police Chief. He noted the holiday season. He cited the risk, personal loss, and the fact that this was a difficult time for many. Chief McKinley addressed the Mayor and Council. He was honored to accept this Proclamation. He noted the number of people affected by drunk and/or drugged driving. The public needed to take this issue seriously. The Proclamation would be posted in the Police Department.

Motion by Alderman Schmidt, seconded by Alderman Anderson that the proclamation be made a matter of record.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Council Proceedings of July 12, July 26, and August 9, 2010

RECOMMENDATION: That the reading of the minutes of the previous Council Meetings of July 12, July 26, and August 9, 2010 be dispensed with and the minutes approved as printed.

BACKGROUND: The Council Proceedings of July 12, July 26, and August 9, 2010 have been reviewed and certified as correct and complete by the City Clerk.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Tracey Covert
City Clerk

Recommended by:

David A. Hales
City Manager

Motion by Alderman Schmidt, seconded by Alderman Anderson that the reading of the minutes of the previous Council Meetings of July 12, July 26 and August 9, 2010 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, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Bills and Payroll

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

BACKGROUND: The list of bills and payrolls will be posted on the City's website on Thursday, November 18, 2010 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:

Timothy Ervin
Director of Finance

David A. Hales
City Manager

(ON FILE IN CLERK'S OFFICE)

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Appointments/Reappointments to Various Boards and Commissions

RECOMMENDATION: That the appointment be approved.

BACKGROUND: I ask your concurrence in the appointment of Jennifer McDade to the Economic Development Council (EDC) Board of Directors. She will be replacing John Hanson. If appointed, her term will begin November 22, 2010 and will expire on December 31, 2012. She may not hold her seat for more than three (3) consecutive two (2) year terms. The EDC specifies its term limits.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Recommended by:

Stephen F. Stockton
Mayor

Ron Schultz, 1208 E. Oakland Ave., addressed the Council. He questioned this appointment and who made the selection. He noted that John Hanson was a businessman. He questioned why other Council members had not been considered.

Mayor Stockton noted that the Mayor made the recommendation in consultation with the Council and the Economic Development Council. He had made a nomination which considered interest in the position and ability to attend meetings. The City was attempting to formalize the process, provide better publicity, develop an application form, and develop a tracking system for same. This system would be based upon a twenty-four (24) month calendar. There was an interview process with formal questions. All appointments were subject to a Council vote. There were some vacancies. He cited the Planning Commission as an example. He was working to fill all vacancies.

Motion by Alderman Schmidt, seconded by Alderman Anderson that the appointment be approved.

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

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

Nays: None.

Abstains: Alderman McDade.

Motion carried.

The following was presented:

SUBJECT: Payment for Repairs to a Motor from the Enterprise Pump Station

RECOMMENDATION: That the payment be approved.

BACKGROUND: Booster pump motor number #3 at the Enterprise Pump Station recently failed due to a short in the insulation of its electrical windings. This is a motor on one (1) of two (2) of the largest booster pumps at the Station. This motor must be repaired for backup in case of a problem with the units now in service. It is very difficult to diagnose a problem with a unit until it is disassembled and inspected. This can only be performed by a limited number of pump and motor repair shops. Staff attempts to utilize multiple repair shops to keep the process competitive since it is virtually impossible to bid these repairs with any degree of certainty. The vendors would not know what repairs to bid until the problem is diagnosed. The precise diagnosis can only take place by disassembling the unit. Most repair shops do not charge a disassembly fee as it generally makes sense to have the repair made at the shop that has diagnosed the problem while the unit is disassembled. Staff requested a quote from the vendor that has repaired large motors for the City in the past. That quotation was as follows:

Decatur Industrial Electric	\$11,639.78
-----------------------------	-------------

Staff respectfully requests that Council accept the quotation of \$11,639.78 from Decatur Industrial Electric for the repair of the booster pump motor for number 3 pump at the Enterprise Pump Station and authorize the Purchasing Agent to issue a purchase order for same. Payment will be made from Water Department, Transmission and Distribution Division, Other Repair and Maintenance Account (5010-50120-70590). That account was budgeted at \$200,000 in this year's budget and currently has a balance of \$196,000 remaining.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Decatur Industrial Electric was contacted for a quotation. Other repair shops that have been utilized and payments for these repair services approved by Council in the past are:

Electric Pump, Des Moines, IA
Foremost Industrial Technologies, Peoria
General Pump and Machinery, Peoria

FINANCIAL IMPACT: Repair costs have been budgeted for this expense. Payment will be made from Water Department, Transmission and Distribution Division, Other Repair and Maintenance Account (5010-50120-70590).

Respectfully submitted for Council consideration.

Prepared by:

Financial review by:

Recommended by:

Craig M. Cummings
Director of Water

Tim Ervin
Director of Finance

David A. Hales
City Manager

Alderman Stearns questioned which pump station was repaired. Craig Cummings, Water Director, addressed the Council. This repair involved the Enterprise Zone pump station for Mitsubishi Motors. It was located at Division St.

Alderman Purcell recalled that the City recently replaced pumps. Mr. Cummings noted that this was a different station. The other pump was a sludge decant pump at the Water Treatment Plant.

Motion by Alderman Schmidt, seconded by Alderman Anderson that the payment be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Change Order #2 with George Gildner, Inc. for Additional Costs to Repave the Area involved with the Water Main Replacement Project on Prairie Street

RECOMMENDATION: That a Change Order in the amount of \$12,674.20 be approved, and the Resolution adopted.

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

Additional work related to this project on Prairie Street involved the milling and overlay of Prairie Street from Washington to Market Streets. This was approved by Council on September 27, 2010 in the form of a change order in the amount of \$99,539.60. This work has been completed, but is over budget by \$12,674.20. The three (3) final invoices in the amount of \$14,057.66 received were subtracted from the \$1,383.46 remaining on the contract resulting in the requested change order total.

The current change order is the result of several issues which arose during the paving project. First, the quantity of asphalt needed for the project was slightly underestimated. An estimated quantity, prepared by the City, was used in the preparation of the proposed budget for the project. After reviewing all of the delivery tickets for asphalt delivered to the job site, the actual quantity used was 14.52 tons (\$142/ton) more than had been estimated. This resulted in an additional cost of \$2,061.84. It should be noted that 314.80 tons of asphalt was used on this job. The quantity required was underestimated by less than five percent (5%).

Additionally, a ten inch (10") sanitary sewer to a business on Prairie Street was found collapsed when a storm sewer inlet was being rehabilitated as part of the paving project. The repair to this sanitary sewer amounted to \$1,702.82.

Lastly at two (2) locations, the contractor ran into poor sub base conditions, which required the contractor to remove the unsuitable materials and stabilize the sub base by pouring concrete. This was necessary or the asphalt overlay would have failed quickly. The sub base stabilization required seventy-three square yards (73 sq. yd.) of concrete (\$141/sq. yd.) resulting in an additional cost of \$10,293. Staff field directed the sewer repair and sub base stabilization changes as field conditions dictated these actions. Staff respectfully recommends that Council approve the change order in the amount of \$12,674.20 and that the Resolution be adopted.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: This change order will require the payment of an additional \$12,674.20 from the Downtown TIF Fund (X40300-72530), leaving an estimated \$16,283 remaining in the fund.

Respectfully submitted for Council consideration.

Prepared by:

Financial review by:

Recommended by:

Craig M. Cummings
Director of Water

Tim Ervin
Director of Finance

David A. Hales
City Manager

RESOLUTION NO. 2010 - 45

**A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE
AMOUNT OF \$12,674.20 IN THE CONTRACT BETWEEN THE CITY
OF BLOOMINGTON AND GEORGE GILDNER, INC. FOR A WATER MAIN
REPLACEMENT PROJECT ON PRAIRIE STREET**

WHEREAS, the City of Bloomington has previously entered into a contract with George Gildner, Inc. for a Water Main Replacement Project on Prairie Street; and

WHEREAS, for the reasons set forth in a staff report dated November 22, 2010 it was necessary to use additional asphalt, repair a collapsed sanitary sewer, remove unsuitable material, and stabilize a sub base; and

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the November 22, 2010 memo was in the best interest of the citizens of the City of Bloomington.

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

That a change order in the amount of \$12,674.20 in the contract between the City of Bloomington and George Gildner, Inc. for a Water Main Replacement Project on Prairie Street be approved.

ADOPTED this 22nd day of November, 2010.

APPROVED this 23rd day of November, 2010.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Anderson questioned if there were metrics for change orders.

Alderman Stearns questioned the other bids on this project. Craig Cummings, Water Director, addressed the Council. This change order was for a portion of the project from the original contract. This project was originally for a water main. The change order was for pavement only. There were two (2) other minor issues: 1.) a collapsed sanitary sewer and 2.) poor subbase conditions.

Alderman Stearns addressed the number of change orders. She questioned if change orders were addressed/researched and documented. David Hales, City Manager, addressed the Council. He noted that the City had inspectors who oversee and address project issues that arise outside of the project scope. Alderman Stearns questioned if City staff sat down with concerned citizens. Mr. Hales offered to prepare a background justification which would provide an explanation. Alderman Stearns stated that each change order was unique. She noted the broken sewer inlet. She questioned if the quantity had been underestimated. She added that the subbase needed to be stabilized. She believed that this could have been anticipated. She was not comfortable with this item.

Alderman Sage echoed Alderman Stearns' comments regarding change orders. Change orders should be incorporated into performance indicators and would be welcomed in next year's budget.

Mayor Stockton addressed change orders. The Council's comments had been heard before. The City would never see capital projects without change orders. The key issue regarding change orders was justification. The Council and the public needed to be educated about this issue. Change orders were presented to the Council for approval or denial.

Motion by Alderman Schmidt, seconded by Alderman Anderson that a Change Order be approved, and the Resolution adopted.

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

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

Nays: Alderman Stearns.

Motion carried.

The following was presented:

SUBJECT: Early Order Program for the Procurement of Golf Course Chemicals

RECOMMENDATION: That the golf course chemicals be purchased through the Early Order Program in an amount not to exceed \$200,000, the Purchasing Agent authorized to issue a Purchase Order for same, and the Resolution adopted.

BACKGROUND: The City's golf courses are considered to be some of the finest in downstate Illinois. In the most recent Golf Digest Magazine rankings, The Den at Fox Creek received a prestigious 4½ star rating (out of 5) which places it alongside only six (6) other courses in the state in the same fee category to receive the honor. Prairie Vista received a 4 star rating and Highland Park received a 3½ star rating. In 2005, Golf Digest also voted Bloomington/Normal

the fifth (5th) best city to live for golf in the country. In order to maintain the City's courses in a manner that is consistent with the expectations of the customers, it is necessary to continue providing quality playing surfaces.

One of the primary factors in providing quality playing surfaces is to keep the turf free from disease and insects. Left untreated there is the potential for significant damage resulting in significant rounds and revenue loss, while also requiring major expenditures to reseed the infected areas. Best practices in the golf industry show the most efficient manner to treat turf disease and insects are preventative maintenance. By utilizing preventative chemical applications, it is possible to stay ahead of the diseases and suppress potential outbreaks before they occur.

Each year Syngenta and BASF offer an early order program that allows the opportunity to lock in next year's prices at discounted rates. Syngenta and BASF are the two (2) primary manufacturers of chemical and fertilizer products utilized in the management of turf grass in the golf industry. Through best practices, the golf course maintenance staff has found these products to provide the desired high level playing conditions demanded by the golfing public.

Syngenta and BASF engage the assistance of local recognized quality turf distributors to assure the delivery, service, and billing of their products. Syngenta and BASF operate using an agency pricing model, meaning the price of their chemicals is exactly the same regardless of the distributor chosen. These distributors are contractually obligated to offer these products at set agency prices. For the past two (2) years, the City has utilized Helena Chemical located in Warrensburg, IL. Helena Chemical is the Syngenta and BASF distributor of choice for Normal, Decatur, Peoria, Pekin, Springfield, Champaign, Quincy, Illinois State University, Bloomington Country Club, and Crestwicke Country Club.

Entering into the early order program guarantees the discounted price for any additional Syngenta or BASF purchases required during 2011. Council has authorized the participation in this program for the last several years. Helena Chemical will store the products on their site and deliver them on an as needed basis.

Helena's local dealership manager is a Certified Golf Course Superintendent who offers an exceptional level of service and support to the City's golf maintenance personnel. This level of service is not offered by any other nearby distributors.

A statewide contract is not available for the procurement of these chemicals and fertilizers. The deadline to enter this program is before the end of this calendar year.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The City spends approximately \$200,000 annually on chemicals and conservatively will realize savings of about \$20,000 by participating in this early buy program. Funds will be budgeted and available in X50650-70590, X50652-70590, and X50654-70590.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Financial review by:

Jason Wingate,
Supt. of Golf

John Kennedy
Director of Parks, Recreation & Cultural Arts

Tim Ervin
Director of Finance

Reviewed by:

Recommended by:

Barbara J. Adkins
Deputy City Manager

David A. Hales
City Manager

RESOLUTION NO. 2010 - 46

A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND AUTHORIZING THE PURCHASE OF GOLF COURSE CHEMICALS THROUGH THE EARLY ORDER PROGRAM IN AN AMOUNT NOT TO EXCEED \$200,000

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

1. That the bidding process be waived and the Purchasing Agent be authorized to purchase golf course chemicals and fertilizer products through the Early Order Program in an amount not to exceed \$200,000.

ADOPTED this 22nd day of November, 2010.

APPROVED this 23rd day of November, 2010.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Schmidt, seconded by Alderman Anderson that the Golf Course Chemicals be purchased through the Early Order Program in an amount not to exceed \$200,000, the Purchasing Agent authorized to issue a Purchase Order for same, and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Ordinance Prohibiting the Use of Groundwater as a Potable Water Supply and Approval of Highway Authority Agreement / Leave-in-place Agreement (Ward 6)

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

BACKGROUND: The former site of a Clark Gas Station owned by The Premcor Refining Group, Inc. was located at 301 West Market Street, on the northwest corner of Madison Street and Market Street. A Corrective Action Plan has been developed for the site which shows soil and groundwater contamination extending past the property boundary into the right of way for Roosevelt Avenue and into adjoining properties.

Tests showed contamination from some substances above acceptable levels in the groundwater around the site. There is no further economically feasible action that can be taken to clean up the groundwater. It is at a depth that poses minimal risk of exposure through excavation. However, there is still the possibility of coming into contact with the water through shallow domestic wells. The Illinois Environmental Protection Agency is requiring the City to pass an Ordinance prohibiting the use of groundwater as a potable water supply within the effected area as a requirement for issuance of a “No Further Remediation” letter to protect the public from that possibility.

The City has approved similar groundwater ordinances and Highway Authority Agreement’s for other contaminated locations in the past.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The consultant will contact the affected property owners upon approval by the Illinois Environmental Protection Agency.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Jim Karch
Director of Public Works

Reviewed as to legal sufficiency:

J. Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

ORDINANCE NO. 2010 - 50

**AN ORDINANCE PROHIBITING THE USE OF GROUNDWATER
AS A POTABLE WATER SUPPLY BY THE INSTALLATION OR USE OF
POTABLE WATER SUPPLY WELLS OR BY ANY OTHER METHOD**

WHEREAS, certain properties in the City of Bloomington, Illinois have been used over a period of time for commercial/industrial purposes; and

WHEREAS, because of said use, concentrations of certain chemical constituents in the groundwater beneath the City may exceed Class I groundwater quality standards for potable resource groundwater as set forth in 35 Illinois Administrative Code 620 or Tier 1 residential remediation objectives as set forth in 35 Illinois Administrative Code 742; and

WHEREAS, the City of Bloomington desires to limit potential threats to human health from groundwater contamination while facilitating the redevelopment and productive use of properties that are the source of said chemical constituents;

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

SECTION 1: Use of groundwater as a potable water supply prohibited.

The use or attempted use of groundwater as a potable water supply by the installation or drilling of wells or by any other method, including at points of withdrawal by the City of Bloomington, is hereby prohibited for the properties identified by the following Parcel Identification Numbers, and within a portion of the Roosevelt Avenue right of way, and as shown on Exhibit A, which is attached hereto and incorporated herein by reference.

- 21-04-158-002
- 21-04-158-003
- 21-04-158-004
- 21-04-158-010
- 21-04-158-011
- 21-04-158-012
- 21-04-158-013
- 21-04-158-015
- 21-04-180-004
- 21-04-180-007
- 21-04-180-009 (subject site and location of contaminant source)

SECTION 2: Penalties.

Any person violating the provisions of this ordinance shall be subject to a fine of not less than \$50.00 nor more than \$100.00 for each violation. Each day that a

violation continues after due notice has been served shall be deemed a separate offense.

SECTION 3: Definitions.

Person is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents or assigns.

Potable water is any water for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

SECTION 4: Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed insofar as they are in conflict with this ordinance.

SECTION 5: Severability.

If any provision of this ordinance or its application to any person or under any circumstances is adjudged invalid, such adjudication shall not affect the validity of the ordinance as a whole or of any portion not adjudged invalid.

SECTION 6: Effective date.

This ordinance shall be in full force and effect from and after its passage.

PASSED this 22nd day of November, 2010.

APPROVED this 23rd day of November, 2010.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

HIGHWAY AUTHORITY AGREEMENT

This Agreement is entered into this 13th day of December, 2010 pursuant to 35 Ill. Adm. Code 742.1020 by and between (1) *The Premcor Refining Group Inc.* (“*Owner/ Operator*”) and (2) *The City of Bloomington* (“*Highway Authority*”), collectively known as the “*Parties.*”

WHEREAS, *Premcor* is the owner or operator of one or more leaking underground storage tanks presently or formerly located at 301 West Market Street, Bloomington, McLean County, IL 61701 (“*the Site*”);

WHEREAS, as a result of one or more releases of contaminants “*at the above referenced Site*”, soil and groundwater contamination at the Site exceeds the Tier 1 residential remediation objectives of 35 Ill. Adm. Code 742;

WHEREAS, the soil *and* groundwater contamination exceeding Tier 1 residential remediation objectives extends or may extend into the Highway Authority’s right-of-way;

WHEREAS, the *Owner/Operator* is conducting corrective action in response to the Release(s);

WHEREAS, the Parties desire to prevent groundwater beneath the Highway Authority’s right-of-way that exceeds Tier 1 remediation objectives from use as a supply of potable or domestic water and to limit access to soil within the right-of-way that exceeds Tier 1 residential remediation objectives so that human health and the environment are protected during and after any access;

NOW, THEREFORE, the Parties agree as follows:

1. The recitals set forth above are incorporated by reference as if fully set forth herein.
2. The Illinois Emergency Management Agency has assigned incident number 960231 to the Release.
3. Attached as Exhibit A are two scaled maps prepared by the *Owner/Operator* that show the Site and surrounding area and delineate the current and estimated future extent of soil and groundwater contamination above the applicable Tier 1 residential remediation objectives as a result of the Release. Also shown on these maps are the areas of the Highway Authority’s right-of-way that are governed by this agreement (“*Right-of-Way*”). Soil and groundwater are contaminated above the applicable Tier 1 residential remediation objectives in the Roosevelt Street Right-of-way. Because the maps in Exhibit A are not surveyed plats, the Right-of-Way boundary may be an approximation of the actual Right-of-Way lines.
4. Attached as Exhibit B are two (2) table(s) prepared by the *Owner/Operator* that list each contaminant of concern that exceeds its Tier 1 residential remediation objective, its Tier 1 residential remediation objective and its concentrations within

the zone where Tier 1 residential remediation objectives are exceeded. The locations of the concentrations listed in Exhibit B are identified on the maps in Exhibit A.

5. The Highway Authority stipulates it has jurisdiction over the Right-of-Way that gives it sole control over the use of the groundwater and access to the soil located within or beneath the Right-of-Way.
6. The Highway Authority agrees to prohibit within the Right-of-Way all potable and domestic uses of groundwater exceeding Tier 1 residential remediation objectives.
7. The Highway Authority further agrees to limit access by itself and others to soil within the Roosevelt Street Right-of-Way exceeding Tier 1 residential remediation objectives. Access shall be allowed only if human health (including worker safety) and the environment are protected during and after any access. The Highway Authority may construct, reconstruct, improve, repair, maintain and operate a highway upon the Right-of-Way, or allow others to do the same by permit. In addition, the Highway Authority and others using or working in the Right-of-Way under permit have the right to remove soil or groundwater from the Right-of-Way and dispose of the same in accordance with applicable environmental laws and regulations. The Highway Authority agrees to issue all permits for work in the Right-of-Way, and make all existing permits for work in the Right-of-Way, subject to the following or a substantially similar condition:

As a condition of this permit the permittee shall request the office issuing this permit to identify sites in the Right-of-Way where a Highway Authority Agreement governs access to soil that exceeds the Tier 1 residential remediation objectives of 35 Ill. Adm. Code 742. The permittee shall take all measures necessary to protect human health (including worker safety) and the environment during and after any access to such soil.

1. This agreement shall be referenced in the Agency's no further remediation determination issued for the Release(s).
2. The Agency shall be notified of any transfer of jurisdiction over the Right-of-Way at least 30 days prior to the date the transfer takes effect. This agreement shall be null and void upon the transfer unless the transferee agrees to be bound by this agreement as if the transferee were an original party to this agreement. The transferee's agreement to be bound by the terms of this agreement shall be memorialized at the time of transfer in a writing ("Rider") that references this Highway Authority Agreement and is signed by the Highway Authority, or subsequent transferor, and the transferee.
3. This agreement shall become effective on the date the Agency issues a no further remediation determination for the Release(s). It shall remain effective until the Right-of-Way is demonstrated to be suitable for unrestricted use and the Agency

issues a new no further remediation determination to reflect there is no longer a need for this agreement or until the agreement is otherwise terminated or voided.

4. In addition to any other remedies that may be available, the Agency may bring suit to enforce the terms of this agreement or may, in its sole discretion, declare this agreement null and void if any of the Parties or any transferee violates any term of this agreement. The Parties or transferee shall be notified in writing of any such declaration.
5. This agreement shall be null and void if a court of competent jurisdiction strikes down any part or provision of the agreement.
6. This agreement supersedes any prior written or oral agreements or understandings between the Parties on the subject matter addressed herein. It may be altered, modified or amended only upon the written consent and agreement of the Parties.
7. Any notices or other correspondence regarding this agreement shall be sent to the Parties at following addresses:

Ms. Valerie Davis
Leading Underground Storage Tank Section
Division of Remediation Management
Bureau of Land
Illinois Environmental Protection Agency
P.O. Box 19276
Springfield, IL 62974-9276

The Premcor Refining Group Inc.
Tim Mauntel, Lead Env. Specialist
201 E. Hawthorne St
Hartford, IL 62048

City of Bloomington
Legal Department
109 East Olive Street
PO Box 3157
Bloomington, IL 61702-3157

IN WITNESS WHEREOF, the Parties have caused this agreement to be signed by their duly authorized representatives.

CITY OF BLOOMINGTON

November 23, 2010

Stephen F. Stockton
Mayor

THE PREMCOR REFINING
GROUP, INC.

Date: December 13, 2010

By: Tim Mauntel
Title: Manager Environmental
Liability

(EXHIBITS A & B ON FILE I CLERK'S OFFICE)

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Intergovernmental Agreement Booking Services

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

BACKGROUND: For several years an intergovernmental agreement has been in effect between the City and McLean County Sheriff's Department for detention, mug shots, booking, and fingerprinting. This has proven to be an efficient and cost effective booking procedure which has reduced the City's liability because incarcerated subjects are rarely kept in the City's facility.

The cost of the agreement for one (1) year is \$22,724.28 (\$1,893.74 per month), a three percent (3%) increase for 2011. The term of the agreement is January 1, 2011 to December 31, 2011, renewable on a year to year basis. Payment for this agreement has been budgeted in line item G15110-70990 for contractual services. Staff respectfully requests permission to enter into an Intergovernmental Agreement with McLean County Sheriff's Department for booking services.

The Town of Normal also has an agreement with the County for booking services. These agreements supplement the costs of the high number of custodies that are delivered to the County's facility. The City is by far the largest contributor to custodies entering into the County Jail. The cost incurred to provide intake documentation, fingerprinting, mug pictures, and

booking records have been born by the County since the City closed its detainment and booking facility in the old Police Department back in the early 1990's.

This service reduced a number of liabilities and increased duties for the facility and staff. The dollar amount paid may seem expensive, but is a vast savings over the City's costs incurred in past years by providing booking and a detainment facility. The cost of managing, securing, housing, feeding, booking, and releasing custodies saves the City thousands of dollars each month in facility and related employee costs.

The City also has an agreement with the Normal Police and McLean County Sheriffs' Office for the use of the City's weapons range facility. Staff has offered the use of the City's weapons range facility to the Illinois State University (ISU) Police and is currently negotiating an agreement. The City charges a fee for the use of the range facility, which includes an increase of three percent (3%) per year. This helps recover costs for range maintenance.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: This change includes a three percent (3%) increase for booking services from \$22,060.48 to \$22,724.28.

Respectfully submitted for Council consideration.

Prepared by:

Financial review by:

Recommended by:

Randall D. McKinley
Police Chief

Tim Ervin
Director of Finance

David A. Hales
City Manager

**INTERGOVERNMENTAL AGREEMENT BETWEEN
THE COUNTY OF McLEAN
AND
THE CITY OF BLOOMINGTON**

Whereas, the City of Bloomington has requested the County of McLean to provide booking services:

And

Whereas, the County of McLean has booking facilities:

And

Whereas, the Constitution of the State of Illinois, Article VII, Section 10 and 5 ILCS 220 et seq. permits and encourages intergovernmental cooperation and agreements;

Now therefore, the parties hereto agree as follows:

1. The County of McLean will perform booking services for the City of Bloomington which services shall include but not be limited to the following: completing all booking forms, finger-printing, taking mug shots, bonding, releasing and transferring persons in custody.
2. The City of Bloomington Police Department shall deliver any individuals taken into custody to the McLean County Detention Facility for booking. The City may bring individuals to the facility twenty-four (24) hours a day, seven (7) days a week, including holidays. The City will complete the necessary paperwork for each person delivered for booking. The County will not accept any individuals needing or asking for medical care. The City will obtain medical care for any individual apparently in need of such care prior to transferring that person to the facility for booking. The City of Bloomington shall have no responsibility for any individuals once they have been transferred to the County for booking, beyond that which may be required by statute.
3. The County shall have full responsibility for all individuals delivered for booking by the City of Bloomington. This responsibility shall include the cost of any medical care administered during the booking process. The County will indemnify and hold the City harmless from all causes of action, whether judicial or administrative, and the costs of defending any such actions arising out of any intentional or negligent act performed by the County, its employees and/or agents during the course of booking any individual for the City of Bloomington pursuant to this agreement. Such actions shall include, but are not limited to, civil rights actions, property damage actions, personal injury actions, or any actions seeking recovery of money or other remedies.
4. The City of Bloomington will indemnify and hold harmless the County of McLean from all causes of action, whether judicial or administrative, and the costs of defending any such actions arising out of any intentional or negligent acts performed by the City, its employees or agents prior to transferring an individual to the County for booking. Such action shall include but are not limited to civil rights actions, property damage actions, personal injury actions, or any actions seeking recovery of money or other remedies.
5. The City will pay the County at an annual rate of Twenty Two Thousand Seven Hundred Twenty Four Dollars and Twenty Eight Cents (\$22,724.28) per year for booking services. The City will pay this fee regardless of whether it uses the County's booking services during any particular month and regardless of the number of individuals it delivers to the County for booking.
6. Total amount due herein shall be paid in twelve (12) equal monthly payments of One Thousand Eight Hundred and Thirty Eight Dollars and Fifty Four Cents (\$1,893.69) at the first of each month.
7. The County may terminate this agreement at any time when payments required hereunder have not been paid. The County is relying on this agreement to hire personnel to satisfy its responsibilities under this agreement accordingly the City of Bloomington may not

terminate this agreement without giving the County six (6) months notice of its intent to terminate.

8. This agreement shall be in effect from January 1, 2011 through December 31, 2011. Thereafter this agreement may be renewable on a year to year basis subject to adjustments in the amount charged for the services provided.
9. All notices required herein shall be in writing and shall be sent via registered or certified mail return requested or by an overnight courier service to the persons listed below. A notice shall be deemed to have been given when received by the party at the address set forth below.

Notices to Bloomington Police Department shall be sent to:

Randy McKinley, Chief of Police
Bloomington Police Department
305 S. East
Bloomington, IL 61701

Notices to County of McLean shall be sent to:

Russell Thomas, Chief Deputy
McLean County Sheriff's Department
104 West Front Street
P.O. Box 2400
Bloomington, IL 61702-2400

10. Both parties agree to comply with all applicable federal and state nondiscrimination, equal opportunity and affirmative action laws, orders and regulations.
11. This Agreement is to be governed and construed in accordance with the laws of the State of Illinois.
12. The relationship of each party to the other under this Agreement shall be that of Independent Contractor.
13. The failure of either party at any time to enforce any provision of this Agreement shall in no way be construed to be a waiver of such provisions or affect the validity of this Agreement or any part thereof, or the right of either party thereafter to enforce each and every position in accordance with the terms of this Agreement.
14. In the event that any provision of this Agreement is held to be unenforceable for any reason, the unenforceability thereof shall not affect the remainder of this Agreement, which shall remain in full force and effect and enforceable in accordance with its terms.

15. This Agreement may not be assigned by either party without the prior written consent of the other party.
16. This Agreement shall constitute the entire Agreement between the parties with respect to the subject matter herein supersedes all prior communications and writings with respect to the content of said Agreement.
17. This Agreement may not be modified by either party unless such modification is mutually acceptable to both parties, is reduced to writing and signed by both parties.

The persons signing this Agreement represent and warrant that they have authority to bind their respective parties.

APPROVED:

Stephen F. Stockton
Mayor
City of Bloomington

December 7, 2010

Randy McKinley
Chief of Police
City of Bloomington

December 7, 2010

ATTEST:

Tracey Covert
City Clerk
City of Bloomington

December 7, 2010

APPROVED:

Matt Sorensen, Chairman, McLean County Board

December 21, 2010

Mike Emery, Sheriff of McLean County

December 22, 2010

ATTEST:

Kathy Michael, Clerk of the County Board
McLean County, IL

December 21, 2010

Motion by Alderman Schmidt, seconded by Alderman McDade 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, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition from PNC Bank, National Association, Successor to National City Bank Requesting Approval of a Final Plat for the Westfield Plaza Subdivision located east of J C Parkway and north of Bettis Drive

RECOMMENDATION: That the Final Plat approved and the Ordinance passed.

BACKGROUND: On August 26, 2002, Council approved the final plat for Interchange City West Subdivision 9th Addition, consisting of one (1) lot, 110-B. PNC Bank, National Association became the owners of Lot 110-B following a judicial foreclosure. PNC Bank has found a potential buyer for the southern portion of the property. In order to sell the southern portion, the property needs to be subdivided.

On September 15, 2010, the Zoning Board of Appeals heard the request of PNC Bank, National Association for a variance from Chapter 44 requesting to waive the six (6) feet minimum landscape border requirement between the two (2) parcels. The requested variance was approved. The subject Final Plat divides Lot 110-B into two (2) lots.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The cost of all platting will be borne by the PNC Bank, National Association.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

Jim Karch
Director of Public Works

J. Todd Greenburg
Corporation Counsel

Recommended by:

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 PNC Bank, National Association, successor to National City Bank, formerly known as National City Bank of Indiana hereinafter referred to as your Petitioner respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter described in Exhibit "A" attached hereto and made a part hereof by this reference;
2. That your petitioner seeks approval of the Final Plat for the subdivision of said premises to be known and described as Westfield Plaza Subdivision which Final Plat is attached hereto and made a part hereof;
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:

Request waiver of code requirements for submittal of preliminary subdivision plan, submission review, and approval procedure, per Chapter 24-3.5.6 Expedited Final Plat Submission, Review and Approval process.

WHEREFORE, your petitioner prays that the Final Plat for the Westfield Plaza Subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

By: Lewis, Yockey & Brown, Inc.

By: David P. Brown
Agent for Petitioner

ORDINANCE NO. 2010 - 51

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE WESTFIELD PLAZA
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 Westfield Plaza 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:

Request waiver of code requirements for submittal of preliminary subdivision plan, submission review, and approval procedure, per Chapter 24-3.5.6 Expedited Final Plat Submission, Review and Approval process; and

WHEREAS, said Petition is valid and sufficient and conforms to the requirements of the statutes in such cases made and provided and the Final Plat attached to said Petition was prepared in compliance with the requirements of the Bloomington City Code 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 Westfield Plaza 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 22nd day of November, 2010.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Legal Description

Lot 110-B in Interchange City West Subdivision 9th Addition, according to the Plat thereof recorded as Document No. 2003-34618, being a part of the SW¼ of Section 31, Township 24 North, Range 2 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois, containing 3.36 acres, more or less.

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition from Laurence Hundman, Ronald Hundman, & R. Michael Hundman Requesting Approval of an Expedited Final Plat for the Hundman Lumber Lincoln Street Warehouse Subdivision commonly located north of Lincoln Street and east of Bunn Street (Ward 4)

RECOMMENDATION: That the Final Plat be approved and the Ordinance passed.

BACKGROUND: The petitioners have requested that the final plat be approved through the expedited final plat process outlined in Section 24-3.5.6 of the City Code. The Code allows for the expedited process to waive the preliminary plan if five (5) prerequisites are met: 1.) the plat depicts a total of not more than three (3) lots; 2.) includes all contiguous property in common ownership or unified control; 3.) shall not necessitate the construction or installation of public street improvements; 4.) no waivers of code requirements are requested, and 5) the developer has obtained approved construction plans for any public improvements needed. Staff has reviewed the petition and finds that the proposed subdivision meets all the prerequisites for approval under the expedited final plat process. The proposed subdivision is immediately north of Lincoln Street and east of Bunn Street adjacent to the former I.C.G. Railroad right of way. Staff recommends that Council accept the Petition and pass an Ordinance approving the Final Plat for the Hundman Lumber Lincoln Street Warehouse Subdivision.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: All public improvement costs are the responsibility of the developer.
No tap-on fees are due for this subdivision.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

Jim Karch
Director of Public Works

J. Todd Greenburg
Corporation Counsel

Recommended by:

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 Laurence F. Hundman, Ronald Hundman and R. Michael Hundman, hereinafter referred to as your petitioners, respectfully representing and requesting as follows:

1. That your petitioners are the owners of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A, which is attached hereto and made a part hereof by this reference, are a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That your petitioners seek approval of the Final Plat for the subdivision of said premises to be known and described as;
3. That your petitioners also seek approval of the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code, 1960: NONE

WHEREFORE, your petitioners respectfully prays that said Final Plat for the Hundman Lumber Lincoln Street Warehouse Subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

By: Laurence F. Hundman

Ronald Hundman

R. Michael Hundman

ORDINANCE NO. 2010 - 52

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE
HUNDMAN LUMBER LINCOLN STREET WAREHOUSE 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 Hundman Lumber Lincoln Street Warehouse 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 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 Hundman Lumber Lincoln Street Warehouse 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 22nd day of November, 2010.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Tract 1:

A part of Lot 30 in County Clerk's Subdivision of Section 10, Township 23 North, Range 2 East of the Third Principal Meridian, described as follows: Beginning at a point on the South Line of Croxton Avenue, in the City of Bloomington, Illinois, at the center of Indianapolis Street, said point being 20 feet east of the East Line of the Right-of-Way of the Illinois Central Railroad Company, thence northeasterly along the South Line of said Croxton Avenue 308 feet; thence southwesterly on a twenty-five degree curve 80 feet; thence south $38^{\circ}-00'$ west 300 feet; thence on an $08^{\circ}-35'$ curve to the left 120 feet to the Center of Indianapolis Street, said Center of said street being 20 feet east of the said East Line of said Right-of-Way of said Illinois Central Railroad Company; thence north 306 feet to the Place of Beginning, except a strip of land of the width of 20 feet along the entire west side of said tract; and also that part of vacated Indianapolis Street lying west of and adjacent to said Tract 1, except all coal, oil, gas and other minerals lying under the West Half of said Vacated Street, in McLean County, Illinois.

Tract 2:

A part of Lot 30 in County Clerk's Subdivision of Section 10, Township 23 North, Range 2 East of the Third Principal Meridian, McLean Country, Illinois, more particularly described as follows: Commencing at a point on the South Line of Croxton Avenue in the City of Bloomington, Illinois, said point being 368.6 feet northeasterly of the Centerline of Indianapolis Street (as measured along said South Line); thence southwesterly 404.25 feet along a line which forms an angle of $33^{\circ}-18'$ from west to south from the South Line of Croxton Avenue to the Point of Beginning. From said Point of Beginning, thence southwesterly 23.45 feet along the Southwest Extension of the previously described course; thence southwesterly 102.50 feet along a line which forms an angle to the right of $177^{\circ}-37'$ from the previously described course to a point on the East Line of Indianapolis Street; thence southwesterly 109 feet along said East Line, said Line forming an angle to the right of $143^{\circ}-39'$ from the previously described course; thence northeasterly 138.37 feet along a line which forms an angle to the right of $71^{\circ}-12'$ from the previously described course; thence northwesterly 174.3 feet along a line which forms an angle to the right of $90^{\circ}-13'$ from the previously described course to the Point of Beginning; and also half of vacated Indianapolis Street west of and adjacent of said Tract 2, in McLean County, Illinois.

Tract 3:

A part of Lot 30 in County Clerk's Subdivision of Section 10, Township 23 North, Range 2 East of the Third Principal Meridian, described as follows:

PARCEL A:

Beginning at a point on the East Side of Indianapolis Street of the City of Bloomington, if extended, where said Street, if extended intersects the South Limits of the City of Bloomington, thence in a southerly direction parallel with the East Line of Indianapolis Street, if extended, 200 feet; thence in an easterly direction parallel with the South Line of said Limits, 200 feet; thence in a northerly direction parallel to the East Line of said Indianapolis Street, if extended, 200 feet to the South Line of said City Limits; thence in a westerly direction to the Place of Beginning, except, commencing at a point on a line running easterly from the East Line of Indianapolis Street, which line is parallel to and 200 feet southerly from the South City Limits of the City of

Bloomington, measured along the East Line of Indianapolis Street, which point is 81.7 feet easterly along said Line of Indianapolis Street; thence continuing easterly along said Line 118.3 feet to a point 200 feet easterly from Indianapolis Street; thence north and parallel to the East Line of Indianapolis Street, a distance of 47.3 feet; thence southwesterly on a curve to the left having a radius of 546.42 feet to the Point of Beginning, in McLean County, Illinois.

PARCEL B:

Beginning at a point on the East Line of Indianapolis Street of the City of Bloomington, if extended, 200 feet southerly from the South Limits of the City of Bloomington, thence easterly parallel to the South Line of said Limits 81.7 feet; thence southwesterly on a curve to the left having a radius of 546.42 feet to a point on the East Line of Indianapolis Street, if extended, 68.8 feet southerly from the Point of Beginning; thence northerly along the East Line of Indianapolis Street, if extended, 68.8 feet to the Point of Beginning, in McLean County, Illinois.

Tract 4:

A part of Lot 30 in County Clerk's Subdivision of Section 10, Township 23 North, Range 2 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois, more particularly described as follows: Commencing at the intersection of the West Line of said Lot 30 with the South Line of the Northwest Quarter of said Section 10, thence north $00^{\circ}-42'-40''$ west 50.12 feet on the West Line of said Lot 30 to the Point of Beginning; thence north $25^{\circ}-32'-06''$ east 295.37 feet; thence north $44^{\circ}-45'-34''$ east 132.45 feet; thence north $50^{\circ}-07'-10''$ east 33.00 feet; thence north $67^{\circ}-12'-34''$ east 23.24 feet; thence south $26^{\circ}-12'-38''$ east 325.91 feet to the Southeasterly Line of said Lot 30; thence south $61^{\circ}-31'-14''$ west 53.28 feet on the Southeasterly Line of said Lot 30; thence north $86^{\circ}-44'-06''$ west 321.39 feet parallel with the South Line of the Northwest Quarter of said Section 10 to the Point of Beginning, in McLean County, Illinois, excepting therefrom that part conveyed to the City of Bloomington in Warranty Deeds recorded July 2, 2008 as Document Numbers 2008-18376 and 2008-18377, in McLean County, Illinois.

NOTE: The above description does not include all property occupied by the current owner. Portions of the property as occupied were former railroad siding lease/easement areas that are no longer in use. These areas are not part of the property included in the above described tracts. Also, Tract 4 does not close mathematically so a revised description to eliminate gaps and overlaps and to encompass the property as occupied is as follows:

REVISED DESCRIPTION

A part of Lot 30 in County Clerk's Subdivision of Section 10, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, per plat recorded in Plat Book 2, page 426, in the McLean County Recorder's Office, more particularly described as follows: Beginning at the Northeast Corner of a parcel of land conveyed to the City of Bloomington, Illinois, per Warranty Deed recorded July 2, 2008 as Document No. 2008-18377 in said Recorder's Office. From said Point of Beginning, thence south 12.60 feet along the East Line of said Parcel to the Southeast Corner thereof; thence southwest 18.90 feet along the Southerly Line of said Parcel which forms an angle to the right of $252^{\circ}-11'-46''$ with the last described course to

the Southwest Corner thereof, said Southwest Corner being a point on the West Line of said Lot 30, said West Line also being the West Line of vacated Indianapolis Street per City of Bloomington Ordinance 1974-39 recorded as Document No. 74-4474 in said Recorder's Office and said West Line also being the East Right-of-Way Line of the former Illinois Central Gulf Railroad; thence south 747.78 feet along the West Line of said Lot 30 which forms an angle to the right of 107°-48'-14" with the last described course to the Northernmost Corner of a parcel of land conveyed to the City of Bloomington per Warranty Deed recorded July 2, 2008 as Document No. 2008-18376 in said Recorder's Office; thence southeast 90.14 feet (89.98 feet – deed) along the Northeast Line of said Parcel, said Line also being the North Right-of-Way of Lincoln Street in the City of Bloomington and said Line also forms an angle to the right of 110°-37'-44" with the last described course to the Easternmost Corner thereof; thence east 234.88 feet along said North Right-of-Way Line which forms an angle to the right of 163°-44'-55" with the last described course to the Southeast Line of said Lot 30, also being the Southeast Line of property conveyed to Hundman Oil and Lumber Company per Warranty Deed recorded June 23, 1977 as Document No. 77-8661 in said Recorder's Office; thence northeast 53.78 feet along said Southeast Line which forms an angle to the right of 148°-12'-41" with the last described course to the Easternmost Corner of property conveyed per said Document No. 77-8661; thence northwest 325.92 feet (325.5 feet – deed) along the Northeast Line of said Property which forms an angle to the right of 92°-17'-16" with the last described course to the Northernmost Corner thereof, said Northernmost Corner being on the East Line of property conveyed to Richard H. and Isabelle Hundman per Warranty Deed recorded May 3, 1973 as Document No. 73-4242 in said Recorder's Office; thence north 147.51 feet along said East Line which forms an angle to the right of 205°-04'-00" with the last described course to the Southeast Line of property conveyed to Ryder Transport, Inc. per Warranty Deed recorded May 15, 1986 as Document No. 86-6881 in said Recorder's Office; thence southwest 61.63 feet along said Southeast Line which forms an angle to the right of 71°-19'-46" with the last described course to the Southernmost Corner of said Property; thence north 174.30 feet along the Southwest Line of said Property which forms an angle to the right of 270°-12'-13" with the last described course to the Westernmost Corner of said Property; thence northeast 404.23 feet along the Northwest Line of said Property which forms an angle to the right of 237°-17'-54" with the last described course to the South Right-of-Way Line of Croxton Avenue in the City of Bloomington; thence southwest 366.75 feet along said South Right-of-Way Line which forms an angle to the right of 33°-25'-17" with the last described course to the Point of Beginning, containing 4.55 acres, more or less.

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Approval of 2010 Library Tax Levy Figure

RECOMMENDATION: That the 2010 Library Tax Levy figure be approved and a consolidated Tax Levy Ordinance be prepared upon adoption of the 2010 City Tax Levy.

BACKGROUND: It is a statutory requirement that on or before the last Tuesday of December, the Council approve and the tax levy be filed with the County Clerk. McLean County will access a tax rate to produce the dollars levied in this Ordinance. The current year's budget provides the authority to levy property taxes for the following year.

Council reviewed the estimated 2010 property tax levy of \$4,513,519 on October 25, 2010. In accordance with the direction set by Council, the 2010 property tax levy remained at the estimated amount of \$4,513,519. The 2010 Tax Levy Ordinance, if approved, would make various sums of money available to the Library for specified purposes through the collection of real estate taxes.

All statutory requirements have been met which include the adoption by Council of an estimated tax levy on October 25, 2010. A Truth in Taxation publication and hearing was not required because the percentage of increase of the 2010 Tax Levy did not exceed five percent, (5%). The recommended Library Tax Levy figure not including the City Tax Levy for 2010 is \$4,513,519. The final vote on the City's Tax Levy Ordinance will include the amount approved for the Library.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Community at large through a Work Session held on October 11, 2010 and the adoption of the estimated Tax Levy on October 25, 2010 by Council.

FINANCIAL IMPACT: The library property tax levy figure for 2010 represents a 0.00% increase over the 2009 Tax Levy.

The 2010 Library Property Tax Levy figure is projected to decrease .00377, which would produce a rate of \$0.25090. The tax rate assumes a one and half percent (1.5%) increase in Equalized Assed Valuation, (EAV). Actual assessed values will not be known until July, 2011. An increase above one and half percent (1.5%) would lower the tax rate below the current projection. The average assessed value increased 4.63% between 2004 and 2009. In 2009, the City's assessed value increased 2.52%.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Timothy Ervin
Director of Finance

David A. Hales
City Manager

Mayor Stockton opened the Public Hearing. He added that the Library Board would be given the opportunity to address the Council first. The Board would present the rationale for the proposed tax levy as it was the responsible party for the Library's operations. The Council set and approved the tax levy.

Bill Wetzel, 4 Prairie Vista Ct., addressed the Council as a Library Board member. He noted that Patsy Bowles, Board President, was out of town. He read from a prepared statement. The first point he made was that the relationship between the Board and Council was not an adversarial one. The Board and Council served the same constituents but were separate entities. The Board was not a taxing authority.

Mr. Wetzel informed the Council that the Library's budget for the coming fiscal year anticipated the same revenue as the current fiscal year. The City was in a similar situation and was considering a slight decrease to the tax rate. The Library Board created a fund balance account at the Council's request which equaled twenty-five percent (25%) of the Library's operating budget. The Library's primary revenue source was the property tax. The other revenue sources were unpredictable. The Library also receives some money from the state on a per capita basis. The Board had concerns about state payments. The reserve was the result of good planning. It addressed risks. In the past, the City funded the Library's capital needs. The Library's budget still has a twenty-five percent (25%) fund balance. The Capital Reserve Fund would address technology, bookmobile, etc. This fund would provide for the Library's current and future needs. Any funds in excess of twenty-five percent (25%) would be used to pay off the Library's loan for the addition.

He addressed the recent past and consideration of a branch library. The existing library was expanded and a funding agreement was reached with the City. It was a wonderful project and the Library paid off the City early. The Board's interest was in top level library services.

The Board was undergoing short and long term planning. It had reached out to the Town of Normal's Library regarding a virtual library. The Board was committed to working with other entities, (Town, County, schools). The Board was attempting to control costs and act responsibly. He hoped that the Council and the Board would be able to work through the issues by holding a joint session. The Library Board was also interested in new services. The Board hoped for a cooperative and responsive relationship. The Board oversaw the Library. He complimented the Library's staff which he described as professional and dedicated. He appreciated the opportunity to address the Council. He requested the Council's support.

Mayor Stockton expressed his willingness to sit down with the Council and Library and hold a Work Session to discuss the Library's plan.

Mr. Wetzel acknowledged the misunderstandings, perceptions and communication issues. The Board was willing to meet. There were joint responsibilities to the library community.

Alderman Sage questioned the fundraising efforts of the Board. Mr. Wetzel cited the miniature golf fundraising project. This outing was successful. The Friends of the Library have a foundation. Some library services are expected. The Board was sensitive to this issue. The Board members were not fundraisers. The Board was looking at this issue from a philosophical point of view. The Library was seen as a basic government service.

Alderman Sage expressed his appreciation regarding follow up. He had a better understanding of how the dollars were being spent. There was a better line of sight. The Board had not presented its position well in the past. Tonight, there was an organized approach. He appreciated the Board's willingness to share its plans and associated costs. He also appreciated the offer of a continued conversation. Mr. Wetzel expressed his opinion that the relationship needed to be healed. He restated the common community of interest regarding library services. Alderman Sage cited Mr. Wetzel's service on the Board. He noted the tremendous commitment as one served in a volunteer capacity. Mr. Wetzel enjoyed serving on the Board. He brought his talents. He noted the impact of the economy upon Library utilization.

Mayor Stockton cited a note to reduce the tax levy. The Council and Board were committed to communication. There would be a Work Session. The Council would have to make some value judgments. He noted that the Miller Park Zoo and Bloomington Center for the Performing Arts have conducted fundraising. Mr. Wetzel added that the Board had a committee.

Alderman Huette thanked Mr. Wetzel for his presentation and service on the Library Board. He stated that there had been misinformation. He believed that the Library Board intended to use Reserve Fund dollars to address operating costs and to reduce the tax levy. Mr. Wetzel noted the miscommunication. Alderman Huette addressed the issue of fundraising. He believed that people were passionate about the Library. He believed that there was an opportunity for private fundraising.

Alderman Stearns thanked Mr. Wetzel for his service on the Library Board. She also thanked those who were in attendance at this evening's meeting. She cited the Friends of the Library as a resource. She expressed her belief that the Library's Reserve Fund was beyond the City's policy. She questioned reduction in funding and/or services. She cited the cost of a new bookmobile and repairs for same. Mr. Wetzel noted that the repair costs were for repair of the existing bookmobile. The Library also purchased a new bookmobile. It was a question of how to serve the community. He cited the Library's recent audit. The Library Board's role was to protect the legitimate interest of the Library.

Alderman Purcell had received emails. He thanked those in attendance at this evening's meeting. He noted the miscommunication regarding Reserve Fund dollars. He cited the City's reductions to personnel, etc. He questioned, as a Council member, how to use property tax dollars in a responsible way. Mr. Wetzel noted that the Library Board recognized the Council's difficulties.

Alderman Fruin expressed his hope that those present at this evening's meeting would attend other Council meetings. The issue this evening was to address the Reserve Fund and the use of these dollars. He stated his interest in a time table from the Library Board for its plans.

Narendra Jaggi, 3117 Ridge Crest Dr., addressed the Council. He was employed by Illinois Wesleyan University and chaired the Physics Departments. He also served on the Library Board. He had taught on four (4) continents. He thanked the Council. He reminded them of America's system of public libraries. This was truly an American idea. The system of public schools and public libraries provided individuals with the opportunity to be whatever they might want to be. Public libraries act to nourish the mind in times of difficulty. Libraries provided access to knowledge and information.

Eric Decossas, 4 Downing Circle, addressed the Council. He questioned the Library's Reserve Fund which was over twenty-five percent (25%) of the Library's budget. There should be access to the Library's Capital Reserve Fund. He questioned the dollar amount.

Mayor Stockton noted that the Library Board would provide a cost breakdown with their plan. He believed the dollar figure was \$2.5 million. Mr. Wetzel added that this information was currently on the Library's web site. He believed that the Reserve Fund was at twenty-five percent (25%). At fiscal year end, the operating fund balance is transferred into the Reserve Fund. Mayor Stockton noted that the Library's annual budget was \$5 million. The Reserve Fund should be at least \$1.25 million. The Library's Reserve Fund was currently \$2.4 million. It appeared that \$1.1 million was needed for capital replacement items. Mr. Wetzel added that the Library had paid off its loan from the City early. Dollars were needed for Fixed Asset and Capital Replacement. He offered to obtain exact figures from Georgia Bouda, Library's Executive Director.

Karen Green, 2707 Crooked Creek Rd., addressed the Council. She stated that the Library was a valuable resource. The Library has a Reserve Fund. It was managing its funds well and planning ahead.

Mayor Stockton closed the Public Hearing.

Motion by Alderman Stearns, seconded by Alderman Purcell that the 2010 Library Tax Levy figure be approved and a consolidated Tax Levy Ordinance be prepared upon adoption of the 2010 City Tax Levy.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Approval of 2010 Tax Levy

RECOMMENDATION: That the 2010 Tax Levy be approved and the Ordinance passed.

BACKGROUND: It is a statutory requirement that on or before the last Tuesday of December, the Council approve and file the tax levy with the County Clerk. McLean County will access a tax rate to produce the dollars levied in the Ordinance. The current year's budget provides the authority to levy property taxes for the following year.

Council reviewed the estimated 2010 property tax levy of \$19,073,387 on October 25, 2010. In accordance with the direction set by Council, the 2010 property tax levy remained at the estimated amount of \$19,073,387. The 2010 Tax Levy Ordinance, if approved, would make various sums of money available to the City for specified purposes through the collection of real estate taxes.

All statutory requirements have been met which include the adoption of an estimated tax levy on October 25, 2010. A Truth in Taxation publication and hearing was not required because the percentage of increase of the 2010 Tax Levy did not exceed five percent, (5%). The total recommended tax levy not including the Library Tax Levy for 2010 is \$19,073,157 and is comprised of the following activities: General Corporate, IMRF Fund, Social Security, Fire Pension, Police Pension, and General Obligation (G.O.) Bond Fund. The Library's portion of the City tax levy will be passed by a separate vote of the Council.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Community at large through a Work Session on October 11, 2010 and the adoption of the estimated Tax Levy on October 25, 2010.

FINANCIAL IMPACT: The net recommended property tax levy for 2010 represents a 0.00% increase over the 2009 levy. The proposed levy reflects an increase in the levies for the annual requirement to fund the Fire Pension (9.34%) and Police Pension (5.58%) Funds as contemplated by Section 1-118 of the Illinois Pension Code. The Police and Fire Pension levies are controlled by state statute and the City has used a private actuarial service to calculate the minimum tax levy set by state statute. The City eliminated the Public Liability and Audit levy and lowered the Debt Service levy and General Corporate Purpose levy to offset the increased cost in the Police and Fire Pension levies.

The 2010 City property tax rate is projected to decrease .01589, which would produce a rate of \$1.06027. The tax rate assumes a 1.5% increase in Equalized Assed Valuation, (EAV). Actual assessed values will not be known until July 2011. An increase above 1.5% would lower the tax rate below the current projection. The average assessed value increased 4.63% between 2004 and 2009. In 2009, the City's assessed value increased 2.52%.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Timothy Ervin
Director of Finance

David A. Hales
City Manager

ORDINANCE NO. 2010 - 53

AN ORDINANCE LEVYING TAXES FOR THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS, FOR THE FISCAL YEAR BEGINNING MAY 1, 2010 AND ENDING APRIL 30 2011 FOR THE CITY OF BLOOMINGTON

Be it ordained by the City Council of the City of Bloomington, Illinois:

Section One. (a) The sum of Twenty-three Million Five Hundred Eighty-six Thousand Nine Hundred and six dollars (\$23,586,906) being the total sum of the appropriation heretofore legally made which is to be collected from the tax levy of the fiscal year of the City of Bloomington, McLean County, Illinois, beginning May 1, 2010 and ending April 30, 2011, for all corporate purposes and including General Corporate Purposes, Payment of Bonds and Interest on Bonds, Public Library, Fire Pension Fund, Police Pension Fund, Public Parks Fund, Fire Protection Fund, Police Protection Fund, IMRF Fund, and FICA Taxes Fund as appropriated for the fiscal year beginning May 1, 2010 and ending April 30, 2011 as passed by the City Council of said City at its regular meeting held on the 12th of April, 2010, shall be and the same is hereby levied on all taxable property within the said City of Bloomington, subject to taxation for said current fiscal year. The specific amounts as levied for the various objects heretofore named appear in the right hand column under the designation "Amount to be raised by Taxation", the said tax so levied being for appropriations heretofore made for said tax levy, the current fiscal year which are to be collected from said tax levy, the total amount of which has been ascertained as aforesaid for the objects and purposes as follows:

CITY OF BLOOMINGTON, MC LEAN COUNTY, ILLINOIS

(b) The tax rate against the said taxable property of the City of Bloomington for the year 2010 for and on account of the aforesaid tax levy be, and the same is hereby set for said taxable year as follows (\$1 difference due to rounding):

I.	General Corporate Purposes	\$1,927,000
II.	Police Protection Fund	1,354,332
III.	Fire Protection Fund	1,183,182
IV.	Public Parks	1,001,487
V.	Fire Pension Fund	3,407,498
VI.	Illinois Municipal Retirement Fund	2,502,956
VI.	FICA Taxes Fund	1,459,097
VII.	Police Pension Fund	4,057,967
VIII.	General Bond and Interest	2,179,867
XI.	Public Library Fund	<u>4,513,519</u>
		23,586,905

Section Two: The City Clerk shall make and file with the County Clerk of said County of McLean, a duly certified copy of this Ordinance; the amount levied by Section One of this Ordinance is required by said City to be levied by taxation as aforesaid and extended upon the

appropriate tax books for the fiscal year of said City beginning May 1, 2010 and ending April 30, 2011.

Section Three: If any section, subdivision, sentence or clause of this Ordinance for any reason is held invalid or to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance.

Section Four: Where a rate is shown in the Table in Section 1(b), the County Clerk is directed to levy a tax at that rate without regard to either statutory rate for such levy or the number of dollars shown in that fund. Where no rate is shown in the Table above, the rate of tax for each such fund shall be the rate necessary to collect the number of dollars levied by the City for such fund. The rate at which a tax shall be levied for General Corporate purpose shall be that rate necessary, after rates for all other funds are established, to result in a total levy of \$23,586,906.

Section Five: This Ordinance is enacted pursuant to and as an exercise of the City of Bloomington's authority as a home rule unit pursuant to Article VII, Section 6 of the 1970 Constitution of the State of Illinois. Any and all provisions of the Statutes of the State of Illinois regarding rates of tax are hereby declared to be superseded to the extent that they conflict herewith.

Section Six: This Ordinance shall be in full force and effect from and after its passage, signing, approval, and recording, according to law.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

PASSED by the City Council of the City of Bloomington, Illinois, this 22nd day of November, 2010.

APPROVED by the Mayor of the City of Bloomington, Illinois, this 23rd day of November, 2010.

CERTIFICATE OF COMPLIANCE
TRUTH IN TAXATION

I, Stephen F. Stockton, the duly qualified Mayor of the City of Bloomington, McLean County, Illinois, and the presiding officer of the City Council of said City, do hereby certify that the 2010

tax levy of said City attached hereto was adopted in full compliance with the provisions of Sections 4 through 7 of the Illinois "Truth in Taxation Act". The 2010 aggregate levy was less than 105% of the previous year's extension, so a public hearing and notice not was required.

IN WITNESS WHEREOF, I have pleaded my official signature on 24th of November, 2010.

Stephen F. Stockton
Mayor of the City Council of Bloomington

ATTEST:

Tracey Covert
City Clerk

Mayor Stockton noted that the City received thirteen percent (13%) of each property tax dollars.

David Hales, City Manager, addressed the Council. The total dollar figures included the Library's property tax levy. The increase to the property tax levy was zero. The property tax levy was the same as last year. The City must absorb increases to the pension funds, (Police, Firefighter and Illinois Municipal Retirement Fund/IMRF).

Mayor Council referred the Council to the property tax levy information.

Alderman Sage thanked Tim Ervin, Finance Director, for his information regarding the property tax system. He provided a better understanding of the system.

Mayor Stockton opened the Public Hearing.

Ashton Franklin, 5 Andy Ct., Unit 1, addressed the Council. He addressed his concern regarding the City's pension funds. The City needed to go beyond the minimum payments/contributions.

Mayor Stockton acknowledged that this was a real issue. Eighty (80) cities in Illinois have stated that the current pension systems were not sustainable. The General Assembly controlled pension legislation. He reviewed the pension benefits and their funding mechanism. The Police and Fire Pension Boards make investments as allowed under state statute. The Council looked at pension contributions. The City has a private actuary. The City was waiting for action by the state legislature. He encouraged citizens to contact their state legislators.

Mr. Hales stated that the City had recently addressed some immediate needs. The City was in the process of a long term financial plan. In addition, there would be a five (5) year Capital Improvement Plan. There needed to be adequate funding levels for pensions

and other post employment benefits. The City has made its pension contributions. The Council needed to address all of the City's critical needs.

Alderman Stearns noted that this topic had been talked about a number of times. She took promises seriously. She did not believe that the City had funded pensions adequately. The City was barely meeting its commitment to the Fire Pension Fund. She questioned/encouraged the public to look towards Springfield. The people of Illinois have made interesting choices. The Council needed to look at the number of City employees. This ordinance included a demand for additional City staff. The Council must act intelligently and be vigilant.

Mayor Stockton closed the Public Hearing.

Alderman Purcell thanked City staff for holding the tax levy.

Mayor Stockton noted that the Council was concerned about the tax burden placed on property owners. He noted the cooperation by City staff.

Motion by Alderman Anderson, seconded by Alderman Hanson that 2010 Tax Levy be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition submitted by Charles Frank Niepagen, Requesting Approval of an Annexation Agreement and Rezoning for land generally located north of Fox Creek Road and east of Interstate 55 from A, Agricultural District, to R-1A, Single Family Residence District

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

BACKGROUND: This case was heard by the Planning Commission on October 27, 2010, for review of the annexation agreement and on November 10, 2010 for a review of the rezoning. The Commission held a public hearing at each of these meetings. The petitioner and staff spoke at the meetings. No one from the public spoke in favor or against the request and the

commission voted 7 - 0 in favor of recommending approval of the annexation agreement and 5-0 in favor of recommending approval of the rezoning.

The petitioner ultimately desires to create a one (1) lot subdivision and then build a single family residence. The proposed zoning change is for low density residential and is compatible with the surrounding zoning. The petitioner has met and discussed changes to the annexation agreement with staff. The petitioner also is in agreement with all of the requested changes with the exception of the \$11,250 tap on fee for improvements to the Fox Creek Road.

The Planning Commission did not support the fee since the road was already in place and the Council has not put this fee in an Ordinance. Since this is an annexation agreement the City has the legal means to require the fee. Even though the City has not adopted an Ordinance, staff understands that this is the desired direction. At the Planning Commission meeting, staff was unable to establish whether the City has charged such a fee past, which appeared to influence the Commission's decision.

Since that meeting, staff has determined that there was a previous agreement where the fee was paid. The Hershey Grove LLC agreement contained a provision for a fee for the area near the southeast corner of Ireland Grove and Hershey, a road that had already been built and thus a precedent has been set.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notices in the newspaper, mailings to the nearby property owners, and a public notice/identification sign was posted on the property.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Mark Woolard
City Planner

Reviewed by:

Barb Adkins
Deputy City Manager

Reviewed by:

Mark Huber
Director of PACE

Recommended by:

David A. Hales
City Manager

ANNEXATION AGREEMENT

PURSUANT to legislative authorization found in Article 11 Division 15.1 of the Illinois Municipal Code of 1961, and as an exercise of the Home Rule powers of the City of Bloomington, and for and in consideration of the mutual promises contained herein and other good and valuable consideration, the undersigned CITY OF BLOOMINGTON, ILLINOIS, a Municipal Corporation, hereinafter referred to as “City” and CHARLES FRANK NIEPAGEN, hereinafter referred to as “Owner” of property, a legal description of which is included as Tract 1 on Exhibit “A”, AGREE AS FOLLOWS:

I. ANNEXATION PETITION. The Owner, subject to the terms and conditions set forth in this annexation agreement, has petitioned the City of Bloomington, requesting annexation of a tract of land described as Tract 1 on Exhibit “A” (hereinafter referred to as “the tract” or, after final platting of the tract and other property, as “the lot”) to the corporate limits of the City of Bloomington, Illinois. The City has heretofore published and given such notices and conducted such public hearings as may be required to annex the tract, including specifically a public hearing on this annexation agreement conducted after notice as required by law and ordinance on the 22nd day of November, 2010.

II. ANNEXATION. The City agrees to adopt an ordinance annexing the tract to the City of Bloomington within 30 days from the date of submission of an annexation plat depicting the area to be annexed and all required supporting documentation.

III. ZONING, CONCEPT PLAN APPROVAL, SUBDIVISION AND DEVELOPMENT.

A. Zoning - Within 30 days of annexation of the tract, the City agrees to rezone Tract 1 described on Exhibit A to R-1A Single Family Residence District. The public hearings required for such rezoning having been held before the Planning Commission of the City of Bloomington on the 10th day of November, 2010, after notice required by law and ordinance.

B. Subdivision Plan Approval - Within 60 days from the submission of a Final Subdivision Plat in the form and with the content required by the City’s Land Subdivision Code, the City agrees to approve a one lot Final Subdivision Plat for the property described as Tracts 1 and 2 on Exhibit A. No Preliminary Plan shall be required. The approval and recording of the Final Plat shall permit the conveyance of the lot. In connection with the subdivision and development of the lot, City agrees:

1. To permit the lot to be used as a single family dwelling, including customary accessory buildings. A private drive access to the lot from Fox Creek Road shall be established and maintained by the owners of the lot. Garbage pick-up shall be from Fox Creek Road.

IV. PUBLIC IMPROVEMENTS. With regard to the annexation, rezoning and approval of the final plat, the installation of public improvements within and serving the tract, and the use and development of the tract during the term of this Agreement, the following agreements and conditions shall apply in place of those that might otherwise apply during subdivision or development of the site:

- A. Streets & Sidewalks
1. (Owner's Position) Fox Creek Road - The owner may subdivide, develop and use the lot without any adjacent street improvement obligations or the payment of any tap-on fee or connection charge for access to Fox Creek Road.
- B. Water
1. Owner may tap and use a water main in the Fox Creek Road right-of-way, in which case Owner shall pay a tap-on fee of \$25.00 per lineal foot of contiguity (\$25 x 75 = \$1,875), payable at final platting. The water service line from the public main to the proposed single family residence shall be at owner's expense.
- C. Septic System
The proposed single family residence on the lot may be served by a private septic system meeting County Health Department standards. No public sanitary sewer extension shall be required and no tap on fee shall be payable.
- D. Storm Water Drainage
Owner agrees to discharge storm water to a pond on adjoining property. No other storm water detention requirements shall be imposed.
- E. Park Land Dedication
Owner agrees to pay a fee of \$351.00 in lieu of park land dedication per City Code at final platting, based on one additional dwelling unit.
- F. School Site Dedication
None required.
- G. Annexation Fee
Owner agrees to pay an annexation fee of \$540.41. The fee shall be paid at the time a building permit issues.
- V. The Owner, not later than thirty (30) days after the date of annexation of the Tract, shall file the necessary petitions to annex that area to the Central Illinois Regional (Bloomington-Normal) Airport Authority and Bloomington and Normal Water Reclamation District.
- VI. Except as provided in the agreement, the Owner shall in the use and development of the property comply with all then applicable zoning, subdivision, building and mechanical codes of the City.
- VII. This Agreement is declared to be enforceable by the parties for a period of ten (10) years from the date of its execution. Said Agreement is further binding upon the present Owners, their heirs, successors or assigns and upon the City of Bloomington's designated corporate authorities and successors in office.

DATED at Bloomington, Illinois, this 14th day of December, 2010.

CITY OF BLOOMINGTON,
ILLINOIS, A MUNICIPAL
CORPORATION

BY: Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

TRACT 1

Charles Frank Niepagen

ATTEST:

Karen E. Horn

EXHIBIT A

Tract 1

A part of Lot 2 in the Frank Niepagen Subdivision of Section 18, Township 23 North, Range 2 East of the Third Principal Meridian more particularly described as follows:

Commencing where the south line of Lot 2 intersects with the easterly right-of-way line of Interstate I-55, thence easterly along the south line of Lot 2 550 feet, thence northerly along a line parallel with the west line of Oakwoods Subdivision 326 feet, thence westerly parallel with the south line of Lot 2 505 feet, thence northwesterly parallel with the easterly right-of-way line of Interstate I-55 42 feet, thence westerly parallel with the southerly line of Lot 2 to a point of intersection with the westerly right-of-way line of Interstate I-55, thence southeasterly along said right-of-way line to the Point of Beginning.
(Part of 21-18-276-006)

Tract 2

A strip of land of even width extending between Tract 1 and Fox Creek road, being the westerly 75 ± feet of Lot 1 in the Subdivision of the East 44 acres of the Southeast ¼ of Section 18, Township 23 North, Range 2 East of the Third Principal Meridian.

(Part of 21-18-426-002)

Mark Huber, Director – PACE, addressed the Council. He noted the land parcel’s location. This item was only the Annexation Agreement. R – 1A, Single Family Residence District, zoning was requested. The land use was acceptable. The only remaining issue was fee application.

Todd Greenburg, Corporation Counsel, addressed the Council. He addressed the street tap on fee. An Annexation Agreement was a contract. The Petitioner has requested annexation. The Council had the authority to request payment for City’s costs to improve the road. This fee has been applied in the past. It was a tap on fee. The Council needed to decide whether to apply this fee or not. The Council had discretion.

Alderman Anderson noted the Council’s goal to hold the property tax levy and control costs. End users needed to pay City fees. The City cannot continue its past practices. End users need to pay.

Alderman McDade did not disagree. This agreement addressed a one (1) lot subdivision. There were different types of development. Mr. Hales noted the premise that developers must pay for future improvements. The City was asking the petitioner to reimburse the City for the cost of past improvements. An expenditure has been made. Alderman McDade stated that Fox Creek Rd. would have been improved.

Alderman Fruin noted that there was a difference between a development and a single lot subdivision. He deferred to City staff and Frank Miles, petitioner’s attorney. Fox Creek Rd. was built in 2003. He questioned how long the petitioner had owned this land.

Jim Karch, Public Works Director, addressed the Council. The fee was not for the entire road. The cost was \$150 per linear foot. The petitioner was only being asked to reimburse the cost for what was needed.

Mr. Greenburg noted the tap on fee was half the cost of a standard residential street. There was no right to annexation. The City determined the terms.

Mr. Hales added that the City has a practice to levy fees. City staff has tried to do same on this annexation.

Alderman Sage noted that the Planning Commission did not support imposing this fee. The fee was not listed in the ordinance. Mr. Huber noted that this fee was for road improvements to a substandard road. The road was already improved. The fee would be collected after the fact. He cited water mains and sewers. An Annexation Agreement was a contract and the City can ask for this fee. The Planning Commission was uncomfortable with this item. City staff has verified that this action has been taken in the past. Alderman Sage restated his belief that this was not contained in ordinance. Mr. Huber responded affirmatively.

Mayor Stockton opened the Public Hearing.

Frank Miles, petitioner's attorney, 202 N Center St., addressed the Council. He noted that sometimes an action can have significant impact on a few people. The petitioner has given their children five (5) acres to build a home on. The questioned of how to legally divide the land, determine the zoning authority and obtain City services needed to be addressed. If this development had been completed in the County, this would not have been a problem. The land is within one and a half, (1½), miles of the City. The petitioner needed the City's approval. The City recommended a Pre Annexation Agreement. The petitioner had paid a number of costs to annex. He objected to the street tap on fee. The City does not have to annex this land. The issue was before the Council. The Planning Commission agreed with his position. The road was already improved. The City does not need a bond. City staff claim a past precedent for. This claim was made after the Planning Commission's meeting. He noted the Hershey Center which was under a development agreement not an annexation agreement. This development agreement involved the Shirks and Unit 5. There was a substandard road fee contained in this agreement. This subdivision would generate limited activity. The Council had the power to decide. The issue was whether it should be applied. He noted the cost \$11,000 for a single family home or five percent (5%) of the cost of the home. The improvement to Fox Creek Rd. was linked to the bridge over the interstate. If eighteen (18) acres were developed in the future, then this should be done in compliance with City Code. This situation was not in the code. The rules were unknown and the application process needed to fair.

Alderman Sage noted that this development could have been addressed by the County. Mr. Miles noted that the land was within one and half (1½) miles of the City's corporate limits.

Alderman Fruin clarified that the Council was in transition. This fee would impact a few people. This was a subjective decision. Mr. Miles added that the petitioner would be replacing their grandparent's home.

Alderman Hanson noted that the City had invested in the road. The City was attempting to recoup its costs. Mr. Miles noted that this property was part of the bridge not the road.

Alderman Schmidt stated her understanding that the Planning Commission did not support this fee. Mr. Huber responded affirmatively. There was no evidence to support same at that time. Alderman Schmidt noted that the Council was being asked to reverse the Planning Commission's recommendation and charge a street tap on fee. Mr. Huber noted that this was the only disputed fee. Alderman Schmidt added that City staff had only acted as requested by the Council. Mr. Huber responded affirmatively.

Frank Niepagen, 1526 Six Points Rd., addressed the Council. He stated that this agreement did not represent a development. It would be two (2) homes with a pond. He expressed his interest in City water. He needed an entrance on to Fox Creek Rd.

Dennis Arnold, 504 N. Lee St., addressed the Council. Mr. Miles had covered a number of issues. The Planning Commission and City staff were looking for guidance and a policy. The impact of this Annexation Agreement was important. There would be an intersection next to a bridge. There was a future potential for the development of eighteen (18) acres with thirty-six (36) lots. This would impact future taxpayers.

Mayor Stockton read from the Planning Commission's minutes. Mr. Arnold stated that City fees would be used to replace property tax dollars.

Alderman Hanson noted on this item would place a hardship on a few people. The petitioner had paid some fees and requested that the street tap on fee be waived.

Alton Franklin, 5 Andy Ct., Unit 1, addressed the Council. He questioned the future. He added infrastructure costs. He anticipated future requests to waive fees. He believed this cost was reasonable.

Mayor Stockton closed the Public Hearing.

Alderman Sage expressed his appreciation for moving away from past practices. However, there was nothing in ordinance form. He supported City staff drafting verbage to formalize this type of action. He would not vote in favor of imposing this fee.

Alderman Hanson clarified that the Shirk/Unit 5 development involved a land deal. Comparing this development agreement to this Annexation Agreement was not fair. There was no City interest in this subdivision.

Alderman McDade stated her agreement to follow Carson Bise's, TishlerBise, advice. This fee addressed intent. The Council needed to continue to move forward and develop a good policy which would address when fees were not warranted.

Mr. Hales hoped that going forward City staff would have the Council's support. City ordinance could be amended to justify this fee. A priority list could be developed which would build the case for these fees.

Mr. Karch noted that City staff had not thoroughly researched this issue. City staff needed to know where the Council was at on this issue. This might be a transitional issue and there were pros and cons to same. He acknowledged that there were issues to address.

Mr. Hales noted that the costs were made by the state and not the City. Mr. Karch agreed that the road was part of the bridge project. The City was responsible for maintenance. There was not a set policy.

Mr. Hales addressed the development of impact fees. He recommended that City staff's recommendation be changed to remove the fee at this time. City staff had additional work to do to develop a policy.

Motion by Alderman Huette, seconded by Alderman Anderson that the Annexation Agreement be approved and the Mayor and City Clerk be authorized to execute the necessary documents, (with the street tap on fee).

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

Ayes: Aldermen Anderson, Huette, Stearns, Purcell, Schmidt and Mayor Stockton.

Nays: Aldermen Sage, McDade, Hanson and Fruin.

Motion failed.

Alderman Anderson accepted the Council's vote. He expressed his disappointment. He believed that fees needed to be applied. The Council needed to send a signal. The City was development friendly but developers needed to pay the appropriate fees. There was no gray area.

Alderman Schmidt stated that she did not understand. She also expressed her disappointment. She questioned when the Council would start to apply the fees. This item could not be viewed in isolation. The Council needed to move on. She noted Carson Bise's June 14, 2010 Work Session presentation to the Council.

Mayor Stockton believed that there needed to be a policy in place.

Alderman McDade expressed her frustration. She expressed her support for developer fees. This item was difficult. The petitioner's land was within one and half (1½) miles of the City's limits. The petitioner had no choice. The Council needed to maintain balance and consider property rights. This was a difficult item.

Alderman Purcell recommended that the fee be reduced for this item. Access would be granted through the parents' property.

Motion by Alderman Hanson, seconded by Alderman Sage that the Annexation Agreement be approved and the Mayor and City Clerk be authorized to execute the necessary documents, (without street tap on fee).

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

Ayes: Aldermen Huette, Schmidt, McDade, Anderson, Hanson, Sage, and Fruin and Mayor Stockton.

Nays: Aldermen Stearns and Purcell.

Motion carried.

The following was presented:

Presentation - FY 2010 – 2011 Street, Curb & Gutter, and Sidewalk Project Wrap Up – Jim Karch, Director – Public Works.

David Hales, City Manager, addressed the Council. He believed that it was time for celebration. The Council would not be asked to approve anything this evening.

Jim Karch, Public Work Director, addressed the Council. Citizens cared about City streets. During the 2010 construction season, the City spent \$4.2 million dollars on street resurfacing. The Council had approved the list of streets to be resurfaced. He addressed the Hamilton Rd. project. Two (2) lanes were open. This project was ahead of schedule and would be completed next year. The Council had been provided with a variety of maps, (Road Work Locations for 2010, Hamilton Road: Timerlake to Main, State Emergency Repair Program – State Funding Dollars, Location Map for MFT Resurfacing 2010 MFT Funds, Permanent Patching Location Map, 2011 Resurfacing – Preliminary List, Lafayette St. – Maple to Morrissey, Tanner St. – Estimated Construction Cost, Hershey Rd. Extension – south of Hamilton, and Road Work Locations for 2010).

Mr. Karch addressed the permanent pothole patching program. Equipment was purchased. City staff has driven City streets to select roads for this program. Citizens can report potholes via the City's web site or by calling into the phone system. He also addressed pavement markings. The work involved latex paint. Since June 2010, 200 miles of City streets have been marked. City staff utilized GIS (Geographic Information System) mapping to track same. He recognized the efforts of the various Public Works' crews.

He hoped to tighten up the schedule for the 2011 construction season. He cited the need for resurfacing dollars. He planned to present the Council with the proposed street list and a funding level request at their January 10, 2011 meeting. He planned to present the analysis of bids for the 2011 Street & Alley Repair and 2011 General Resurfacing at the Council's April 11, 2011 meeting. The City would be ready for the construction season.

The plan called for \$3 million in street projects. He reviewed streets in need of resurfacing. He noted a map entitled 2011 Resurfacing – Preliminary List. A table had been prepared entitled 2011 Resurfacing – Preliminary List. This table included future road needs with an outstanding total value over \$8 million. City staff's recommendations involved strategic selection. He called this the City's Pavement Management Program. There were MFT and General Fund projects. The Tanner St. project was critical. The extension of Hershey Rd. involved a transportation study.

Mr. Hales emphasized that the Council would be asked to approve the list of streets at their January 10, 2011 meeting. In calendar year 2011, City staff hoped to have the list of streets approved in November/December. He noted that there were accounting challenges. The key was to start the process quickly. The City needed to maintain a balance between General Fund and MFT projects. He noted that the City could not afford to spend \$7 million on street projects. The streets list was not complete. He noted that Tanner St. was a necessity. The City had an obligation to build Hershey Rd. He added that right of way needed to be acquired for the Lafayette St. project.

Tim Ervin, Finance Director, addressed the Council. He noted that the General and MFT Funds were two (2) separate funds. The MFT Fund involved state dollars. The City received approximately \$2 million per year in MFT dollars. The City must adopt a balanced budget.

Mr. Hales questioned how the City could afford a Pavement Management Program. The City needed to use planning with a purpose. The Council must set priorities. Carry over funds may be needed. City staff would put together a program. MFT funds were a greater challenge. He readdressed the Lafayette St. project. The City must acquire all of the right of way. The first year of this project addressed project design. The second year involved acquisition of right of way. The third year would be actual road construction. Funding was a critical issue. City staff needed to put together a plan.

Mr. Hales addressed the Hershey Rd. project. He believed that there would be a challenge before the ICC, (Illinois Commerce Commission), regarding an at grade crossing. Finally, he noted the need to increase funding for street resurfacing. He commended City crews assigned to pothole patching and pavement markings. He hoped to continue these efforts next year. Information would be posted on the City's web site for public comment.

Mr. Karch added that roads in poor condition had the added concern regarding the subgrade. Mr. Hales noted that a key concern was how much to spend on advance testing.

Mayor Stockton noted that the City did not have enough MFT Funds to address both projects, (Lafayette St. and Hershey Rd.).

Alderman Anderson expressed his concern regarding the Lafayette St. design. The street would not be design and constructed all the way to Main St. Mr. Karch acknowledged same. City staff was aware that this project involved Lafayette from Maple to Morrissey. The remaining portion of Lafayette St. was not included in the City's five (5) year plan.

Alderman Fruin recommended that the Council approve a change order based upon 2010 prices. Mr. Karch noted that City staff anticipated a cost increase. Mr. Hales added that City staff prepared estimates. Historically, these costs have been underestimated. In addition, there was the cost to acquire right of way.

Alderman Stearns noted the IEPA, (Illinois Environmental Protection Agency), loan for the Locust St. CSO (Combined Sewer Overflow) Elimination and Water Main Replacement project. She questioned payment for the pavement portion of this project. Mr. Karch noted that this would be dependent upon approval. The Sewer Fund was in the red.

Mayor Stockton encouraged the Council to take this information under advisement. He added that they should drive their wards. The street list would be finalized at the Council January 10, 2011 meeting. City staff was looking for the Council's input. He was proud of the City's accomplishments.

The following was presented:

SUBJECT: Reserve Policy

RECOMMENDATION: That the Reserve Policy be approved.

BACKGROUND: To set the City up in an optimal position to establish a long term financial plan, the City has begun to establish clear, concise financial policies. In March 2010, Council approved a revised, updated investment policy. A key trait of a financially stable organization is the establishment and maintenance of an appropriate fund balance among all City funds. The adoption by Council of a strong fund balance policy can send a clear message of fiscal sustainability to all City stakeholders. While the City has unofficially addressed the fund balance issue, it does not have a clear delineated policy to govern decision making and fiscal actions by its officials. This is essential, especially as the City strives to strengthen its financial position and restore trust among all stakeholders.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The draft of the Reserve Policy was presented to Council during a Council Meeting on November 8, 2010. At that time, staff was directed to proceed with placing the formal policy for Council approval on the November 22, 2010 meeting.

FINANCIAL IMPACT: The City currently accounts for approximately fifty-one (51) funds. The financial impact of a reserve policy will continue to impact the financial condition of the City as the General Fund balance is rebuilt to meet the requirements set forth within the City's General Fund in conjunction with the calculation of the "cash flow commitment" described within the policy. Furthermore, other City funds will be impacted as the fund balance or net assets are adjusted to meet the requirements set forth within the policy.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Timothy L Ervin
Director of Finance

Barbara J Adkins
Deputy City Manager

David A. Hales
City Manager

City of Bloomington Fund Balance Policy

Introduction:

The following represents a comprehensive reserve policy for the major funds of the City of Bloomington. One of the key components of a financially stable organization is the establishment and maintenance of an appropriate fund balance. The adoption by City Council of a strong fund balance policy can send a clear message to all city stakeholders. While the City of Bloomington has unofficially addressed the fund balance issue, the City does not have a clear delineated policy to govern decision making and fiscal actions by its officials. This is essential,

especially as the City strives to strengthen its financial position and restore trust among all stakeholders of the City.

Objectives:

1. ***Establish sound formal fiscal reserve policies*** -- These policies will form a foundation to ensure strong fiscal management and policy guide for current and future City decisions.
2. ***Build adequate unrestricted fund balance*** -- This action will provide the City with resources to stabilize the organization and position the City to address economic downturns and potential large scale emergencies. In addition, an adequate unrestricted fund balance will assist to minimize reactive decision making which may lead to poor choices and unpleasant consequences.
3. ***Restore credit rating*** – These policies will place the City in an optimal position towards meeting short-term and long term financial obligations, which will ensure the City will improve and maintain the utmost possible credit rating.

Background:

History:

The City's General Fund Balance has deteriorated over a period of several years as a result of City expenditures exceeding revenue. In fact, as of April 30, 2008, the City's General Fund unrestricted fund balance presented a bleak picture with an approximate balance of (\$108,000). This negative trend factored in with other low fund balances factored into the Standard & Poor and Moody Bond Rating decrease in 2009. This unrestricted fund policy recommends the City establish and maintain appropriate unrestricted fund balances to maintain all City funds at a minimum level. This action will allow adequate reserve levels to withstand short-term revenue and expenditure swings which can result in short term decisions with long term implications, mitigate the impact of economic downturns that result in reduced tax revenue from the State, respond to budgetary affects of natural disasters or catastrophic events, excessive liabilities or legal judgments against the City, and demonstrate a desire to restore its financial standing and gain credit worthiness of bond rating agencies and the financial community.

This policy acknowledges it will take multiple fiscal years to achieve the desired reserve balance within each fund; however, it is recommended that the unrestricted fund balance level for each fund be reached within five years. The key feature of this unrestricted fund balance policy is to encourage sound fiscal management practices that staff and the City Council may follow to restore the City's financial position. This goal has been supported by citizen participation in the formation of the City's Strategic Plan as well as citizen surveys.

Government Finance Officers Association (GFOA)

The Government Finance Officers Association (GFOA) recommends, "Governments establish a formal policy on the level of unrestricted fund balance that should be maintained in the General Fund. Such a guideline should be set by the appropriate policy body and should provide both a temporal framework and specific plans for increasing or decreasing the level of unrestricted fund balance, if it is inconsistent with that policy... Nevertheless, GFOA recommends, at a minimum, that general purpose governments, regardless of size, maintain unrestricted fund balance in their

general fund of no less than two months of regular general fund operating revenues or regular general fund operating expenditures...”¹

The Governmental Accounting Standards Board pronouncement #54 has identified five separate categories of fund balance. These categories are, “based upon the extent to which the government is bound to honor constraints on the specific purposes for which amounts are to be spent”.¹ These categories are titled non-spendable fund balance, restricted fund balance, committed fund balance, assigned fund balance, and unassigned fund balance. The total for the last three categories, which include resources where the only restriction placed upon these funds is imposed by the government itself, is termed unrestricted fund balance.

Bond Rating Agencies

Credit rating agencies consider fund balance and unrestricted fund balance policy as a critical component of strong municipal management. In particular, the rating agencies look for a unrestricted fund balance policy which is a clearly delineated fiscal plan that includes a fund balance target level and the instances in which unrestricted fund balance may be used; the unrestricted fund balance levels that are clearly linked to the government’s cash flow needs and the historic volatility of revenue and expenditures throughout economic cycles; and management historically adhering to the unrestricted fund balance policy. As noted by Moody’s investment services, “Municipalities need to consider whether to govern their unrestricted fund balance through formal policy or through targeted levels. Most lending institutions tend to favor formal reserve policies because they minimize political considerations of adequate reserve levels. Some lending institutions are comfortable relying on municipality’s long term adherence to more informal policies or targets, but informal policies have been associated with uneven financial performance”²

Scope:

The calculation of prudent unrestricted fund balance shall include consideration of the following factors:

1. Maintain Working Capital:
 - a. Maintain reserves to meet cash flow requirements.
 - b. Maintain revenues to provide contingencies for unpredictable revenue sources.
 - c. Maintain reserves to provide contingencies for unpredictable expenditures and emergencies (such as natural disasters).
2. Fund Capital Asset Replacement and Debt Retirement:
 - a. Accumulate reserves to provide funds for capital asset replacement.
 - b. Maintain reserves to meet debt covenants/requirements.

Application:

This reserve policy will apply to the following City funds:

- General Fund
- Special Revenue Fund(s)
- Debt Service Fund(s)
- Enterprise Funds(s)
- Internal Service Fund(s)

Calculation of General Fund Reserves:

- It is the policy of the City to maintain an unrestricted fund balance in the General Fund to fund operations for a period of at least two months termed “*Cash Flow Commitment*”. The “*Cash Flow Commitment*” is adjusted annually with the adoption of the annual budget and is calculated to meet the following goals:
 1. Maintain unrestricted fund balance to meet cash flow requirements.
 - Maintain a minimum of 1/12 of the current year budgeted wages and benefits in the General Fund.
 2. Maintain revenues to provide contingencies for unpredictable revenue sources.
 - Maintain a minimum of 20% of the current year budgeted Sales Tax, Home Rule Sales Tax, and the State Shared Taxes (Income, Local Use, and Replacement Tax).
 - Maintain a minimum of 10% of the current year budgeted Food & Beverage Tax, Hotel/Motel Tax, Package Liquor Tax, and Vehicle Use Tax.
 3. Maintain unrestricted fund balance to provide contingencies for unpredictable expenditures and emergencies (such as natural disasters).
 - Maintain a minimum of 5% the current year budgeted General Fund non-labor expenditures and transfers.
 - Maintain minimum reserve equal to \$250,000 for potential new expenditures to address growth of the community.

- As general guidelines, the “*Cash Flow Commitment*” calculation is expected to generate a total reserve amount that ranges from 10% to 15% of budgeted annual General Fund expenditures (including transfers).

- It is the intent of the City to limit use of General Fund balances to address unanticipated, non-recurring needs or known and planned future obligations. Fund balances shall not normally be applied to recurring annual operating expenditures. Reserves may, however, be used to allow time for the City to restructure its operations in a deliberate manner, but such use will only take place in the context of an adopted long-term plan:
 1. The early retirement of general long-term debt.
 2. For one time infrastructure expenditures that would benefit residents throughout the City of Bloomington that are included within the 5 year capital improvement plan.
 3. To increase reserve amounts to appropriate levels in other City funds that have a significant deficit with the approval of the City Council.

- In terms of the liquidation of the categories of fund balance, the City will spend the most restricted dollars before less restricted, in the following order:
 1. Non-spendable (if funds become spendable),
 2. Restricted,
 3. Committed,
 4. Assigned,

5. Unassigned.

- With the adoption of this policy, Funding of General Fund balance targets will come generally from one-time revenues, excess fund balance (e.g., unused or excessive assignments or commitments), and projected revenues in excess of projected expenditures . Until sufficient reserves have been accumulated it is likely the City will not have enough funds on hand to cover the “*Cash Flow Commitment*”. Nevertheless, staff will communicate the deficiency to the City Council and pursue the goal to accumulate sufficient reserves.
- Within the General Fund, the “*Cash Flow Commitment*” will be reported as unassigned for financial statement purposes; however, within other governmental funds this commitment will be reported as assigned.
- Until the City has restored the unrestricted fund balance of the General Fund, the City will finance capital equipment purchases on a pay as you go basis. Once the unrestricted fund balance has been reestablished, staff will prepare a formal policy to establish a fixed asset replacement program that all departments will fund to provide funds to finance future replacement of capital equipment.

Special Revenue Fund(s):

- The City will maintain a reserve in the City’s Special Revenue Fund(s) of 15% of the annual budgeted expenditures within each fund.
- Special Revenue fund reserve amounts in excess of 15% can only be used for the purpose designated by the fund. The excess unrestricted fund balance may be used to reduce user charges, purchase capital equipment and/or projects, or lower subsidizes the special revenue fund receives from other City funds. These actions may only take place until the unrestricted fund balance reaches the optimal reserve fund balance level of 15% of the annual budgeted expenditures.
- A minority of special revenue funds (Board of Elections, Sister City, Foreign Fire Insurance Board, and Library) have a separate Board which oversees the operations of the specific area. This policy recommends each Board adopt a reserve policy within a year of the adoption of this policy’s by the City Council. If a separate policy is not adopted, the special revenue fund will default to this policy.

Debt Service Fund(s):

- It is the policy of the City of Bloomington to assign a portion of Fund Balance for governmental debt at the end of the fiscal year in the amount of debt service payments that will be paid in the following fiscal year. These funds will be assigned within the Debt Service Fund.
- Debt Service fund reserve amounts in excess of debt service payments in the following year may only be used to reduce the amount of outstanding debt or to reduce the debt service property tax levy.

Enterprise Fund(s):

- By their nature Enterprise Funds do not report fund balance, but rather net assets. However it is crucial that the Enterprise Funds have an appropriate amount of working cash on hand to fund daily operations.
- It is the policy of the City to maintain working cash within the Enterprise Fund(s) to fund operations for a period of at least two months. The working cash will be adjusted annually with the adoption of the annual budget and is calculated to meet the following goals:
 1. Maintain cash flow requirements.
 - Maintain a minimum of 1/12 of the current year budgeted wages and benefits in each Enterprise Fund.
 2. Maintain revenues to provide contingency funds for unpredictable declines in revenue sources.
 - Maintain a minimum of 10% of the current year budgeted service fee revenue. The service fee will vary in accordance with the type of Enterprise Fund.
 3. Maintain working cash to offset contingencies for unpredictable expenditures and emergencies (such as natural disasters).
 - Maintain a minimum of 5% the current year budgeted Enterprise Fund non-labor expenditures.
 4. The City will establish a capital replacement program where it will be the goal of the City to include equipment and infrastructure replacement as part of the long term financial planning goal for each Enterprise fund. The methodology to accomplish this goal will be outlined within a separate policy.

Internal Service Fund(s):

- By their nature Internal Service Funds do not report fund balance, but rather net assets.
- It is the policy of the City to maintain working cash within the Internal Service Fund(s) to fund operations for a period of at least two months. The working cash will be adjusted annually with the adoption of the annual budget and is calculated to meet the following goals:
 - The City will maintain working cash within the Internal Service Fund(s) of 10% of the annual budgeted expenditures within these funds.
 - Internal Service fund working cash amounts in excess of 10% can only be used for the purpose designated by the fund. Excess working cash balances within the employee health insurance funds will be assigned to an Other Post Employment Benefit trust fund to fund the future health cost of City employees. Excess working cash balances within the casualty fund may only be assigned to pay for the claims of current or future City casualty liabilities. Finally (FY 2012), excess working cash balances for the fleet maintenance will be assigned to finance the replacement of vehicles in the following order: public safety, highway and streets, and parks and recreation.

Replenishment of Reserves:

Should a particular unrestricted fund balance fall below the anticipated level as stated within this policy, the City Manager will bring forward a plan as part of the subsequent fiscal year annual budget to the City Council to replenish the specific unrestricted fund balance in a reasonable timeframe.

Review of the Reserve Policy:

The City Manager or designee shall review the Reserve Policy at least annually. This review would examine the effectiveness of the current policy and would make recommendations for any modifications which may be prudent. This will ensure the policy remains current with general accounting and sound business practices as well as any regulatory and standard changes that may emerge over time.

City Council Oversight

The Director of Finance or designee shall incorporate a status report of the unrestricted fund balance within the annual financial report. The report will present each funds current fund balance and provide a comparison to the unrestricted fund balance established by within this policy

It is recommended that as a manner of policy, any changes, deletions, and additions to the reserve policy must be reviewed and approved by the City Council. The City Council shall review this policy and recommend any proposed changes every three years.

Once appropriate reserve levels have been established for each fund, any request for the use of unrestricted fund balance will be accompanied within the Council Memo by a current status report of the affected reserve fund

Citations:

- 1 “Appropriate Level of unrestricted fund balance in the General Fund” (2009). Government Finance Officers Association
- 2 “Fiscal Management/Reserves Are Essential to Fiscal Health.” John Incorvais, Moody’s Investment Services.

Glossary

Assigned Fund Balance: The portion of a Governmental Fund’s net assets classified to denote an intended use of resources.

Committed Fund Balance: The portion of Governmental Fund’s net assets with self imposed constraints or limitations that have been placed at the highest level of decision making.

Debt Service Fund: The Debt Service Fund accounts for the servicing of the general long-term debt not financed by a specific source. The Debt Service Fund is composed of the General Bond and Interest Fund, Market Square TIF Bond Redemption Fund, 2004 Coliseum Bond Redemption Fund, and the 2004 Multi-Project Bond Redemption Fund.

Enterprise funds: These funds are used to account for those operations that are financed and operated in a manner similar to private business or where the City has decided that the determination of revenues earned, costs incurred, and/or net income is necessary for management accountability.

Fund Balance: The net difference between a fund's assets and liabilities within a Governmental Fund in the financial statements.

General Fund: The General Fund is the government's primary operating fund. It accounts for all financial resources of the general government, except those required to be accounted for in another fund.

Internal Service: These funds are used to finance and account for services and commodities provided by designated departments or agencies to other department and agencies of the City.

Non-spendable Fund Balance: The portion of Governmental Fund's net assets that are not available to be spent, either short term or long term, in either form or through legal restrictions.

Restricted Fund Balance: The portion of a Governmental Fund's net assets that are subject to external enforceable legal restrictions.

Special Revenue Fund: Often certain revenues are raised for a specific purpose. For example, a government may levy a tax on gasoline with the express purpose of using proceeds to finance road maintenance and repair. Similarly, legal restrictions on grant proceeds often require that the proceeds be spent only for specified purposes. General Acceptable Accounting Procedures (GAAP) provide that special revenue funds may be used to, "account for the proceeds of specific revenue sources (other than ... for major capital projects) that are legally restricted to expenditures for specified purposes".

Unassigned Fund Balance: Available expendable financial resources in a government fund that are not the object of tentative management plan (i.e. designations).

Unrestricted Fund Balance: The total committed fund balance, assigned fund balance, and unassigned fund balance compose a funds unrestricted fund balance. These categories include only resources without constraint on spending or for which the constraint on spending is imposed by the government itself.

David Hales, addressed the Council. He respectfully recommended that the Council approve this item. The policy represented a good practice. It would be applied to all funds. He described it as a starting point which would be improved over time. The number one priority was the General Fund's reserve fund. He noted recent discussions with Standards and Poor.

Alderman Purcell informed the Council that he had met with Mr. Hales. He was interested in this policy and a good direction had been set by same.

Motion by Alderman Hanson, seconded by Alderman Schmidt that the Reserve Policy be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Election of Mayor Pro Tem

RECOMMENDATION: That an Alderman be elected as Mayor Pro Tem until May 1, 2013.

BACKGROUND: As Mayor, I respectfully nominate Alderman Karen Schmidt as Mayor Pro Tem.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Stephen F. Stockton
Mayor

Mayor Stockton recommended Alderman Schmidt be selected as Mayor Pro Tem for the remainder of his term. A Mayor Pro Tem acts as the Mayor when designated by Mayor. He cited an extended absence of the Mayor as an example.

Motion by Alderman Anderson, seconded by Alderman Hanson that Alderman Schmidt be elected as Mayor Pro Tem until May 1, 2013.

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

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

Nays: None.

Abstains: Alderman Schmidt.

Motion carried.

MAYOR'S DISCUSSION: Mayor Stockton reminded the Council that the final meeting of the year would be held on December 13, 2010.

ALDERMEN'S DISCUSSION: Alderman McDade thanked all for the improvement to the Citizens Voice meetings.

She wished all a Happy Thanksgiving.

Alderman Sage echoed Alderman McDade's comments.

Alderman Fruin described Constitution Trail as the City's number one park. He cited the Town of Normal's plan to reconstruction a bridge over Vernon Ave. These bridges must be pedestrian and bicycle friendly. He encouraged all to consider the big picture and identify dangerous spots along the Trail.

He also wished all a Happy Thanksgiving. He reminded those present of the Turkey Trot held on Thanksgiving at Miller Park.

Alderman Schmidt wished all a Happy Thanksgiving.

Alderman Purcell thanked City staff for their efforts regarding the Heritage Enterprises meeting. Mayor Stockton noted that this was a difficult issue and balance was key.

Alderman Purcell also wished all a Happy Thanksgiving and safe travels.

Alderman Stearns addressed fundraising and gifts to the City. She had served as the Tour Director a that the Bloomington Center for the Performing Arts. Tours were held on Mondays and scheduled as needed.

Alderman Anderson wished all a Happy Thanksgiving.

CITY MANAGER'S DISCUSSION: None.

Motion by Alderman Purcell, seconded by Alderman McDade, that the meeting be adjourned. Time: 10:40 p.m.

Motion carried.

**Tracey Covert
City Clerk**

JOINT MEETING
City Council/Cultural District Commission
June 11, 2012

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

Staff Present: David Hales, City Manager, John Kennedy, Director – Parks, Recreation & Cultural Arts, Tim Ervin, Performance Auditor/Budget Manager, Joel Aalberts, Performing Arts Manager, and Tracey Covert, City Clerk.

Others present: Jim Waldorf, Cultural District Commission (CDC) Chairman, Bruce Bergethon, CDC member.

The Joint Meeting was called to order at 4:45 p.m. Mayor Stockton welcomed those present. He introduced the Cultural District and the Bloomington Center for the Performing Arts (BCPA). Questions had been raised regarding same. Questions included the CDC's mission/role. The Council had questions which addressed the budget. He noted the philosophical issue of operating expenses versus revenue. These issues would be discussed at this meeting. The Council was interested in CDC's goals and expectations. There would be a general discussion between the Council and CDC. The two (2) groups needed to be on the same page.

David Hales, City Manager, addressed the Council. A packet had been prepared which included draft Budget Work Session Minutes from March 31, 2012. He noted the increased transfer into the BCPA in order to balance its budget. This action could not continue year after year. A dialogue would commence this evening which needed to address the fact that this transfer cannot be continued. He noted conversations with City staff. The fund balance had been used to address the structural deficit. The shortfall was \$500,000. He hoped that this would be the start of an ongoing discussion which would start with this joint meeting. Everyone involved needed to look at revenues and expenditures, and the possibility of any future transfer. There needed to be a clear understanding between the Council and the CDC. There needed to be reasonable alternatives. Both groups needed to look at profit and loss. He noted that a BCPA Show by Show Profit/Loss table had been provided. Cost recovery did not include staff salaries. The table only included direct costs.

The Council had compared the BCPA to the US Cellular Coliseum, (USCC). He noted the USCC's quarterly reports. These reports included all costs – salaries, benefits, etc. He noted the Cultural District's mission: "To create an environment where all forms of artistic expression are appreciated, encouraged and seen as a contribution to the quality of life in our community." He added that this was the CDC's early understanding. The Council had been provided with a historical document entitled Mission of the Cultural District. He addressed and recapped the Bloomington Center for the Performing Arts (BCPA) document prepared by Tim Ervin, Performance Auditor/Budget Manager. He

restated that this was a kick off meeting for the Council and CDC. Issues to be addressed included future transfer from the General Fund. In addition, critical questions would be addressed and clarified. There needed to be full communication and evaluation which were key before the Fiscal Year 2014 budget process.

Mayor Stockton restated that this was the first meeting between the Council and CDC. He hoped that the two (2) groups would reach an understanding. There needed to be change going forward.

Jim Waldorf, CDC's Chairman, read the Cultural District's mission statement. The City needed to realize the requirements of its citizens. This went beyond infrastructure and public safety. He noted quality of life issues. He added that there was no discussion of subsidy. A sales tax increase was enacted to assist the Cultural District and continue its mission. The Cultural District went beyond profit and loss. Its mission included offering culturally diverse programs. The CDC projected a program's cost and the Cultural District addressed funding. The question of subsidy was key. He noted that a variety of percentages had been cited.

Joel Aalberts, Performing Arts Manager, addressed the Council. He noted the subsidy dollars that had been provided to the BCPA.

Mr. Waldorf added that profitability could not be the lone issue. He added that in other cities cultural districts receive subsidies. He believed that the BCPA's numbers have shown improvement. The CDC planned to continue offering diverse programs.

Mr. Aalberts cited the goal of providing diverse programs with the support of tax dollars. There were programs which were not main stream. Forty percent (40%) of the BCPA's patrons attend diverse events. He described the BCPA as a community center. In 2011, the BCPA hosted 469 events. In 2012 to date, 250 events had been held at the BCPA. The facility was well used. The economic impact upon the community was over \$1 million based upon ticketed events. He added that over 37,000 people had attended these events. He believed that the economic impact was significantly higher as nonticketed events were not included in the figures presented. The BCPA was the anchor of the Downtown's north end. The BCPA had brought 500,000 people into the Downtown. He currently served on the Downtown Bloomington Association's board. The BCPA had a positive impact upon the Downtown. It offered affordable, family programs. In addition, there were signature events with higher ticket costs. The BCPA's offerings were diverse both culturally and economically. He was pleased to have the people's support.

Mayor Stockton noted the Council's expectations for the USCC. The goals were as follows: 1.) profit expectations which excluded building debt: set at break even; 2.) attendance: entertain as many people as possible; and 3.) collateral benefits. These goals addressed quality of life which must be balanced against profit. He cited economic impact upon the City and Downtown businesses. He noted subsidized events such as school outreach and nursing home programs. The USCC served as an anchor for the

Downtown's south end. These two (2) facilities helped to make the City a good place to visit/live.

Mayor Stockton welcomed the Council's comments and/or questions.

Mr. Hales addressed the new normal. He cited the great recession. The City was moved to take action. He cited the Council's concern regarding the tax burden. The City's labor costs were increasing. Funds were needed for investment in capital improvements. Revenue was not keeping pace with increasing costs. He cited pensions, labor and capital needs as examples. These factors were in contrast to quality of life issues. The Council needed to think about the future.

Alderman Fazzini addressed debt refinancing and potential cost savings. Tim Ervin, Performance Auditor/Budget Manager, addressed the Council. He noted that there were two (2) types of debt: fixed, (3.1 – 4%) and variable, (2.6%). Both were good rates. There were possible savings via accelerated (early) debt pay off.

Alderman Fazzini expressed his opinion that the bond payments could be lowered by refinancing the debt. He noted the confusion regarding the .0025 sales tax which he estimated at \$1.5 million. He cited the presentation to the Council when the .0025 sales tax was requested. These dollars estimated at \$2.2 million would make a difference. He added that the Convention and Visitors Bureau's figures do not appear on any profit/loss statement. He questioned if a contribution from the City represented a real number. He estimated the BCPA's economic impact at \$2 million. The City could put more emphasis on this facility.

He cited the Normal Theater which is subsidized by the Town of Normal. He noted that over time its purpose has changed. The focus was on movies. The Council may need to look at the BCPA's original purpose and be open to change.

Alderman Stearns requested clarification. She questioned the dollar total for the .0025 sales tax. Mr. Ervin stated \$2 - \$2.5 million. Alderman Stearns questioned the bond debt payment. Mr. Ervin stated \$800,000. Alderman Stearns questioned contributions to the Cultural District. Mr. Ervin noted that the amount had varied. He cited the dollar range. The current amount was \$1.4 million. Alderman Stearns questioned a \$2 million transfer. She also questioned the 37,000 attendance figure. Mr. Aalberts noted that this figure represented tickets sold. Alderman Stearns stated that patrons often purchase tickets for multiple events. Mr. Aalberts cited that there were 15,000 households that had purchased tickets. Alderman Stearns questioned ticket sales numbers from City residents. Mr. Aalberts noted that figures were presented by Illinois communities, US states and foreign countries. Alderman Stearns stated that the Cultural District's mission sounded wonderful. She requested that it be clarified. Mr. Waldorf noted that it required the joint effort of the CDC and the Council. Alderman Stearns requested that cultural diversity be defined. Mr. Aalberts cited classical music. If the performer is well known, the program will be expensive. Lesser known performers require marketing. The CDC also has tried different types of programs. The CDC has tried to draw people in with the goal of future

patronage. Well known performers tended to equal financially sound events. Alderman Stearns questioned a general culturally diverse event. Mr. Aalberts cited Mexican performers, Latino programs and Native American programs. These were not main stream programs. Dance events presented a unique opportunity.

Alderman McDade thanked those in attendance for coming. The goal was to have a conversation. There needed to be a sense of balance. She noted the new normal. She cited the City's finances. There were infrastructure shortfalls. She noted the City's labor costs. The Council was focused on basic needs. The Council's goal was fiscal stability. The CDC was formed at another time. The situation was different. The CDC needed to understand the Council's role. The Council was attempting to control costs. The Council had been direct in its conversation with the CDC. She questioned what adjustments had been made and if others were possible.

John Kennedy, Director – Parks, Recreation & Cultural Arts, addressed the Council. In 2009, the Cultural District was merged in the Parks & Recreation Department. Positions had been eliminated and reevaluated. There had been a change in leadership. The CDC has been attempting to find the right mix of programs. Pricing strategies had been readjusted. Global actions have taken a toll upon the City. The CDC and City staff were constantly looking at improvement. He believed that in order to reduce the deficit, the CDC would have to reduce programs.

Mr. Aalberts noted a new seating cost policy. The BCPA also has a liquor license. The 162 volunteers have provided over 80,000 hours of free labor. Event sponsorships have totaled \$40,000. He noted the BCPA's business relationship with area media, (newspaper and radio). The BCPA was the face of the City. It was important to provide diverse programs. Culturally diverse programs represented less than twenty percent (20%) of total programming. The BCPA had developed partnerships with local businesses, schools, etc. The BCPA has been awarded grant dollars to provide educational outreach. He hoped to expand the dialogue. The BCPA was a new venue. The CDC tried to research what would sell and the best pricing for same. It was a dynamic process which involved a number of elements.

Alderman Sage thanked the members of the CDC for their service as they volunteered their time. He did not intend to make a value judgment. The Council's decision was about priorities. He appreciated Mr. Hales' comments. The City's financial condition has changed and the Cultural District's goals needed to change. He addressed the total loss which was estimated at \$479,000. He noted the diversity of performances. The City was not the sole responsible party.

Mayor Stockton noted the listing of shows. He added that the USCC has a programming strategy. At this time, the Council was confident that the USCC would show a profit. The management company knows how to market the facility and has made better show selection. He noted the low attendance for some performances. He questioned if the BCPA was the right venue. The CDC needed to examine its marketing strategy. The figure for tolerable losses per year needed to be addressed by the Council and CDC.

Bruce Bergethon, CDC member, addressed the Council. He addressed the USCC. He noted that the building could be left dark or host a performance at a loss. He questioned how the decision is made. Mayor Stockton noted that the goal was to maximize attendance. He added that when the facility is dark that represented a loss. A balanced approach was needed. Profitability could be impacted by a single show. Mr. Bergethon noted the difficulty in the entertainment business to ensure profitability. He believed that the CDC had been on the large part successful. He noted the \$480,000 in losses. He believed that the numbers were balanced. He was concerned about any decrease to the number of shows. These actions could increase losses and decrease revenues. Mayor Stockton noted that the goals for the two (2) facilities may not be the same. There needed to be an understanding between the Council and CDC.

Alderman McDade questioned the difference between profits versus subsidy level. There was no magic formula. There was no agreement between the Council and CDC regarding subsidy level. The current path was not sustainable. The subsidy level needed to be clarified. The Council and CDC needed to define what success looked like. The conversation needed to continue. There needed to be a shared understanding.

Alderman Anderson requested that the CDC document the loss leaders. An evaluation needed to be done which addressed show rankings. Mr. Aalberts stated that the CDC has learned from event history. There were performers which have not been brought back. The model has been changed. He added that conflicts in the community can impact sales. Alderman Anderson requested additional information. Mr. Aalberts believed that the CDC needed a realistic goal. The City needed to balance support and programming. Alderman Anderson stated that he did not support increasing the number of programs. Mr. Aalberts noted that the goal was to offer the right programs.

Alderman Fazzini stated that the Council was a policy making entity. He believed that the Council had been provided with too many details. He cited the City's golf courses as an example. The subsidy and its percentage was a policy decision.

Alderman Purcell had read the information provided. In 2002, the Council set a cap at \$1.5 million. He noted that the bond payment amount was increasing. He believed that the City needed to return to the \$1.5 million. He noted the need for a second ice sheet. He recommended that the .0025 sales tax be divided. This action would reduce the subsidy to the BCPA.

Mr. Kennedy addressed budget preparation. He hoped the discussion between the Council and the CDC would continue. He questioned the City's intention for the sales tax increase.

Alderman Mwilambwe questioned the next steps. He had worked with Mr. Aalberts. The issue was more complex than it appeared. He planned to become more educated about the BCPA's daily activities and the number of shows. Mr. Aalberts stated that there was not a quick answer. He encouraged all present to attend a show at the BCPA and experience same. The CDC has done research and developed a process for

performance selection. He believed that the BCPA encouraged its patrons to visit other Downtown businesses.

Mr. Kennedy addressed artist availability. Alderman Mwilambwe noted that show selection was not a science. Mr. Aalberts added that a performance season was only as good as what performers were available.

Mayor Stockton addressed two (2) key questions: 1.) where to go from here and 2.) what was affordable? The Council needed to set priorities. The CDC needed to address goals and strategies. The Council should not micromanage the CDC. The Council controlled the budget.

Alderman McDade questioned the subsidy level that the CDC could live with.

Mayor Stockton encouraged the CDC to spend prudently. The Council was concerned about quality of life. The BCPA was a beautiful building. This was a good challenge to have. He thanked the CDC members for their service to the City.

There being no further business the meeting adjourned at 6:00 p.m.

Respectfully submitted,

Tracey Covert
City Clerk

CITIZEN VOICE
Miller Park Pavilion
September 26, 2012

Council Present: Alderman Mwilambwe, Fazzini, Stearns, Purcell, Fruin, Anderson, McDade, Sage, Schmidt and Mayor Stockton.

Staff Present: David Hales, City Manager and Renee Gooderham, Chief Deputy City Clerk.

Staff Absent: Tracey Covert, City Clerk.

Mayor Stockton called the meeting to order at 6:00 p.m. He made a few opening comments and welcomed those in attendance. Citizen Voice meetings provided City residents the opportunity to communicate on city related topics. He reviewed the guidelines. Citizens would be requested to complete a topic card. Elected officials and/or staff may make a few comments if applicable.

This was the third (3rd) Citizen Voice meeting in 2012.

He introduced the Council member, David Hales, City Manager and Renee Gooderham, Chief Deputy City Clerk. He also introduced City staff present, (department heads). He encouraged those present to avoid repetition. The meeting would be limited to ninety (90) minutes.

CITIZEN'S COMMENTS

Ron Schultz, 1208 E. Oakland Ave. Oakland Ave. traffic and safety. Oakland Ave. has commercial businesses on the west and east ends. A meeting had been held at Washington Elementary School (WES), 1201 E. Washington referencing traffic on Washington St. He believed Oakland Ave. and Grove St. were worse.

Mayor Stockton stated he had attended the meeting at WES. There were numerous traffic and safety concerns throughout the City. A study of traffic on Washington St. indicated a decrease in same. Lincoln St. was open and busy. Citizens were using streets to go around Veterans Parkway/155. He suggested controlling speed.

David Hales stated the Staff Traffic Advisory Committee (STAC) received citizen complaints and intersection proposals. The new speed trailer was anticipated in the next couple of days. The trailer would allow daily computer results indicating number of cars and top speed. STAC would review same to determine concerns.

Mr. Schultz questioned hiring a consultant. Mr. Hales responded that Country Club Dr. and Washington St. (around the school) were being reviewed for possible speed humps. He suggested Mr. Schultz submit his concerns to STAC. STAC would review and provide feedback.

Mayor Stockton questioned using speed cameras. Randy McKinley, Police Chief, responded negatively. Public reaction to same is varied.

Marlene Gregory, 405 E. Stewart. Detention basin. There was a detention basin behind her home. She believed it was one of the worst in the city. She had contacted Alderman Anderson about same. She expressed her appreciation for his assistance. The basin had not been mowed this year. She expressed her concern regarding West Nile virus. She questioned placement of mosquito biscuits.

David Hales, City Manager, explained that the Parks, Recreation and Cultural Art Department had been given the responsibility for mowing a few years ago.

John Kennedy, Parks, Director Recreation and Cultural Arts Department, confirmed that this particular detention basin had fallen off the maintenance list. He would look into same. The McLean County Health Department no longer provided mosquito biscuits.

Julian Sigler, 904 W Grove St. Public Survey. He questioned who designated the questions and who received same. He believed they should be sent to all citizens.

Mayor Stockton stated surveys should be random. That surveys were not sent to all citizens due to cost.

Alex McElory, Asst. to the City Manager, addressed the Council. The citizen survey was completed in 2009. He explained there were two (2) technical theories for surveys: 1.) targeting specific wards and 2.) targeting specific focus groups. The methods varied. According to the 2009 Citizen Survey Report the City needed 378 completed surveys to achieve statistical validity. 459 surveys were returned.

Mayor Stockton questioned selection of the 2009 surveyors. Mr. McElory believed GIS was used.

Mr. Hales stated surveys were used as a tool for Council.

Gene Harvey, 601 Cheshire Dr. Managed Competition for Solid Waste. He questioned the use of independent contractors and citizens' cost. He expressed his appreciation to the refuse staff. He was concerned that a decision had not been made. He believed staff deserved an answer so they could move on with their lives.

David Hales, City Manager, stated the recession was a wake-up call across the nation. Citizens wanted municipalities to spend money wisely. Council wanted cost effective services. He explained that managed competition did not mean services would be outsourced. Factors to consider were: 1.) pros and cons of outsourcing; 2.) City covering full cost of program; and 3.) loss of dedicated staff. Improvements to services and cost needed to be reviewed continuously. He stated there would be discussions with staff to compare the City's cost versus the private sector. The transition from manual collection to automated collection would reduce manpower. He expressed his appreciation to staff.

Dennis Arnold, 504 N. Lee. Storm Water Fee and Debt/Revenue Ratio. He questioned the Storm Water fee rate. He believed the debt ratio was under sixty percent (60%).

Kevin Kothe, City Engineer, stated in 2004 a three (3) tier system was established based on gross square footage. The residential tier was: under 7,000, 7,000 – 12,000 and over 12,000. Commercial property was viewed on GIS, (Geographic Information System), and billed on the impervious area and how much run off was anticipated.

Patti-Lynn Silva, Finance Director, stated that the \$80,000 debt would depend on funding. Currently, the fees for storm water cannot cover operations.

David Hales, City Manager stated that impact fees could be established for new developments. The fee would be for on and off-site run off. Refinancing provided debt savings. He anticipated in ten (10) years fifty percent (50%) of long term debt would be paid off.

Mr. Hales stated a Capitol Project Master Plan was being looked into. The master plan would address: 1.) conditions; 2.) currently serve and projected needs; 3.) time line and 4.) fee coverage. Debt financing would be involved.

Nancy Marcinizc, 508 Seville, Apt #3. Code Violation recourse for apartment dweller. She questioned who to report code violations to.

Mark Huber, Director PACE, asked Ms. Marcinizc to meet with him after the meeting. He also provided the office phone number.

Karen Green, 2707 Crooked Creek Rd. Public Survey. She questioned the age groups targeted for the last public survey, how it was distributed and who determined the questions. She believed citizens were informed. She question if complete council meetings were aired on WJBC.

Mayor Stockton believed the entire council meetings were aired on WJBC.

David Hales, City Manager, stated the 2009 survey was modeled after a national citizens group. Questions were given to Council to review prior to release. The goal was a return of 500. The surveys were mailed to the selected citizens. A specific response date was given. Some responses were received late. The responses were added to the database but not to the final response figures.

Ms. Green questioned the twenty percent (20%) response rate. She suggested inserting same into water bills. She questioned Council's response to results.

Mayor Stockton stated Council was provided results on January 25, 2010.

Jay Hickey, 7 Kensington Cir. Public Survey. He questioned the dollar amount spent on the survey.

David Hales, City Manager, stated the cost was under \$10,000 and completed in house.

Dennis Arnold, 504 N. Lee. Noise Ordinance. He questioned the noise ordinance.

David, Hales, City Manager, stated the current noise ordinance survey was being removed from the web site. Corporation Counsel staff would be conducting further research based on comments received. Another draft would be developed, presented to Council and posted on the City's web site.

Mayor Stockton stated good points had been raised. He cited examples such as barking dogs, construction work beginning 6 or 7 a.m.

Susan Schafer, 1404 Steeplechase Dr. Agendas and minutes posted for all Boards and Commissions on web site. No comments.

Mayor Stockton stated the new web site has the capability. This was a work in progress. There were meeting agendas and some minutes posted currently.

David Hales, City Manager, stated that Katie Buydos, Executive Secretary, was currently working on posting each board/commission role and names of individuals serving on same. He anticipated completion by year end.

Mayor Stockton thanked everyone for attending this evening's meeting. Attendance had declined. Meeting could be deduced to twice a year.

There being no further business the meeting adjourned at 7:10 p.m.

Respectfully submitted,

Renee Gooderham
Chief Deputy City Clerk

FOR COUNCIL: November 13, 2012

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, November 8, 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)

Attachment: Attachment 1. Bills and Payroll on file in the Clerk’s office. Also available at www.cityblm.org

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

FOR COUNCIL: November 13, 2012

SUBJECT: Petition from Deneen Brothers Farms, LLC requesting approval of an Expedited Final Plat for Deneen Section 17 Subdivision located east of Towanda Barnes Rd. and south of Ireland Grove Rd.

RECOMMENDATION/MOTION: That the Petition be accepted with the understanding that the bonds and fees be waived until future development occurs and that they be collected at the then current rate at the time this land is further subdivided for development, the Final Plat be approved and the Ordinance passed.

BACKGROUND: This final plat consists of one (1) lot, (21.33+/- acres), and one (1) outlot, (6.86+/- acres), located on the east side of Towanda Barnes Rd. and south of Ireland Grove Rd. The land is currently farmed and zoned agricultural.

This land is subject to an Annexation Agreement for the Grove Subdivision, (formerly Eastlake), that was approved by Council on September 26, 2005. The annexation of this land to the City was approved on May 8, 2006.

The petitioner requests that any bonds and fees be waived at this time. The current intention is to continue to use this land for farming. The petitioner desires to sell Lot 1 to another farming operation.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Deneen Brothers, LLC, petitioner.

FINANCIAL IMPACT: The petitioner has asked for the waiver of bonds and fees until future development occurs and that they be collected at the then current rate at the time this land is further subdivided for development. The cost of all documents, platting, and recording will be borne by the petitioner. The petitioner paid \$110, (\$100 plus \$5 per lot), as required by the Subdivision Code to file this expedited final plat with the City.

The current Annexation Agreement states on Page 5; “Nothing in this agreement shall be construed as relieving Searls or Deneen from their responsibility to meet the code requirements for adjacent substandard street(s) at such time as they subdivide adjacent property.”

The current substandard road fee is \$175 per lineal foot, (LF), which is for half the cost of a thirty foot, (30’), wide street. This subdivision has 1,412.38 feet of frontage along Ireland Grove Rd. At the current rate of \$175/LF, the substandard road fee for Ireland Grove Rd. would be \$247,166.50, (1,412.38 x \$175). A substandard road bond would be \$271,883.15 which equals 110% of the total fee. The substandard road fee is expected to increase in the future.

Since this land is currently zoned agricultural, there is currently no parkland dedication requirement. Tap on fees for sewer and water will be due, in the future, when there is a need to

connect to water and sewer. Currently, there is no public sewer to serve this location. A public sewer will need to be constructed to tie into the trunk sewer in the Grove Subdivision which is a tributary to the Kickapoo Pump Station.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

Jim Karch
Director of Public Works

J. Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

- Attachments:**
- Attachment 1. Petition
 - Attachment 2. Legal Description
 - Attachment 3. Ordinance
 - Attachment 4. Legal Description
 - Attachment 5. Certificates – Owner’s, County Clerk’s, School District
 - Attachment 6. Drainage Statement
 - Attachment 7. Location Map
 - Attachment 8. Final Plat

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

Description of Property

A part of the Northwest Quarter of Section 17, Township 23 North, Range 3 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Beginning at the Northwest Corner of said Northwest Quarter. From said Point of Beginning, thence south 300.04 feet along the West Line of said Northwest Quarter; thence east 1292.14 feet along a line 300.00 feet normally distant south of and parallel with the North Line of said Northwest Quarter, and which line forms an angle to the right of $90^{\circ}-54'-21''$ with the last described course; thence south 965.08 feet along a line parallel with said West Line which forms an angle to the right of $269^{\circ}-05'-39''$ with the last described course; thence east along a line to a point on the East Line of said Northwest Quarter lying 1248.53 feet south of the Northeast Corner thereof; thence north 1248.53 feet along said East Line to the Northeast Corner thereof; thence west along the North Line of said Northwest Quarter to the Point of Beginning, excepting therefrom, the tract of land described and conveyed in Deed Book 720, page 11, recorded September 11, 1961 as Document No. 13704 in the McLean County Recorder's Office; also except that portion of Ireland Grove Road per Document No. 2007-6432 in said Recorder's Office; also except that portion of County Highway 29 (Towanda Barnes Road) per Document No. 2001-5022 in said Recorder's Office.

EXHIBIT "A"

ORDINANCE NO. 2012 - _____

**AN ORDINANCE APPROVING THE EXPEDITED FINAL PLAT OF THE
DENEEN SECTION 17 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 Deneen Section 17 Subdivision, legally described in Exhibit "A" attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition requests approval pursuant to the Expedited Final Plat process; and

WHEREAS, the following exemptions or variations from the provisions of the Bloomington City Code-1960, as amended: None; 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, approval of the Final Plat under the Expedited Final Plat process is 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 Deneen Section 17 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 13th day of November, 2012.

APPROVED:

Mayor

ATTEST:

City Clerk

Description of Property

A part of the Northwest Quarter of Section 17, Township 23 North, Range 3 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Beginning at the Northwest Corner of said Northwest Quarter. From said Point of Beginning, thence south 300.04 feet along the West Line of said Northwest Quarter; thence east 1292.14 feet along a line 300.00 feet normally distant south of and parallel with the North Line of said Northwest Quarter, and which line forms an angle to the right of $90^{\circ}-54'-21''$ with the last described course; thence south 965.08 feet along a line parallel with said West Line which forms an angle to the right of $269^{\circ}-05'-39''$ with the last described course; thence east along a line to a point on the East Line of said Northwest Quarter lying 1248.53 feet south of the Northeast Corner thereof; thence north 1248.53 feet along said East Line to the Northeast Corner thereof; thence west along the North Line of said Northwest Quarter to the Point of Beginning, excepting therefrom, the tract of land described and conveyed in Deed Book 720, page 11, recorded September 11, 1961 as Document No. 13704 in the McLean County Recorder's Office; also except that portion of Ireland Grove Road per Document No. 2007-6432 in said Recorder's Office; also except that portion of County Highway 29 (Towanda Barnes Road) per Document No. 2001-5022 in said Recorder's Office.

EXHIBIT "A"

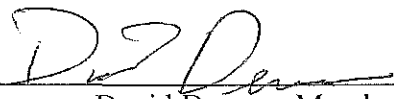
OWNER'S CERTIFICATE

STATE OF ILLINOIS)
)
COUNTY OF McLEAN)

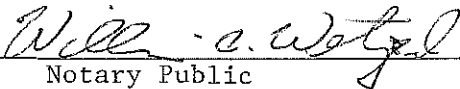
KNOW ALL MEN BY THESE PRESENTS, That I, the undersigned, hereby certify that I am the owner of all the premises embodied in the attached Plat of **DENEEN SECTION 17 SUBDIVISION** to the City of Bloomington, McLean County, Illinois, and that I have caused said plat to be made and that it is a true and correct plat of **DENEEN SECTION 17 SUBDIVISION** to the City of Bloomington, McLean County, Illinois, as laid off into lots and streets by Brent A. Bazan, Professional Land Surveyor No. 3715; and I, the undersigned, hereby dedicate and set apart to the City of Bloomington for general, public, and utility purposes, (and further dedicate the public use areas as shown on said plat) the areas shown as dedicated thereon.

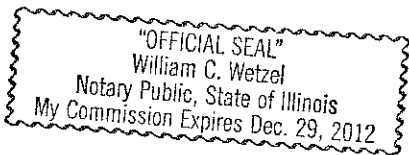
IN WITNESS WHEREOF, I have executed this Owner's Certificate this 23rd day of October, 2012.

DENEEN BROTHERS FARMS, LLC

By: 
David Deneen, Member

Subscribed and sworn to before
me this 24th day of October, 2012.


Notary Public



COUNTY CLERK'S CERTIFICATE

STATE OF ILLINOIS)
) SS.
COUNTY OF McLEAN)

I, Kathy Michael, County Clerk of McLean County, State of Illinois, do hereby certify that on the 23rd day of October, 2012, there were no delinquent general taxes unpaid, special assessments or delinquent special assessments against the tract of land shown on the plat of **Deneen Section 17 Subdivision** attached to this Certificate and described in the Certificate of the Surveyor attached hereto and to said plat.

Kathy Michael
County Clerk, McLean County, Illinois

(SEAL OF SAID COUNTY)

DENEEN SECTION 17 SUBDIVISION

TAX ID: 22-17-100-004

SCHOOL DISTRICT CERTIFICATE

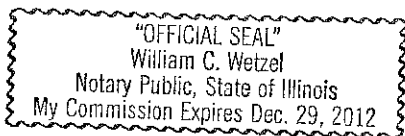
I, DAVID DENEEN, a Member of Deneen Brothers Farms, LLC, developer/owner of the property described in the Surveyor's Certificate of the tract of land platted as **Deneen Section 17 Subdivision**, certify that to the best of my knowledge and belief that said platted land is located within the boundaries of Unit 5, in McLean County, Illinois.

DENEEN BROTHERS FARMS, LLC

By: *David Deneen*
Member

Subscribed and sworn to before
me this 24th day of October, 2012.

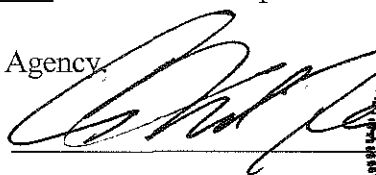
William C. Wetzel
Notary Public



DRAINAGE STATEMENT

I, C. Neil Finlen, Registered Professional Engineer, and Deneen Brothers Farms, LLC, being the owner(s) of the premises heretofore platted by Brent A. Bazan, Illinois Professional Land Surveyor No. 3715, to be and become "Deneen Section 17 Subdivision" in the City of Bloomington, McLean County, Illinois, do hereby state that to the best of their knowledge and belief, the drainage of surface waters will not be changed by the construction of said Subdivision or any part thereof; or that if such surface waters drainage will be changed, reasonable provision has been made for collection and diversion of such surface waters into public areas or drains which the Subdivider has a right to use and that such waters will be planned for in accordance with generally accepted engineering practices so as to reduce the likelihood of damage to the adjoining property because of the construction of the Subdivision.

I further state that all or portions of Lots None are within the Special Flood Hazard Area as identified by the Federal Emergency Management Agency.



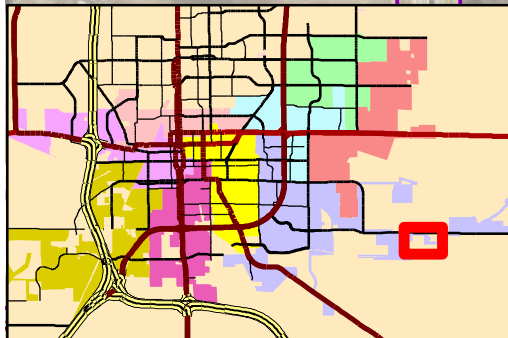
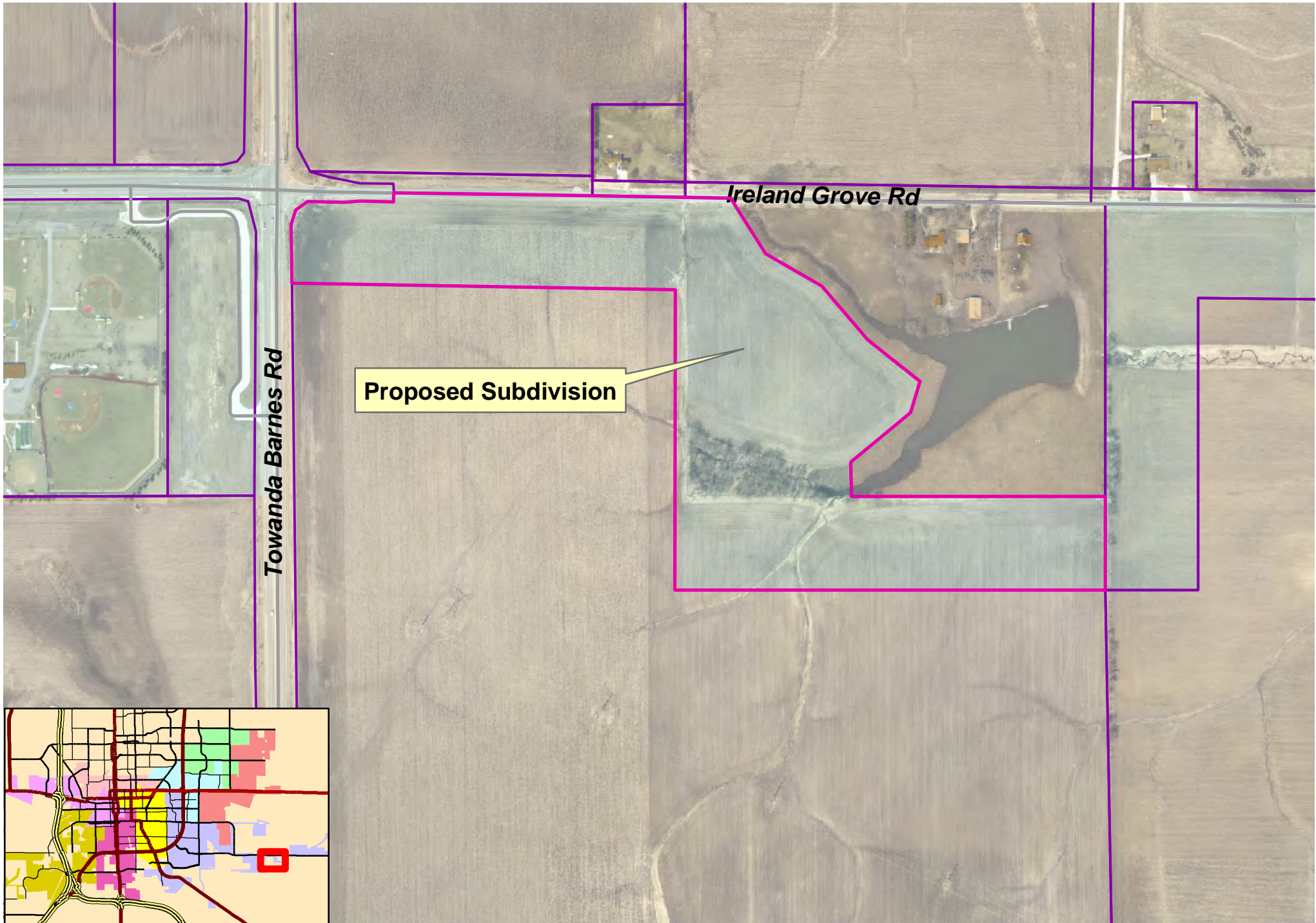
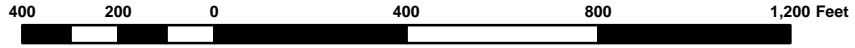


Registered Professional Engineer No. 39367

OWNER(S):

BY: Dal Deven

Deneen Section 17 Subdivision



DENEEN SECTION 17 SUBDIVISION

PART OF NW 1/4 SEC 17, TOWNSHIP 23 NORTH, RANGE 3 EAST OF THE THIRD PRINCIPAL MERIDIAN
CITY OF BLOOMINGTON, McLEAN COUNTY, ILLINOIS

ENGINEERS
ARCHITECTS
SURVEYORS
SCIENTISTS

Farnsworth GROUP

2709 McGRAW DRIVE
BLOOMINGTON, ILLINOIS 61704
(309) 663-8435 / (309) 663-1571 Fax
www.f-w.com

ISSUE:
Date: Description:

PROJECT:

DENEEN SECTION 17 SUBDIVISION

BLOOMINGTON, ILLINOIS

Date: 10-22-12

Design/Drawn: SJB

Reviewed: *[Signature]*

Book No.: 3100/21 Field: 9/28/12

Project No.: 0121185.00

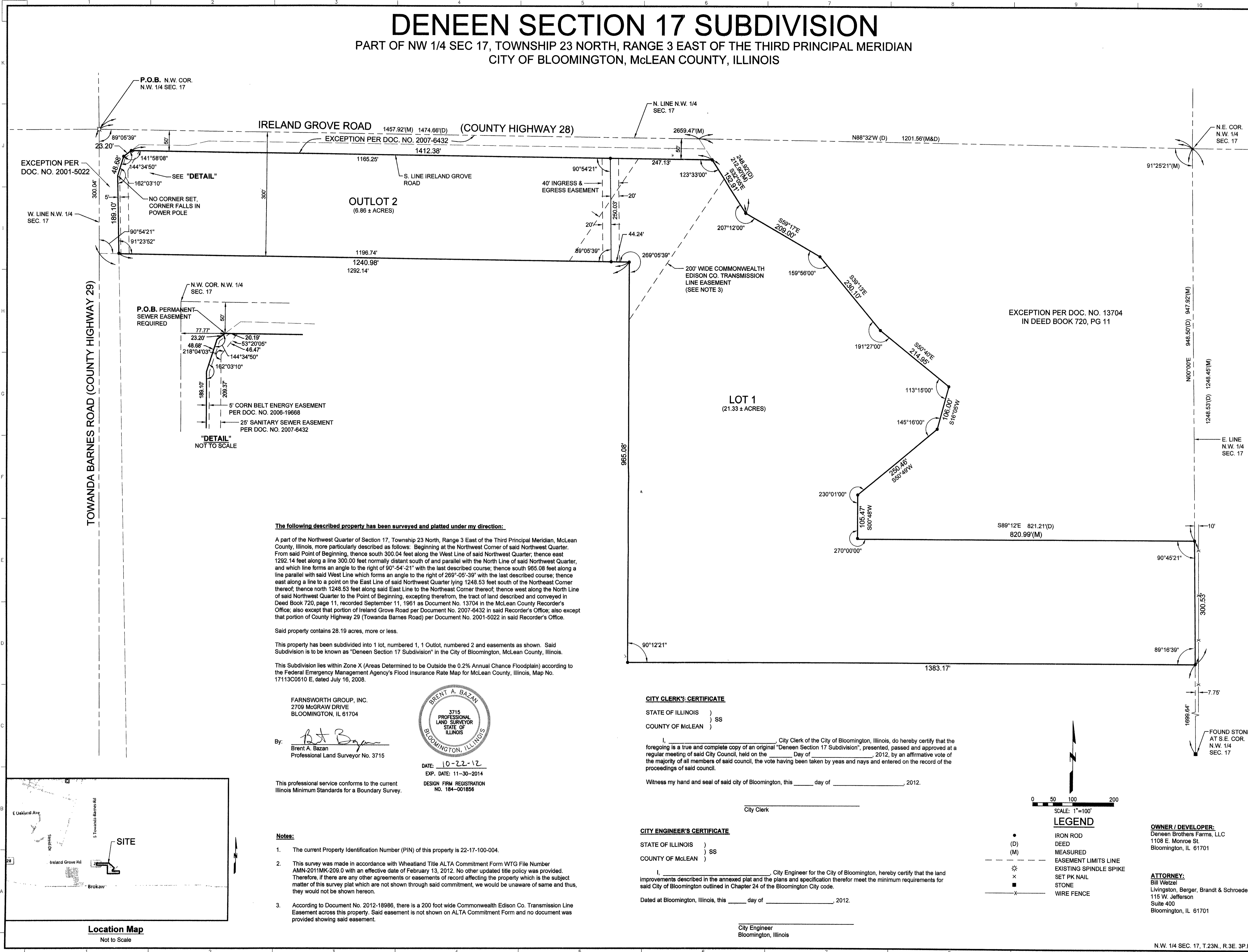
SHEET TITLE:

FINAL PLAT

SHEET NUMBER:

1

File No.: 24-8793



The following described property has been surveyed and platted under my direction:

A part of the Northwest Quarter of Section 17, Township 23 North, Range 3 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Beginning at the Northwest Corner of said Northwest Quarter. From said Point of Beginning, thence south 300.04 feet along the West Line of said Northwest Quarter; thence east 1292.14 feet along a line 300.00 feet normally distant south of and parallel with the North Line of said Northwest Quarter, and which line forms an angle to the right of 90°-54'-21" with the last described course; thence south 965.08 feet along a line parallel with said West Line which forms an angle to the right of 269°-05'-39" with the last described course; thence east along a line to a point on the East Line of said Northwest Quarter lying 1248.53 feet south of the Northeast Corner thereof; thence north 1248.53 feet along said East Line to the Northeast Corner thereof; thence west along the North Line of said Northwest Quarter to the Point of Beginning, excepting therefrom, the tract of land described and conveyed in Deed Book 720, page 11, recorded September 11, 1961, as Document No. 13704 in the McLean County Recorder's Office; also except that portion of Ireland Grove Road per Document No. 2007-6432 in said Recorder's Office; also except that portion of County Highway 29 (Towanda Barnes Road) per Document No. 2001-5022 in said Recorder's Office.

Said property contains 28.19 acres, more or less.

This property has been subdivided into 1 lot, numbered 1, 1 Outlot, numbered 2 and easements as shown. Said Subdivision is to be known as "Deneen Section 17 Subdivision" in the City of Bloomington, McLean County, Illinois.

This Subdivision lies within Zone X (Areas Determined to be Outside the 0.2% Annual Chance Floodplain) according to the Federal Emergency Management Agency's Flood Insurance Rate Map for McLean County, Illinois, Map No. 17113C0510 E, dated July 16, 2008.

FARNSWORTH GROUP, INC.
2709 McGRAW DRIVE
BLOOMINGTON, IL 61704

By: *[Signature]*
Brent A. Bazan
Professional Land Surveyor No. 3715



DATE: 10-22-12
EXP. DATE: 11-30-2014
DESIGN FIRM REGISTRATION NO. 184-001856

This professional service conforms to the current Illinois Minimum Standards for a Boundary Survey.

- Notes:**
- The current Property Identification Number (PIN) of this property is 22-17-100-004.
 - This survey was made in accordance with Wheatland Title ALTA Commitment Form WTG File Number AMN-2011MK-209.0 with an effective date of February 13, 2012. No other updated title policy was provided. Therefore, if there are any other agreements or easements of record affecting the property which is the subject matter of this survey plat which are not shown through said commitment, we would be unaware of same and thus, they would not be shown hereon.
 - According to Document No. 2012-18986, there is a 200 foot wide Commonwealth Edison Co. Transmission Line Easement across this property. Said easement is not shown on ALTA Commitment Form and no document was provided showing said easement.

CITY CLERK'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF McLEAN) SS

I, _____, City Clerk of the City of Bloomington, Illinois, do hereby certify that the foregoing is a true and complete copy of an original "Deneen Section 17 Subdivision", presented, passed and approved at a regular meeting of said City Council, held on the _____ Day of _____, 2012, by an affirmative vote of the majority of all members of said council, the vote having been taken by yeas and nays and entered on the record of the proceedings of said council.

Witness my hand and seal of said city of Bloomington, this _____ day of _____, 2012.

City Clerk

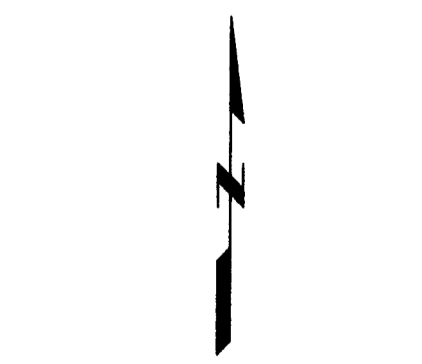
CITY ENGINEER'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF McLEAN) SS

I, _____, City Engineer for the City of Bloomington, hereby certify that the land improvements described in the annexed plat and the plans and specification therefor meet the minimum requirements for said City of Bloomington outlined in Chapter 24 of the Bloomington City code.

Dated at Bloomington, Illinois, this _____ day of _____, 2012.

City Engineer
Bloomington, Illinois



LEGEND

- IRON ROD
- (D) DEED
- (M) MEASURED
- - - - - EASEMENT LIMITS LINE
- ✱ EXISTING SPINDLE SPIKE
- x SET PK NAIL
- STONE
- - - - - WIRE FENCE

OWNER / DEVELOPER:
Deneen Brothers Farms, LLC
1108 E. Monroe St.
Bloomington, IL 61701

ATTORNEY:
Bill Weitzel
Livingston, Berger, Brandt & Schroeder
115 W. Jefferson
Suite 400
Bloomington, IL 61701

N.W. 1/4 SEC. 17, T.23N., R.3E. 3P.M.

FOR COUNCIL: November 13, 2012

SUBJECT: Request to enter into an Early Order Program with Helena Chemical, (the distributor), for procurement of Syngenta and BASF, (the manufacturers), golf course chemicals utilizing cooperative agency pricing

RECOMMENDATION/MOTION: That participation in an early order discount program for the purchase of various Syngenta-branded and BASF-branded chemicals for golf turfgrass management for the 2013 golf season and use of Helena Chemical as the local distributor for these products be approved, and that the Purchasing Agent be authorized to issue a Purchase Order for same.

BACKGROUND: Our golf courses are considered to be some of the finest in downstate Illinois. In the most recent Golf Digest Magazine rankings, The Den at Fox Creek received a prestigious 4½ star rating (out of 5) which places it alongside only six other courses in the state of Illinois in the same fee category to receive the honor. Prairie Vista received a 4 star rating while Highland Park received a 3½ star rating. In 2005, Golf Digest also voted Bloomington/Normal the fifth best city to live for golf in the country. The courses regularly host events from throughout the state, most notably, the Illinois High School State Finals, (IHSA), held at The Den at Fox Creek and Prairie Vista in October of each year. In order to maintain our courses in a manner that is consistent with the expectations of our customers, we need to continue providing quality playing surfaces. One of the primary factors in providing quality playing surfaces is to keep the turf free from disease and insects, which if left untreated, have the potential to do significant damage. Damage to the playing surface/turf would result in a significant loss of rounds and revenue, while also requiring major dollars to reseed the infected areas. Best practices in the golf industry show the most efficient manner to treat turf diseases and insects to do so in a preventative manner. By utilizing preventative chemical applications, we stay ahead of the diseases and suppress potential outbreaks before they occur.

Each year Syngenta and BASF offer an early order program allows the opportunity to lock in next year's prices at discounted rates. Syngenta and BASF are the two (2) primary manufacturers of chemical and fertilizer products utilized in the management of turfgrass in the golf industry. Through best practices, the golf course maintenance staff has found these Syngenta and BASF products to provide the desired effects in order to provide a high level of playing conditions demanded by our golfing public. In addition, Helena Chemical is the Syngenta and BASF distributor of choice for the municipalities of Normal, Decatur, Peoria, Pekin, Springfield, Champaign and Quincy. The golf courses at Illinois State University, Bloomington Country Club, and Crestwicke Country Club use these products through Helena Chemical. Entering into the early order program guarantees the discounted price for any additional Syngenta or BASF purchases required during 2013. Additionally, by participating in the early order program we are offered extended payment terms with payment not due until mid-July on all early order purchases.

Name	May 2010	May 2011	May 2012
Urea (per ton cost)	\$315.00	\$350.00	\$400.00
Concert (per gallon cost)	\$76.00	\$68.40	\$68.40
Banner Maxx (per gallon cost)	\$206.00	\$206.00	\$206.00

Syngenta and BASF engages the assistance of local recognized quality turf distributors to assure the delivery, service and billing of their products. Syngenta and BASF operate using an agency pricing model, meaning the price of their chemicals is exactly the same regardless of the distributor chosen. These distributors are contractually obligated to offer these products at set agency prices. This agency pricing model removes our need to bid out the products we choose to purchase. For the past four years, we have utilized Helena Chemical located in Warrensburg, IL. Helena will store the products on their site and deliver to us on an as needed basis saving us space in our golf maintenance facilities. Helena's local dealership manager is a Certified Golf Course Superintendent who offers an exceptional level of service and consultation advice as he visits our courses to offer support and years of expertise to our golf maintenance personnel.

There is no statewide contract available for the procurement of these chemicals and fertilizers. The deadline to enter this program is before December 7, 2012. City Council has given Staff permission to participate in this program for the last several years.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Cathy Link, Interim Purchasing Agent.

FINANCIAL IMPACT: The golf courses annually spend approximately \$200,000 on chemicals and conservatively will realize savings of approximately \$20,000 through the participation in this early buy program. Funds will be appropriated in the FY 2014 Budget line items 56406400-70590, 56406410-70590 and 56406420-70590 to offset the cost of this service.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Jason Wingate
 Superintendent of Golf
 Parks, Recreation & Cultural Arts Department

John Kennedy
 Director of Parks, Recreation & Cultural
 Arts

Reviewed by:

Recommended by:

Barbara J. Adkins
 Deputy City Manager

David A. Hales
 City Manager

Attachment: Attachment 1. Photos

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

Pythium Blight Disease
Example (not from our courses) – Putting Green



Take All Patch Disease
Example (not from our courses) – Fairway Grass



FOR COUNCIL: November 13, 2012

SUBJECT: Analysis of Bids for the Purchase a New Heating and Cooling System for Miller Park Pavilion

RECOMMENDATION/MOTION: That the bid for the purchase of a new heating and cooling system at Miller Park Pavilion, from Hermes Service and Sales, in the amount of \$45,625 be approved, and the Purchasing Agent be authorized to issue a Purchase Order for same.

BACKGROUND: On October 12, 2012 at 1:30 p.m. bids were publicly opened and read for this HVAC replacement project. Three (3) bids were received and staff recommends approval of the lowest bidder. Included in this bid is the removal and installation of three (3) condensers, six (6) evaporator coils and four (4) furnaces

The current condensers are thirty-three (33) years old and inefficient. The current units have a five (5) Standard Energy Efficient Rating (SEER) and the new units have an 11.2 SEER. This means the units will run more efficiently. The City should see a twenty-three percent, (23%), savings in energy cost. The estimated annual electrical cost at the Pavilion is \$10,714; an estimated annual electrical cost saving of \$2,464 is projected. The current units have had numerous repairs some of which included blower motor replacement, new control board installation, and a Freon leak in one (1) of the coils. This leak has been difficult to locate and repair. Staff has spent numerous hours trying to address this problem. The estimated annual repair and maintenance cost for the three (3) condensers is \$1,200. There are three (3) condensers at the Pavilion with each one (1) dedicated to cooling one (1) the floor. Staff believes that any time a condenser could malfunction and the floor it is dedicated to cool will be without air conditioning. Parts are no longer available for the existing units.

The current furnaces on the third floor are thirty-three (33) years old and are eight percent (80%) efficient. The current furnaces on the main level are fourteen (14) years old and are ninety-one percent (91%) efficient. The new units specified are ninety-five percent (95%) efficient. A twenty percent (20%) savings in natural gas usage will be seen on the third floor. A five percent (5%) savings in natural gas usage will be seen on the main floor. The estimated annual natural gas cost saving for the entire Pavilion is \$496. The new units will be able to keep up with all heating and cooling demands. Maintenance cost and service hours will decrease due to the units being newer and much more efficient. The Pavilion is rented or programmed by City staff an estimated 175 days a year with the Miller Park Adult Center operated in the lower level Monday through Friday year round.

The combination of new condensers and furnaces will help heat and cool the Pavilion at a more rapid rate which will also help save utility costs. The estimated annual energy cost savings for the Pavilion is \$2,960. The estimated payback period is 14.3 years.

An application has been filed with the state Department of Commerce and Economic Opportunity, (DCEO), Public Sector Program which provides incentives for projects that

increase the energy efficiency of local governments. The estimated rebate from DCEO is \$3,146. The money will be refunded once the project is completed.

Bidder	Bid Price
Hermes Service and Sales	\$45,625
Lane Company	\$46,474
SBC Heating and Air Conditioning	\$65,581

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Hermes Service and Sales and Cathy Link, Interim Purchasing Agent.

FINANCIAL IMPACT: The FY 2014 Budget appropriated \$45,000 in the Park Dedication Fund for this project available in account 24104100-72140. Although, the projected is expected to exceed the budget by \$625 or 1.3%, the Parks Department has applied for the DCEO grant mentioned within the background section. This potential grant is expected to offset a portion of the total cost of this project.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Robert Moews
Supt of Park Maintenance
Parks, Recreation & Cultural Arts

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

Reviewed by:

Reviewed by:

Recommended by:

Cathy Link
Interim Purchasing Agent

Barbara J. Adkins
Deputy City Manager

David A. Hales
City Manager

Attachments: Attachment 1. Invitation to Bid
Attachment 2. Photos

Motion: _____

Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

INVITATION TO BID
CITY OF BLOOMINGTON, ILLINOIS

The City of Bloomington Parks Maintenance division is seeking bids for a new heating and cooling system along with installation at Miller Park Pavilion located at 1020 S Morris Avenue.

The new heating and cooling system will consist of 3 Condensers, 6 Evaporator Coils, and 4 Furnaces.

BID IS DUE BACK BY OCTOBER 12, 2012

The specification requires that the bidders meet or exceed the minimum requirements only.

Three – 10 Ton Condensers

- Cooling Capacity: Minimum 109,000 BTU
- SEER: 13 Minimum
- Refrigerant: R410A
- Breaker: 3 Phase
- Voltage: 208-230
- Compressor Warranty: Minimum 5 Years
- Parts Warranty: Minimum 5 Years

Six – Evaporator Coils- 4 Cased- 2 Uncased

- Cooling Capacity: Minimum 5 Tons
- Refrigerant: R-22/ R-410A
- Coil Height: Maximum 28 inches
- Coil Width: Maximum 23inches

Four – Furnaces

- Heating Capacity: Minimum Output 115,000 BTU Each
- Efficiency: Minimum 95% AFUE
- Blower Type: Multi Speed, 2 Stage Burner
- Fuel Type: Gas
- Breaker: (4) 15 Amps
- Vent Connection: 3 Inch PVC
- Flue Pipe Diameter: 3 Inch PVC
- Height: Maximum 40 Inches
- Heat Exchanger Warranty: Lifetime
- Parts Warranty: Minimum 10 Years

- 2 Twinning Kits
- 1 Drain Pan for upper unit
- 1 Flow switch for upper unit

Installation to include:

- All gas pipe fitting and connections
- All flue connections
- All sheet metal
- All electrical connections and wire
- All plumbing connections and drain lines
- All refrigerant connections and piping
- Removal and Disposal of all existing equipment following EPA guidelines
- Must obtain a permit from the City of Bloomington PACE Department
- Must be licensed contractor

Site visit: TBD

If there are any questions please call Bob Moews, Superintendent of Parks (309) 434-2280.



NEW GOODMAN CASE
7-9-59



RTU # 1

RTU # 2

FILTER
20x25x1
BEHIND GRILL
↙ ↘

FILTER
20x25x1
BEHIND GRILL





To Change Thermostat Temperature

- 1.) Open small door on right of thermostat.
- 2.) Press and release the Hold button.
- 3.) Press the Up or Down Arrow to change.
- 4.) When finished with the reset press and release the Run button.

TRANE XL 90

TRANE SUPPLY SIDE FURNACE XL 90

Handwritten note on the left door, partially obscured by a white paper insert.

Handwritten note on the middle door, partially obscured by a white paper insert.

FILTERS
16x25x1 (2)

10/19/2012

FOR COUNCIL: November 13, 2012

SUBJECT: Purchase Two (2) Dump Trucks for the Public Works' Sewer Maintenance and Operations Division using the State of Illinois Joint Purchasing Contract

RECOMMENDATION/MOTION: That the purchase one (1) International 4300 Low Pro Dump Truck, in the amount of \$135,307, and one (1) 7400 Dump Truck, in the amount of \$145,625, from Prairie International, Normal, IL, using the State of Illinois Joint Purchasing Contract #PSD4016932 be approved, and the Purchasing Agent be authorized to issue a Purchase Order.

BACKGROUND: Public Works' Sewer Maintenance and Operations Division has a 1999 International S4700 Low Pro Dump Truck and a 2001 International S4900 Dump Truck that are scheduled for replacement in Fiscal Year 2013. These units are used in the day to day repair and maintenance of the City's sewage system. During snow and ice events, these units are used to plow snow and distribute anti-icing agents. The larger unit is also used in the leaf collection program. The new 4300 Low Pro Dump Truck will be equipped with a nine foot, (9'), stainless steel dump body, ten foot, (10'), power reversing snow plow, and a stainless steel salt distributor. The 7400 Dump Truck will be equipped with a twelve foot, (12'), stainless steel dump body, eleven foot, (11'), power reversing snow plow, and a stainless steel salt distributor. Both units will have electric and hydraulic systems to operate all equipment.

The replacement units will be sold at public auction and are expected to be worth \$9,000 each.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The Sewer Maintenance and Operations Division's budget appropriated \$274,000 within line item 51101100-72130 for the replacement of these two (2) dump trucks. The replacement cost for these vehicles is \$280,932. The replacement cost will exceed the budgeted amount by \$6,932. Staff expects the overage to be offset by savings in the repair and maintenance of vehicles which at mid-year is projected to be \$13,951.72 below budget.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed by:

Jim Karch
Director of Public Works

Barbara J. Adkins
Deputy City Manager

Patti-Lynn Silva
Director of Finance

Reviewed by:

Reviewed by:

Recommended by:

Timothy Ervin
Budget Manager

Catherine Link
Interim Purchasing Agent

David A. Hales
City Manager

Attachment: Attachment1. Specs Sheets

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			



**PRAIRIE
INTERNATIONAL
TRUCKS**

**New Truck Proposal
Single Axle Dump Truck Specifications
State of Illinois Solicitation # 225684**

Contract # PSD4016932

Rob Kronen

DATE: **10/14/2012**

CONTACT NAME _____
 _____ City of Bloomington
 BUYER INFORMATION _____
 _____ 336 S. Main Street
 ADDRESS _____
 _____ Bloomington, IL 61701
 CITY/ STATE/ ZIP _____
 _____ 309-434-2426 phone
 PHONE/ FAX/ EMAIL _____
E994-9903-06 McLean
 TAX EXEMPT #/ COUNTY _____

Contact: Kevin Burdell
 Municipal Fleet Sales
 401 S. Dirksen Pkwy ~ Springfield, IL. 62703
 Ofc: 217-523-5631 ~ Fax: 217-523-0797
 Email: kburdell@prairiearchway.com

Please Circle Cab Color:
 Red-2303 / IDOT Orange / Omaha Orange
 School Bus Yellow / Blue / Blue Met-6E12
 Green-6047 White / Black

2013 INTERNATIONAL 7400 SFA 4X2 / 160" WHEELBASE/ 85" CAB TO AXLE
 120,000 PSI/ 2,654,000 RBM single frame rail w/ 20" front frame extension
MAXXFORCE DT466 270HP/ 860# TORQUE w/ GRID HEATER
3000RDS Allison Six (6) speed trans. w/ T-Handle & External Trans. Cooler
 Extended Life Oil Pan/ Transmission TCM mounted inside cab
 Transmission temp. gauge/ Hour meter/ Plow light Switch
 Warning Lights & Alarm for Low Coolant, Low Oil PSI, Engine Temp.
 "Winter/Summer" Air Cleaner w/ In-Dash Filter Minder
 Horton Two-Speed Fan Drive/ Front Engine PTO/ Block Heater
14,000# Front axle & suspension w/ 2000# aux. overloads & HD shocks
19,000# Rear axle w/ 23,500# susp. & 4500# rubber aux/ SPL type drivelines
 Air Brakes w/ 13.2 compressor/ Bendix air dryer/ DV2 Heated drain valve
 Automatic slack adjusters/ Oil bath wheel seals/ Stationary front grille
 Trailer brake package w/ 7-way ABS trailer plug/ Bodybuilder wires @ BOC
 Tilt & Telescoping steering column/ Leece-Neville alternator/ Delco starter
 100 gallon aluminum fuel tank (driver side) w/ fuel water seperator
 Three (3) Batteries @ 1950 CCA w/ battery box mounted right side BOC
 Horizontal muffler mounted under cab w/ vert. exhaust pipe & 36" turn out
 Air horn/ Jump start stud/ L.E.D. cab marker lights/ Air ride cab
 AM/FM/Weatherband radio/ Air conditioning/ Cigar lighter
 Black heated mirrors w/ Black fender mounted convex mirrors
 Air ride driver seat w/ arm rest/ Fixed passenger seat/ Daytime lights
 12R22.5 Continental HSC-1 (16PLY) STEER TIRES w/ Grey Powder coat wheels
 11R22.5 Continental HDR-1 (14PLY) DRIVE TIRES w/ Grey Powder Coat Wheels

Sales price \$64,226.00
 Options \$3,962.00
 Body price **77,162.00**
 Freight \$275.00
 Sub-total **\$145,625.00**
 Trade .00
 License/ Title (City does own titlework)
 Total **\$145,625.00**

PLEASE CIRCLE DESIRED GEAR RATIO:
 6.14 (73 mph) 6.43 (69 mph) 6.83 (65 mph) / 7.17 (62 mph)

177" WB / 102" CA
 with frame reinforcement \$ 896
 Omit Front PTO Adaptor Plate \$ (171)
 Trans Dipstick - move to rt side \$ 23
 Front Tow Hooks \$ 53
 26K Rear Axle \$ 2,876
 w/ 12R22.5 HDR 16 ply drives
 31K Rear Springs w/ 4500# Aux \$ 102
 Bodybuilder wiring - EOF \$ 89
 Insulation - Under hood \$ 121
 Insulation - splash panels \$ 54
 Keys All Alike - Z250 \$ 23
 Silicone Hoses - Radiator & Htr \$ 133
 50 Gallon Fuel Tank \$ (192)
 2 man bench w/ storage \$ 215
 Bright Finish Mirrors \$ 178
 Omit A/C \$ (438)
 White Powder Coat Wheels \$ -

Please include copy of tax exempt form w/ your order.
 All prices are F.O.B. 401 S. Dirksen Pkwy. Springfield, Illinois
 Payment in full is due at time of delivery.

KBurdell

Kevin Burdell- Municipal Fleet Sales Representative

Signature of Buyer

Purchase Order Number (if applicable)

Harold Austin / Normal, IL



**PRAIRIE
INTERNATIONAL
TRUCKS**

New Truck Proposal

Single Axle Low Profile Dump Truck Specifications

State of Illinois Solicitation # 225684 ~ Contract # PSD4016932

Robert Kroner

DATE: 10/14/2012

CONTACT NAME City of Bloomington

BUYER INFORMATION 1901 E Olive St.

ADDRESS Bloomington, IL 61702

CITY/ STATE/ ZIP 309-434-2279

PHONE/ FAX/ EMAIL E9994-9903-06 McLean

TAX EXEMPT #/ COUNTY

Contact: Kevin Burdell
 Municipal Fleet Sales
 401 S. Dirksen Pkwy ~ Springfield, IL. 62703
 Ofc: 217-523-5631 ~ Fax: 217-523-0797
 Email: kburdell@prairiearchway.com

Please Circle Cab Color:
 Red-2303 / IDOT Orange / Omaha Orange
 School Bus Yellow / Blue / Blue Met-6E12
 Green-6047 / White / Black

2012 INTERNATIONAL 4300-LP 4X2 / ^{140"}~~152"~~ WHEELBASE/ ^{72"}~~85"~~ CAB TO AXLE
 80,000 PSI/ 917,600 RBM single frame rail
MAXXFORCE DT466 230HP/ 620# TORQUE w/ GRID HEATER
3000RDS Allison Six (6) speed trans. w/ T-Handle & Trans. Cooler
 Extended Life Oil Pan/ Transmission TCM mounted inside cab
 Transmission temp. gauge/ Hour meter/ Plow light Switch
 Warning Lights & Alarm for Low Coolant, Low Oil PSI, Engine Temp.
 Horton Two-Speed Fan Drive/ Block Heater/ Trans. Dipstick on right side
9,000# Front axle & suspension w/ 2000# aux. overloads & HD shocks
19,000# Rear axle w/ 20,000# multi-leaf suspension
 Air Brakes w/ 13.2 compressor/ Bendix air dryer/ DV2 Heated drain valve
 Automatic slack adjusters/ Oil bath wheel seals/ Stationary front grille
 Trailer brake package w/ 7-way AB5 trailer plug/ Bodybuilder wires @ BOC
 Tilt & Telescoping steering column/ Leece-Neville alternator/ Delco starter
 50 gallon aluminum fuel tank (driver side) w/ fuel water seperator
 Three (3) Batteries @ 1950 CCA w/ battery box mounted right side BOC
 Horizontal muffler w/ vert. exhaust pipe & 36" turn out
 Air horn/ Jump start stud/ L.E.D. cab marker lights/ Air ride cab
 AM/FM/Weatherband radio/ Air conditioning/ Cigar lighter
 Black heated mirrors w/ Black fender mounted convex mirrors
 Air ride driver seat w/ arm rest/ Fixed passenger seat/ Daytime lights
 265/70R19.5 Goodyear G159 Steer tires w/ Grey Powder coat wheels
 265/70R19.5 Goodyear G622 Drive tires w/ Grey Powder Coat Wheels

PLEASE CIRCLE DESIRED GEAR RATIO:

4.88 (75 mph) / 5.29 (69 mph) / 5.57 (65 mph) / 5.86 (62 mph)

Please include copy of tax exempt form w/ your order.
 All prices are F.O.B. 401 S. Dirksen Pkwy. Springfield, Illinois
 Payment in full is due at time of delivery.

Kevin Burdell- Municipal Fleet Sales Representative

Sales price	\$63,375.00
Options	<u>48.00</u>
Body price	<u>71,559.00</u>
Freight	<u>325.00 To Koenig</u>
Sub-total	<u>\$135,307.00</u>
Trade	<u>00</u>
License/ Title	<u>00</u>
Total	<u>\$135,307.00</u>

***City of Bloomington must do own license and title**

Signature of Buyer

Purchase Order Number (if applicable)

Harold Austin / Normal, IL

309-838-5111

Add Options: 4300 LP

Two Man Passenger seat	\$208.00
Delete AC	(\$449.00) cr
Hood service hatch	\$361.00
Omit air trailer brake package	(\$254.00) cr
Electric trailer brks	<u>(\$182.00)</u>
(wiring only)	

Options total **\$ 48.00**

Signature _____



10/29/2012 06:47 pm



10/28/2012 01:53 pm

FOR COUNCIL: November 13, 2012

SUBJECT: Analysis of Bids for the Purchase One (1) Backhoe for the Public Works' Sewer Maintenance and Operations Division

RECOMMENDATION/MOTION: That the bid for the purchase of one (1) Caterpillar 430F IT Backhoe from Altorfer Inc., East Peoria, IL, in the amount of \$163,550.22 be approved, and the Purchasing Agent be authorized to issue a Purchase Order for same.

BACKGROUND: Public Works' Sewer Maintenance and Operations Division has a 2004 Caterpillar 430D backhoe with 6,561 hours that is due for replacement in Fiscal Year 2013. This unit is used in the day to day repair and maintenance of the City's sewage system. During snow and ice events this unit is used to plow snow. The new unit will be equipped with a ten foot, (10'), snow plow, hydraulic pavement breaker, twelve inch, (12'') bucket, twenty-four inch, (24''), bucket, thirty-six inch, (36'') bucket, and forty-eight inch, (48'') bucket. Bid packages were mailed on September 14, 2012 and sealed bid were opened on October 12, 2012. The results are as follows:

Bidder	Make & Model	Amount	Net Price Full Machine Warranty	Net Price Cust. Serv. Agreement	Amount Buy Back opt	Amount Trade-in Allowance opt	Total
Altofer Inc.	430F IT	\$142,715	\$5,336.84	\$15,498.38	\$45,000	\$45,000	\$163,550.22
Martin Imp.	John Deere 410K TMC	\$135,950	\$6,200.00	\$18,800.00	\$51,000	\$51,000	\$160,950.00
Birkey's Imp.	Case 590SN	\$150,900	\$6,621.00	\$10,800.00	\$65,500	\$65,500	\$168,321.00
Roland Mach.							No Bid
McAllister Equip.							No Bid

Of the three (3) bidders, Altorfer Inc. met the entire bid specifications with no exceptions. Altorfer provided a bid for a Caterpillar 430F IT. Public Works' Streets and Sewer Division's heavy machine operators and the Assistant Superintendent of Streets and Sewers evaluated all three (3) machines. City staff recommends the Caterpillar 430F IT for the following reasons: 1.) after all three (3) manufacturers were tested by the union members, the Caterpillar was best suited for the Public Works Department's operations. Since 2004, the department has had the two (2) Caterpillar backhoes. The hydraulic controls on the Caterpillar are what our heavy operators are the most comfortable with and believe are the safest when working underground.

The old unit will be moved to Lake Bloomington to replace a 1997 John Deere 410D Backhoe that has over 8,000 hours and is at the end of its dependable service life. The John Deere 410D backhoe from Lake Bloomington will be sold at public auction and its salvage value is estimated to be \$11,000.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Streets and Sewers staff provided input on the equipment best suited for operations.

FINANCIAL IMPACT: The Sewer Maintenance and Operations Division budget appropriated \$115,000 in line item 51101100-72140 for the replacement of the backhoe. The replacement cost for this piece of equipment is \$163,550. The replacement cost will exceed the budgeted amount by \$48,550. Staff will prepare a budget amendment in the amount of \$48,550 to offset the difference between budget and actual cost of the backhoe. Staff expects the overage to be offset by sewer charges which at mid-year is projected to be approximately \$200,000 over budget.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed by:

Jim Karch
Director of Public Works

Barbara J. Adkins
Deputy City Manager

Patti-Lynn Silva
Director of Finance

Reviewed by:

Reviewed by:

Recommended by:

Tim Ervin
Budget Manager

Catherine Link
Interim Purchasing Agent

David A. Hales
City Manager

Attachment: Attachment 1. Spec Sheets

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

430F/430F IT

Backhoe Loaders

CAT



Engine

Engine Model	Cat® C4.4 ACERT™	
Rated Net Power – SAE J1349	80 kW	107 hp
Rated Net Power – ISO 9249	81 kW	109 hp

Weights

Operating Weight – Nominal	7125 kg	15,708 lb
Operating Weight – Maximum	11 000 kg	24,251 lb

Backhoe

Dig Depth – Standard	4698 mm	15'5"
Dig Depth – E-Stick Extended	5935 mm	19'6"



Experience the difference of a Cat Backhoe Loader. Spacious operator station features ergonomic joystick controls, ample legroom and an air suspension seat to keep you comfortable all day long. Built for greater reach, dump height, breakout force and pushing power, the Cat 433E/433E IT helps you get more done to improve your bottom line.

Power Train

Built for performance, power and fuel efficiency.



Cat Engine

The Cat C4.4 ACERT engine provides cleaner, quieter operation while delivering superior performance and durability. The engine meets U.S. EPA Tier 4 Interim and EU Stage IIIB emission requirements. The engine also features:

- Passive regeneration system requiring no operator interaction
- Long life diesel particulate filter
- Improved fuel efficiency
- Increased horsepower delivers greater pushing power, increased aggressiveness in hard bank loading and faster roading

Transmission

The standard power shuttle transmission provides four speeds forward and reverse. Hydraulically shifted clutches allow on-the-go direction and travel speed shifts. The optional auto-shift transmission matches gear with grade and load conditions.

- Hydraulic proportional control valves deliver smooth speed and directional shifts.
- Standard Four Wheel Drive improves mobility and loader performance in poor underfoot conditions and can be activated on-the-go.
- Maximum roading speed of 40 km/h (25 mph) improves travel time between job sites.

Brake Mode Selector

Brake mode selector switch is standard on the 430F and has three positions: two wheel drive, two wheel drive with all wheel braking and four wheel drive. Two wheel drive with all wheel braking provides better tire life while roading and engages the front axle when brakes are applied for improved braking performance.

Engine

Engine Model	Cat C4.4 ACERT	
Gross Power		
SAE J1995	87 kW	117 hp
ISO 14396	86 kW	115 hp
Rated Net Power @ 2,200 rpm		
SAE J1349	80 kW	107 hp
ISO 9249/EEC 80/1269	81 kW	109 hp
Net Peak Power @ 1,800 rpm		
SAE J1349	82 kW	110 hp
ISO 9249	83 kW	111 hp
EEC 80/1269	83 kW	111 hp
Bore	105 mm	4.13 in
Stroke	127 mm	5 in
Displacement	4.4 L	268 in ³
Net Torque Rise @ 1,400 rpm – SAE J1349	40%	
Net Peak Torque @ 1,400 rpm	489 N·m	361 lb-ft

• Engine meets U.S. EPA Tier 4 Interim/EU Stage IIIB emission standards.

Transmission

Power Shuttle Transmission – Standard		
Forward – 1st	6 km/h	3.7 mph
Forward – 2nd	9.6 km/h	5.9 mph
Forward – 3rd	20 km/h	12 mph
Forward – 4th	40 km/h	25 mph
Reverse – 1st	6 km/h	3.7 mph
Reverse – 2nd	9.6 km/h	5.9 mph
Reverse – 3rd	20 km/h	12 mph
Reverse – 4th	40 km/h	25 mph
AutoShift Transmission – Optional		
Forward – 1st	5.9 km/h	3.7 mph
Forward – 2nd	9.5 km/h	5.9 mph
Forward – 3rd	20 km/h	12 mph
Forward – 4th	27 km/h	17 mph
Forward – 5th	42 km/h	26 mph
Reverse – 1st	5.9 km/h	3.7 mph
Reverse – 2nd	13 km/h	7.8 mph
Reverse – 3rd	27 km/h	17 mph

Weights*

Operating Weight – Nominal	7125 kg	15,708 lb
Operating Weight – Maximum	11 000 kg	24,251 lb
Cab, ROPS/FOPS	184 kg	406 lb
AutoShift Transmission	216 kg	476 lb
Ride Control	14 kg	31 lb
Air Conditioning	26 kg	57 lb
Four Wheel Drive	N/A	N/A
MP Bucket (0.96 m ³ /1.25 yd ³) (no forks or teeth)	745 kg	1,642 lb
Loader, IT with Quick Coupler	197 kg	434 lb
Extendible Stick	321 kg	708 lb
Counterweights (Option 1)	115 kg	255 lb
Counterweights (Option 2)	240 kg	530 lb
Counterweights (Option 3)	460 kg	1,015 lb

* Specifications shown are for machine equipped with 1.0 m³ (1.31 yd³) general purpose loader bucket, 610 mm (24 in) heavy duty backhoe bucket, 80 kg (176 lb) operator and full fuel tank.

Steering

Type	Front Wheel	
Power Steering	Hydrostatic	
Bore	65 mm	2.6 in
Stroke	120 mm	4.7 in
Rod Diameter	36 mm	1.4 in
Axle Oscillation	11°	
Turning Circle – 4WD (inner wheel not braked)		
Outside, Front Wheels	8.18 m	26'10"
Outside, Widest Loading Bucket	10.97 m	36'0"

Axle Ratings

Front Axle, 4WD		
Static	22 964 kg	50,582 lb
Dynamic	9186 kg	20,233 lb
Rear Axle		
Static	22 964 kg	50,582 lb
Dynamic	9186 kg	20,233 lb
Axle Oscillation	10 Degrees	

• 4WD axles are pendulum mounted and permanently sealed and lubricated, requiring no daily maintenance. Also features double-acting steering cylinder with 52° steering angle for increased maneuverability.

430F/430F IT Specifications

Hydraulic System

Type	Closed Center	
Pump Type	Variable Flow, Axial Piston	
Pump Capacity @ 2,200 rpm	163 L/min	43 gal/min
System Pressure – Backhoe	25 000 kPa	3,600 psi
System Pressure – Loader	25 000 kPa	3,600 psi

Service Refill Capacities

Cooling System with Air Conditioning	22 L	5.8 gal
Fuel Tank	170 L	45 gal
Engine Oil with Filter	7.6 L	2.0 gal
Transmission – Power Shuttle		
4WD	18.5 L	4.9 gal
Transmission – AutoShift		
4WD	19.0 L	5.0 gal
Rear Axle	16.5 L	4.4 gal
Planetaries	1.7 L	0.4 gal
Front Axle (4WD)	11.0 L	2.9 gal
Planetaries	0.7 L	0.2 gal
Hydraulic System	95.0 L	25.1 gal
Hydraulic Tank	42.0 L	11.1 gal

- Requires ultra-low sulfur fuel \leq 15 ppm fuel sulfur.

Tires

Choices listed as combination of front/rear tires:

- 12.5/80-18 (12 ply) 1-3/19.5L-24 (12 ply) ATU
- 12.5/80-18 NHS (12 ply) 1-3/21L-24 (16 ply) R4 ATU
- 340/80R 18/19.5L-24 (12 ply) R4 ATU
- 340/80R 18/500/70R 24 RT

Operating Specifications – Backhoe

Turning Circle: Outside, Front Wheels	8.18 m	26'10"
Turning Circle: Outside, Widest	10.97 m	36'0"
Loading Bucket		

- ISO 5010.
- 4WD (inner wheel not braked).

Engine Features

- Regeneration is passive and does not require any input from the operator or disrupt work.
- Three-ring pistons made of lightweight, silicon/aluminum alloy for strength and maximum thermal conductivity.
- Forged chrome/molybdenum-steel crankshaft with crankshaft with either induction hardened or nitrocarburized journals.
- Front and rear crankshaft oil seals are “lip” type Viton and PTFE designs featuring an integral dust lip.
- Heat resistant, silicone-chrome steel intake and STELLITE-faced exhaust valves provide long life.
- Cylinder block is high strength, cast iron alloy of deep skirt, monobloc design for increased strength and long life.
- Cylinder head is high strength, cast iron alloy construction with extra duty wall and deck thickness. Intake and exhaust ports are precision cast to promote optimum gas flow.
- Direct injection fuel system provides accurate fuel delivery; remote mounted electric lift pump improves serviceability.
- Dry-type axial seal air cleaner with integral precleaner, automatic dust ejection system, and filter condition indicator.
- Direct electric, 12-volt starting and charging system with 880 CCA Group 31 maintenance free battery.
- Standard glow plug starting aid system for efficient cold weather starting.
- High contact ratio/gear train, peripheral fixed isolation top cover and open deck block design reduce bare engine noise.
- Higher low end torque for better engine/machine performance.
- Engine is equipped with electric fuel priming pump.

Brakes

Features:

- Brakes meet the following standards: SAE J1473 and ISO 3450 requirements.
- Self-adjusting, completely enclosed and sealed.
- Foot operated brake pedals can be interlocked for roading.
- Parking/secondary brakes are independent of the service brake system. Parking brake is mechanically applied through an adjustable hand lever located on the right console.



10/30/2012 01:42 pm



10/30/2012 03:35 pm

SUBJECT: Analysis of Bids for Market St. Parking Garage Repairs, Phase II

RECOMMENDATION/MOTION: That the bids be rejected and the project be rebid in Fiscal Year (FY) 2014.

BACKGROUND: In order to spread the repair cost over several years for the Market St. Parking Garage project was divided into three (3) phases. Phase I was completed in FY 2011 at a cost of \$224,977. Phase I consisted of repairing structural members, life safety and normal maintenance issues. Phase II and III consisted of repairing life safety and normal maintenance issues. The intent of this three (3) phase repair project was to extend the life of the garage by ten, (10), years.

On October 5, 2012, at 2:00 p.m., bids were publicly opened and read for the Market St. Parking Garage Repairs, Phase II. The bid results are:

Company	Location	Alternate 1	Base Bid
Western Waterproofing	Springfield, IL	\$1,650.00	\$552,103.50
Concrete Strategies	St. Louis, MO	\$53,000.00	\$623,925.00
E&H Restoration	Davenport, IA	\$14,449.15	\$642,699.99
SPS Infrastructure	St. Paul, MN	No Bid	\$481,694.25

Alternate 1 was for a four (4) year extension, labor and material, of the standard one (1) year warranty.

The budget amount for this project is \$275,000.

SPS Infrastructure Co., St. Paul, MN, was the low bidder. This firm would have been disqualified because they did not submit pricing for all unit cost items that were included in the base bid.

Phase II was scheduled for completion this FY followed by Phase III following next FY. A total of \$575,000 has been budgeted for Phase II and III. Staff believes the bids for Phase II exceeded the budget amount to a point where it is not feasible to start the project this FY. Staff is requesting that Council reject the current bids and allow staff to combine Phase II and III into the next FY's proposed budget. The project can be re-bid next spring in FY 2014. A total of \$575,000 is currently budgeted for Phase II and III.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: This project was advertised in the Pantagraph Aug. 31, 2012.

FINANCIAL IMPACT: The FY 2013 Budget appropriated \$275,000 in the Capital Improvement Fund for this project. The Capital Improvement Fund is funded through an inter-

fund transfer from the City’s General Fund. The City can either reduce the current FY transfer from the General Fund or retain the savings in the General Fund. This action will require the entire amount be transferred in the FY 2014 Budget. Furthermore, the City can transfer the \$275,000 in accordance with the direction set forth within the budget. Through this action the City can transfer a lower amount into the Capital Improvement Fund next year to fund this project.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed by:

Robert F. Floyd
Facilities Manager

Mark A Huber
Director of PACE

Barbara J. Adkins
Deputy City Manager

Financial review by:

Reviewed as to legal sufficiency:

Recommended by:

Patti-Lynn Silva
Director of Finance

J. Todd Greenburg
Corporate Counsel

David A. Hales
City Manager

Attachment:

Motion: _____

Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Stearns				Alderman McDade			
Alderman Mwilambwe				Alderman Anderson			
Alderman Fazzini				Alderman Schmidt			
Alderman Sage				Alderman Fruin			
Alderman Purcell							
				Mayor Stockton			

FOR COUNCIL: November 13, 2012

SUBJECT: Extension of Bid for an Additional \$50,000 for Shoreline Protection Work Along the Evergreen Lake Reservoir

RECOMMENDATION/MOTION: That the additional funding be approved.

BACKGROUND:

Funding

Staff requested and Council authorized entering into a funding agreement on August 27, 2012 between the IEPA, (Illinois Environmental Protection Agency), and the City for the funding of a shoreline erosion control project at the Evergreen Lake reservoir. This cooperative effort entailed the funding of a \$100,000 project with \$36,000 from IEPA's Bureau of Water and \$64,000 from the City's Water Improvement Fund.

This project was competitively bid and administered by the McLean County Soil and Water Conservation Office (MCSWCO) utilizing the Water Conservationist. The City funds the majority of this position through our Intergovernmental Agreement with McLean County, the Town of Normal, and the MCSWCO. The City's commitment to this project, as stated above, was \$64,000. However, in light of the ongoing drought, in addition to the fact the shoreline is exposed within the Evergreen Lake Reservoir, staff has requested an additional \$50,000 be allocated for this project through the use of bid prices obtained by the MCSWCO. This additional funding is not part of the original grant and will be completely funded by the City.

Staff has requested this additional amount because it is rare the Evergreen Lake Reservoir would be five feet, (5'), below its full level. At this level, the shoreline where the protection work will take place is dry. This will permit the construction work to proceed at a quicker pace with the ability to thoroughly inspect the work.

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 this 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.

Project Scope of Work

The shoreline protection project 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.

The shoreline protection project is the culmination of many years work on the improvement of 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 a reservoir can receive without violation of water quality standards and designated uses.

The Evergreen Lake reservoir is a high quality reservoir, but 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 in that 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.

The Source Water Assessment and a TMDL analysis of the Evergreen Lake reservoir was completed in 2006. An implementation plan for reducing pollutants in the reservoirs was determined and only then could grant dollars from the federal and state 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.

Conclusion

More funding for the Evergreen Lake shoreline protection project should be appropriated. There is an enormous amount of shoreline that has not been protected since the construction of the Evergreen Lake Reservoir in the 1970's. The additional funding for 2012 is being requested as there is an ideal opportunity to complete additional shoreline protection while the reservoir is four plus feet, (4'+), below its typical level. Any amount of additional shoreline protection at this time simply reduces the City's need to complete shoreline protection projects in the future at higher costs. Each shoreline protection segment completed reduces the amount of shoreline erosion which reduces the capacity of the reservoir and adds substances, such as naturally occurring phosphorous, that degrade the integrity of the reservoir.

Staff therefore respectfully requests that the Council authorize an additional \$50,000 be allocated for the Evergreen Lake Reservoir shoreline protection project that will be paid for from the City's Water Fund. This project is identified in the FY 2013 Capital Budget as the Reservoir Shoreline/Stream Erosion Control Improvements project in the amount of \$100,000. This capital budget line item has \$64,000 encumbered for the shoreline protection's cost sharing project. It is anticipated the balance of \$36,000 will be spent on other stream erosion projects. Therefore, the \$50,000 additional funding would come from other capital projects in the FY 2013 budget.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The McLean County Department of Parks and Recreation and Illinois Department of Natural Resources were contacted as part of the original project. No parties have been contacted concerning this additional work.

FINANCIAL IMPACT: Upon approval by Council, a mid-year budget amendment in the amount of \$50,000 would be prepared in the Water Fund line item 50100130-70220. Staff expects to continue to fund this type of project in future budgets.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Craig M. Cummings
Director of Water

Barbara J. Adkins
Deputy City Manager

Financial review by:

Legal review by:

Recommended by:

Patti-Lynn Silva
Director of Finance

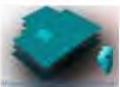
J. Todd Greenburg
Corporation Counsel

David A. Hales
City Manager

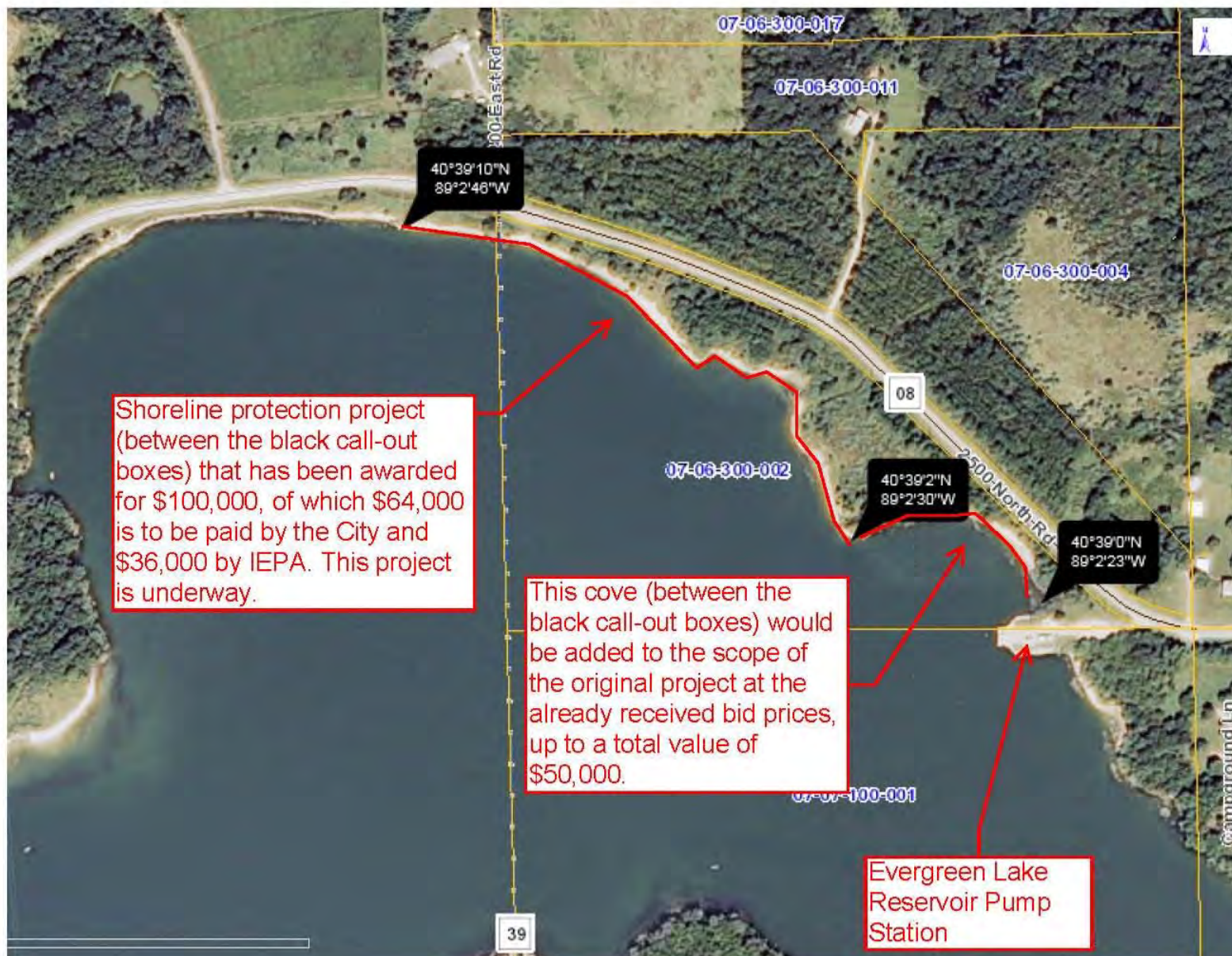
Attachment: Attachment 1. Shoreline protection maps

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			



Evergreen Lake Shoreline Protection 2012



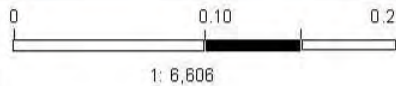
Shoreline protection project (between the black call-out boxes) that has been awarded for \$100,000, of which \$64,000 is to be paid by the City and \$36,000 by IEPA. This project is underway.

This cove (between the black call-out boxes) would be added to the scope of the original project at the already received bid prices, up to a total value of \$50,000.

Evergreen Lake Reservoir Pump Station

Legend

- Parcels
- Interstates
- US_Highways
- State_Highways
- County_Highways
- County_Rd
- City_Streets
 - ALLEY
 - CITY_ARTERIAL
 - CITY_COLLECTOR
 - CITY_STREET
 - PRIVATE_STREET
- Railroad
- County
- NAIP_2011.sid**
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3



By using any McGIS products or services, you indicate your acceptance of the Licensing Agreement: <http://www.McGIS.org/License>

Printed: 8/14/2012 12:25:03 PM

Notes

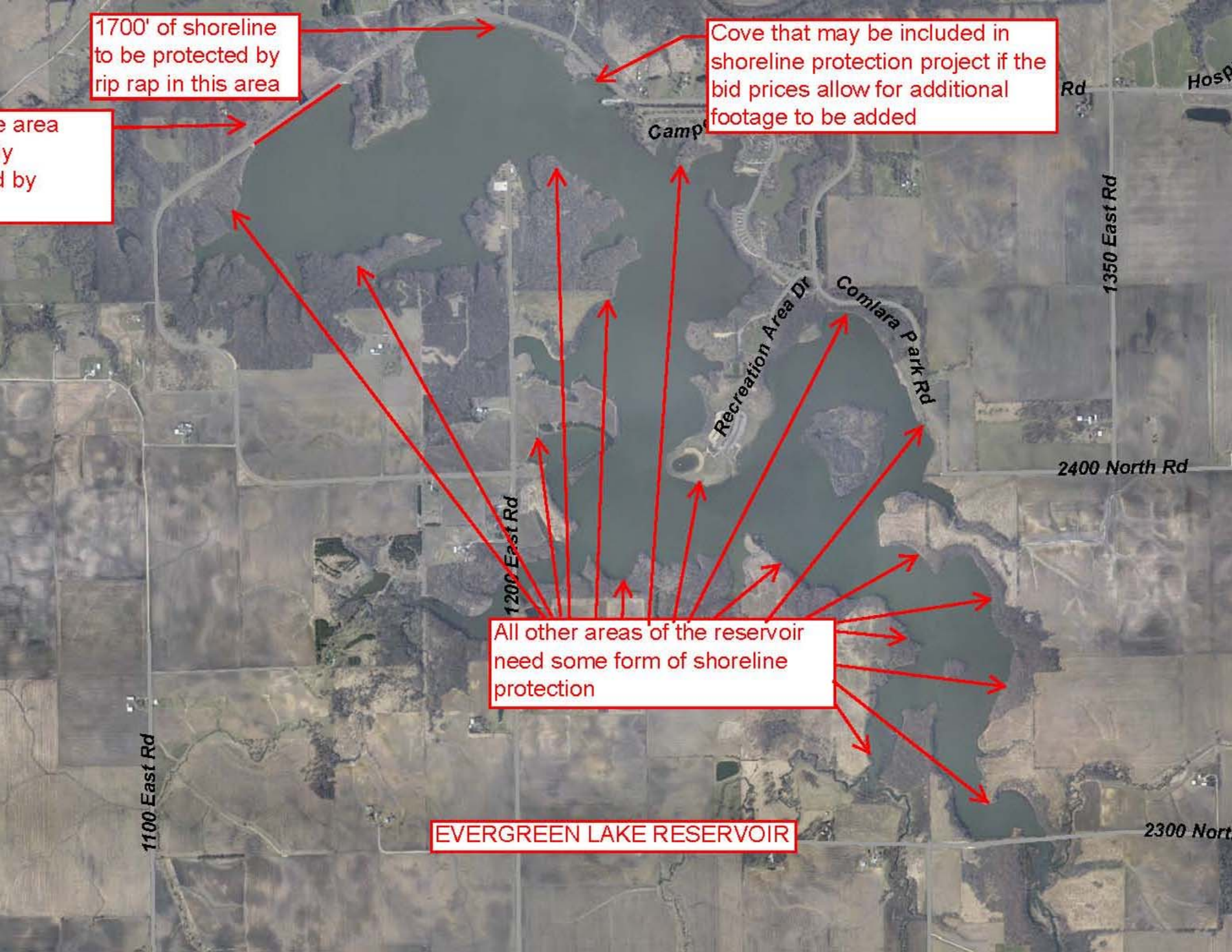
1700' of shoreline to be protected by rip rap in this area

the area
y
d by

Cove that may be included in shoreline protection project if the bid prices allow for additional footage to be added

All other areas of the reservoir need some form of shoreline protection

EVERGREEN LAKE RESERVOIR



FOR COUNCIL: November 13, 2012

SUBJECT: Payment of \$10,546 to A and R Mechanical Contractors, Inc., for a Change Order for Construction Changes to Fittings, Piping and Painting Associated with the Lime Dust Collection System at the Water Treatment Plant

RECOMMENDATION/MOTION: That the amendment to the contract with A and R Mechanical Contractors, Inc., for construction changes to fittings, piping and painting associated with the Lime Dust Collection System at the Water Treatment Plant, in the amount of \$10,546 be approved.

BACKGROUND: The Lime Dust Collection System replacement project is now completed and operating well. This project was a retrofit of an existing system at the Water Treatment Plant. During this project, there were design changes that were made to improve the efficiency and safety of the project. These design changes were completed by the contractor building the system.

Retrofitting a system into an existing process was very challenging. Not only were there issues of coordination, since the plant was still in operation while the improvements were taking place, but there were also issues of encountering conditions other than those anticipated in the original scope of the design. Blending new technology into an older plant can result in changes that must be made in the field.

The Lime Dust Collector System is used when lime, a water treatment chemical, is unloaded at the Water Treatment facility. Lime is unloaded in 50,000 pound loads several times a week. Lime is a granular material and can produce a large amount of dust when unloaded. The lime is unloaded by a system that conveys the lime vertically through four inch, (4”), steel pipes from the delivery truck to the top of the storage bins. The dust collection system that was replaced was experiencing operational problems including difficulty in changing filter bags, obsolescence of filter bags and a general decline in the overall capability of the system to remove dust. The older bag system was replaced with a new system that uses filter fabric for the filtering medium. When a delivery is completed, the system self-cleans the filters through the use of compressed air bursts to remove the lime dust. This system is completely automated and does not require the frequent and dangerous replacement of the dust collection bags that was required of the older system. The filter bags were located on the top of the lime bins some forty-five feet, (45’), above the floor.

Design modifications were made for the project as directed by staff. These modifications to the Lime Dust Collection System resulted in various parts of the lime piping system being replaced. The Lime Dust Collection System was planned, designed and competitively bid to be replaced. However, the piping to the lime storage bins was not designed for replacement. When the piping to the Lime Dust Collection System was removed for installation of the new system, it was discovered that the existing elbows and pipes were extremely worn and needed replacement.

Once it was determined that the piping had to be replaced, staff suggested that sweeping, reinforced piping elbows, made especially for granular material unloading systems, like the lime conveyance system, should be used. The worn elbows and adjacent pipes were replaced with the new reinforced fittings which required changes in the pipe support systems. The new fittings were larger and heavier. The new fittings and piping had to be painted once they were installed. The majority of the lime delivery piping was replaced via Change Order number one, approved by Council on October 11, 2011, in the amount of \$18,912.

These field changes for Change Order number two were made by the contractor in amount of \$10,546.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: There were no one contacted for this Change Order as it was a routine City matter.

FINANCIAL IMPACT: This Change Order will require the payment of an additional \$10,546 from the Water Department Fund line item 50100130-72590. This fund has a positive fund balance. This Change Order will have minimal impact to the overall financial position of the Water Department.

Respectfully submitted for Council consideration.

Prepared by:

Craig M. Cummings
Director of Water

Reviewed by:

Barbara J. Adkins
Deputy City Manager

Financial review by:

Patti-Lynn Silva
Director of Finance

Reviewed as to legal sufficiency:

J. Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

Attachment: Attachment 1. Lime Dust Collection Building photo

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			





Tank #1







Blower #1

Blower #2

FOR COUNCIL: November 13, 2012

SUBJECT: Payment of \$34,393.91 to AECOM, Inc. for Professional Services Provided for Various Design Changes in the Lime Dust Collection and Recarbonation Systems at the Water Treatment Plant

RECOMMENDATION/MOTION: That the amendment to the contract with AECOM, Inc., for various design changes in the Lime Dust Collection and Recarbonation Systems at the Water Treatment Plant, in the amount of \$34,393.91 be approved.

BACKGROUND: Staff has completed two (2) projects that were retrofits of existing systems at the Water Treatment Plant. Both projects are now completed and operating well. With both projects, there were design changes that were made to improve the efficiency and safety of the respective projects. These changes were not determined until the project was already designed and under construction.

Retrofitting a system into an existing process is very challenging. Not only were there issues of coordination, since the plant was still in operation while the improvements were taking place, there are issues of encountering conditions other than those anticipated in the original design scope. Blending new technology into an older plant can result in changes that must be made in the field.

The first project, the Lime Dust Collector System, which is used when lime is unloaded at the water treatment facility. Lime is unloaded in 50,000 pound loads several times a week. Lime is a granular material and can produce a large amount of dust when unloaded. The Lime Dust Collection System that was replaced was having operational problems including difficulty in changing filter bags, obsolescence of filter bags and a general decline in the overall capability of the system to remove dust. The older bag system was replaced with a new system that uses filter fabric for the filtering medium and when the delivery is completed. The system self-cleans those filters through the use of compressed air bursts to remove the lime dust. This system is completely automated and does not require frequent and dangerous replacement of dust collection bags that was required of the older system. The filter bags were located on the top of the lime bins some forty-five feet, (45'), above the floor.

The second project was the Recarbonation System. The Recarbonation System reduces the pH of treated water to an acceptable level. This is accomplished through the use of carbon dioxide. The same gas that gives pop its fizz. Carbon dioxide forms a weak acid when injected into water thus lowering the pH to acceptable levels. The new recarbonation system takes the carbon dioxide and directly injects it into the water in a very efficient manner. This direct injection system, due to its efficiency, has reduced the amount of carbon dioxide that is used. As an added benefit, the use of this system is expected to reduce the incrustation of calcium compounds on the interior of some of the pipes in the water treatment facility. This will, in turn, increase the hydraulic capacity of the plant.

As a result of changes directed by staff, design modifications were made for each project. As an example, one of the larger modifications made was to various parts of the lime piping which had to be replaced. The Lime Dust Collection System was being replaced but the piping to the lime bins was not designed for replacement. When the piping to the system was removed for the new dust collection system to be installed, it was discovered that the existing elbows were extremely worn and needed to be replaced as well as some of the pipes. Once it was determined that the piping had to be replaced, staff suggested that sweeping, reinforced piping elbows, made especially for granular material unloading systems like the lime conveyance system, should be used. The worn elbows and pipes were replaced with the new reinforced fittings and piping which required change in the pipe support systems. The new fittings were larger and heavier. The new fittings and piping had to be painted once they were installed.

Additionally a modification was made to allow two (2) pH monitors to be installed in manholes instead of being buried. The lines where these monitors are located are between ten and fifteen feet, (10 – 15’), deep. The installation of a manhole over each effluent line made maintenance much safer as there is no need for excavation and thus no need for trench shoring. The manholes will provide safe, easy access to the monitors.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: There were no one contacted for this Change Order as it was a routine City matter.

FINANCIAL IMPACT: This Change Order will require the payment of an additional \$18,056.04 from the Water Department Fund in line item 50100130-72540. This fund retains a positive fund balance. This Change Order will have minimal impact to the overall financial position of the Water Department.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Craig M. Cummings
Water Department Director

Barbara J. Adkins
Deputy City Manager

Financial review by:

Reviewed as to legal sufficiency:

Recommended by:

Patti-Lynn Silva
Director of Finance

J. Todd Greenburg
Corporation Counsel

David A. Hales
City Manager

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

FOR COUNCIL: November 13, 2012

SUBJECT: Petition from Wingover East, LLC Requesting Approval of a Dedication of a Water Main Easement, located at Lot 126 Airport Park Subdivision, 15th Addition, west of Ekstam Dr.

RECOMMENDATION/MOTION: That the Dedication be approved and the Ordinance passed.

BACKGROUND: On July 23, 2012, Council approved the Final Plat for Airport Park Subdivision Fifteenth Addition.

On September 10, 2012, Council approved a fifteen feet (15') water main easement for a public water main to be constructed at Wingover East Apartments.

The subject easement plat dedicates an additional five feet (5') wide easement necessitated by a five foot, (5'), shift of a 150' section of the water main caused by a redesign of the onsite detention system during construction.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Wingover East, LLC.

FINANCIAL IMPACT: All survey and platting costs are paid by Wingover East, LLC.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed as to legal sufficiency:

Jim Karch
Director of Public Works

Craig Cummings
Director of Water

J. Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

Attachments: Attachment 1. Petition
Attachment 2. Ordinance
Attachment 3. Legal Description
Attachment 4. Map

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

**PETITION FOR DEDICATION OF
WATER MAIN EASEMENT**

STATE OF ILLINOIS)
) ss.
COUNTY OF MCLEAN)

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

Now comes Wingover East, LLC, hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

1. That your Petitioners is interested in the dedication of a five foot Water Main Easement on Lot 126 in Airport Park Subdivision Fifteenth Addition in the premises hereinafter described in Exhibits "A" attached hereto and made a part hereof by this reference;
2. That your Petitioners seeks approval of the dedication of proposed five foot Water Main Easement located on said premises;

WHEREFORE, your Petitioner prays that the proposed Water Main Easement for Wingover East LLC, Bloomington, Illinois be accepted with such reservation of utility easements as may seem proper.

Respectfully submitted,

By: Kurt Hoferle

ORDINANCE NO. 2012 - _____

AN ORDINANCE PROVIDING FOR THE DEDICATION OF

WATER MAIN EASEMENT

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting the dedication of Water Main Easement for Wingover East LLC, Bloomington, Illinois; and

WHEREAS, said petition complies in all respects with the ordinances of said City and the statutes of the State of Illinois in such case made and provided; and

WHEREAS, the City Council of said City has the power to pass this Ordinance and grant said dedication; and

WHEREAS, it is reasonable and proper to dedicate said Water Main Easement as requested in this case.

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

1. That the dedication of the 5 foot Water Main Easement on Lot 126 Airport Park Subdivision Fifteenth Addition are hereby dedicated.
2. The aforesaid dedication notwithstanding, the City reserves to itself an easement the full width of the dedicated Water Main Easement for the purpose of laying, installing, maintaining, repairing, removing, or replacing such facilities as they may deem appropriate.
3. That this ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 13th day of November, 2012.

APPROVED this _____th day of November, 2012.

Mayor

ATTEST:

City Clerk

EXHIBIT A

Description of Property

Lot 126 in Airport Park Subdivision Fifteenth Addition, City of Bloomington, according to the plat thereof recorded August 23, 2012 as Document No. 2012-21100, in McLean County, Illinois.

Water Main Easement to be Dedicated

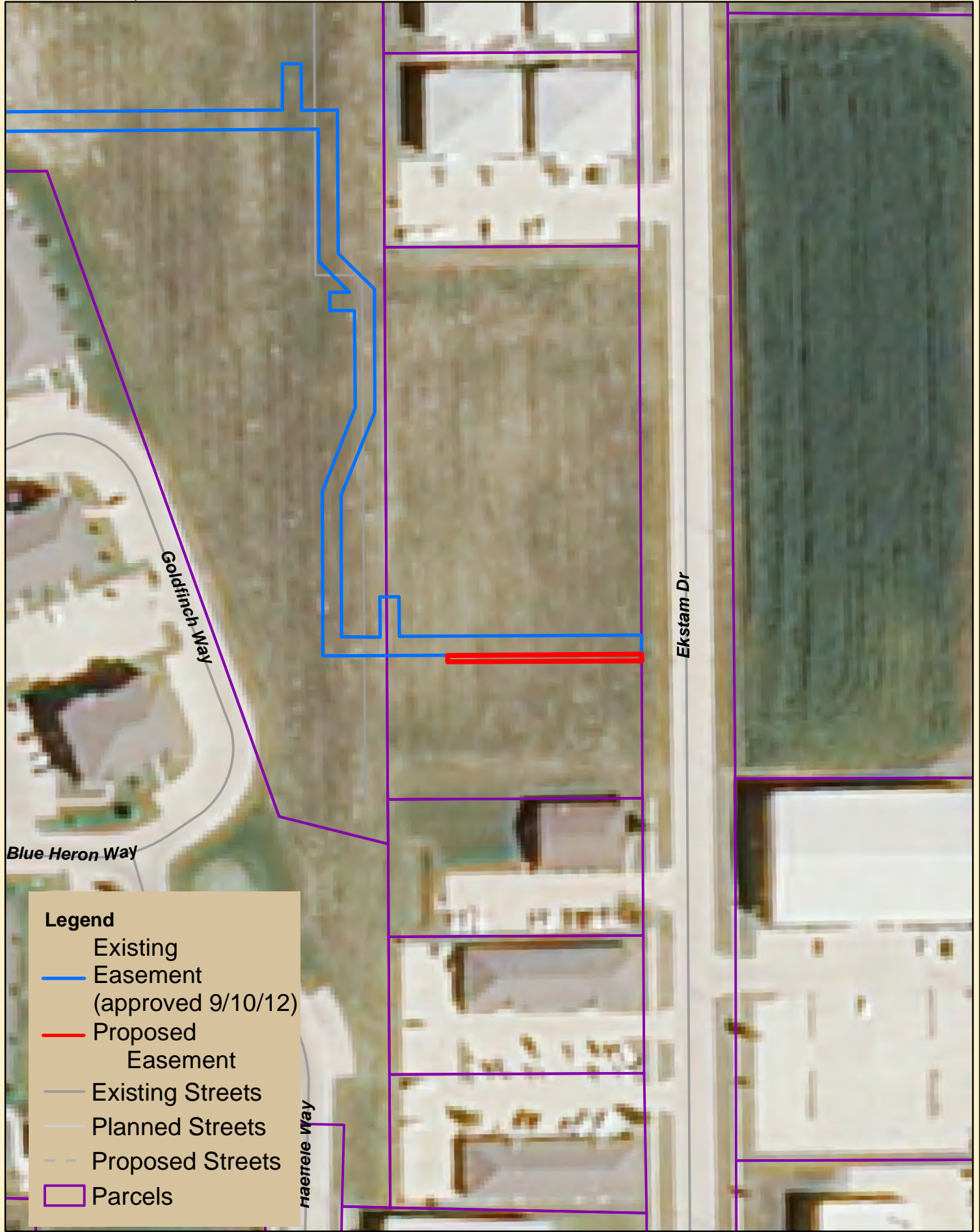
Permanent water main easement to be dedicated as shown on the attached plat.

PIN 15 – 31 – 452 - 006

Wingover East Five (5) Foot Water Main Easement



DATE 08/27/2012
Public Works Department



Legend

- Existing Easement (approved 9/10/12) - Blue line
- Proposed Easement - Red line
- Existing Streets - Solid grey line
- Planned Streets - Dashed grey line
- Proposed Streets - Dotted grey line
- Parcels - Purple outline

FOR COUNCIL: November 13, 2012

SUBJECT: Lake Bloomington Lease Transfer Petition for Lot 1, Block 14 of Camp Potawatomie, commonly located at 25105 White Owl Ln., Hudson, from Jansen and Deanne Wiley to Tim and Cathy Strader

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

BACKGROUND: Staff has reviewed the Lake Bloomington Lease Transfer Petition for Lot 1, Block 14 of Camp Potawatomie, commonly known as 25105 White Owl Ln., Hudson, from Jansen and Deanne Wiley to Tim and Cathy Strader. The sewage disposal system inspection was completed in October 2012. The septic system was functioning properly at that time. The sewage disposal system is twenty-two, (22), years old. The McLean County Health Department estimates sewage disposal systems have an average life span of approximately twenty to twenty-five, (20-25), years. This can be affected greatly by usage patterns of the premises, (seasonal versus full time occupancy), and system maintenance. The sewage disposal system is a surface discharging system, meaning the system effluent, following treatment, directly discharges to an evaporation trench which eventually leads to the Lake Bloomington Reservoir. The effluent flows slowly through the evaporation trench where a small amount leaches into the ground, some evaporates and anything left flows into the reservoir. If there were a problem with the system, it would back up into the home and poses little threat to the reservoir.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: There were no one contacted for this petition as it is a routine matter.

FINANCIAL IMPACT: This petition will have a neutral financial impact in that the lease uses the current formula, (\$0.40 per \$100 of Equalized Assessed Value) for determining the Lake Lease Fee. The current lake lease formula generates about \$630 per year in lease income. This lake lease income will be posted to Lake Lease revenue account 50100140-57590.

It should be noted that the term of this lease is until December 31, 2131. The same term as other lease renewals since 1998.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Craig M. Cummings
Director of Water

Barbara J. Adkins
Deputy City Manager

Financial review by:

Reviewed as to legal sufficiency:

Recommended by:

Patti-Lynn Silva
Director of Finance

J. Todd Greenburg
Corporation Counsel

David A. Hales
City Manager

Attachment: Attachment 1. Lease Map

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

25135

25119

25105

25105 White Owl Lane

White Owl Ln

Lake Lease Transfer Wiley to Strader



FOR COUNCIL: November 13, 2012

SUBJECT: Application of MGN Foods, Inc., d/b/a West Market St. Grocery, located at 301 W. Market St., Unit B, for a PBA liquor license, which will allow the sale of packaged beer and wine only for consumption off the premises seven (7) days a week

RECOMMENDATION/MOTION: The Liquor Commission recommends that the City Council approve a PBS liquor license for MGN Foods, Inc., d/b/a West Market St. Grocery, located at 301 W. Market St., be created, contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) the sale of packaged beer and wine would be limited to nothing smaller than a six (6) pack of beer and 750ml of wine and. 2.) no alcohol sales permitted before 9:00 a.m. on Monday through Friday.

BACKGROUND: The Bloomington Liquor Commissioner Stockton called the Liquor Hearing to order to hear the application of MGN Foods, Inc., d/b/a West Market St. Grocery, located at 301 W. Market St., Unit B, requesting a PBS liquor license which allows the sale of packaged beer and wine only for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Stephen Stockton, 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, Mahesh Patel, owner/operator and Applicant representative.

Commissioner Stockton opened the liquor hearing and requested that the Applicant address the Commission. He noted that this application involved the sale of an existing business with a liquor license. Mahesh Patel, owner/operator and Applicant representative, addressed the Commission. Mr. Patel informed the Commission that he had owned and operated Franzetti's located at 801 E. Washington St. currently holding a PBS liquor license for the past fourteen (14) years. Commissioner Stockton questioned this application. Mr. Patel planned to expand his business. There would be no changes at the W. Market St. store. The store would close at 10:00 p.m. He cited a condition upon the current license: no sale of alcohol until 10:00 a.m. He requested that alcohol sales be allowed starting at 7:00 a.m. six days a week and 8:00 a.m. on Sundays. There were no changes planned to the store's interior space.

Commissioner Tompkins acknowledged Mr. Patel's ownership of Franzetti's. He questioned if there had been any violations during the past two (2) years. Mr. Patel responded negatively.

Commissioner Clapp noted that there was a school bus stop nearby the W. Market St. store. The neighborhood had expressed concerns regarding school children.

Commissioner Stockton added his belief that there had been reasons in the past for the store's existing conditions.

Commissioner Tompkins noted that the current owner had been a good neighbor. He added that Mr. Patel was a current license holder in good standing. He questioned if there was any interest in an "A", All types of alcohol, liquor license.

Commissioner Gibson noted that the application was for a "B", Beer & wine only. Mr. Patel responded affirmatively. Commissioner Gibson addressed the Applicant's financials. He noted information had been included regarding audits. He appreciated the inclusion of this information. He addressed the nature of the license. He questioned the percentage of sales from alcohol. Mr. Patel believed that the existing business had grocery sales in the range of seventy-five to eighty percent (75 - 80%). Commissioner Gibson noted the store's smaller space and the higher percentage of sales from non alcohol items.

Commissioner Petersen questioned the business hours. Mr. Patel stated 6:00 a.m. until 10:00 p.m. on Monday through Saturday and 8:00 a.m. until 10:00 p.m. on Sunday. Commissioner Petersen questioned the existing license type at the store. Mr. Patel noted a PBS liquor license.

Commissioner Buchanan addressed eliminating the condition addressing sale hours. The Commission needed to address the demand for alcohol sales as a financial consideration. Mr. Patel responded affirmatively. He noted there would also be additional tax revenue for the City. Commissioner Buchanan restated Mr. Patel's request that alcohol sales commence at 7:00 a.m., Monday through Saturday, and 8:00 a.m. on Sunday. Mr. Patel responded affirmatively. He did not anticipate a high demand for alcohol sales. He believed that there would be more interest in alcohol sales on Sunday.

Commissioner Stockton noted the current conditions: 1.) the sale of packaged beer and wine would be limited to nothing smaller than a six (6) pack of beer and 750ml of wine; 2.) there shall be no sale of alcohol before 10:00 a.m. Monday through Saturday; and 3.) the dedicated sales space for stocking/displaying of alcohol be limited to ten percent (10%) of available floor space not to exceed 100 square feet (reference Applicant lease). He also cited window signage. This was a safety issue. He noted Mr. Patel's opposition to the 10:00 a.m. sale hour condition. He added his belief that there was a school bus stop.

Dennis Arnold, 504 N. Lee St., addressed the Commission. He represented the Gridley Allin Prickett's (GAP) Neighborhood Association. He noted the preference that the existing conditions be retained. He stated that signs had been removed from the windows. District 87's school bus stop had been relocated to the intersection of Roosevelt and Mulberry. He added that bus stops can be changed for special needs children. He was not as concerned about Saturday and Sunday. The school bus stop was located one (1) block north of the store. There was no adult supervision. The GAP Neighborhood Association was strongly against a 7:00 a.m. sale hour. He requested that the existing conditions be retained.

Commissioner Tompkins had surveyed the GAP neighborhood approximately eight to twelve (8 - 12) months ago. There was neighborhood support for the existing business practices. There was opposition to an A license classification.

Commissioner Buchanan did not understand the connection between a school bus stop and a 10:00 a.m. sale hour. Mr. Arnold restated that the bus stop was only one (1) block north of the store. The change occurred this year. Bus stops were dependent upon the student population. The last pick up occurred around 9:00 a.m.

Commissioner Tompkins believed that the bus stop was at 7:45 a.m. Mr. Arnold noted special needs children. Commissioner Tompkins questioned if Mr. Arnold believed that children would purchase alcohol. Mr. Arnold noted mothers were concerned about the store's clientele. Commissioner Tompkins noted the store's parking lot area. The school bus stop was one (1) block away.

Commissioner Stockton noted the Commission's history regarding consideration of later hours. There was a clientele that would line up at the hour alcohol sales started. The bus stop had been on the corner. The combination of children and certain clientele was not the best. Mr. Arnold added that a bus stop can be changed at anytime. Commissioner Stockton noted the revenue from alcohol sales. The Commission should retain some restrictions when granting a new license. He cited the sale hours for alcohol as an example. Conditions could be modified at a future date. He did not believe that the Council would support a 7:00 a.m. sale hour.

Commissioner Gibson questioned the last bus stop. Mr. Arnold noted that there were children who attended Sheridan Elementary School located at 1403 W. Walnut St. and Sarah Raymond Childhood Education Center located 1402 W. Olive St.

Commissioner Petersen noted that concerns during the week would not be applicable to Saturday and Sunday. Mr. Arnold cited school days as the greatest concern.

Commissioner Gibson expressed his appreciation and understanding of Mr. Arnold's comments. He addressed fairness and equity to license holders. He noted the history of conditions which was to mitigate issues. He believed that this applicant should be given the opportunity. The City needed to level the playing field. He cited shift workers.

Commissioner Stockton expressed his support to continue the time restriction. Commissioner Gibson questioned when it would end. Commissioner Stockton noted the focus has been on the Downtown. Commissioner Gibson questioned carry over conditions.

Mr. Arnold noted that Pub I located at 505 W. Market St., and Circle K located at 1210 W. Market St., were also located in the GAP neighborhood. He expressed his concern that other license holders would request a change of conditions.

Motion by Commissioner Tompkins, seconded by Commissioner Gibson that the application of MGN Foods, Inc., d/b/a West Market St. Grocery, located at 301 W. Market St., Unit B, requesting a PBS liquor license be approved with the following condition: 1.) the sale of packaged beer and wine would be limited to nothing smaller than a six (6) pack of beer and 750ml of wine.

Ayes: Commissioners Gibson and Tompkins.

Nays: Commissioners Stockton, Buchanan, Clapp, and Petersen.

Motion failed.

Commissioner Buchanan questioned condition 3. Commissioner Tompkins believed that this condition was set by ordinance. Commissioner Buchanan informed the Commission that he had visited the premises to reacquaint himself with the facility. The store was in compliance with condition 3. Alcohol items were at or below ten percent (10%) of floor space.

Commissioner Clapp noted the neighborhood concerns and believed that the Commission should take them seriously. The conditions might bear review. Vehicular traffic might be a safety issue.

Commissioner Petersen noted that Mr. Arnold represented the GAP Neighborhood Association. These conditions have worked well for the last four to five (4 - 5) years. There were children in the vicinity. He noted that there were no concerns with Saturday and Sunday. The conditions could be retained on Monday through Friday. The City could see the impact of the conditions upon the store and neighborhood. He expressed his concerns and noted the store's clientele.

Commissioner Gibson noted that the school bus stop had been moved to another location. Commissioner Petersen expressed his concern for the children. Commissioner Clapp added that a neighborhood representative had presented the Commission with its concerns.

Commissioner Gibson stated that the Commission played fast and loose with conditions. Conditions were arbitrary and subjective. He noted that weekends were different. He described the 10:00 a.m. sale hour as harsh.

Commissioner Stockton believed that the Commission had been consistent. Conditions had been used to address the neighborhood's environment. He noted the store's location and its proximity to the Downtown. He cited the clustering of the homeless population at this location. The school buses were generally gone by 9:00 a.m. The Commission could adjust the sale hour condition. He noted the concern addressed Monday through Friday. He hoped the Commission would find a compromise. The Commission had the ability to remove conditions at a future time.

Commissioner Buchanan initially thought the concern was for the City to be proactive and prohibit undesirable behavior. He noted that the school bus stop was no longer on the corner of Market and Roosevelt. He added that CVS located at 202 N. Center St. had a line when it opened. He questioned if the same occurred in this neighborhood. He did not recall any reports from W. Market St. He would support some type of condition. He expressed his interest in a compromise.

Commissioner Tompkins questioned palatable sale hours. Mr. Patel noted that he planned to open at 7:00 a.m. but would be unable to sale alcohol until 10:00 a.m. There were no restrictions at his current location.

Commissioner Tompkins noted that classes start at District 87 at 8:50 a.m. He believed that the school buses arrived fifteen to twenty (15 - 20) minutes before the bell.

Commissioner Stockton expressed his concern regarding a change from 10:00 a.m. to 8:00 a.m.

Commissioner Buchanan recommended 9:00 a.m. on Monday through Friday and 7:00 a.m. on Saturday and Sunday. Commissioner Tompkins added a provision that the condition be removed if there were no issues. Commissioner Clapp requested that any incidents be reported to the Commission.

Mr. Arnold anticipated feedback from the City if there were any issues. Commissioner Tompkins assured Mr. Arnold that the Commission would respond. Mr. Arnold expressed his opinion that the neighborhood would be treated as an experiment.

Commissioner Buchanan noted that the conditions were the experiment. Mr. Arnold cited the neighborhood's experience with Pub I located at 505 W. Market St., Circle K located at 1210 W. Market St. and Pops Grocery located at 918 W. Market St. Pub I had voluntarily stopped the sale of single serve and small bottles.

Commissioner Gibson stated that the issue was proximity of school children waiting for the school bus. The school calendar was only 180 days a year. He acknowledged children safety and a harmful environment. He questioned non school days. He noted past practices.

Mr. Patel noted Price Rite located at 706 N. Clinton St. He cited the pedestrian traffic at this location. Commissioner Stockton stated that concerns have been raised at this location. The condition would become complex by exempting the summer months. Commissioner Gibson restated that the issue was children's safety versus earlier sale hours. The Commission was responding to neighborhood concerns. The key was how much interference/conditions. The Commission must consider the neighborhood and the Council.

Commissioner Buchanan had heard concerns about problems. He questioned if this location was different than CVS. *CVS located at 202 N. Center St. currently holds a PAS, (Packaged, All types of alcohol and Sunday sales), liquor license with the following conditions: 1.) no alcohol sales permitted before 9:00 a.m. and 2.) no single serve sales permitted before 12 noon.*

Commissioner Stockton recommended that the Commission set a review date.

George Boyle, Asst. Corporation Counsel, addressed the Commission. The Applicant could request a change to/review of conditions. He noted Mr. Patel's economic interest and Mr. Arnold's neighborhood concerns. A review could be schedule in three, six, nine, (3, 6, 9) months. There was no set time.

Commissioner Stockton cited other options such as exempt the summer and/or set an automatic review date.

Mr. Patel stated his willingness to try 9:00 a.m. on Monday through Friday.

Commissioner Stockton requested that the neighborhood be willing to consider same. Mr. Arnold stated that the GAP Neighborhood Association would meet on Thursday, October 11, 2012. He planned to keep W. Market St. on GAP's agenda. Commissioner Stockton expressed his opinion that the impact upon liquor sales would be limited. Mr. Arnold expressed his opinion that customers would be present sleeping on the ground.

Commissioner Stockton noted the lease provision: condition 3.) the dedicated sales space for stocking/displaying of alcohol be limited to ten percent (10%) of available floor space not to exceed 100 square feet, (reference Applicant lease).

Motion by Commissioner Tompkins, seconded by Commissioner Clapp that the application of MGN Foods, Inc., d/b/a West Market St. Grocery, located at 301 W. Market St., Unit B, requesting a PBS liquor license be approved with the following conditions: 1.) 1.) the sale of packaged beer and wine would be limited to nothing smaller than a six (6) pack of beer and 750ml of wine and. 2.) no alcohol sales permitted before 9:00 a.m. on Monday through Friday.

Ayes: Commissioner Stockton, Buchanan, Clapp, Petersen and Tompkins.

Nays: Commissioner Gibson.

Motion carried.

Commissioner Stockton thanked the Commission for their cautious approach. He hoped the Council would support this item. The City would need to work with the neighborhood.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph on October 1, 2012 in accordance with City Code. In accordance with City Code, approximately fifty (50) courtesy copies of the Public Notice were mailed on September 28, 2012. In addition, the Agenda for the October 10, 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: None. Request is for a change of ownership. Annual fee for a PBS liquor license is \$1,180.

Respectfully,

Stephen F. Stockton
Chairman of Liquor Commission

Attachment: Attachment 1. Map

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			



Elementary School: 8:32am pick-up/3:40pm drop-off

Jr. High School: 7:35am pick-up/3:00pm drop-off

High School: 7:03am pick-up/2:38pm drop-off

Information above provided by IL Central School Bus which services District 87

FOR COUNCIL: November 13, 2012

SUBJECT: Text Amendment to Chapter 40 of the City Code Relating to Taxicabs and Vehicles for Hire

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

BACKGROUND: Chapter 40 of the City Code regulates taxicab and vehicle for hire service in the City, and by intergovernmental agreement, in the Town of Normal. In order to ensure the public health, safety and welfare, the Chapter has basic requirements for owners, drivers and vehicles. The proposed Ordinance revises and clarifies language as to those persons prohibited from obtaining certificates of convenience, (required of company owners), permits to drive and the consequences for failure to abide by those prohibitions.

Specifically, the proposed ordinance does the following:

- Provides that no person who is a “sex offender,” as defined, shall obtain a certificate of public convenience, a permit to drive a taxi or permit to drive a vehicle for hire. The Chapter had previously provided that no person who had been convicted of a sexual offense within the past five (5) years could obtain a certificate of public convenience or permit to drive.
- Updates and broadens the definition of “sex offender,” by specifically tying that definition to the definition of that term used in the Sex Offender Registration Act, and by further providing that the term applies to any person found to have committed a sexual offense as described in the Act, regardless of whether that person is required to register as a sex offender in Illinois.
- Provides that no one who has been convicted of a felony within the past ten (10) years shall be eligible to receive a certificate of public convenience or a permit to drive unless the applicant receives a written determination from the City Manager that the applicant is sufficiently rehabilitated such that the issuance to that person of a certificate or a permit would not pose a danger to the public. The Ordinance lists factors the City Manager may consider in making that determination, such as the nature of the felony, the length of time since the conviction and efforts of the applicant at rehabilitation.
- Provides that owners who hire sex offenders or prohibited felons may have their certificates revoked by the City Manager.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The proposed changes have been shown to and received the support of the Town of Normal’s Corporate Counsel and City Manager, the Bloomington-Normal Taxicab and Vehicle for Hire Owners Group and the Bloomington-Normal Community Campus Coalition.

FINANCIAL IMPACT: No significant financial impact upon the community is expected.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed by:

George Boyle
Asst. Corporation Counsel

Barbara J. Adkins
Deputy City Manager

Randall McKinley
Chief of Police

Recommended by:

David A. Hales
City Manager

Attachment: Attachment1. Ordinance

Motion: _____

Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

ORDINANCE NO. 2012- ____

**AN ORDINANCE AMENDING BLOOMINGTON
CITY CODE CHAPTER 40**

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

SECTION 1. That Bloomington City Code Chapter 40, Sections 102, 203, 402, 405, 1002C, 1002J, 1003, 1005, 1005A, shall be and the same are hereby amended to read as follows: (additions are indicated by underlining; deletions are indicated by strikeouts):

SEC. 102 DEFINITIONS.

The following words and phrases when used in this Ordinance shall have the meanings as set out herein, unless the context in which they are used clearly indicates that a different meaning is intended.

(a) “Approved” shall mean reasonably acceptable to the Chief of Police of the City of Bloomington.

(b) “Certificate” shall mean a certificate of public convenience issued by the City Manager authorizing the holder to conduct a taxicab business in the City of Bloomington or such other areas to which this Code applies pursuant to an intergovernmental cooperation agreement.

(c) “Council” shall mean the City Council of the City of Bloomington, Illinois.

(d) “Cruising” shall mean the driving of a taxicab on the streets, alleys or public places of the City of Bloomington and other such areas to which this Code applies pursuant to an intergovernmental cooperation agreement without a paying passenger and apparently in search of, or soliciting prospective passengers for hire.

(e) “Driver” shall mean the operator of the taxicab.

(f) “Driver’s Permit” shall mean the written permission granted by the City Manager to a person to drive a taxicab upon the streets of the City of Bloomington and such other areas to which this Code applies pursuant to an intergovernmental cooperation agreement.

(g) “Holder” shall mean a person to whom a certificate of public convenience has been issued.

(h) “License Year” shall mean one (1) calendar year beginning January 1 and ending December 31st.

(i) “Manager” shall mean the City Manager of the City of Bloomington, Illinois.

(j) “Manifest” shall mean a daily record prepared by a taxicab driver of all trips made by said driver showing time and place of origin, destination, number of passengers, and the amount of fare of each trip.

(k) “Open Stand” shall mean a public place alongside the curb of a street or elsewhere in the City of Bloomington or other jurisdiction in which this Code applies pursuant to an intergovernmental cooperation agreement designated by the respective corporate authority as reserved exclusively for the use of taxicabs.

(l) “Person” includes an individual, a corporation or other legal entity, a partnership and any unincorporated association.

(m) “Rate Card” shall mean a card issued by the City Clerk for display in each taxicab which contains the rates of fare then in force.

(n) “Sex Offender” shall mean any person convicted, adjudicated or otherwise found to be a sex offender as that term is defined in the Sex Offender Registration Act, 730 ILCS 150/2. Said term shall include any person found to have committed a sexual offense as described in said statute, regardless of whether that person is required to register as a sex offender in Illinois. Said term shall include convictions, adjudications or findings of a violation of any substantially similar federal, uniform code of military justice, sister state, or foreign country law. This Section shall not be construed so as to violate provisions of the Juvenile Court Act.

(o) ~~(n)~~ “Taxicab” shall mean any vehicle used in the business of carrying passengers for hire and not operated regularly upon established routes; however, motor vehicles operated for purposes of mass transit by the City of Bloomington and the Town of Normal and shuttle services operated by hotels and motels as a courtesy to their guests shall not be considered taxicabs. (Ordinance No. 2009-21)

(p) ~~(o)~~ “Taximeter” shall mean a meter instrument or device attached to a taxicab which measures mechanically and/or electrically the distance driven and the waiting time upon which the fare is based.

(q) ~~(p)~~ “Waiting Time” shall mean the following times when a hired taxicab is not in motion, to wit:

- (1) Time commencing three (3) minutes after arrival at the place to which the taxicab has been summoned and ending with the passenger's entry into the vehicle;
- (2) Time consumed by ordinary traffic delays;
- (3) Time the taxicab is not in motion due to the request, act, or fault of a passenger or passengers.

It shall not include:

- (1) Time lost due to inefficiency of the vehicle or its driver;
- (2) Time consumed by premature response to a call;
- (3) Any other time lost.

(r) ~~(e)~~ “Horse Drawn Vehicle” shall mean any vehicle pulled by a horse or other animal which may be hired for the transportation of passengers. Such vehicles will be subject to all appropriate provisions of this Chapter of the City Code and to the provisions of the Illinois Vehicle Code.

SEC. 203 INVESTIGATION.

The Chief of Police shall cause an investigation to be made of the character, fitness and qualifications of the applicant, and shall transmit the findings to the City Manager. No applicant who is a sex offender as that term is defined in Section 102 of this Chapter shall be eligible to receive a certificate of public convenience and necessity. No applicant who has been convicted within the last 10 years of a felony shall be eligible to receive a certificate of public convenience and necessity, unless a written determination has been made by the City Manager that such person has been sufficiently rehabilitated such that the issuance to that person of a certificate of public convenience and necessity would not pose a danger to the public. In making said determination, the City Manager may consider the factors set forth in Section 405(g) of this Chapter. If the applicant is a corporation or limited liability company, no such entity having as its chief stockholder, president, secretary or any other officer a person who is a sex offender as defined under Section 102 of this Chapter, shall be eligible to receive a certificate of public convenience and necessity. If the applicant is a corporation or limited liability company, no such entity having as its chief stockholder, president, secretary or any other officer a person who has been convicted of a felony within the last 10 years shall be eligible to receive a certificate of public convenience and necessity unless such person has received from the City Manager a written determination that he or she has been sufficiently rehabilitated such that the issuance to the applicant of a certificate of public convenience and necessity will not pose a danger to the public. ~~No applicant who has been convicted within the last five (5) years of any felony or any criminal offense under Article 11 of the Illinois Criminal Code~~ Any person who has received a certificate of public convenience and necessity who desires to drive a taxicab must also have a permit from the City of Bloomington pursuant to Article IV of this Chapter. In addition to any other fee required by this Chapter 40, every person for whom a background investigation is required shall pay a fee of \$10.00 to the City of Bloomington for the costs of an initial background investigation and shall pay an additional fee of \$20.00 in the event an additional check (including but not limited to the cost of fingerprinting) is deemed necessary by the City.

SEC. 402 APPLICATION FOR DRIVER'S PERMIT.

An application for a taxicab driver's permit shall be filed with the City Clerk on forms provided by the City of Bloomington; and such application shall be verified under oath and shall contain the following information:

- (a) The name, age and residence of applicant;
- (b) The names and addresses of four (4) persons who have known the applicant for a period of four (4) years and who will vouch for the sobriety, honesty, and general good character of the applicant;
- (c) The number of the applicant's operator license issued by the State of Illinois;
- (d) Whether the applicant's operator license has ever been suspended or revoked by any governmental body in or outside of the State of Illinois, and if so, the reason therefor;
- (e) The number and nature of moving traffic violations committed by the applicant;
- (f) A concise history of the applicant's employment;
- (g) Whether the applicant is a sex offender within the meaning of Section 102 of this Chapter; and
- (h) Convictions of the applicant of any felony in any jurisdiction. For each such conviction, the applicant must detail the charge, jurisdiction and date of conviction.
- ~~(g) Convictions of the applicant within the past five (5) years of any felony in any jurisdiction, or of any sexual offense under Articles 11 or 12 of the Illinois Criminal Code, or equivalent sexual offenses of any other jurisdiction.~~

At the time the application is filed, the applicant shall pay to the City Clerk the sum of Ten Dollars (\$10.00).

SEC. 405 GROUND FOR DENIAL OR REVOCATION OF APPLICATION.

The following shall be grounds for denial of an application for a taxicab driver's permit:

- (a) The applicant has a communicable disease of a type likely to be transmitted to a passenger in the normal course of business;
- (b) The applicant is afflicted with a disease or uncorrected impairment which would affect his driving ability;
- (c) The applicant has not attained the age of 18 years;
- (d) The applicant does not have a valid operator's license issued by the State of Illinois;

- (e) The applicant has a bad driving record, which is defined as a conviction within the last five (5) years of any of the following:
 - (1) Manslaughter or reckless homicide resulting from the operation of a motor vehicle;
 - (2) Driving under other influence of narcotics or intoxicating liquor, or permitting another to drive one's vehicle while under the influence of liquor or narcotics;
 - (3) Two (2) charges of reckless driving;
 - (4) Failure as the driver of any vehicle involved in any accident to stop and disclose his identity at the scene and to render aid to others, if needed, and/or failure to give notice of the accident by the fastest available means of communication to the local Police Department as required by law; or had his taxicab driver's permit or state driver's license revoked.
- (f) The applicant is a sex offender within the meaning of Section 102 of this Chapter;
- (g) The applicant has been convicted of a felony within the last 10 years, unless the applicant obtains a written determination by the City Manager that he or she has been sufficiently rehabilitated to the extent where the issuance of a taxicab driver's permit to the applicant will not pose a danger to the public. In making said determination, the City Manager may consider such factors as the nature of the felony, the length of time since the conviction and efforts of the applicant at rehabilitation;
- ~~(f) The applicant has been convicted within the past five (5) years of any felony or any criminal offense under Article 11 of the Illinois Criminal Code;~~
- ~~(g)~~ (h) The failure of an applicant to furnish truthful information on an application for a taxicab driver's permit; and
- (i) The conviction of the applicant for one or more violations of the provisions of this Chapter.

SEC. 1002C INVESTIGATION.

The Chief of Police shall cause an investigation to be made of the character, fitness and qualifications of the applicant, and shall transmit the findings to the City Manager. No applicant who is a sex offender as that term is defined in Section 102 of this Chapter shall be eligible to receive a certificate of public convenience and necessity. No applicant who has been convicted of a felony within the last 10 years shall be eligible to receive a certificate of public convenience and necessity, unless a written determination has been made by the City Manager that such person has been sufficiently rehabilitated such that the issuance to that person of a certificate of

public convenience and necessity would not pose a danger to the public. In making said determination, the City Manager may consider the factors set forth in Section 1005(g) of this Chapter. If the applicant is a corporation or limited liability company, no such entity having as its chief stockholder, president, secretary or any other officer a person who is a sex offender as defined under Section 102 of this Chapter, shall be eligible to receive a certificate of public convenience and necessity. If the applicant is a corporation or limited liability company, no such entity having as its chief stockholder, president, secretary or any other officer a person who has been convicted of a felony within the last 10 years shall be eligible to receive a certificate of public convenience and necessity unless such person has received from the City Manager a written determination that he or she has been sufficiently rehabilitated such that the issuance to the applicant of a certificate of public convenience and necessity will not pose a danger to the public. ~~No applicant who has been convicted within the last five (5) years of any felony or any criminal offense under Article 11 of the Illinois Criminal Code shall be eligible to receive a certificate of public convenience and necessity.~~ Any person who has received a certificate of public convenience and necessity who desires to drive a vehicle for hire must also have a permit from the City of Bloomington pursuant to Article X of this Chapter. In addition to any other fee required by this Chapter 40, every person for whom a background investigation is required shall pay a fee of \$10.00 to the City of Bloomington for the costs of an initial background investigation and shall pay an additional fee of \$20.00 in the event an additional background check (including but not limited to the cost of fingerprinting) is deemed necessary by the City.

SEC. 1002J SUSPENSION OR REVOCATION OF CERTIFICATE.

A certificate issued under the provisions of this Ordinance may be revoked or suspended by the City Manager is if the holder thereof has:

- (a) Violated any of the provisions of this Ordinance; or
- (b) Violated any ordinances of the City of Bloomington or the ordinances of any other jurisdiction in which the holder operates, or the laws of the United States or the State of Illinois, the violations of which reflect unfavorably on the fitness of the holder to offer public transportation; or
- (c) Hired as a driver a sex offender within the meaning of Section 102 of this Chapter; or
- (d) Hired a person who has been convicted of a felony within the last 10 years, unless that person has obtained from the City Manager a written determination that the person has been sufficiently rehabilitated such that the person may drive a vehicle for hire without posing a danger to the public.

Prior to suspension or revocation, the holder shall be given reasonable notice of the proposed action to be taken and shall have an opportunity to be heard.

No refunds of fees shall be made to the holder on account of suspension or revocation of certificate under this Section.

In addition to the foregoing, the owner shall be responsible for all of the acts of his employees, agents or drivers related to the violation of or non-compliance with any of the laws, rules or regulations relating to operation of vehicles for hire or the solicitations of business or to the conduct of his business to the extent that the holder's certificate may be suspended or revoked by the City Manager for violations of such laws, rules or regulations by his employees, agents or drivers.

SEC. 1003 PERMIT TO DRIVE VEHICLES FOR HIRE REQUIRED.

No person shall drive a vehicle for hire without having applied to the City of Bloomington and having received from the City of Bloomington a permit to drive a vehicle for hire. A person who has obtained from the City a permit to drive a taxicab pursuant to Section 401 of this Chapter shall be deemed to have a Vehicle for Hire driver's permit under this Chapter so long as the City permit to drive a taxicab has not expired or has been suspended or revoked. Such application shall be verified by oath and shall contain the following information.

- (a) The name, age and residence of applicant;
- (b) The names and addresses of four (4) persons who have known the applicant for a period of four (4) years and who will vouch for the sobriety, honesty, and general good character of the applicant;
- (c) The number of the applicant's operator license issued by the State of Illinois;
- (d) Whether applicant's operator license has ever been suspended or revoked by any governmental body in or outside of the State of Illinois, and if so, the reason therefor;
- (e) The number and nature of moving traffic violations committed by the applicant;
- (f) A concise history of the applicant's employment;
- (g) Whether the applicant is a sex offender within the meaning of Section 102 of this Chapter;
- ~~(g) Convictions of the applicant within the past five (5) years of any felony in any jurisdiction, or of any sexual offense under Articles 11 or 12 of the Illinois Criminal Code, or equivalent sexual offenses of any other jurisdiction.~~
- (h) Convictions of the applicant of any felony in any jurisdiction. For each such conviction, the applicant must detail the charge, jurisdiction and date of conviction.

At the time the application is filed, the applicant shall pay to the City Clerk the sum of Ten Dollars (\$10.00).

SEC. 1005 GROUNDS FOR DENIAL OF APPLICATION.

The following shall be grounds for denial of an application for a permit to drive a vehicle for hire:

- (a) The applicant has a communicable disease of a type likely to be transmitted to a passenger in the normal course of business;
- (b) The applicant is afflicted with a disease or uncorrected impairment which would affect his driving ability;
- (c) The applicant has not attained the age of 18 years;
- (d) The applicant does not have a valid operator's license issued by the State of Illinois;
- (e) The applicant has a bad driving record, which is defined as a conviction within the last five (5) years of any of the following:
 - (1) Manslaughter or reckless homicide resulting from the operation of a motor vehicle;
 - (2) Driving under other influence of narcotics or intoxicating liquor, or permitting another to drive one's vehicle while under the influence of liquor or narcotics;
 - (3) Two (2) charges of reckless driving;
 - (4) Failure as the driver of any vehicle involved in any accident to stop and disclose his identity at the scene and to render aid to others, if needed, and/or failure to give notice of the accident by the fastest available means of communication to the local Police Department as required by law; or had his taxicab driver's permit or state driver's license revoked.
- ~~(f) The applicant has been convicted within the past five (5) years of any felony or any criminal offense under Article 11 of the Illinois Criminal Code;~~
- ~~(f) The applicant is a sex offender within the meaning of Section 102 of this Chapter;~~
- ~~(g) The failure of an applicant to furnish truthful information on an application for a permit to drive a vehicle for hire.~~
- (g) The applicant has been convicted of a felony within the last 10 years, unless the applicant has obtained a written determination by the City Manager that he or she has been sufficiently rehabilitated to the extent where the issuance of a vehicle for

hire driver's permit to the applicant will not pose a danger to the public. In making said determination, the City Manager may consider such factors as the nature of the felony, the length of time since the conviction and efforts of the applicant at rehabilitation;

- (h) The failure of an applicant to furnish truthful information on an application; and
- (i) The conviction of the applicant for one or more violations of the provisions of this Chapter.

SEC. 1005A INDEMNITY BOND OR LIABILITY INSURANCE REQUIRED.

No permit shall be issued or continued in operation to operate a vehicle for hire and it shall be unlawful for any person to operate a vehicle for hire unless there is in full force and effect an indemnity bond for each vehicle authorized in the amount of Fifty Thousand Dollars (\$50,000) for death or bodily injury to any one person; in the amount of One Hundred Thousand Dollars (\$100,000) for death and/or injury to more than (1) person which are sustained in the same accident and Fifty Thousand Dollars (\$50,000) for property damage resulting from any one accident. Said bond or bonds shall inure to the benefit of any person who shall be injured or who shall sustain damage to property proximately caused by the negligence of a holder, his servants, agents, or drivers. Said bond or bonds shall be filed in the office of the City Clerk and shall have as surety thereon a surety company authorized to do business in the State of Illinois. The City Manager may in his discretion allow the holder to file, in lieu of bond or bonds, a liability insurance policy or certificate showing the specific vehicles covered by an effective policy in said amounts issued by an insurance company authorized to do business in the State of Illinois. Said policy shall conform to the following provisions:

- (1) The policy shall provide the same coverage as required for bonds above.
- (2) Said policy of insurance shall contain a provision that the same cannot be cancelled by the company issuing the same without giving thirty (30) days notice in writing of such cancellation to the holder and to the City Manager, either personally or by registered mail. Whenever any such policy shall be so cancelled, the City Manager shall require such owner either to furnish a bond or a new policy of insurance, in accordance with the provision of this Chapter. Whenever the issuing company gives such notice of cancellation, the City Manager shall, at the expiration of said thirty (30) days, mark said insurance policy or certificate "withdrawn" with the date such withdrawal became effective, and thereupon the liability of such company on said policy shall cease as to any injury or damage sustained after the date such withdrawal becomes effective.
- (3) If, at any time, in the judgment of the City Manager, said policy of insurance is not sufficient for any good cause, he may require the owner of such vehicle for hire ~~taxi cab~~ who filed the same to replace said policy of insurance with another

good and sufficient bond or insurance policy, in accordance with the provisions of this Chapter.

- (4) All policies of insurance herein required shall expire the 30th day of June of each year. This expiration date shall not operate to terminate liabilities under such policies which occurred during the period in which the policies were in effect.
- (5) The applicant or holder shall deposit with the City Clerk a duplicate certificate of effective insurance from the company or a copy of all policies of insurance for public liability and property damage required by the State of Illinois for the operation and driving of a motor vehicle for the carriage of passengers for hire; and the same shall be applied to the extent thereof as long as said policies are in full force and effect in determining whether the owner of such ~~taxicab~~ vehicle for hire has fulfilled the requirements for a policy of insurance as provided in this Chapter.
- (6) The applicant or holder shall immediately notify the City Manager if any policies of insurance required under this Chapter have lapsed, been revoked, or in any other manner ceased coverage.

SECTION 2. Except as provided herein, the Bloomington City Code, as amended, shall remain in full force and effect.

SECTION 3: The City Clerk shall be, and she is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 4. This Ordinance is enacted pursuant to the authority granted to the City as a home rule unit by Article VII, Section 6 of the 1970 Illinois Constitution.

SECTION 14. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 13th day of November, 2012.

APPROVED this ____th day of November, 2012.

APPROVED:

STEPHEN F. STOCKTON
Mayor

ATTEST:

TRACEY COVERT
City Clerk

SUBJECT: Report

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

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

1. Connect Transit, a/k/a Bloomington Normal Public Transit System, Fiscal Year, (FY), 2012.

At the Council’s March 12, 2012 meeting, Ordinance No. 2012 – 12, An Ordinance Amending the Operating Structure of Bloomington Normal Public Transit System was passed. This Ordinance is an intergovernmental agreement with the Town of Normal. Section Nine requires an annual report to the corporate authorities. Andrew Johnson, General Manager, will make a presentation to the Council in addition to the Connect Transit FY 2012 report.

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

Attachments: Attachment 1. Connect Transit FY 2012 Report

Motion: _____

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Stearns				Alderman McDade			
Alderman Mwilambwe				Alderman Anderson			
Alderman Fazzini				Alderman Schmidt			
Alderman Sage				Alderman Fruin			
Alderman Purcell							
				Mayor Stockton			



Connect Transit FY2012

Statistics

- System ridership was a record 2,084,737 passengers for the fiscal year.
- This is a ridership growth rate of 21% over the previous year. The national average is 2.3%.
- On average there were over 22 boardings per revenue hour on fixed route which is a 20% increase over the previous year.
- When comparing transit ridership to the population in Bloomington-Normal, Connect Transit provides on average over 16 rides annually for every man, woman and child in the community.
- In FY2012 operating revenue increased by over 15% while operating expense only increased by 2.5%.
- Cost per passenger decreased over 14% from \$4.58 in FY2011 to \$3.92 in FY2012.
- Subsidy per ride decreased almost 16% from \$3.98 in FY2011 to \$3.35 in FY2012
- Farebox recovery increased over 10% with 14.5% of total expenses being recovered from the farebox in FY2012.

Notable Achievements

- A year ago, technology was lacking in transit operations. We have fixed that.
 - We implemented paratransit scheduling software that improved productivity by 30%, increasing the number of passengers per revenue hour and reducing the number of vehicles and drivers pay hours necessary to provide daily service.
 - We awarded and implemented fleet maintenance software that tracks maintenance operations and increases departmental efficiency.
 - We awarded and implemented new accounting software that will better track and report the complex financial operations of the transit system.
 - We awarded and implemented GPS bus tracking system and mobile customer bus tracking app that will allow enhanced administrative control of transit operations and dramatic improvement to the level of customer service.

- We have a new name and a new look. We commissioned the design of a new transit system brand identity and implemented it in August. The fixed route transit system is now known as Connect Transit and paratransit service is called Connect Mobility.
- We wrote two consecutive successful FTA Region 5 State of Good Repair grants (the only ones awarded in to downstate IL in Region 5) that funded critical bus overhauls, radio upgrades and GPS technology.
- Public transit agencies like ours operate with a great deal of regulatory oversight. This past July the Federal Government came in to ensure our compliance over the last 3 years (Triennial Review) and verify proper management of the system:
 - Prior to this review, transit staff performed a seven month review of all policies, procedures, procurements and grant activity for the years 2009-2012. We also had to answer 278 multi-part questions and assemble documents in 190 different subject areas.
 - The Triennial Review result was only two minor findings related to missing words in a Regional Planning Commission public notice and a missing memo from a grant funds treasury drawdown.
 - Triennial reviewers cited the transit system as being the most organized system reviewed in 2012 and singled out our Procurement Policy as a best practice for the industry.

The Future

- The Transit Funding Study Group was formed to take a hard look at what the transit system can do to stabilize funding in a time when State and Federal funding looks increasingly uncertain in future years.
- We have proposed a revision of the existing bus routes to increase the frequency of service and cut down on the amount of time waiting for buses. Public hearings will occur at the end of this month and the beginning of next month to gauge reaction to the plan. If all goes according to plan, there will be bus service every 30 minutes system-wide starting in January 2013.

FOR COUNCIL: November 13, 2012

SUBJECT: Contract Amendment with Hanson Professional Services Inc. to the Professional Services Agreement for Travel Demand and Railroad Crossing Study, (all wards)

RECOMMENDATION: That the contract amendment with Hanson Professional Services Inc. for travel demand and railroad crossing study, in the amount of \$105,135 be approved, the Resolution adopted, and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: As part of the Development Agreement with Hershey Grove, LLC, the City agreed to extend Hershey Road south of Hamilton Rd. and across the Norfolk Southern Railroad (NSRR) to the southern limits of the Hershey Grove annexation, (~750'). Prior to beginning the design of the roadway extension, Hanson Professional Services Inc., (HPS), completed a travel demand study to investigate the needs and options for grade separated crossings in southeast Bloomington. The study considered traffic impacts and costs for several different road projects and ranked them in priority using a cost benefit analysis. The Hershey Rd. extension was the top ranked project in that study. HPS was subsequently contracted to design the Hershey Rd. extension.

Per the time line agreed to in the Hershey Grove development agreement, the City continued to design the Hershey Rd. extension and filed a petition with the Illinois Commerce Commission, (ICC), for an at-grade crossing of the NSRR for Hershey Rd. on August 28, 2012. An initial prehearing meeting for the Hershey Rd. crossing was held with the ICC, NSRR representatives, HPS officials, and City staff on October 11, 2012, at ICC's Springfield office. At this meeting, NSRR representatives voiced concerns that their business operations would be adversely affected if an at-grade crossing was constructed as a part of the Hershey Rd extension. However, NSRR officials indicated an at-grade crossing at Abraham Rd. would not hinder operations and a grade separation at either Morrissey Dr., (US Route 150), or Towanda Barnes Rd. may alleviate operational concerns associated with an at-grade crossing at Hershey Rd. NSRR's operational concerns were not considered in the previous study.

Any grade separation improvement could cost between \$10 and \$20 million, the City needs a plan that prioritizes the necessity to construct arterial streets or enhancements to existing arterial streets in the areas surrounding the City. The benefits of each improvement will be objectively quantified with analysis and qualified through stakeholder involvement activities to determine which improvements provide the most cost effective benefits to constituents while providing continued growth opportunities for the City. Once project prioritization has been globally identified, an improvements plan time line will be developed and negotiated with NSRR to settle existing and future crossing types and location disputes.

This additional study will prioritize the construction of eleven (11) proposed transportation system improvements, (arterial streets, railroad crossings, and potential interchange facility), provide detailed cost analysis for three (3) potential grade separated railroad crossings , take a

cursory look at the environmental conditions near the proposed improvements, develop and support negotiations of a settlement plan, and construction time line with NSRR for system improvements in the southeastern portion of the City. Attached Exhibit #1, Project Study Area Map, for a depiction of the study area and proposed transportation improvements.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The professional engineering design services contract with HPS will need to be increased \$105,136 with a total not to exceed cost of \$189,841. Payment shall be made with Motor Fuel Tax (MFT) Funds, Section No. 10-00347-00-PV, X20300-72530. The \$105,136 is available in the current MFT account. A Supplemental MFT Resolution appropriating \$105,136 in MFT funds must also be adopted. Payment for this increase in design fee will be made from the MFT account as follows:

Motor Fuel Tax Funds (20300300-72530)	\$105,136	Motor Fuel Tax
Total Increase in Design Cost	\$105,136	

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
Corporate Counsel

David A. Hales
City Manager

Attachments: Attachment 1. MFT Resolution
Attachment 2. MFT Agreement Amendment 1
Attachment 3. General Conditions

Motion: _____

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Stearns				Alderman McDade			
Alderman Mwilambwe				Alderman Anderson			
Alderman Fazzini				Alderman Schmidt			
Alderman Sage				Alderman Fruin			
Alderman Purcell							
				Mayor Stockton			

Municipality City of Bloomington	L O C A L A G E N C Y	Preliminary Engineering Services Agreement For Motor Fuel Tax Funds Amendment No. 1	C O N S U L T A N T	Name Hanson Professional Services Inc
Township				Address 7625 N. University St. Ste 200
County McLean				City Peoria
Section				State IL

THIS AGREEMENT is made and entered into this 9th day of Nov., 2012 between the above Local Agency (LA) and Consultant (ENGINEER) and covers certain professional engineering services in connection with the improvement of the above SECTION. Motor Fuel Tax Funds, allotted to the LA by the State of Illinois under the general supervision of the State Department of Transportation, hereinafter called the "DEPARTMENT", will be used entirely or in part to finance ENGINEERING services as described under AGREEMENT PROVISIONS.

Section Description

Name Bloomington Grade Crossing Study

Route _____ Length _____ Mi. _____ FT (Structure No. _____)

Termini _____

Description:

The study and planning to prioritize eleven proposed transportation system improvements (arteria streets railroad crossings, and potential interchange facility), provide detailed cost analysis for three potential grade separated railroad crossings, take a cursory look at the environmental conditions, and support negotiations of a settlement plan with Norfolk Southern.

Agreement Provisions

The Engineer Agrees,

1. To perform or be responsible for the performance of the following engineering services for the LA, in connection with the proposed improvements herein before described, and checked below:
 - a. Make such detailed surveys as are necessary for the preparation of detailed roadway plans
 - b. Make stream and flood plain hydraulic surveys and gather high water data, and flood histories for the preparation of detailed bridge plans.
 - c. Make or cause to be made such soil surveys or subsurface investigations including borings and soil profiles and analyses thereof as may be required to furnish sufficient data for the design of the proposed improvement. Such investigations are to be made in accordance with the current requirements of the DEPARTMENT.
 - d. Make or cause to be made such traffic studies and counts and special intersection studies as may be required to furnish sufficient data for the design of the proposed improvement.
 - e. Prepare Army Corps of Engineers Permit, Department of Natural Resources-Office of Water Resources Permit, Bridge waterway sketch, and/or Channel Change sketch, Utility plan and locations, and Railroad Crossing work agreements.
 - f. Prepare Preliminary Bridge design and Hydraulic Report, (including economic analysis of bridge or culvert types) and high water effects on roadway overflows and bridge approaches.
 - g. Make complete general and detailed plans, special provisions, proposals and estimates of cost and furnish the LA with five (5) copies of the plans, special provisions, proposals and estimates. Additional copies of any or all documents, if required, shall be furnished to the LA by the ENGINEER at his actual cost for reproduction.
 - h. Furnish the LA with survey and drafts in quadruplicate of all necessary right-of-way dedications, construction easement and borrow pit and channel change agreements including prints of the corresponding plats and staking as required.

Note: Four copies to be submitted to the Regional Engineer

- i. Assist the LA in the tabulation and interpretation of the contractors' proposals
 - j. Prepare the necessary environmental documents in accordance with the procedures adopted by the DEPARTMENT's Bureau of Local Roads & Streets.
 - k. Prepare the Project Development Report when required by the DEPARTMENT.
 - l. **See Attachment A.**
- (2) That all reports, plans, plats and special provisions to be furnished by the ENGINEER pursuant to the AGREEMENT, will be in accordance with current standard specifications and policies of the DEPARTMENT. It is being understood that all such reports, plats, plans and drafts shall, before being finally accepted, be subject to approval by the LA and the DEPARTMENT.
- (3) To attend conferences at any reasonable time when requested to do so by representatives of the LA or the Department.
- (4) In the event plans or surveys are found to be in error during construction of the SECTION and revisions of the plans or survey corrections are necessary, the ENGINEER agrees that he will perform such work without expense to the LA, even though final payment has been received by him. He shall give immediate attention to these changes so there will be a minimum delay to the Contractor.
- (5) That basic survey notes and sketches, charts, computations and other data prepared or obtained by the Engineer pursuant to this AGREEMENT will be made available, upon request, to the LA or the DEPARTMENT without cost and without restriction or limitations as to their use.
- (6) That all plans and other documents furnished by the ENGINEER pursuant to this AGREEMENT will be endorsed by him and will show his professional seal where such is required by law.

The LA Agrees,

1. To pay the ENGINEER as compensation for all services performed as stipulated in the paragraphs 1i, 2, 3, 5 and 6 in accordance with one of the following methods indicated by a check mark:
- a. A sum of money equal to _____ percent of the awarded contract cost of the proposed improvement as approved by the DEPARTMENT.
 - b. A sum of money equal to the percent of the awarded contract cost for the proposed improvement as approved by the DEPARTMENT based on the following schedule:

Schedule for Percentages Based on Awarded Contract Cost

Awarded Cost	Percentage Fees	(see note)
Under \$50,000	_____	%
	_____	%
	_____	%
	_____	%
	_____	%

Note: Not necessarily a percentage. Could use per diem, cost-plus or lump sum.

- c. **See Attachment B**
2. To pay for services stipulated in paragraphs 1b, 1c, 1d, 1e, 1f, 1h, 1j & 1k of the ENGINEER AGREES at actual cost of performing such work plus _____ percent to cover profit, overhead and readiness to serve - "actual cost" being defined

as salary cost. Traveling and other out-of-pocket expenses will be reimbursed to the ENGINEER at his actual cost. Subject to the approval of the LA, the ENGINEER may sublet all or part of the services provided under the paragraph 1b, 1c, 1d, 1e, 1f, 1h, 1j & 1k. If the ENGINEER sublets all or part of this work, the LA will pay the cost to the ENGINEER plus a five (5) percent service charge.

"Cost to Engineer" to be verified by furnishing the LA and the DEPARTMENT copies of invoices from the party doing the work. The classifications of the employees used in the work should be consistent with the employee classifications for the services performed. If the personnel of the firm, including the Principal Engineer, perform routine services that should normally be performed by lesser-salaried personnel, the wage rate billed for such services shall be commensurate with the work performed.

3. That payments due the ENGINEER for services rendered in accordance with this AGREEMENT will be made as soon as practicable after the services have been performed in accordance with the following schedule:
 - a. Upon completion of detailed plans, special provisions, proposals and estimate of cost - being the work required by paragraphs 1a through 1g under THE ENGINEER AGREES - to the satisfaction of the LA and their approval by the DEPARTMENT, 90 percent of the total fee due under this AGREEMENT based on the approved estimate of cost.
 - b. Upon award of the contract for the improvement by the LA and its approval by the DEPARTMENT, 100 percent of the total fee due under the AGREEMENT based on the awarded contract cost, less any amounts paid under "a" above.

By Mutual agreement, partial payments, not to exceed 90 percent of the amount earned, may be made from time to time as the work progresses.

4. That, should the improvement be abandoned at any time after the ENGINEER has performed any part of the services provided for in paragraphs 1a, through 1h and prior to the completion of such services, the LA shall reimburse the ENGINEER for his actual costs plus 200 percent incurred up to the time he is notified in writing of such abandonment - "actual cost" being defined as in paragraph 2 of THE LA AGREES.
5. That, should the LA require changes in any of the detailed plans, specifications or estimates except for those required pursuant to paragraph 4 of THE ENGINEER AGREES, after they have been approved by the DEPARTMENT, the LA will pay the ENGINEER for such changes on the basis of actual cost plus 200 percent to cover profit, overhead and readiness to serve - "actual cost" being defined as in paragraph 2 of THE LA AGREES. It is understood that "changes" as used in this paragraph shall in no way relieve the ENGINEER of his responsibility to prepare a complete and adequate set of plans and specifications.

It is Mutually Agreed,

1. That any difference between the ENGINEER and the LA concerning their interpretation of the provisions of this Agreement shall be referred to a committee of disinterested parties consisting of one member appointed by the ENGINEER, one member appointed by the LA and a third member appointed by the two other members for disposition and that the committee's decision shall be final.
2. This AGREEMENT may be terminated by the LA upon giving notice in writing to the ENGINEER at his last known post office address. Upon such termination, the ENGINEER shall cause to be delivered to the LA all surveys, permits, agreements, preliminary bridge design & hydraulic report, drawings, specifications, partial and completed estimates and data, if any from traffic studies and soil survey and subsurface investigations with the understanding that all such material becomes the property of the LA. The ENGINEER shall be paid for any services completed and any services partially completed in accordance with Section 4 of THE LA AGREES.
3. That if the contract for construction has not been awarded one year after the acceptance of the plans by the LA and their approval by the DEPARTMENT, the LA will pay the ENGINEER the balance of the engineering fee due to make 100 percent of the total fees due under this AGREEMENT, based on the estimate of cost as prepared by the ENGINEER and approved by the LA and the DEPARTMENT.
4. That the ENGINEER warrants that he/she has not employed or retained any company or person, other than a bona fide employee working solely for the ENGINEER, to solicit or secure this contract, and that he/she has not paid or agreed to pay any company or person, other than a bona fide employee working solely for the ENGINEER, any fee, commission, percentage, brokerage fee, gifts or any other consideration, contingent upon or resulting from the award or making of this contract. For Breach or violation of this warranty the LA shall have the right to annul this contract without liability.

5. That the attached General Conditions (C/S) Rev. 4 are included in and made a part of this Agreement.

IN WITNESS WHEREOF, the parties have caused the AGREEMENT to be executed in quadruplicate counterparts, each of which shall be considered as an original by their duly authorized officers.

Executed by the LA:

_____ of the
(Municipality/Township/County)

ATTEST: State of Illinois, acting by and through its

By _____

Clerk By _____
(Seal) Title _____

Executed by the ENGINEER:

Hanson Professional Services Inc.

7625 N. University Street, Suite 200

ATTEST: Peoria, IL 61614

By _____ By _____
Title Associate Title Regional Vice President

Approved

Date
Department of Transportation

Regional Engineer

ATTACHMENT A

Scope of Services

Bloomington Grade Crossing Study (Amendment 1 – Bloomington Transportation Study)

AMENDMENT 1 DESCRIPTION:

An initial prehearing meeting for the Hershey Road crossing was held with the Illinois Commerce Commission (ICC), representatives for Norfolk Southern, and City of Bloomington staff on October 11, 2012, at ICC offices in Springfield. At this meeting, representatives from Norfolk Southern voiced concerns that their business operations would be adversely affected if an at-grade crossing was constructed as a part of the Hershey Road extension. However, Norfolk Southern officials did indicate an at-grade crossing at Abraham Road would not hinder operations and a grade separation at either Morrissey Drive (US Route 150) or Towanda Barnes Road may alleviate operational concerns associated with an at-grade crossing at Hershey Road. Norfolk Southern's operational concerns were not considered in the previous study.

Because any grade separation improvement could cost between \$10 and \$20 million, the City of Bloomington is in need of a plan that prioritizes the necessity to construct arterial streets or enhancements to existing arterial streets in the areas surrounding the city. The benefits of each improvement will be objectively quantified with analysis and qualified through stakeholder involvement activities to determine which improvements provide the most cost effective benefits to constituents while providing continued growth opportunities for the City. Once project prioritization has been globally identified, an improvements plan timeline will be developed and negotiated with Norfolk Southern to settle existing and future crossing type and location disputes.

This study will prioritize the construction of 11 proposed transportation system improvements (arterial streets, railroad crossings, and potential interchange facility), provide detailed cost analysis for three potential grade separated railroad crossings, budgetary cost analysis for arterial street improvements, take a cursory look at the environmental conditions near the proposed improvements, and develop and support negotiations of a settlement plan and construction timeline with Norfolk Southern for roadway system improvements in the southeastern portion of the City. See Exhibit #1 (Project Study Area) for a depiction of the study area and proposed transportation improvements.

SERVICES:

The Scope of Services to be provided is limited to the following:

1. Review existing infrastructure condition, utility locations and conditions, traffic volumes, and crashes as provided by the City of Bloomington and the IDOT Safety Data Mart.
2. Develop and calibrate a travel demand model of existing conditions within the City of Bloomington planning boundaries for use in analyzing alternatives. This task includes coordination with City staff and McLean County Regional Planning Commission staff to develop land use/socio-economic scenarios.
3. Complete analysis using the city wide travel demand model for the six alternatives in the original study plus five (5) additional system improvements.
 - Oakland Avenue western extension,
 - Oakland Avenue western extension with I-55/74 interchange,
 - Fox Creek Road improvement from Danbury to the UPRR bridge and UPRR bridge replacement,
 - JC Parkway from IL RT 9 to Six Points Road,
 - Martin Luther King Jr. Drive extension south to Oakland Avenue, and
 - Mitsubishi Motor Way extension from IL RT 9 to Six Points Road.
4. Conduct one-on-one interviews with staff from Unit 5 School District, State Farm Insurance, Snyder Properties, Norfolk Southern (NSRR), Union Pacific Corridor High Speed Rail Study staff, and McLean County.

5. Complete one (1) public involvement open house meeting with the Fox Creek Subdivision constituents.
6. Complete one (1) "working session" with City of Bloomington council members.
7. Complete the following environmental tasks:
 - Data collection of environmental resources and mapping (quadrangles, NWI mapping, flood plain mapping, aerial mapping, special waste databases, HAARGIS, GIS layers, etc.);
 - Conduct a site reconnaissance survey to inventory environmental resources in the vicinity of the project area;
 - Submit an EcoCAT (Ecological Compliance Assessment Tool) request to the Illinois Department of Natural Resources (IDNR) for threatened and endangered species and natural areas. This review is for information only and does not include coordination with IDNR; and
 - Prepare the environmental section of the report
8. Develop a report that prioritizes each improvement on the basis of comparing:
 - The ability of each improvement to reduce system wide congestion and travel times,
 - The ability of each improvement to reduce pedestrian and vehicular crashes system wide,
 - The implications each improvement will have on public life-safety operations,
 - The life cycle cost of maintenance for each improvement,
 - The impact of each improvement on the environment and surrounding stakeholders, including NSRR and
 - The ability to obtain state and federal funding sources for each improvement.
9. Develop an improvements plan and construction timeline, using the prioritization information, for the crossings of the arterial street system and Norfolk Southern railroad. This analysis will include detailed opinions of probable cost for three (3) grade separation locations in the southeastern portions of the City.
10. Provide support and recommendations during global settlement plan negotiations with Norfolk Southern. This task is limited to three (3) meetings with Norfolk Southern, three (3) meetings with City staff, and exhibit preparation.
11. Present findings of the study and Norfolk Southern negotiations at a City of Bloomington council meeting.

The following assumptions were made in development of this scope of services:

1. Hanson will be given the existing network (including intersection data), traffic analysis zones, land use/socio-economic data, and cube script for trip generation and assignment process by McLean County Regional Planning Commission to complete the travel demand model.
2. Existing City utility information required for the Cost/Benefit analysis will be provided by the City of Bloomington.
3. Written correspondence with Union Pacific to determine future train traffic and potential involvement with funding the Fox Creek bridge is included in the scope.
4. Turning movement counts for calibration will be provided by the City of Bloomington.
5. Noise analysis, wetlands survey, biological surveys, cultural resources surveys, or special waste investigations are not included.
6. Any NEPA documentation including an ECAD, EA, or EIS; or environmental permitting is not included.

**ADDENDUM NO. 1
ATTACHMENT B**

Payment
Bloomington Grade Crossing Study

The LA agrees to pay the ENGINEER as compensation for all services rendered in accordance with this AGREEMENT, on the basis hourly rates using the multiplier of 3.0, with a maximum compensation not to exceed \$105,136. Total compensation for the entire project shall not exceed \$189,841.

Tasks	Total Hours	Average Hourly Rate	Labor Costs	Direct Costs	Fee
Review Data	40	\$110.00	\$4,400	\$0	\$4,400
Existing Travel Demand Model Analysis	123	\$98.90	\$12,165	\$0	\$12,165
Proposed Travel Demand Model Analysis	132	\$96.21	\$12,700	\$0	\$12,700
Public Involvement Interviews	42	\$142.02	\$5,965	\$141	\$6,106
Conduct Fox Creek Subdivision Public Meeting	44	\$117.95	\$5,190	\$421	\$5,611
Conduct Council Working Session	44	\$117.95	\$5,190	\$171	\$5,361
Environmental	109	\$114.99	\$12,534	\$830	\$13,364
Prioritization and Report Production	112	\$118.12	\$13,230	\$0	\$13,230
Crossing Improvements Plan	74	\$118.23	\$8,749	\$0	\$8,749
Provide Support for Norfolk Southern Negotiations	96	\$138.95	\$13,339	\$342	\$13,681
Present Findings to City Council	32	\$127.18	\$4,069	\$115	\$4,184
Project Management	39	\$143.21	\$5,585	\$0	\$5,585
Total	887	\$116.25	\$103,116	\$2,020	\$105,136

General Conditions

Hanson Agreement: C10L0118A

Agreement Date: Nov. 9, 2012

Project Name: Bloomington Grade Crossing Study

1 Invoices: Charges for services will be billed at least as frequently as monthly, and at the completion of the Project. CLIENT shall compensate HANSON for any sales or value added taxes which apply to the services rendered under this agreement or any addendum thereto. CLIENT shall reimburse HANSON for the amount of such taxes in addition to the compensation due for services. Payment of invoices shall not be subject to any discounts or set-offs by the CLIENT unless agreed to in writing by HANSON. Invoices are delinquent if payment has not been received within 30 days from date of invoice. There will be an additional charge of 1 1/2 percent per month compounded on amounts outstanding more than 30 days. All time spent and expenses incurred (including attorney's fees) in connection with collection of any delinquent amount will be paid by CLIENT to HANSON per HANSON's current fee schedules.

2. Termination: This Agreement may be terminated by either party upon written notice. Any termination shall only be for good cause such as legal, unavailability of adequate financing or major changes in the scope of services. In the event of any termination, HANSON will be paid for all services and expenses rendered to the date of termination on a basis of payroll cost times a multiplier of 3.0 (if not previously provided for) plus reimbursable expenses, plus reasonable termination expenses, including the cost of completing analyses, records, and reports necessary to document job status at the time of termination.

3. Reuse of Documents: All documents including reports, drawings, specifications, and electronic media furnished by HANSON pursuant to this Agreement are instruments of its services. They are not intended or represented to be suitable for reuse by CLIENT or others on extensions of this project, or on any other project. Any reuse without specific written verification or adaptation by HANSON will be at CLIENT's sole risk, and without liability to HANSON, and CLIENT shall indemnify and hold harmless HANSON from all claims, damages, losses

and expenses including court costs and attorney's fees arising out of or resulting there from. Any such verification or adaptation will entitle HANSON to further compensation at rates to be agreed upon by CLIENT and HANSON.

4. Standard of Care: Services performed by HANSON under this Agreement will be conducted in a manner consistent with that level of care and skill ordinarily exercised by members of the profession currently practicing under similar conditions. No other representation expressed or implied, and no warranty or guarantee is included or intended in this Agreement, or in any report, opinion, document or otherwise. Nothing in this Agreement is intended to create, nor shall it be construed to create, a fiduciary duty owed by either party to the other party.

5. General Liability Insurance and Limitation: HANSON is covered by general liability insurance for bodily injury and property damage arising directly from its negligent acts or omissions, with limits which HANSON considers reasonable. Certificates of insurance shall be provided to CLIENT upon request in writing. Within the limits and conditions of such insurance, HANSON agrees to indemnify and save CLIENT harmless from any loss, damage or liability arising directly from any negligent act or omission by HANSON. HANSON shall not be responsible for any loss, damage or liability beyond the amounts, limits and conditions of such insurance. HANSON shall not be responsible for any loss, damage or liability arising from any act or omission by CLIENT, its agents, staff, other consultants, independent contractors, third parties or others working on the Project over which HANSON has no supervision or control.

6. Suspension of Services: If CLIENT fails to make payments when due or otherwise is in breach of this Agreement, HANSON may suspend performance of services upon five (5) calendar days' notice to CLIENT. HANSON shall have no liability whatsoever to CLIENT, and CLIENT agrees to make no claim for any delay or damage as a result of such suspension.

7. Consequential Damages: Notwithstanding any other provision of this Agreement, and to the fullest extent permitted by law, neither CLIENT nor HANSON, their respective officers, directors, partners, employees, contractors or subconsultants shall be liable to the other or shall make any claim for incidental, indirect, or consequential damages arising out of or connected in any way to this Project or this Agreement. This mutual waiver of consequential damages shall include, but not be limited to, loss of use, loss of profit, loss of business, loss of income, loss of reputation and any other consequential damages that either party may have incurred from any cause of action including negligence, strict liability, breach of contract and breach of strict and implied warranty. Both CLIENT and HANSON shall require similar waivers of consequential damages protecting all the entities or persons named herein in all contracts and subcontracts with others involved in the Project.

8. Contingency Fund: The Client and Hanson acknowledge that changes may be required during construction because of possible omissions, ambiguities or inconsistencies in the plans and specifications and, therefore, that the costs of the project may exceed the construction contract sum. The Client agrees to set aside a reserve in the amount of Five Percent (5%) of the actual project construction costs as a contingency reserve to be used, as required, to pay for any such increased project costs. The Client further agrees to make no claim by way of direct or third-party action against Hanson or sub-contractors and subconsultants with respect to any payments within the limit of the contingency reserve made to the construction contractors because of such changes or because of any claims made by the construction contractors relating to such changes.

9. Additional Limitation: In recognition of the relative risks and benefits of the Project to both the CLIENT and HANSON, the risks have been allocated such that the CLIENT agrees that for the compensation herein provided HANSON cannot expose itself to damages disproportionate to the nature and scope of HANSON's services or the compensation payable to it hereunder. Therefore, the CLIENT agrees to limit its remedies against HANSON arising from HANSON's professional acts, errors or omissions, in any action based on strict liability, breach of contract or any other cause of action, such that the total aggregate amount of the CLIENT's damages shall not exceed \$50,000 or

HANSON's total net fee for services rendered on the Project, whichever is greater. This limitation pertains to HANSON and its employees, and to its subcontractors and subconsultants, and applies as a single aggregate amount to all work performed under the Agreement, including all work performed under an amendment or modification. If CLIENT desires a limit greater than that provided above, CLIENT and HANSON shall include in this Agreement the amount of such limit and the additional compensation to be paid to HANSON for assumption of such additional risk. CLIENT must notify HANSON in writing, before HANSON commences any services, of CLIENT's intention to negotiate a greater limitation of remedies against Hanson and its associated impact on services, schedules, and compensation. Absent CLIENT's written notification to the contrary, HANSON will proceed on the basis that the total remedies against HANSON is limited as set forth above.

10. Personal Liability: It is intended by the parties to this Agreement that HANSON's services in connection with the Project shall not subject HANSON's individual employees, officers or directors to any personal legal exposure for the risks associated with this Project. Therefore, and notwithstanding anything to the contrary contained herein, the Client agrees that as the Client's sole and exclusive remedy, any claim, demand or suit shall be directed and/or asserted only against HANSON, a Delaware corporation, and not against any of HANSON's individual employees, officers or directors.

11. Assignment: Neither party to this Agreement shall transfer, sublet, or assign any rights or duties under or interest in this Agreement, including but not limited to monies that are due or monies that may become due, without the written consent of the other party. Subcontracting to subconsultants, normally contemplated by HANSON as generally accepted business practice, shall not be considered an assignment for purposes of this Agreement.

12. Statutes of Repose and Limitation: All legal causes of action between the parties to this Agreement shall accrue and any applicable statutes of repose or limitation shall begin to run not later than the date of Substantial Completions. If the act or failure to act complained of occurs after the date of Substantial Completion, then the date of final completion shall be used, but in no event shall any statute of repose or limitation begin to run any later than the date HANSON's services are completed or terminated.

13. Dispute Resolution: In an effort to resolve any conflicts that arise during the design and construction of this Project or following completion of this Project, the CLIENT and HANSON agree that all disputes between them arising out of or relating to this Agreement or this Project shall be submitted to nonbinding mediation.

14. Authority and Responsibility: HANSON shall not guarantee the work of any Contractor or Subcontractor, shall have no authority to stop work, shall have no supervision or control as to the work or persons doing the work, shall not have charge of the work, and shall not be responsible for safety in, on, or about the job site or have any control of the safety or adequacy of any equipment, building component, scaffolding, supports, forms or other work aids.

15. Right of Entry: CLIENT shall provide for HANSON's right to enter property owned by CLIENT and/or others in order for HANSON to fulfill the scope of services for this Project. CLIENT understands that use of exploration equipment may unavoidably cause some damage, the correction of which is not the responsibility of HANSON.

16. Utilities: CLIENT shall be responsible for designating the location of all utility lines and subterranean structures within the property line of the Project. CLIENT agrees to waive any claim against HANSON, and to defend, indemnify and hold harmless from any claim or liability for injury or loss arising from HANSON or other persons encountering utilities or other man-made objects that were not called to HANSON's attention or which were not properly located on plans furnished to HANSON. CLIENT further agrees to compensate HANSON for any time or expenses incurred by HANSON in defense of any such claim, in accordance with HANSON's prevailing fee schedule and expense reimbursement policy.

17. Job Site: Services performed by HANSON during construction will be limited to providing assistance in quality control and to deal with questions by the CLIENT's representative concerning conformance with drawings and specifications. This activity is not to be interpreted as an inspection service, a construction supervision service, or guaranteeing the Contractor's performance. HANSON will not be responsible for construction means, methods, techniques, sequences or procedures, or for safety precautions and programs. HANSON will not be responsible for

the Contractor's obligation to carry out the work in accordance with the Contract Documents. HANSON will not be considered an agent of the owner and will not have authority to direct the Contractor's work or to stop work.

18. Opinions of Cost: Since HANSON has no control over the cost of labor, materials or equipment or over a Contractor's method of determining prices, or over competitive bidding or market conditions, its opinions of probable Project cost or construction cost for this Project will be based solely upon its own experience with construction, but HANSON cannot and does not guarantee that proposals, bids or the construction cost will not vary from its opinions of probable costs. If the CLIENT wishes greater assurance as to the construction cost, he shall employ an independent cost estimator.

19. Shop Drawing Review: CLIENT agrees that HANSON's review of shop drawings, when such review is included in the scope of services, shall be solely for their conformance with HANSON's design intent and conformance with information given in the construction documents. HANSON shall not be responsible for any aspects of a shop drawing submission that affect or are affected by the means, methods, techniques, sequences and operations of construction, safety precautions and programs incidental thereto, all of which are the Contractor's responsibility. The Contractor will be responsible for lengths, dimensions, elevations, quantities and coordination of the work with other trades. CLIENT warrants that the Contractor shall be made aware of his responsibilities to review shop drawings and approve them in these respects before submitting them to HANSON.

20. Confidentiality: Each party shall retain as confidential, all information and data furnished to it by the other party which are designated in writing by such other party as confidential at the time of transmission, and are obtained or acquired by the receiving party in connection with this Agreement, and said party shall not disclose such information to any third party.

21. Third Party Beneficiaries: Nothing contained in this Agreement shall create a contractual relationship with or a cause of action in favor of a third party against either CLIENT or HANSON. HANSON's services under this Agreement are being performed solely for the CLIENT's benefit, and no other party or entity shall have any claim against HANSON because of this Agreement or the performance or

nonperformance of services hereunder. CLIENT and HANSON agree to require a similar provision in all contracts with contractors, subcontractors, subconsultants, vendors, and other entities involved in this Project to carry out the intent of this provision.

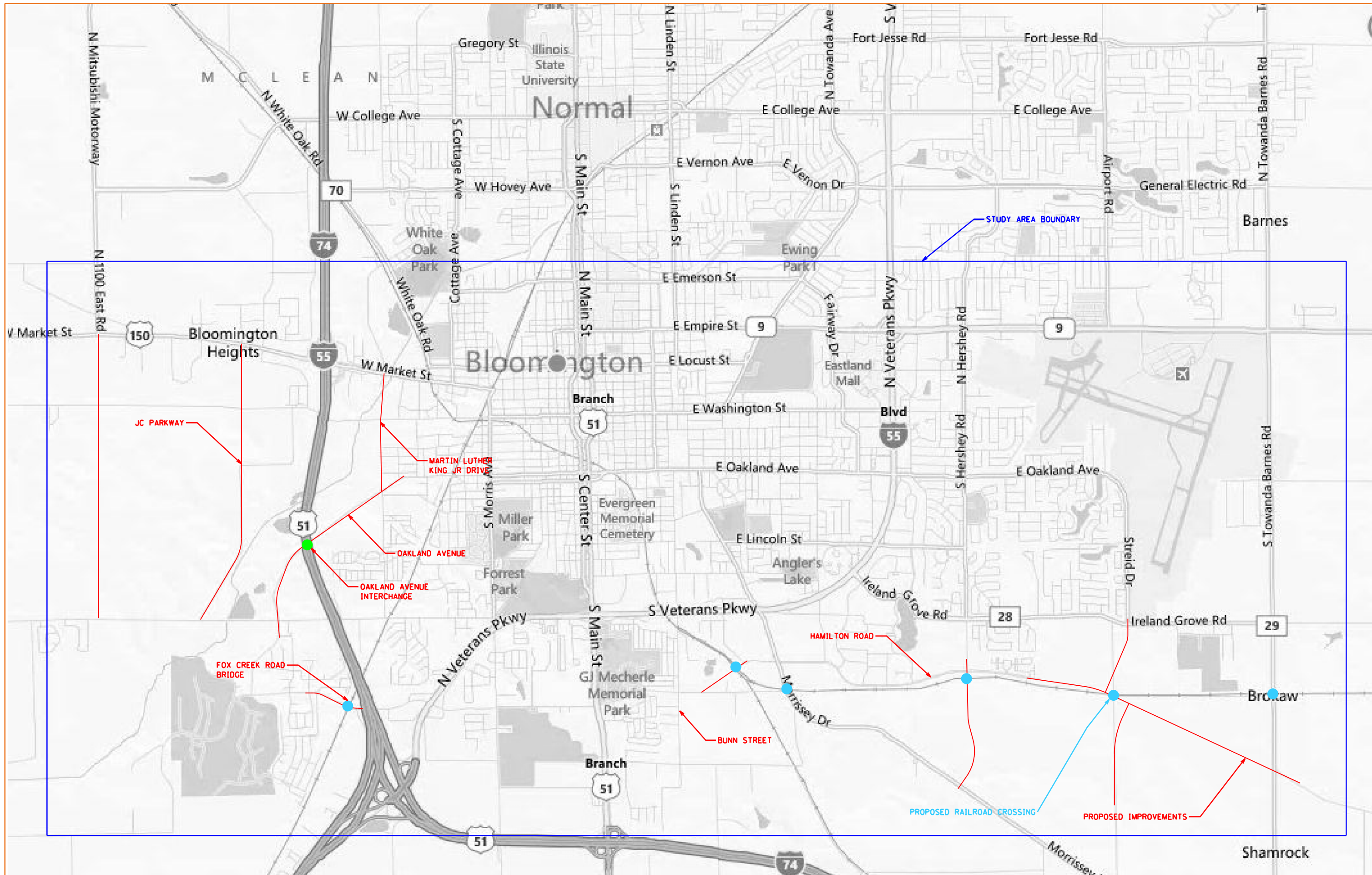
22. Severability: If any term or provision of this Agreement is held to be invalid or unenforceable under any applicable statute or rule of law, such holding shall be applied only to the provision so held, and the remainder of this Agreement shall remain in full force and effect.

23. Survival: Notwithstanding completion or termination of the Agreement for any reason, all rights, duties, obligations of the parties to this Agreement shall survive such completion or termination and remain in full force and effect until fulfilled.

24. Entire Agreement: This Agreement is the entire Agreement between the CLIENT and HANSON. It supersedes all prior communications, understandings and agreements, whether written or oral. Both parties have participated fully in the preparation and revision of this Agreement, and each party and its counsel have reviewed the final document. Any rule of contract construction regarding ambiguities being construed against the drafting party shall not apply in the interpreting of this Agreement, including any Section Headings or Captions. Amendments to this Agreement must be in writing and signed by both CLIENT and HANSON.

25. Modification to the Agreement: CLIENT or HANSON may, from time to time, request modifications or changes in the scope of services to be performed hereunder. Such changes, including any increase or decrease in the amount of HANSON's compensation, to which CLIENT and HANSON mutually agree shall be incorporated in this Agreement by a written amendment to the Agreement.

26. Governing Law: This Agreement shall be governed by and interpreted pursuant to the laws of the State of Illinois.



FILE NAME =	USER NAME = b1e1o01211	DESIGNED -	REVISED -
I:\10\Jobs\10\0118A\Admin\03-Proposal\c-bldgn		DRAWN -	REVISED -
	PLOT SCALE = 2,000' / in.	CHECKED -	REVISED -
	PLOT DATE = 11/02/2012	DATE -	REVISED -

**STATE OF ILLINOIS
 DEPARTMENT OF TRANSPORTATION**

**PROJECT STUDY AREA
 EXHIBIT #1**

SCALE: _____ SHEET NO. ____ OF ____ SHEETS STA. _____ TO STA. _____

F.A. RTE.	SECTION	COUNTY	TOTAL SHEETS	SHEET NO.
		TAZEWELL		
CONTRACT NO.				
FED. ROAD DIST. NO. - ILLINOIS FED. AID PROJECT				

**ITEM 8C. PROPOSED 2012 TAX LEVY AND
PROCESS**

**THIS ITEM WILL BE AVAILABLE ON
FRIDAY, NOVEMBER 9, 2012**

FOR COUNCIL: November 13, 2012

SUBJECT: Request Approval of Proposed Property Tax Levy Figure for Public Library

RECOMMENDATION/MOTION: That the Property Tax Levy figure of \$4,648,925 requested by the Library Board of Trustees be approved.

BACKGROUND: The proposed Library Maintenance & Operating Budget was approved by the Library Board of Trustees on October 16, 2012. The Library Board respectfully requests a property tax levy figure of \$4,648,925. This represents an increase of \$135,406 over last year, (.029%). This increase is primarily due to increases in salaries for full and part time employees and their associated benefit costs. The property tax levy figure for the Library has been flat for the past three (3) years at \$4,513,060 in Fiscal Year (FY) 2011; \$4,518,200 in FY 2012; and \$4,513,519 in FY 2013.

Attached is the detail of the Library Maintenance & Operating Budget for FY 2010 through FY 2014.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The property tax levy figure of \$4,648,925 requested by the Library Board represents an increase of \$135,406, (.029%).

Respectfully submitted for Council consideration.

Prepared by:

Georgia Bouda
Library Director

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

LIBRARY MAINTENANCE & OPERATING BUDGET						
FY 14						
Approved by BPL Board of Trustees, 10/16/12						
Account Number	Account Title	FY 10 Actual	FY 11 Actual	FY 12 Actual	FY 13 Budget	FY 14 Total Req
50110	Property Taxes	4,491,185	4,513,080	4,518,200	4,513,519	4,648,925
50150	Mobile Home Tax	-	-	-	-	-
53020	Replacement Tax	130,400	130,400	130,400	130,400	130,400
53110	Federal Grants	-	-	-	-	-
53120	State Grants	76,557	76,724	78,564	77,000	77,000
53370	From Golden Prairie PL Dist	304,268	363,051	363,270	380,000	380,000
53990	Other Intergovernmental Rev	-	-	-	-	-
54490	Library Fees & Rentals	59,028	65,245	79,967	70,000	80,000
54720	Copies	4,149	6,800	3,323	3,600	3,600
56010	Int from Investments	4,609	4,568	2,339	4,500	3,000
57110	Sale of Property	1,245	2,489	2,045	1,000	1,000
57310	Donations	23,451	19,703	29,554	19,000	10,000
57350	Other Private Grants	3,000	11,648	79	-	-
57610	Cash Over/Short	248	5	(133)	-	-
57990	Other Misc Income	14,147	13,097	14,731	13,000	14,000
	Fr Library Fund Balance	-	200,000	160,000	53,030	-
	Fr Library Fixed Asset Fund	-	-	50,000	80,000	-
	Total Revenues	5,112,287	5,406,810	5,432,339	5,345,049	5,347,925
61100	Full Time Salaries	1,682,455	1,741,659	1,659,040	1,815,500	1,877,650
61110	Part Time Salaries	294,873	303,297	329,778	410,255	381,725
61130	Seasonal Salaries	37,010	34,380	33,424	45,000	35,990
61150	Overtime Salaries	380	-	-	1,100	1,100
61190	Other Salaries	-	-	-	-	-
62101	Dental Insurance	10,028	9,932	9,816	11,000	11,050
62102	Vision Insurance	2,152	2,262	2,166	2,700	2,600
62104	Health Insurance PPO BC/BS	191,761	203,249	202,223	250,000	234,700
62106	Health Insurance HAMP HMO	39,148	54,672	65,079	60,000	79,100
62110	Life Insurance	3,116	3,016	1,928	3,500	3,900
62120	IMRF	183,324	210,333	229,823	210,000	299,300
62130	FICA	149,054	152,938	145,796	175,000	142,320
62140	Medicare	-	-	2,257	-	33,290
62160	Worker's Comp	14,453	6,853	17,701	40,000	30,000
62190	Staff Uniforms	300	145	600	600	600
62210	Tuition Reimbursement	1,952	-	1,110	12,000	10,000
62990	Other Benefits	(4,605)	12,177	11,760	30,000	30,000
70210	Other Medical Services	-	-	-	-	-
70095	Credit Card Fees	-	582	-	-	-
70020	Other Prof & Tech Svcs	-	-	4,314	-	-
70420	Equipment Rental	7,544	10,751	16,971	25,824	26,000
70510	Building Maintenance	187,416	163,816	87,168	126,620	125,000
70520	Vehicle Maintenance	26,615	7,048	8,104	20,000	20,000
70530	Office/Equipment Maintenance	107,614	147,637	138,087	160,000	155,000
70590	Other Property Maintenance	2,110	3,118	3,688	34,340	25,000
70610	Advertising	7,045	6,360	13,089	15,000	15,000
70611	Printing/Binding	18,614	16,777	16,928	20,000	17,000
70630	Travel	13,154	5,277	10,920	10,000	13,200
70631	Membership Dues	8,552	8,137	4,749	16,000	8,500
70632	Professional Development	(3,079)	2,371	2,693	13,400	12,000
70690	Other Purchased Services	75,116	87,830	82,316	103,070	90,000
70714	Property Insurance	13,268	12,857	21,031	15,000	25,000
70715	Vehicle Insurance	1,888	1,993	5,189	3,000	6,000
70790	Other Insurance	2,830	3,386	3,386	3,600	3,600
71010	Office Supplies	76,130	86,212	46,095	200,000	52,000
71013	Computer Supplies	-	-	85,551	-	80,000
71015	Copier Supplies	4,672	6,109	4,865	6,000	6,000
71017	Postage	18,240	12,030	27,734	23,000	28,000
71020	Library Supplies	84,197	94,021	79,635	72,000	77,500
71024	Janitorial Supplies	12,896	7,372	13,725	10,000	13,500
71070	Fuel	4,289	5,402	6,562	8,000	8,000
71076	Telecommunications Repairs	-	-	-	-	-
71077	Water Repairs	-	-	-	-	-
71078	Electricity Repairs	-	-	-	-	-
71079	Natural Gas Repairs	-	-	-	-	-
71080	Bldg & Maint Supplies	6,771	16,606	8,645	10,000	7,500
71310	Natural Gas	35,778	38,811	34,337	42,000	40,000
71320	Electricity	112,379	112,747	98,049	120,000	105,000
71330	Water	4,846	5,172	6,817	5,500	7,500
71340	Telecommunications	23,912	26,971	24,510	32,000	30,000
71410	Professional Collection	5,103	5,478	6,646	5,000	7,000
71420	Periodicals	25,337	30,949	33,948	30,000	32,000
71430	Adult Books	144,533	161,996	173,977	207,600	165,300
71440	Juvenile Books	87,507	118,661	135,753	130,400	120,300
71450	Outreach Books	45,024	46,039	6,241	-	-
71460	Standing Orders	-	-	-	-	-
71470	A/V Materials	161,703	191,513	166,178	156,000	167,100
71480	Public Access Software	148,442	175,532	108,031	156,000	178,800
	Ebooks	-	-	-	-	33,300
72530	Street Constr & Improvements	-	-	-	-	-
73990	Other Int Expense	44,685	35,817	22,403	-	-
79120	Employee Relations	3,922	2,776	4,359	5,000	5,000
79150	Bad Debt	236	-	270	-	-
79990	Other Misc. Expenses	7,077	6,687	2,641	11,000	12,000
85711	From Working Cash	-	(126,679)	-	-	-
89112	To ERI Reimbursement	-	-	42,617	42,617	36,732
89237	To Library Equip Replacement	229,041	140,174	115,301	181,199	170,768
89409	Lib Expansion Project Fund	480,315	564,183	550,585	-	-
	To Capital Fund	-	694,996	204,505	259,224	250,000
	Total Expenses	4,841,123	5,672,425	5,141,114	5,345,049	5,347,925
	Total Revenues	5,112,287	5,406,810	5,432,339	5,345,049	5,347,925
	Rev Over Exp (Surplus)	271,164	(265,615)	291,225	-	-

ITEM 8E. PROPOSED 2012 TAX LEVY, (CITY AND LIBRARY), AND ADOPTION OF ESTIMATED LEVY

**THIS ITEM WILL BE AVAILABLE ON
FRIDAY, NOVEMBER 9, 2012**