



ADDENDUM 2

BLOOMINGTON CITY COUNCIL AGENDA

DECEMBER 17, 2012

ADDITION TO CONSENT AGENDA

- Item 6A. Council Proceedings of December 10, 2012. (Recommend that the reading of the minutes of the previous Council Proceedings of ~~November 26, 2012~~ December 10, 2012 be dispensed with and the minutes approved as printed.) *Draft Council Proceedings*

CORRECTIONS TO REGULAR AGENDA

- Item 8E. Intergovernmental Agreements between the City, County of McLean and Town of Normal, regulating Use of the Police Range Facility. (Recommend that the Agreements be approved and the Mayor and City Clerk be authorized to execute the necessary documents). *(10 minutes) Corrected Intergovernmental Agreements attached – see Sections V & VI*

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

The Council convened in regular Session in the Council Chambers, City Hall Building, at 7:03 p.m., Monday, December 10, 2012.

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

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

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

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

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

Alton Franklin, 508 Patterson Dr., addressed the Council. He had reviewed his recordings of the Council's meetings. He questioned when something would be done. He noted the recent moratorium on Downtown liquor licenses. The Council was just talking and not taking any action. He noted the efforts made by the City's Finance Department and Public Works Department's crews. On the other hand, he addressed the Downtown Commission. There had not been any action. The Downtown's issues sounded like code violations. The City could issue ordinance violations. He also cited fighting and vandalism. Something could be done. He noted that law enforcement had the authority. He had hoped to see action.

The following was presented:

SUBJECT: Council Proceedings of November 26, 2012

RECOMMENDATION/MOTION: That the reading of the minutes of the previous Council Proceedings of November 26, 2012 be dispensed with and the minutes approved as printed.

BACKGROUND: The Council Proceedings of November 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 by Alderman Schmidt, seconded by Alderman Purcell that the reading of the minutes of the previous Council Proceedings of November 26, 2012 be dispensed with and the minutes approved as printed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Bills and Payroll

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

BACKGROUND: The list of bills and payrolls will be posted on the City's website on Thursday, December 6, 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:

Patti-Lynn Silva
Director of Finance

Recommended by:

David A. Hales
City Manager

(ON FILE IN CLERK'S OFFICE)

Motion by Alderman Schmidt, seconded by Alderman Purcell that the Bills and Payroll be allowed and the orders drawn on the Treasurer for the various amounts as funds are available.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Text Amendment Combining the Duties of Sign Code Board of Review with the Zoning Board of Appeals

RECOMMENDATION/MOTION: That the Text Amendment to Chapters 3. Advertising Sign Code and 44. Zoning Code be approved and the Ordinance passed.

BACKGROUND: Over the past several years, the number of cases before the Sign Code Board of Review, (Sign Board), has dwindled to just a few cases. In this same time frame, the membership of the Board has also been reduced by attrition to the point where we cannot conduct business due to a lack of a quorum. City Code states there are five, (5), members on this Board. Currently, there is only one, (1), member. In an attempt to streamline operations, staff took time to review various appeals board operations and found combining the Sign Board with the Zoning Board of Appeals, (ZBA), would be an appropriate step. The ZBA allows for seven, (7), members. Currently, there is a vacancy.

When comparing the responsibilities of the two, (2), boards, there are several similarities. Both boards have their roots in the City's Zoning Code; they have the authority to render judgments concerning staff interpretation, and grant variances; and have a quasi-judicial standing related to their activities. With this background, staff removed the Sign Board language from Chapter 3. Advertising Sign Code and modified same to make it a part of Chapter 44. Zoning Code. As

proposed, the ZBA will now be responsible for all hearing actions which were once the responsibility of the Sign Board.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The proposed changes to Chapter 44 were vetted through the Planning Commission as required by the Zoning Code, which included a notice placed in the newspaper. There were no specific properties affected by this change. No signs were posted. Sign contractors were identified as affected parties and were mailed notices of the change.

The proposed changes were discussed with the ZBA since their board would take on the added responsibilities. While no formal vote was required or taken, the membership understood and accepted the proposed changes.

The changes were heard by the Planning Commission on November 14, 2012 and unanimously recommended the Council approve the changes. There were no members of the public present to speak for or against this proposal.

FINANCIAL IMPACT: Financial impact of these changes will be reflected in reduced staff time and involvement with an additional appeals board. Separate staff and meetings will no longer be needed for sign code activity since all cases will be handled by the ZBA and its staff.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

Reviewed by:

Mark R. Huber
Director of PACE

George Boyle
Asst. Corporation Counsel

Barbara J. Adkins
Deputy City Manager

Recommended by:

David A. Hales
City Manager

ORDINANCE 2012 - 71

AN ORDINANCE AMENDING CHAPTER 3 AND 44 OF THE BLOOMINGTON CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL

OF THE CITY OF BLOOMINGTON, ILLINOIS:

SECTION 1. That the Bloomington City Code, 1960, as amended, be further amended by deleting Section 3.11 of Chapter 3 and Article 12 of Chapter 3 and replacing Article 12 with the following: (additions are indicated by underlining; deletions are indicated by strikeouts):

~~Chapter 3: Section 3.11: Sign Permits Appeals.~~

~~An appeal may be taken to the Sign Code Board of Review from the Administrator's denial or revocation of a sign permit.~~

Chapter 3: Section 12.1: Review, Variances and Recommendations.

Review of decisions of the Administrator relating to the issuance of permits, removal of illegal signs and the granting of variances from the requirements of this Code shall be done by the Zoning Board of Appeals pursuant to Chapter 44, Section 44.12-1, unless said appeal is brought pursuant to Article 7 of this Chapter, in which case said appeal shall be heard by the Construction Board of Appeals pursuant to Chapter 10 of this Code. The Zoning Board of Appeals shall also review and advise the Administrator regarding proposed changes to this Chapter.

SECTION 2. That the Bloomington City Code, 1960, as amended, be further amended by amending Chapter 44, Sections 44.13-1 and 44.13-4: (additions are indicated by underlining; deletions are indicated by strikeouts):

Chapter 44: Section 44.13-1: Administration and Enforcement.

- A. Zoning Enforcement Officer. The Director of Planning and Code Enforcement shall administer and enforce this Code. He may be provided with assistance of such other persons as the City Manager may direct. In furtherance of such authority the Director of Planning and Code Enforcement shall:
- (1) Notify in writing any person responsible for violating any of the provisions of this Code, indicating the nature of the violation and ordering the action necessary to correct it;
 - (2) Order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes;

discontinuance of any illegal work being done; or shall take any other action authorized by this Code to ensure compliance with or to prevent violation of its provisions;

- (3) Issue all building permits, and make and maintain records thereof;
- (4) Issue all zoning compliance certificates and make and maintain records thereof;
- (5) Issue all special use permits after they are approved by the Council in accordance with Division 10 of this Code;
- (6) Conduct inspections of buildings, structures, and use of land to determine compliance with this Code;
- (7) Maintain permanent and current records pertaining to this Code, including but not limited to, maps, amendments, plans, special uses, variations, appeals, and applications therefor; and designate on the official zoning map each amendment;
- (8) Provide and maintain a public information bureau relative to all matters arising out of this Code;
- (9) Receive, file and forward to the Board of Zoning Appeals all applications for appeals, special uses, authorized variations or other matters on which the Board of Zoning Appeals is required to pass under this Code;
- (10) Forward to the City Clerk all applications for special use permits, amendments, and other matters which are to be referred to the Board of Zoning Appeals or the Planning Commission. (Ordinance No. 2006 - 137)

B. Building Permit Requirements. No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor issued by the Director of Planning and Code Enforcement. No building permit shall be issued by the Director of Planning and Code Enforcement except in conformity with the provisions of this Code and Chapters 10 and 24 of the Bloomington City Code, 1960, as amended, unless he receives a written order from the Board of Zoning Appeals in the form of an administrative review or variation or from the City Council in the form of a special use permit or amendment as provided by this Code. (Ordinance No. 2006 - 137)

C. Zoning Compliance Certificate:

1. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a zoning compliance certificate shall have been issued therefor by the Director of Planning and Code Enforcement stating that the proposed use of the building or premises conforms to the requirements of this Code;

- (2) No nonconforming structure or use shall be maintained, renewed, changed, or extended until a zoning compliance certificate shall have been issued by the Director of Planning and Code Enforcement. The zoning compliance certificate shall state specifically wherein the nonconforming use differs from the provisions of this Code. Upon enactment or amendment of this Code, owners or occupants of nonconforming uses or structures shall have six (6) months to apply for a zoning compliance certificate. Failure to make such application within six (6) months shall be prima facie evidence that the property was in a conforming use at the time of enactment or amendment of this Code;
 - (3) No permit for erection, alteration, moving or repair of any building shall be issued until an application has been made for a zoning compliance certificate; and such certificate shall be issued in conformity with the provisions of this Code upon completion of the work;
 - (4) A temporary zoning compliance certificate may be issued by the Director of Planning and Code Enforcement for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards or will protect the safety of the occupants and the public;
 - (5) Failure to obtain a zoning compliance certificate shall be a violation of this Code and punishable under Section 44.13-5 of this Code. (Ordinance No. 2006-137)
- D. Special Use Permits. The Director of Planning and Code Enforcement shall issue special use permits in accordance with Section 44.10-3 of this Code. (Ordinance No. 2006-137)
- E Board of Zoning Appeals:
1. Creation. The Board of Zoning Appeals of the City of Bloomington, Illinois, which has been duly created by the City Council, is the Board of Zoning Appeals referred to in this Code. The Board of Zoning Appeals shall consist of seven (7) members who are residents of the City of Bloomington, Illinois.
 2. Jurisdiction:
 - (a) To conduct administrative public hearings, make findings of fact, and decide duly initiated appeals from any administrative order, requirement, decision or determination made by the Director of Planning and Code Enforcement or his deputies or assistants in the enforcement of this Code;
 - (b) To conduct administrative public hearings, make findings of fact and grant or deny variations in the manner provided herein;

- (c) To conduct administrative hearings, make findings of fact and recommend to the City Council approval or disapproval of applications for special use permits in the manner provided herein;
- (d) To recommend to the City Council amendments to this Code;
- (e) To hear appeals of decisions made pursuant to Chapter 3 of this Code by the Sign Code Administrator relating to the denial of permits, the removal of illegal signs or the granting of variances, except when said appeal is brought pursuant to Article 7 of Chapter 3, in which case said appeal shall be heard by the Construction Board of Appeals pursuant to Chapter 10 of this Code.
- (f) To make recommendations to the City Council for changes to Chapter 3 of this Code; and
- (g) To give advice to the Sign Code Administrator when requested.

3. Meetings, Hearings, Procedures and Rules:

- (a) Meetings. All meetings of the Board of Zoning Appeals shall be held at the call of the Chairman and at such times and places as the Board of Zoning Appeals may determine. Anything herein to the contrary notwithstanding, the Board of Zoning Appeals will meet at 3:00 p.m. on the third Wednesday of each month for regularly scheduled meetings and at such other times as said Board may determine;
- (b) Administrative Public Hearings:
 - (1) All administrative public hearings shall be held at regularly scheduled times, except when conditions require a special meeting.
 - (2) Notices:
 - (a) Legal notice of an administrative public hearing shall be given not less than fifteen (15) nor more than thirty (30) days before said hearing by publishing a notice thereof in a newspaper of general circulation;
 - (b) Courtesy notices may be given by posting the property affected with a sign indicating that a zoning action is pending affecting the property and that additional information may be obtained from the Director of Planning and Code Enforcement (details will be specified here);
 - (c) Courtesy notices may also be given by the mailing of a notice of hearing to the owners of any land contiguous to the parcel on which action is proposed.
 - (3) Administrative Public Hearing Procedure:

- (a) Parties. The applicant, the City and the person filing a written entry of appearance is a party to an administrative public hearing procedure;
 - (b) Appearances of Others. Any person may appear and testify at an administrative public hearing, either in person or by a duly authorized agent or attorney;
 - (c) Oaths of Affirmations. The Chairman or in his absence, the Acting Chairman, may administer oaths or affirmations;
 - (d) Compelling the Attendance of Witnesses. The Chairman or in his absence, the Acting Chairman, may compel the attendance of witnesses by mailing to such persons a Notice compelling attendance, not less than five (5) days before the public hearing. Failure of a person to appear in response to such a Notice shall constitute a violation of this Code.
- (4) Record Keeping:
- (a) The Board of Zoning Appeals shall make a sound recording of all administrative public hearings and shall retain such tape for not less than six (6) months following the closing of the hearing;
 - (b) Verbatim Transcripts. In the event that any party desires a verbatim transcript of the administrative public hearing, a written request therefor shall be filed with the Chairman of the Board of Zoning Appeals not less than three (3) weeks before the hearing date. Costs of taking such a transcript shall be shared equally between the requesting party and the City. Any party desiring a transcript of the proceedings shall pay any transcription or copying costs;
 - (c) Decisions and Orders. The Board of Zoning Appeals shall retain in the Office of the City Clerk a copy of every rule, decision or determination made by the Board.
- (5) Notification of Decision. Copies of findings of fact and decisions or recommendations of the Board shall be served by mailing a copy thereof to all parties.
- (c) Rules and Procedures. In order that the Board of Zoning Appeals may efficiently transact the business before it and provide an opportunity for all interested parties to be heard, the following rules and procedures shall be followed:

In the conduct of its meetings said Board shall follow parliamentary procedures except as set forth in paragraph (1) of this subsection (c). Robert's Rules of Order, except when otherwise provided by law and when not in conflict with these rules and procedures, shall govern on all questions of parliamentary law at meetings of said Board.

- (1) Convening; Seating; Order of Business. All regular meetings of the Board of Zoning Appeals shall convene promptly at the hour set by Section 44.13-1 E.3.(a) of this Code. On the day of each regular meeting the members and secretary of said Board shall take their regular stations in the Council Chambers and the business of said Board shall be taken up for consideration in the following order:
 - (a) Call to Order by the Secretary or Acting Secretary of the Board of Zoning Appeals;
 - (b) Roll Call by the Secretary or Acting Secretary of said Board. A majority of said Board's members shall be present to constitute a quorum in order to do business. In the event that there is no quorum present then all public hearings scheduled for the meeting shall be postponed. If the Chairman is absent, an Acting Chairman of said Board shall be selected by a majority vote of said Board's members who are present;
 - (c) Review and approval of the minutes of said Board's previous meeting;
 - (d) Consideration of Petitions. The following procedure shall be used in the consideration of each petition:
 - (1) The Chairman or Acting Chairman of said Board shall provide a short description of the petition;
 - (2) The Secretary or Acting Secretary of said Board shall report whether notice of the public hearing was given as required by this Code and whether courtesy notices of the public hearing were mailed to the owners of property most affected by the petition;
 - (3) The Chairman or Acting Chairman of said Board shall read the applicable Section of this Code which applies to the petition;
 - (4) The Chairman or Acting Chairman shall invite persons at the public hearing to speak, in favor of the petition;
 - (5) The Chairman or Acting Chairman shall invite persons at the public hearing to speak against the petition;
 - (6) The Chairman or Acting Chairman shall invite other persons at the public hearing to express their opinions concerning the petition;
 - (7) The Chairman or Acting Chairman shall allow time for members of the Board to discuss the petition;

(8) At the end of such discussion the Chairman or Acting Chairman on the petition. Those Board members who are in favor of approving the petition shall vote “Yes”, those in favor of denying the petition shall vote “No”, and those wishing to abstain from voting on the petition shall vote “Present”. A concurring vote of four (4) members of the Board of Zoning Appeals shall be required to approve or recommend approval of a petition. Board members shall cast their votes on roll call by the Secretary or Acting Secretary;

(9) The Chairman or Acting Chairman shall then review the Board of Zoning Appeals action and discuss the procedures to be followed for the benefit of the petitioner. (Ordinance No. 2006 - 137)

F. The Planning Commission.

1. Creation. The Planning Commission of the City of Bloomington, Illinois, which has been duly created by the City Council is the Planning Commission referred to in this Code.
2. Jurisdiction:
 - (a) To conduct legislative public hearings and submit reports and recommendation to the City Council on applications or proposals to amend the boundaries of the zoning districts created by this Code;
 - (b) To conduct public hearings and submit reports and recommendations to the City Council on proposed amendments to the regulations imposed by this Code, that is, zoning text amendments;
 - (c) To conduct public hearings and recommend approval or disapproval of preliminary plans for subdivisions and, if directed by the City Council, to report on final subdivision plats in the manner provided in Chapter 24 of the Bloomington City Code, 1960, as heretofore or hereafter amended;
 - (d) To conduct public hearings and recommend approval or disapproval of preliminary development plans for planned unit developments and, if directed by the City Council, to report on final development plans in the manner provided in Division 9 of this Code;
 - (e) When required by this Code or the City Council to conduct public hearings and recommend approval or disapproval of site plans as required by provisions of this Code;
 - (f) To recommend to the City Council amendments to this Code and Chapter 24 of the Bloomington City Code, 1960, as amended;

(g) To carry out and perform such additional duties as are assigned to them by the City Council.

3. Meetings, Hearings, Rules and Procedures:

(a) Meetings. All meetings of the Planning Commission shall be held at the call of the Chairman at such times and place as the Commission may determine. Anything herein to the contrary notwithstanding, the Commission will meet at 4:00 p.m. on the second and fourth Wednesday of each month for regularly scheduled meetings at such place as the Commission may from time to time establish. All meetings of the Commission shall be open to the public.

(b) Legislative Public Hearings:

(1) All legislative public hearings shall be regularly scheduled meetings, except when conditions require special meetings;

(2) Legal Notices:

(a) Legal notice of a legislative public hearing shall be given not less than fifteen (15) nor more than thirty (30) days before said hearing by publishing a notice thereof in a newspaper of general circulation;

(b) Courtesy notices may be given by posting the property affected with a sign indicating that a zoning action is pending affecting the property and that additional information may be obtained from the City Planner (details will be specified here);

(c) Courtesy notices may also be given by the mailing of a notice of hearing to the owners of any land contiguous to the parcel on which action is proposed.

(c) Legislative Public Hearing Procedure:

(1) Appearances. Any person may appear and testify at a legislative public hearing, either in person or by duly authorized agent or attorney;

(2) Oaths. The Chairman or in his or her absence the Acting Chairman may administer oaths;

(3) Compelling the Appearance of Witnesses. The Chairman or in his or her absence the Acting Chairman may compel the attendance of witnesses by mailing to such persons a Notice compelling attendance, not less than five (5) days before the public hearing. Failure of a person to appear in response to such a Notice shall constitute a violation of this Code;

- (4) Record Keeping. The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote, indicate such fact;
- (5) Transmittal of Recommendation to Council. A copy of the Minutes of the Planning Commission meeting and any reports or recommendations shall be filed with the City Clerk prior to final action by the City Council on a particular item and shall become part of the public records of the municipality, provided however, the failure to file such minutes shall not invalidate final action of the City Council.

Chapter 44: Section 44.13-4: Variations.

- A. Authority. The Board of Zoning Appeals hereafter may permit variations to the following sections of this Code, the Schedule of Bulk Regulations (Section 44.6-40); Accessory Buildings and Use Regulations (Section 44.4-4), Lot and Yard Regulations (Section 44.4-5), Landscaping Provisions (Section 44.4-7), Off-Street Parking and Loading Regulations (Division 7), Special Use Regulations (Division 10), Gridley, Allin, & Prickett (GAP) Form-Based Code (Section 44.6-26) except where in conflict with other provisions of this section, and to allow the enlargement and structural alterations of nonconforming structures (Section 44.4-6). Such variations shall only be granted when the variation would be in harmony with this Code's general purpose and intent. The Board of Zoning Appeals may grant variances only in specific instances where there would be practical difficulties or particular hardships in carrying out the strict letter of those Sections of this Code stated herein. Any and all variations to this Code granted by the Board of Zoning Appeals prior to January 9, 1996 are hereby authorized and validated. Under no circumstances shall the Board of Zoning Appeals grant a variation to allow a use of land not permissible under the terms of the Code in the zoning district involved or any use of land expressly or by implication prohibited by the terms of this Code in said zoning district. (Ordinance No. 2010-16)
- B. Initiation. An application for a variation may be made by any person, firm or corporation, or by any office, department, board, bureau or Commission requesting or intending to request application for a building permit or by the City Council or the City staff at the direction of the City Council. (Ordinance No. 2006-137)
- C. Processing:
 1. All requests for variations other than those initiated by or on behalf of the Bloomington City Council, shall only be accepted when filed in proper application form with the City Department of Planning and Code Enforcement. Before the application is filed, a pre-application review by the Department of Planning and Code Enforcement is required. The information requested on the application is deemed to be a minimum, and applicants may be required to supply additional information prior to the public hearing on their requests. Such application must be filed in duplicate as a prerequisite to the commencement of any action on the part of the City. The Department of Planning and Code Enforcement shall, at such times as the Department is in receipt of the completed application forms, and after processing, forward a copy thereof to the Board of Zoning Appeals for action by said Board.

2. No variation shall be made by the Board of Zoning Appeals except after a public hearing before the Board of Zoning Appeals, of which there shall be notice of the time and place of hearing published at least once not more than thirty (30) nor less than fifteen (15) days before the hearing in one (1) or more newspapers with a general circulation within the City of Bloomington, Illinois, as is prescribed by Illinois Statute. Supplemental or additional notices may be published or distributed as the Board of Zoning Appeals may, by rule, prescribe from time to time. (Ordinance No. 2006 - 137)
- D. Standards for Zoning Variations. In granting or denying an application for a variation, the Board of Zoning Appeals shall prepare findings of fact from the evidence adduced at the administrative public hearing indicating the extent to which each of the following items are demonstrated by the applicant.

A variation from the terms of this Code shall not be granted by the Board of Zoning Appeals unless and until findings of fact are submitted demonstrating:

1. That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult; and
2. That the variance would be the minimum action necessary to afford relief to the applicant; and
3. That the special conditions and circumstances were not created by any action of the applicant; and
4. That granting the variation requested will not give the applicant any special privilege that is denied to others by the Code; and
5. That the granting of the variation will not be detrimental to the public welfare, alter the essential character of the neighborhood, nor unreasonable impair the use or development of adjoining properties. (Ordinance No. 2006 - 137)

E. Standards for Board Decisions Related to the Sign Code.

1. Appeals Without Petition for Variance. In appeals to the Board from decisions of the Administrator denying a sign permit or declaring a sign to be illegal, the Board's scope of review shall be limited to determining whether or not the Administrator's decision is in accordance with the requirements of Chapter 3 of this Code and applicable law and accordingly affirm or reverse the appealed decision. If the Administrator's decision is reversed, the Board shall direct the Administrator to issue the permit or a statement permitting the sign in accordance with its decision.
2. Appeals With Petition for Variance. In appeals from decisions of the Administrator denying a sign permit or declaring a sign to be illegal in connection with which a variance is sought in addition to the review authority in subsection (1), the Board shall

have the power and duty to hear, decide and grant or deny the requested variance from the provisions or requirements of Chapter 3 of this Code.

The Board may grant a variance from the provisions or requirements of Chapter 3 of this Code only where:

(a) the literal interpretation and strict application of the provisions and requirement of Chapter 3 of this Code would cause undue and unnecessary hardship to the sign user because unique or unusual conditions pertaining to the specific building or parcel or property in question;

(b) the granting of the requested variance would not be materially detrimental to the property owners in the vicinity;

(c) the unusual conditions applying to the specific property do not apply generally to other properties in the City;

(d) the requested variance would not permit the erection of a sign having a sign area greater than eight hundred (800) square feet; and

(e) the granting of the variance will not be contrary to the general objectives set forth in Chapter 3 of this Code.

3. Where there is insufficient evidence in the opinion of the Board to support a finding of “undue and unnecessary hardship” under subsection (2), subparagraph (a) of this Section, but some hardship does exist, the Board may consider the requirements fulfilled if:

(a) the proposed sign is of particularly good design and in particularly good taste with preference being shown for painted bulletins;

(b) the entire site has been or will be particularly well landscaped and maintained; and

(c) the sign area of the proposed sign does not exceed three hundred (300) square feet.

In granting the variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed sign as it may deem necessary to carry out the spirit and purpose of this Code in the public interest.

F E. Decisions:

1. All decisions of the Board of Zoning Appeals on variations initiated hereunder shall be final and reviewable only in the Court in accordance with the applicable Statutes of the State of Illinois. (735 ILCS 5/3-101, *et. seq.*) However, the aggrieved party may appeal

to the City Council if a variation is rejected by the vote of less than five (5) members of the Board of Zoning Appeals; the Director of Planning and Code Enforcement may appeal to the City Council if he or she believes the Board's decision allowing the variations violate the intent of this Code. To receive consideration by the City Council the aggrieved party or the Director of Planning and Code Enforcement must file with the City Clerk a "Notice of Appeal" which shall be substantially in one of the following forms:

I, the undersigned, have requested and made application for a variation. Less than five (5) members of the Board of Zoning Appeals concurred in the action which rejected my application. I, therefore, request that the City Council review the record of the administrative hearing conducted by the Board of Zoning Appeals and make a final administrative determination thereon.

(Signature)_____

Notice of Appeal

The City of Bloomington, McLean County, Illinois, a Municipal Corporation, requests that the City Council review the record of the Board of Zoning Appeals' administrative public hearing and make a final administrative determination thereon. This request is based on my belief that the decision made by the Zoning Board of Appeals granting the variation is invalid.

(Signature)_____

If a Notice of Appeal is filed by the aggrieved party or by the Director of Planning and Code Enforcement within ten (10) working days from the date on which the Board of Zoning Appeals' decision, rule or order was served, the appeal shall be considered by the City Council and the determination of the Council on the matter shall be final. if no such Notice of Appeal is filed with the City Clerk within said period, the action of the Board of Zoning Appeals shall be final, even if taken by less than five (5) concurring votes.

No order of any body granting a variation shall be valid for a period longer than one (1) year from the effective date of such order, unless a building permit for the building or structure for which such variation was granted is obtained from the Director of Planning and Code Enforcement within such one (1) year period and unless construction of such building or structure is started and completed in accordance with the terms of such permit. No order granting a temporary use variation shall be valid for a period longer than one (1) year from the effective date of such order.

2. No application for variation which has been denied wholly or in part by the Board of Zoning Appeals or Council shall be submitted for a period of one (1) year from the date of said order of denial except on grounds of new evidence or proof of change of conditions found to be valid by the Board of Zoning Appeals. (Ordinance No. 2006 - 137)

Notice of Appeal to City Council for Review of an Administrative
Determination on a Request for a Zoning Variation

SECTION 3. Except as provided herein, the Bloomington City Code, 1960, as amended shall remain in full force and effect.

SECTION 4. The City Clerk is hereby authorized to publish this ordinance in pamphlet form as provided by law.

SECTION 5. This ordinance shall be effective ten (10) days after the date of its publication.

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

PASSED this 10th day of December, 2012.

APPROVED this 11th day of December, 2012.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Schmidt, seconded by Alderman Purcell that the Text Amendment to Chapter 3. Advertising Sign Code and 44. Zoning Code be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Purchase of Two (2) Falcon Asphalt Heating Units for Public Works Department's Streets and Sewers Division

RECOMMENDATION/MOTION: That the purchase of two (2) 4 Ton FALCON Recycling Asphalt Hot Patch Machines using the State of Illinois Joint Purchasing Contract #PSD40117154, T-Number: T0310, be awarded to Galva Road Equipment, LLC, Galva, IL, in the amount of \$44,758, and the Purchasing Agent be authorized to issue a Purchase Order.

BACKGROUND: The Public Works Department's Streets and Sewers Division currently uses a temporary fix by using cold patch for pothole repair. Cold patch is a temporary solution to the pothole problems within the City. Typically, a repair using cold patch only lasts a few days. By purchasing the Falcon Asphalt Recycler, this will allow Streets & Sewers staff to keep the product warm, which in turn makes cold patch a safer, more effective solution.

Currently, Public Works has two, (2), daily pothole crews depending on the outstanding work and pothole repair demand. The benchmark for response to standard potholes not needing more extensive work is three, (3), working days. In addition to the two, (2), crews utilizing this machine, this machine can produce material to be used year round on water ditch repairs and contractor street cut repairs. Public Works staff has been researching alternatives to cold patch repair for over a year and determined that this was the best solution based upon field tests and testimony of other communities.

The distinguishing characteristic of a Falcon Asphalt Recycler is its versatility.

AS AN ASPHALT RECYCLER IT WILL:

- Provide year-round, on-site access to hot mix.
- Reduce disposal costs and landfill use.
- Conserve aggregate and petroleum resources.

AS AN ASPHALT HOT PATCHER IT WILL:

- Eliminate injuries cause by shoveling hard asphalt.
- Reduce labor costs by eliminating unnecessary trips to asphalt plant.
- Reduce material costs by eliminating material waste cause by asphalt hardening in an unheated truck bed.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: In September 2012, Galva Road Equipment brought a Falcon Recycling Asphalt Hot Patcher for a street maintenance to demonstration. During the two, (2), day demonstration, productivity of potholes filled were three to one, (3:1), compared to cold patch. In addition, three, (3), one day field visits were made with the Illinois Department of Transportation, City of Pekin and City of Rock Island where this equipment has been successfully used over multiple years.

FINANCIAL IMPACT: The FY 2013 Street Maintenance appropriated \$45,000 for the purchase of two, (2), Asphalt Heating Units in the Public Works Department's Streets Maintenance Division, (10016120-72140). The total cost to purchase the two, (2), units is

\$44,758.00, which is \$242 or 0.5% below the budgeted amount. Stakeholders may locate this purchase in the FY 2013 General Fund Budget document on page #271.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Financial reviewed by:

Jim Karch, PE CFM
Director of Public Works

Barbara J. Adkins
Deputy City Manager

Timothy Ervin
Chief Budget Officer

Recommended by:

David A. Hales
City Manager

Motion by Alderman Schmidt, seconded by Alderman Purcell that the purchase of two (2) 4 Ton FALCON Recycling Asphalt Hot Patch Machines, utilizing the State of Illinois Joint Purchasing Contract #PSD40117154, T-Number: T0310, be awarded to Galva Road Equipment, LLC, Galva, IL, in the amount of \$44,758, and the Purchasing Agent be authorized to issue a Purchase Order.

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: Microsoft Software Enterprise Agreement License Renewal

RECOMMENDATION/MOTION: That the payment to CDWG, Inc. for the 2012 Microsoft Enterprise Agreement (EA) software maintenance and support with Microsoft Corporation covering the City's Microsoft licensing, in the amount of \$100,609.64, be approved.

BACKGROUND: The City has historically participated in an EA with Microsoft Corporation for the use of all of its Microsoft licenses. These licenses include desktop and server operating systems, enterprise databases, office productivity software, network management software, and terminal emulation software used to provide desktop application services across some of the City's slower WAN (Wide Area Network) links. Participation in the EA agreement provides

version updates to all software, support, training and transition rights to software when computer hardware is replaced.

Costs for the previous five (5) years of Microsoft EA licensing were:

FY2012	\$100,609.64
FY2011	\$91,689.08
FY2010	\$105,595.37
FY2009	\$107,787.77
FY2008	\$102,575.69

The City is able to participate in the Microsoft EA under the State of Illinois Joint Purchasing Contract, under which the state has negotiated with Microsoft for lower licensing costs. The Microsoft reseller selected to manage the state contract is CDWG, Inc., Chicago, IL. As such, the City may only participate in the Microsoft EA by purchasing through CDWG.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED Not applicable.

FINANCIAL IMPACT: Funds totaling \$106,000 for the payment of Microsoft Software Enterprise Agreement License Renewal were budgeted and approved by Council in the Information Services Repair/Maintenance Office and Computer Equipment account, (10011610-70530), within the FY 2013 budget. The total amount budgeted in account, (10011610-70530), for multiple items in FY 2013 was \$777,366. Stakeholders may locate this budget in the FY 2013 General Fund Budget document on page #169.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Financial review by:

Scott Sprouls
Director of Information Services

Barbara J. Adkins
Deputy City Manager

Timothy Ervin
Chief Budget Officer

Recommended by:

David A. Hales
City Manager

Motion by Alderman Schmidt, seconded by Alderman Purcell that the payment to CDWG, Inc., Chicago, IL, for the 2012 Microsoft Enterprise Agreement (EA) software maintenance and support with Microsoft Corporation covering the City's Microsoft licensing, in the amount of \$100,609.64, be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Police Department Handgun Replacement

RECOMMENDATION/MOTION: That the purchase of handguns from Sig Sauer in the amount of \$36,450 be approved, the Purchasing Agent be authorized to issue a Purchase Order for the same.

BACKGROUND: Currently, each police officer is issued a Sig Sauer P229, 40 caliber handgun. The majority of the handguns were purchased in 1999 and are nearing the end of their expected lifespan. The replacement handgun is a Sig Sauer P229R pistol, .40 caliber, DAK Trigger, with night sights, black Nitron coated stainless steel slide, alloy frame, accessory rails, three 12 round magazines, gun lock, and instructional manual. The City needs to purchase 135 of the Sig Sauer handguns at a cost of \$645 each. The City will receive a \$375 credit for each pistols traded in. Additionally, each officer will be afforded the opportunity to purchase their current firearm for the price of \$375 with the proceeds going to Sig Sauer in lieu of a trade in. In sum, the out of pocket cost to upgrade every police officers' handgun will be \$36,450.

135 Sig Sauer P220R handguns (new)	\$645 each	\$87,075
135 Sig Sauer P229 handguns used (trade in)	(\$375 each)	- \$50,625
Total Cost		\$36,450

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: None.

FINANCIAL IMPACT: The cost for the purchase of the new Sig Sauer handguns is \$36,450. Funds have been budgeted in the FY 2013 Police budget, (10015110-71190), Police Other Supplies. This line item has multiple items budgeted for purchase in FY 2013. The amount budgeted for the handgun replacement was \$37,125. Stakeholders may locate this purchase in the FY 2013 General Fund Budget document on page #221. When budgeted in the City's old accounting system the line item account was (71990), Other Supplies.

Respectfully submitted for Council consideration.

Prepared by:

Financial review by:

Recommended by:

Randall D. McKinley
Police Department

Timothy Ervin
Chief Budget Officer

David A. Hales
City Manager

Motion by Alderman Schmidt, seconded by Alderman Purcell that the purchase of handguns from Sig Sauer, Exeter, NH, in the amount of \$36,450, be approved, and the Purchasing Agent be authorized to issue a Purchase Order.

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: Tax Levy Reports

RECOMMENDATION/MOTION: That the reports be received and placed on file.

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

1. Firemen's Pension Fund Required Reporting to Municipality as of April 30, 2012 Fiscal Year End.
2. Police Pension Fund Required Reporting to Municipality as of April 30, 2012 Fiscal Year End.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Tracey Covert
City Clerk

Patti-Lynn Silva
Director of Finance

David A. Hales
City Manager

(REPORTS ON FILE IN CLERK'S OFFICE)

Motion by Alderman Schmidt, seconded by Alderman Purcell that the reports be received and placed on file.

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: FY 2013 Fund Balance Report as of October 31, 2012 (6 months)

RECOMMENDATION/MOTION: None.

BACKGROUND: None.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by:

Financial review by:

Recommended by:

Timothy Ervin
Chief Budget Officer

Patti-Lynn Silva
Director of Finance

David A. Hales
City Manager

David Hales, City Manager, addressed the Council. He noted the current work load in the City's Finance Department. He cited the MUNIS software conversion. The Finance Department was a key player in this project. Work continued on the Comprehensive Annual Financial Report. There had been staffing changes. This presentation was commendable. It included projections for the next Fiscal Year, (FY). There were revenue and expenditure challenges. He planned to make some closing comments.

Tim Ervin, Chief Budget Officer, addressed the Council. He stressed that the midyear budget projections were based upon estimates. The last six, (6), months financial data was used to make future predictions. Staff had made careful projections based upon assumptions. These were projections. There still was a need for solid financial planning.

He began the presentation by addressing comparisons, (General Fund Projected Financials FY 2013, Preliminary Unaudited figures for revenue and expenditures; Original Revenue Budget versus Preliminary Results, and Original Expenditure Budget versus Preliminary Results). At this time, revenue exceeded budget projections and expenditures were below budget. The focus was on trends. The numbers would change. There had been budget surprises. Mr. Ervin cited sales tax collections which have exceeded estimates. He noted that this had been seen in the past. In 2008, the numbers also looked good. The Utility and Replacement Taxes were based upon consumption and the commodity's price. Energy savings has meant a revenue decrease. Expenditures were below budget. He cited nuances. Currently, Worker's Compensation claims were lower than anticipated. He hoped that this trend would continue. The City had seen lower retirement numbers. This meant lower payouts for Sick Leave Buy Back and Vacation. The current projection showed three, (3), more retirements before the FY end.

Mr. Ervin addressed various departments whose expenditures were lower than anticipated. He specifically cited the Fleet Division's expenditures for fuel. Fuel prices were lower than projected.

He addressed the slide entitled Historical General Fund Activity from FY 2010 – FY 2012. It provided a four, (4), year history of General Fund revenues and expenditures. City staff was tracking trends. He noted the fund balance increase. He addressed the Unrestricted Fund Balance Reserve. The Council had adopted a policy regarding same. It provided the City with a target to strive for. The Council had set expectations. The City needed to recalculate as this fund balance was currently above the limit set. He added that GASB, (Government Accounting Standards Board), was changing the definition of fund balance. There will be five, (5), different types.

Mr. Ervin addressed the line graph entitled General Fund Eleven Year Total Fund Balance. It presented financial data from 2002 to the present. The primary goal for the Council and staff should be to flatten out this graph and to address the long term needs of the City. The City needed to avoid cyclical patterns.

Mr. Ervin addressed four, (4), Enterprise Funds: Water, Sewer, Storm Water, and Parking. The City had been addressing these funds over time. In closing, the Council needed to stay focused on the fact that these numbers were projections. The trends were both positive and negative.

Mr. Hales made a few closing statement. The City's finances looked positive after the FY's first six, (6), months. These figures would be updated in three, (3), months. The trends were positive. The projection for FY 2014 called for \$2 million in new General Fund revenue. There had been a rebound in retail sales. Currently, the City departments' budget requests resulted in a \$5 million gap between revenue and expenditures. He noted City staff's cost management and cost cutting efforts. The City had been in catch up mode. The various master plans would include implementation recommendations. The City had a variety of staffing/equipment needs for both additions and replacements. The Council's priority was public safety, infrastructure and water.

Alderman Fazzini noted the General Fund balance, (\$19.5 million). He also cited the City's bond rating improvement. He noted the fund balance increase over the past five, (5), years.

Mr. Ervin noted that Standard & Poors, (S & P), was pleased with the City's rebound. S & P was concerned about the cyclical pattern. S & P also expressed an interest in the City establishing long term financial policies to address the US Cellular Coliseum, Bloomington Center for the Performing Arts and solid waste program.

Alderman Fazzini cited the City's AA rating. Mr. Ervin restated that S & P was pleased with the City's financial performance. Alderman Fazzini noted \$10 million. Mr. Ervin cited transfer to other funds. He noted debt retirement. Alderman Fazzini stated that the City had been able to refinance its debt to lower rates and shorter terms due to the economy. Mr. Ervin estimated the savings from these actions were in the millions. The City had guaranteed these dollars to the investors which resulted in long term savings.

Mayor Stockton noted the work of the City Manager and City staff. This had been good news and of benefit to the taxpayers. Mr. Hales stated that it had been a team effort. The next major budget phase would be the Capital Improvement Program.

The following was presented:

SUBJECT: Adoption of the 2012 Tax Levy for \$23,185,833 as estimated or the Reduced Levy Option

RECOMMENDATION/MOTION: The Ordinance to levy the 2012 property tax levy for \$23,185,833 be adopted.

DISCUSSION: According to the Illinois Property Tax Code Division 2 Truth in Taxation (35ILCS 200/18-60), the City must formally adopt an estimated tax levy not less than twenty (20) days prior to the adoption of a final tax levy. The City adopted a formal estimate on November 22, 2012 which was not subject to truth in taxation requirements.

In addition, a tax levy ordinance must be passed by a vote of the Council and a certified copy, thereof, filed with the County Clerk on or before the last Tuesday in December. The last working Tuesday in December is the 18th therefore; the adoption of the 2012 Tax Levy Ordinance has been placed on the Council's December 10, 2012 meeting agenda along with the corresponding tax abatement resolutions.

BACKGROUND: There are two (2) main components of the property tax levy: the Equalized Assessed Value, (EAV), of real property which is determined by the Township Assessor and the dollar amount of the taxes to be levied which is determined by the Council. Subsequently, the County applies the corresponding tax rate to the EAV to achieve the dollar amount desired/levied. This levy adoption and Ordinance is intended to reduce property taxes for real

property owners based on the City’s overall trending EAV which is estimated to decrease by - 1.70%. *Please note if an individual property owner’s EAV does not correlate directly with this decrease then a different outcome may occur.*

FINANCIAL IMPACT/ANALYSIS: Adopting this Ordinance is estimated to drop property tax revenue by \$400,968 compared to the last three, (3), fiscal years where the Council adopted tax levies of \$23,586,801. Adopting this tax levy would maintain the statutory minimum contributions for both the Police and Fire Pensions and would result in a reduction of the Road Resurfacing Program of \$72,642.

See attached exhibit for potential impact to property owners.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Patti-Lynn Silva
Director of Finance

David A. Hales
City Manager

** As Revised

Description	FY 2013 Adjusted Levy as Extended	Scenario E – Reduced Dollar Levy	
		FY 2014 Adjusted Levy	Increase/(Decrease)
General Corporate	\$2,973,822	\$2,901,180	(\$72,642)
Bonds & Interest	\$2,180,143	\$2,180,143	
IMRF	\$2,502,907	\$2,502,907	
Fire Protection	\$1,183,228	\$1,183,228	
Fire Pension	\$3,111,532	\$2,908,472	(\$203,060)
Police Protection	\$1,354,421	\$1,354,421	
Police Pension	\$3,306,847	\$3,181,581	(\$125,266)
Public Parks	\$1,001,415	\$1,001,415	
Social Security	\$1,459,009	\$1,459,009	
Library	\$4,513,477	\$4,513,477	
Total	\$23,586,801	\$23,185,833	(\$400,968)
		Tax Rate % Increase	0.00%
		Cents per EAV	(0.00)
		\$100,00/\$98,299 Home:	*(7.52)
		\$150,000/\$147,499 Home:	*(11.14)
		\$200,000/\$196,598 Home:	*(15.03)
		\$250,000/\$245,748 Home:	*(18.79)

		Levy % Increase/(Decrease):	-1.70%
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*Calculations based on the reduced EAV depicted here for each home value.

**Please note if an individual property owner's EAV does not correlate directly with the decrease in EAV then a different outcome may occur.

In this example, the average property owner's assessment would drop from 150,000 to 147,449 resulting in a reduction in property tax. However, as previously presented at the November 22 Council meeting, if the assessment does not drop and maintains the same value at \$150,000 there would be no reduction in property tax and the taxes would remain the same as the prior year.

Assessment:Tax:

150,000655.14 - same as last year

Scenario E147,449644.00 - \$11.14 decrease

For clarification, under the reduced dollar levy scenario, the vast majority of property owners should see a reduction in the City of Bloomington portion of their tax bill. For those property owners whose assessment does not decrease (i.e. remains the same), their property tax for City of Bloomington would not change from the prior year.

**As Revised

Description	FY 2013 Adjusted Levy as Extended	Scenario D – Level Dollar Levy	
		FY 2014 Adjusted Levy	Increase/(Decrease)
General Corporate	\$2,973,822	\$3,302,148	\$328,326
Bonds & Interest	\$2,180,143	\$2,180,143	
IMRF	\$2,502,907	\$2,502,907	
Fire Protection	\$1,183,228	\$1,183,228	
Fire Pension	\$3,111,532	\$2,908,472	(\$203,060)
Police Protection	\$1,354,421	\$1,354,421	
Police Pension	\$3,306,847	\$3,181,581	(\$125,266)
Public Parks	\$1,001,415	\$1,001,415	
Social Security	\$1,459,009	\$1,459,009	
Library	\$4,513,477	\$4,513,477	
Total	\$23,586,801	\$23,586,801	
		Tax Rate % Increase	1.73%
		Cents per EAV	0.023
		\$100,00/\$98,299 Home:	*0.000
		\$150,000/\$147,499 Home:	*0.000
		\$200,000/\$196,598 Home:	*0.000
		\$250,000/\$245,748	*0.000

		Home:	
		Levy %	0.00%
		Increase/(Decrease):	

*Calculations based on the reduced EAV depicted here for each home value.

***Please note if an individual property owner's EAV does not correlate directly with the decrease in EAV then a different outcome may occur.*

In this scenario, the vast majority of property owners should see no impact on their tax bill. However, as previously presented at the November 22nd Council meeting, the potential ceiling for property owners is a slight tax increase.

Assessment:Tax:

150,000666.48 – \$11.34 increase

Scenario D147,449655.14 – same as last year

ORDINANCE NO. 2012 - 72

AN ORDINANCE LEVYING TAXES FOR THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS, FOR THE FISCAL YEAR BEGINNING MAY 1, 2012 AND ENDING APRIL 30 2013 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 One Hundred Eighty-five Thousand Eight Hundred and thirty-three dollars (\$23,185,833) 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, 2012 and ending April 30, 2013, 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, 2012 and ending April 30, 2013 as passed by the City Council of said City at its regular meeting held on the 23rd of April, 2012, 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 2012 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	\$2,901,180
II.	Police Protection Fund	1,354,421
III.	Fire Protection Fund	1,183,228
IV.	Public Parks	1,001,415
V.	Fire Pension Fund	2,908,472
VI.	Illinois Municipal Retirement Fund	2,502,907
VI.	FICA Taxes Fund	1,459,009
VII.	Police Pension Fund	3,181,581
VIII.	General Bond and Interest	2,180,143
XI.	Public Library Fund	<u>4,513,477</u>
		\$23,185,833

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, 2012 and ending April 30, 2013.

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 \$23,185,833.

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 10th day of December, 2012.

APPROVED by the Mayor of the City of Bloomington, Illinois, this 11th day of December, 2012.

Mayor Stockton introduced this item. He noted that the Tax Levy estimated had been set by the Council on November 13, 2012. The Council had held the Tax Levy flat for three, (3), years. The Council's had reduced the preliminary estimate by \$400,000. The Council would adopt the Tax Levy Ordinance after discussion of same.

David Hales, City Manager, had presented two, (2), scenarios.

Patti-Lynn Silva, Finance Director, addressed the Council. The Council had set the estimate last month. There were two, (2), components to the tax rate: the EAV, (Equalized Assessed Value), and the Tax Levy amount. She noted the Council's intention to reduce the Tax Levy by \$400,000. The City's EAV was on a slight downward trend. The City would maintain its statutory obligation to the Police and Fire Pension Funds. The street resurfacing program would be impacted, (\$72,000 reduction). In fact, the Council would be reducing the Tax Levy. Scenario D would have no impact on the taxpayers and Scenario E would be a reduction. She noted the following action taken by other taxing districts: Unit 5 – increase, District 87 – decrease, McLean County – decrease and Town of Normal – level.

Mr. Hales noted that the goal was to adopt the Tax Levy at the Council's December 10, 2012 meeting. The Council had another meeting scheduled for December 17, 2012 on which to take action.

Mayor Stockton restated the estimated tax levy was a \$400,000 reduction.

Alderman Stearns commented that the Council had been presented with various scenarios when one (1) had been selected on November 13, 2012. She did not believe the City needed to reduce funding for road resurfacing.

Ms. Silva restated that there would be no decrease to pension funding. The City would provide the minimum statutory contribution. Alderman Stearns believed that there were options.

Mayor Stockton stated that tonight the Council would set the Tax Levy. In the future, the Council would have the opportunity to determine what to do with the available dollars.

Alderman Anderson noted the projected \$3 million carryover. The City would have money available to use elsewhere. The Council would be able to make up these dollars (\$400,000) elsewhere.

Motion by Alderman Fazzini, seconded by Alderman Fruin that the 2012 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, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Abatements of Debt Service for 2012 Tax Levy

RECOMMENDATION: That the Resolutions for the abatement of \$8,594,598 in FY 2014 annual debt service be adopted.

BACKGROUND: The adoption of the following Resolutions are required to abate property tax for debt service the City intends to pay from funding sources other than property tax revenue. The City’s bond ordinances secure issued debt with property tax revenue; unless sufficient funds are available elsewhere to secure the debt. This covenant which guarantees payment to investors increases the marketability of City’s bonds and reaps a lower interest rate on debt service payments. Council action is required to abate the Bond & Interest portion of the tax levy which must be filed with the County Clerk’s Office. We recommend abating \$8,365,548 of the FY 2014 annual debt service whereas the City has funds set aside to cover this balance.

	Abatement on McLean County “Bond by District”	Abatement to be filed	Tax Levy
2003 GO Bond	\$1,277,188	\$	\$1,277,188
2004 Multi Project Bond	\$1,220,000	\$1,220,000	
Market Square TIF Bond	\$412,450	\$412,450	
2004 Coliseum Bond Redemption	\$1,660,781	\$1,660,781	
2001 Government Center	\$919,685	\$919,685	
2003 Parking Deck	\$229,000	\$229,000	
2005 GO Bond	\$742,869	\$742,869	
2007 GO Bond	\$276,563	\$	\$276,563
2009 GO Bond	\$118,400	\$	\$118,400
2011 GO Bond	\$839,050	\$839,050	
2012 Taxable GO Bond	\$3,078,705	\$2,570,713	\$507,992
	\$10,774,691	\$8,594,548	\$2,180,143

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The City will abate \$8,594,548 in annual debt service and levy only \$2,180,143 in the 2012 property tax levy or approximately twenty percent (20%) of total annual debt service. The City has historically levied \$2,180,143 for debt service since the 2008 tax levy year or the past five (5) years.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Timothy Ervin
Chief Budget Officer

Patti-Lynn Silva
Finance Director

David A. Hales
City Manager

RESOLUTION NO. 2012 - 36

A RESOLUTION abating all or a portion of the taxes heretofore levied to pay debt service on certain general obligation bonds of the City of Bloomington, McLean County, Illinois.

* * *

WHEREAS, the City Council (the "*City Council*") of the City of Bloomington, McLean County, Illinois (the "*City*"), by ordinances of the City Council adopted on the 27th day of February, 2012, 23rd day of May, 2011, 9th day of November, 2009, 23rd day of July, 2007, 24th day of October, 2005, 27th day of September, 2004, 12th day of April, 2004, and 6th day of June, 2003 (as supplemented, the "*Bond Ordinances*"), has heretofore issued and has outstanding its general obligation bonds, as further described on Exhibit A attached hereto (collectively, the "*Bonds*"); and

WHEREAS, duly certified copies of the Bond Ordinances were filed in the office of the County Clerk of The County of McLean, Illinois (the "*County Clerk*"); and

WHEREAS, the City Council has determined and does hereby determine that the City has funds on hand and lawfully available (the "*Available Funds*") to pay all or a portion of the principal of and interest on the Bonds due on December 1, 2013, and on June 1, 2014 (collectively, the "*Debt Service Payments*"); and

WHEREAS, the City Council has further determined and does hereby further determine that it is necessary and in the best interests of the City to apply the Available Funds to the Debt Service Payments and abate all or a portion of the taxes heretofore levied in the Bond Ordinances for the year 2012 for the Debt Service Payments; and

WHEREAS, the Available Funds have been deposited to the credit of the bond and interest funds of the City established pursuant to the Bond Ordinances for the purpose of paying principal of and interest on the Bonds:

NOW, THEREFORE, Be It and It Is Hereby Resolved by the City Council of the City of Bloomington, McLean County, Illinois, in the exercise of its home rule powers, as follows:

Section 1. Incorporation of Preambles. The City Council hereby finds that all of the recitals contained in the preambles to this Resolution are full, true and correct and does incorporate them into this Resolution by this reference.

Section 2. Abatement of Tax. The taxes heretofore levied in the Bond Ordinances for the year 2012 shall be abated by the amount of the Available Funds, as more particularly described in Exhibit B attached hereto.

Section 3. Filing of Resolution. Forthwith upon the adoption of this Resolution, the City Clerk shall file a certified copy hereof with the County Clerk, and it shall be the duty of the County Clerk to abate the taxes heretofore levied in the Bond Ordinances for the year 2012 in accordance with the provisions hereof.

Section 4. Effective Date. This Resolution shall be in full force and effect forthwith upon its passage by the City Council and signing and approval by the Mayor.

ADOPTED by the City Council on December 10, 2012.

APPROVED on December 10, 2012.

Stephen F. Stockton
Mayor

Attest:

Tracey Covert
City Clerk

EXHIBIT A
THE BONDS, DESCRIBED AS FOLLOWS:
I. TAXABLE GENERAL OBLIGATION BONDS, SERIES 2012

Original principal amount:	\$7,660,000
Dated:	April 18, 2012
Originally issued:	April 18, 2012
Amount outstanding:	\$7,660,000

Maturing on December 1 of the years and in the amounts and bearing interest at the rates percent per annum as follows:

<u>YEAR</u>	<u>AMOUNT (\$)</u>	<u>RATE (%)</u>
2013	3,000,000	0.99
2014	2,270,000	1.16
2015	2,390,000	1.57

II. General Obligation Refunding Bonds, Series 2011

Original principal amount:	\$5,075,000
Dated:	June 9, 2011
Originally issued:	June 9, 2011
Amount outstanding:	\$5,075,000

Maturing on June 1 of the years and in the amounts and bearing interest at the rates percent per annum as follows:

<u>YEAR</u>	<u>AMOUNT (\$)</u>	<u>RATE (%)</u>
2013	690,000	2.00%
2014	715,000	2.00%
2015	715,000	2.50%
2016	1,170,000	3.00%
2017	1,140,000	3.00%
2018	645,000	3.50%

III. GENERAL OBLIGATION REFUNDING BONDS, SERIES 2009

Original principal amount:	\$2,840,000
Dated:	November 30, 2009
Originally issued:	November 30, 2009
Amount outstanding:	\$2,840,000

Maturing on June 1 of the years and in the amounts and bearing interest at the rates percent per annum as follows:

<u>YEAR</u>	<u>AMOUNT (\$)</u>	<u>RATE (%)</u>
2025	840,000	4.125
2026	1,000,000	4.125
2027	1,000,000	4.250

IV. GENERAL OBLIGATION BONDS, SERIES 2007

Original principal amount:	\$10,000,000
Dated:	August 29, 2007
Originally issued:	August 29, 2007
Amount outstanding:	\$9,255,000

Maturing (or subject to mandatory redemption) on June 1 of the years and in the amounts and bearing interest at the rates percent per annum as follows:

YEAR	AMOUNT (\$)	RATE (%)
2013	305,000	4.250
2014	315,000	4.250
2015	330,000	4.250
2016	345,000	4.250
2017	355,000	4.250
2018	370,000	4.000
2019	390,000	4.125
2020	405,000	4.125
2021	420,000	4.125
2022	435,000	4.125
2023	455,000	4.250
2024	475,000	4.250
2025	495,000	4.375
2026	520,000	4.375
2027	540,000	4.375
2028	560,000	4.500
2029	585,000	4.500
2030	615,000	4.500
2031	640,000	4.500
2032	670,000	4.500

V. GENERAL OBLIGATION BONDS, SERIES 2005

Original principal amount:	\$9,900,000
Dated:	November 10, 2005
Originally issued:	November 10, 2005
Amount outstanding:	\$7,520,000

Maturing on December 1 of the years and in the amounts and bearing interest at the rates percent per annum as follows:

YEAR	AMOUNT (\$)	RATE (%)
2013	455,000	3.875
2014	470,000	3.875
2015	490,000	3.875
2016	510,000	3.875
2017	530,000	3.875
2018	550,000	3.875
2019	570,000	3.875
2020	595,000	3.875
2021	620,000	3.950
2022	640,000	4.000
2023	670,000	4.050
2024	695,000	4.050

2025 725,000 4.100

VI. GENERAL OBLIGATION DEMAND BONDS, SERIES 2004

Original principal amount: \$15,600,000
 Dated: October 13, 2004
 Originally issued: October 13, 2004
 Amount outstanding: \$10,500,000

Maturing (or subject to redemption) on June 1 of the years and in the amounts and bearing interest at the rates percent per annum as follows:

<u>YEAR</u>	<u>AMOUNT (\$)</u>	<u>RATE*</u>
2013	400,000	
2014	400,000	
2015	800,000	
2016	800,000	
2017	900,000	
2018	900,000	
2019	900,000	
2020	1,000,000	
2021	1,000,000	
2022	1,100,000	
2023	1,100,000	
2024	1,200,000	

* The bonds bear interest at a weekly floating rate (unless converted to a fixed interest rate)

VII. TAXABLE GENERAL OBLIGATION BONDS, SERIES 2004

Original principal amount: \$29,455,000
 Dated: July 8, 2004
 Originally issued: July 8, 2004
 Amount outstanding: \$23,090,000

Maturing (or subject to mandatory redemption) on June 1 of the years and in the amounts and bearing interest at the rates percent per annum as follows:

<u>YEAR</u>	<u>AMOUNT (\$)</u>	<u>RATE (%)</u>
2013	155,000	5.500
2014	155,000	5.500
2015	175,000	5.500
2016	250,000	5.500
2017	325,000	6.250
2018	420,000	6.250
2019	515,000	6.250

2020	625,000	6.250
2021	740,000	6.250
2022	870,000	6.250
2023	1,005,000	6.250
2024	1,150,000	6.250
2025	1,310,000	6.250
2026	1,485,000	6.250
2027	1,675,000	6.250
2028	1,880,000	6.250
2029	1,445,000	6.375
2030	1,605,000	6.375
2031	1,780,000	6.375
2032	1,970,000	6.375
2033	2,170,000	6.375
2034	1,385,000	6.375

VIII. GENERAL OBLIGATION BONDS, SERIES 2003

Original principal amount:	\$10,000,000
Dated:	June 1, 2003
Originally issued:	June 9, 2003
Amount outstanding:	\$9,000,000

Maturing on June 1 of the years and in the amounts and bearing interest at the rates percent per annum as follows:

<u>YEAR</u>	<u>AMOUNT (\$)</u>	<u>RATE (%)</u>
2013	1,000,000	4.40
2014	1,000,000	3.10
2015	1,000,000	3.15
2016	1,000,000	3.30
2017	1,000,000	3.40
2018	1,000,000	3.50
2019	750,000	3.60
2020	750,000	3.70
2021	750,000	3.80
2022	375,000	3.90
2023	375,000	3.95

**Exhibit B
Taxes Levied and to Be Abated:**

I. TAXABLE GENERAL OBLIGATION BONDS, SERIES 2012

LEVY YEAR	AMOUNT OF TAX LEVIED PURSUANT TO BOND ORDINANCE (\$)	AMOUNT OF TAX HERETOFORE ABATED (\$)	AMOUNT OF TAX NOW ABATED (\$)	AMOUNT OF TAX TO BE EXTENDED (\$)
2012	3,500,000.00	421,295.00	2,570,713.00	507,992.00
2013	3,500,000.00	1,179,311.00	0.00	2,320,689.00
2014	3,500,000.00	1,091,238.50	0.00	2,408,761.50
2015	3,500,000.00	3,500,000.00	0.00	0.00

II. GENERAL OBLIGATION REFUNDING BONDS, SERIES 2011

LEVY YEAR	AMOUNT OF TAX LEVIED PURSUANT TO BOND ORDINANCE (\$)	AMOUNT OF TAX HERETOFORE ABATED (\$)	AMOUNT OF TAX NOW ABATED (\$)	AMOUNT OF TAX TO BE EXTENDED (\$)
2012	2,500,000.00	1,660,950.00	839,050.00	0.00
2013	2,500,000.00	1,675,250.00	0.00	824,750.00
2014	2,500,000.00	1,238,125.00	0.00	1,261,875.00
2015	2,500,000.00	1,303,225.00	0.00	1,196,775.00
2016	2,500,000.00	1,832,425.00	0.00	667,575.00
2017	2,500,000.00	2,500,000.00	0.00	0.00
2018	2,500,000.00	2,500,000.00	0.00	0.00
2019	2,500,000.00	2,500,000.00	0.00	0.00
2020	2,500,000.00	2,500,000.00	0.00	0.00
2021	2,500,000.00	2,500,000.00	0.00	0.00
2022	2,500,000.00	2,500,000.00	0.00	0.00
2023	2,500,000.00	2,500,000.00	0.00	0.00

III. GENERAL OBLIGATION REFUNDING BONDS, SERIES 2009

LEVY YEAR	AMOUNT OF TAX LEVIED PURSUANT TO BOND ORDINANCE (\$)	AMOUNT OF TAX NOW ABATED (\$)	AMOUNT OF TAX TO BE EXTENDED (\$)
2012	118,400.00	0.00	118,400.00
2013	118,400.00	0.00	118,400.00
2014	118,400.00	0.00	118,400.00
2015	118,400.00	0.00	118,400.00
2016	118,400.00	0.00	118,400.00
2017	118,400.00	0.00	118,400.00
2018	118,400.00	0.00	118,400.00
2019	118,400.00	0.00	118,400.00
2020	118,400.00	0.00	118,400.00
2021	118,400.00	0.00	118,400.00
2022	118,400.00	0.00	118,400.00
2023	958,400.00	0.00	958,400.00

2024	1,083,750.00	0.00	1,083,750.00
2025	1,042,500.00	0.00	1,042,500.00

IV. GENERAL OBLIGATION BONDS, SERIES 2007

LEVY YEAR	AMOUNT OF TAX LEVIED PURSUANT TO BOND ORDINANCE (\$)	AMOUNT OF TAX PREVIOUSLY ABATED (\$)	AMOUNT OF TAX NOW ABATED (\$)	AMOUNT OF TAX TO BE EXTENDED (\$)
2012	875,000.00	598,437.00	0.00	276,563.00
2013	875,000.00	598,750.00	0.00	276,250.00
2014	875,000.00	599,275.00	0.00	275,725.00
2015	875,000.00	600,012.00	0.00	274,988.00
2016	875,000.00	600,962.00	0.00	274,038.00
2017	875,000.00	596,762.00	0.00	278,238.00
2018	875,000.00	598,156.00	0.00	276,844.00
2019	875,000.00	599,756.00	0.00	275,244.00
2020	875,000.00	601,562.00	0.00	273,438.00
2021	875,000.00	598,575.00	0.00	276,425.00
2022	875,000.00	601,225.00 ⁽¹⁾	0.00	273,775.00 ⁽¹⁾
2023	875,000.00	599,087.00	0.00	275,913.00
2024	875,000.00	597,618.00	0.00	277,382.00
2025	875,000.00	601,587.00	0.00	273,413.00
2026	875,000.00	600,775.00	0.00	274,225.00
2027	875,000.00	600,675.00	0.00	274,325.00
2028	875,000.00	601,025.00	0.00	273,975.00
2029	875,000.00	601,825.00	0.00	273,175.00
2030	875,000.00	598,075.00	0.00	276,925.00

(1) The County Clerk's tax levy summary sheet reflects the following error: Amount Abated, \$301,225 (instead of \$601,225) and Remainder of Tax to be Extended Sufficient to Produce, \$573,775 (instead of \$273,775).

V. GENERAL OBLIGATION BONDS, SERIES 2005

LEVY YEAR	AMOUNT OF TAX LEVIED PURSUANT TO BOND ORDINANCE (\$)	AMOUNT OF TAX NOW ABATED (\$)	AMOUNT OF TAX TO BE EXTENDED (\$)
2012	742,870.00	742,870.00	0.00
2013	739,948.00	0.00	739,948.00
2014	741,348.00	0.00	741,348.00
2015	741,973.00	0.00	741,973.00
2016	741,823.00	0.00	741,823.00
2017	740,898.00	0.00	740,898.00
2018	739,198.00	0.00	739,198.00
2019	741,626.00	0.00	741,626.00
2020	742,853.00	0.00	742,853.00

2021	737,808.00	0.00	737,808.00
2022	741,440.00	0.00	741,440.00
2023	738,799.00	0.00	738,799.00
2024	739,863.00	0.00	739,863.00

VI. GENERAL OBLIGATION DEMAND BONDS, SERIES 2004

LEVY YEAR	AMOUNT OF TAX LEVIED PURSUANT TO BOND ORDINANCE (\$)	AMOUNT OF TAX NOW ABATED (\$)	AMOUNT OF TAX TO BE EXTENDED (\$)
2012	1,219,999.99	1,219,999.99	0.00
2013	1,187,999.96	0.00	1,187,999.96
2014	1,156,652.91	0.00	1,156,652.91
2015	1,223,405.79	0.00	1,223,405.79
2016	1,187,999.96	0.00	1,187,999.96
2017	1,152,000.01	0.00	1,152,000.01
2018	1,216,396.14	0.00	1,216,396.14
2019	1,175,677.21	0.00	1,175,677.21
2020	1,235,999.96	0.00	1,235,999.96
2021	1,191,999.99	0.00	1,191,999.99
2022	1,248,088.03	0.00	1,248,088.03

VII. TAXABLE GENERAL OBLIGATION BONDS, SERIES 2004

LEVY YEAR	AMOUNT OF TAX LEVIED PURSUANT TO BOND ORDINANCE(\$)	AMOUNT OF TAX PREVIOUSLY ABATED (\$)	AMOUNT OF TAX NOW ABATED (\$)	AMOUNT OF TAX TO BE EXTENDED (\$)
2012	2,850,000.00	1,189,218.00	1,660,782.00	0.00
2013	2,850,000.00	1,177,743.00	0.00	1,672,257.00
2014	2,950,000.00	1,212,368.00	0.00	1,737,632.00
2015	2,950,000.00	1,142,118.00	0.00	1,807,882.00
2016	3,050,000.00	1,176,431.00	0.00	1,873,569.00
2017	2,850,000.00	907,681.00	0.00	1,942,319.00
2018	3,000,000.00	979,868.00	0.00	2,020,132.00
2019	3,000,000.00	903,931.00	0.00	2,096,069.00
2020	3,100,000.00	920,181.00	0.00	2,179,819.00
2021	3,200,000.00	939,556.00	0.00	2,260,444.00
2022	3,250,000.00	907,368.00	0.00	2,342,632.00
2023	3,350,000.00	919,243.00	0.00	2,430,757.00
2024	3,500,000.00	976,118.00	0.00	2,523,882.00
2025	3,500,000.00	878,931.00	0.00	2,621,069.00
2026	3,650,000.00	928,618.00	0.00	2,721,382.00
2027	3,750,000.00	1,581,118.00	0.00	2,168,882.00
2028	3,850,000.00	1,613,236.76	0.00	2,236,763.24
2029	4,000,000.00	1,690,556.00	0.00	2,309,444.00

2030	4,000,000.00	1,614,030.26	0.00	2,385,969.74
2031	4,200,000.00	1,739,618.50	0.00	2,460,381.50
2032	4,300,000.00	1,122,256.26	0.00	3,177,743.74
2033	4,400,000.00	4,400,000.00	0.00	0.00
2034	4,500,000.00	4,500,000.00	0.00	0.00

VIII. TAXABLE GENERAL OBLIGATION BONDS, SERIES 2003

LEVY YEAR	AMOUNT OF TAX LEVIED PURSUANT TO BOND ORDINANCE (\$)	AMOUNT OF TAX NOW ABATED (\$)	AMOUNT OF TAX TO BE EXTENDED (\$)
2012	1,227,188.00	0.00	1,277,188.00
2013	1,246,188.00	0.00	1,246,188.00
2014	1,214,688.00	0.00	1,214,688.00
2015	1,181,688.00	0.00	1,181,688.00
2016	1,147,688.00	0.00	1,147,688.00
2017	862,688.00	0.00	862,688.00
2018	835,688.00	0.00	835,688.00
2019	807,938.00	0.00	807,938.00
2020	404,438.00	0.00	404,438.00
2021	389,813.00	0.00	389,813.00

RESOLUTION NO. 2012 – 37

**A RESOLUTION ABATING TAX LEVY FOR MARKET SQUARE TAX
INCREMENT GENERAL OBLIGATION PURPOSE BONDS, SERIES 1994**

WHEREAS, the City of Bloomington is a home rule unit pursuant to the provisions of Article VII, Section 6 of the 1970 Constitution of the State of Illinois, which Section authorizes home rule units to incur debt without referendum; and

WHEREAS, the City of Bloomington, pursuant to procedures adopted in Ordinance No. 1975 - 30 as shown in Chapter 16, Article VI of the Bloomington City Code, 1960 as amended, decided to issue Four Million Nine Hundred Sixty Five Thousand Dollars (\$4,965,000) in Market Square Increment General Obligation Bonds the “Bonds” pursuant to Ordinance No. 1994 - 26, passed March 28, 1994; and

WHEREAS, pursuant to the authority of said home rule ordinances and provisions of all ordinances relating thereto, the City levied taxes to be extended against all the taxable property within the City of Bloomington for the year 2012, payable in year 2013, to pay principal and interest on the Bonds; and

WHEREAS, the City has heretofore provided for the payment of such principal and interest.

NOW, THEREFORE, BE IT RESOLVED by the City of Bloomington, McLean County, Illinois, that the levy of \$412,450 against taxable property in the City of Bloomington for the year 2012, payable in 2013, on account of the Bonds is hereby abated in its entirety, and the County Clerk of McLean County, Illinois is authorized and directed not to extend the same on the tax books of the City of Bloomington property for the levy year 2012.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be delivered to the County Clerk of McLean County, Illinois under official seal of the Clerk of the City.

ADOPTED this 10th day of December, 2012.

APPROVED this 11th day of December, 2012.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

RESOLUTION NO. 2012 - 38

A RESOLUTION ABATING TAX LEVY FOR RENT PAYABLE UNDER LEASE AGREEMENT BETWEEN THE PUBLIC BUILDING COMMISSION, MCLEAN COUNTY AND THE CITY OF BLOOMINGTON FOR THE OLD CHAMPION BUILDING AND THE EXPANSION OF THE PARKING GARAGE

WHEREAS, the City of Bloomington is a home rule unit pursuant to the provisions of Article VII, Section 6 of the 1970 Constitution of the State of Illinois, which Section authorizes home rule units to incur debt without referendum; and

WHEREAS, the City of Bloomington, pursuant to procedures adopted in Ordinance No. 2001 - 121 as shown in Chapter 16, Article VI of the Bloomington City Code, 1960 as amended, decided to enter into an agreement the "Lease" with the Public Building Commission to lease a portion of the old Champion Building and to expand the parking garage, passed November 13, 2001; and

WHEREAS, pursuant to the authority of said home rule ordinances and provisions of all ordinances relating thereto, the City levied taxes to be extended against all the taxable property within the City of Bloomington for the year 2012, payable in year 2013 to make rental payments due under the Lease; and

WHEREAS, there are surplus funds on hand from incremental property and sales tax revenues and interest from the investment of these revenues in an amount sufficient to pay such rental payments.

NOW, THEREFORE, BE IT RESOLVED by the City of Bloomington, McLean County, Illinois, that the levy against taxable property in the City of Bloomington for the year 2012, payable in 2013 of \$919,685 on account of the Lease is hereby abated in its entirety, and the County Clerk of McLean County, Illinois is authorized and directed not to extend the same on the tax books of the City of Bloomington property for the tax year levy 2012.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be delivered to the County Clerk of McLean County, Illinois under official seal of the Clerk of the City.

ADOPTED this 10th day of December, 2012.

APPROVED this 11th day of December, 2012.

APPROVED:

Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

RESOLUTION NO. 2012 - 39

A RESOLUTION ABATING TAX LEVY FOR RENT PAYABLE UNDER LEASE AGREEMENT BETWEEN THE PUBLIC BUILDING COMMISSION, MCLEAN COUNTY AND THE CITY OF BLOOMINGTON FOR THE OLD CHAMPION BUILDING AND THE EXPANSION OF THE PARKING GARAGE

WHEREAS, the City of Bloomington is a home rule unit pursuant to the provisions of Article VII, Section 6 of the 1970 Constitution of the State of Illinois, which Section authorizes home rule units to incur debt without referendum; and

WHEREAS, the City of Bloomington, pursuant to procedures adopted in Ordinance No. 2003 - 125 as shown in Chapter 16, Article VI of the Bloomington City Code, 1960 as amended, decided to enter into an agreement the "Lease" with the Public Building Commission of McLean County, Illinois to lease a portion of the old Champion Building and to expand the parking garage, passed December 22, 2003; and

WHEREAS, pursuant to the authority of said home rule ordinances in said election and provisions of all ordinances relating thereto, the City levied taxes to be extended against all the taxable property within the City of Bloomington for the year 2012, payable in the year 2013 to make rental payments due under the lease; and

WHEREAS, there are surplus funds on hand from incremental property and sales tax revenues and interest from the investment of these revenues in an amount sufficient to pay such rental payments.

NOW, THEREFORE, BE IT RESOLVED by the City of Bloomington, McLean County, Illinois, that the levy against taxable property in the City of Bloomington for the year 2012, payable in 2013, of \$229,000 on account of the Lease is hereby abated in its entirety, and the County Clerk of McLean County, Illinois is authorized and directed not to extend the same on the tax books of the City of Bloomington property for the tax year levy 2012.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be delivered to the County Clerk of McLean County, Illinois under official seal of the Clerk of the City.

ADOPTED this 10th day of December, 2012.

APPROVED this 11th day of December, 2012.

APPROVED:

Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

Mayor Stockton introduced this item. Abatement resolutions contain items which were to be paid with property taxes. The City can elect to pay these items from other sources.

David Hales, City Manager, addressed the Council. He noted that City staff worked with Chapman and Cutler, City's bond counsel, to reorganize and compile a variety of the City's past abatements.

Patti-Lynn Silva, Finance Director, noted that table listed in the Council memorandum was tied to Scenario E, (Tax Levy). The City would abate \$8.5 million. When the City issues bonds, the funds are guaranteed. By guaranteeing these funds through other sources, the City lowers its debt costs.

Alderman Purcell questioned which General Obligation bonds were for the US Cellular Coliseum, (USCC). He also questioned which item was for the refinanced USCC bonds. Ms. Silva noted the 2004 and 2011. Alderman Purcell cited the quarter cent sales tax which was meant to pay the USCC debt off early.

Alderman Fazzini questioned the General Fund balance, estimated at \$17 – \$19 million, and the ability to continue abatements. Ms. Silva noted that dollars had been set aside in a Debt Service Fund. Alderman Fazzini acknowledged additional savings.

Mayor Stockton addressed homeownership. The City kept property taxes low. Sales taxes were also paid by individuals who lived outside of the community.

Motion by Alderman Fazzini, seconded by Alderman Fruin that the Resolutions be 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: Paradigm BioAviation Presentation – Waste to Jet Fuel Development Proposal

RECOMMENDATION/MOTION: Not applicable.

BACKGROUND: The Mayor, several local government officials, City staff, and the Economic Development Council, (EDC), President have met with representatives of Paradigm BioAviation,

a company that is interested in siting a waste to energy plant in the Bloomington/Normal area. This plant would take municipal waste from Bloomington and Normal and convert it into bio jet fuel. Bio jet fuel is currently in use by major airlines in Europe and the federal government has directed the US Department of Defense to prepare plans to utilize more bio fuel in the future. This same fuel could also be used by US airline companies and private aircraft.

The processing plant could ultimately cost in excess of \$100 million and employ 400 to 1,600 employees at full build out. It would be considered a clean plant with minimal to no air pollution. By diverting much of the local municipal waste stream to this plant, the life of the local landfill could be extended to the distant future.

Company officials have been invited to meet with the Council and brief them on this proposed project. They are now willing to do so following receipt of preliminary federal regulatory and financing approvals.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: EDC of the Bloomington-Normal Area and Town of Normal

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Justine Robinson
Econ. Development Coordinator

Barbara J. Adkins
Deputy City Manager

David A. Hales
City Manager

Mayor Stockton introduced this item. He noted the importance of economic development. The business plan was interesting. It involved a renewal fuel source. He noted the potential jobs and income. This project was in the early stages.

David Hales, City Manager, addressed the Council. During the past year, he had the opportunity to meet with Alan Robinson, Paradigm's President/CEO. He had the opportunity to learn about an alternative fuel source. Paradigm was an international business. This process/plant would reduce dependence upon fossil fuels. This would be a significant economic development project and it would be a green project. Strong partnerships would be required between the public and private sector. This project would require the City's and the Town of Normal's waste stream. The Council would be presented with an overview.

Alan Robison, Paradigm's President/CEO, addressed the Council. Paradigm was a United Kingdom energy holding company. Its focus areas are aviation, telecommunications, chemical & pharmaceutical, and infrastructure construction. There also was a US, (United States), subsidiary corporation. He cited military, (Air Force and Navy), interest in synthetic fuels. He had been looking at Central Illinois for some time.

Work on synthetic fuels started in 1936. There were individuals present from other companies involved in this project. He cited the project's mission. Regional refineries which processed organic waste was one possibility. This project would bring energy, jobs, zero landfill growth, and eliminate reliance on fossil fuels.

In 1982, Paradigm was founded as a group. It has been on the fore front of technology. Recently, a team agreement had been development for this project. The process was started in 2006. It grew out of Paradigm's airport holdings and carbon foot print costs. Mitigation is allowed for synthetic fuels. The process would be lengthy.

Active movement on this project started this year. Next year, the permitting process would begin. Bond funding would need to be secured. Mr. Robinson estimated the investigation cost at \$2 - \$3 million. Construction was scheduled for 2014 – 2015. A pilot plant would be built first. He noted the following goals: reduction & sustainability, energy independence & security, waste diversion from landfills, and economic & rural development. This project would create value. The supply of oil was finite. A key question was the ability to supply same. This would be a new product which would be locally produced. There would be zero landfill growth. Paradigm needed the support of both the state and local governments. He addressed US RFS 2, (United States Renewal Fuel Standards). RFS is managed by the Environmental Protection Agency. This project needed MSW, (Municipal Solid Waste). There were a variety of approaches. The goal was to capture carbon. The process was not inexpensive. The plant would have a twenty-five, (25), year life. He noted the partnerships needed: aviation, financial, user groups, secure source of MSW, etc. He also addressed the technology which would allow this development, reduce risk, and make this project financially & operationally viable. He noted the projects academic side: University of Illinois and MIT, (Massachusetts Institute of Technology). Waste would be collected, sorted and converted into gas or liquids. The project started on the back end. He restated that there would be local production.

Mr. Robinson presented a diagram of the process. The extract recycles water and offers a variety of fuel options, (jet, diesel, etc.). He also presented a diagram of a plant on an acre site. This was not a large facility. The proposed site involved ten to fifteen, (10 – 15), acres. This site would include storage. It would not be a large structure or be unattractive. The economics addressed a long term sustainable fuel stock. Costs had been lowered which allowed this process to compete with fossil fuels. A pure organic stream was needed. There would be local production and consumption as there were five, (5), regional airports.

Mr. Robinson noted job creation. He cited the economic impact of 700 direct and indirect induced green jobs. In 2013, Illinois State University, (ISU), would perform a study regarding the impact upon the community.

The estimated cost of this project was over \$100 million. Carbon emissions would be reduced. There were a number of positive outcomes: 1.) zero landfill growth, 2.) increased recycling; 3.) green power production; 4.) alternate fuel production; 5.) local fuel availability; 6.) development of spin off industries; 7.) employment opportunities; 8.)

investment, 9.) multifaceted research & development platform, and 10.) economic impact. The project would be of a manageable size for research and development. There would be a positive regional economic impact. He noted actions taken to date. In 2013, the City would be asked to sign a twenty, (20), year supply contract. In 2016, production would start.

He addressed the product reliability. There would be contracts for green power and green fuels. The state permitting process had been started. The property was located in McLean County. He hoped to secure access to the City's tax free bonding authority. In 2013, the City would have the opportunity to embrace this project. Paradigm would request consideration and the Council would make a choice.

Mr. Robinson introduced Tim Hansen, Southern Research's Director. Mr. Hansen addressed the Council. Southern Research was a not for profit research institute. The company worked with technology in two, (2), areas; engineering & environmental/energy issues and life sciences. A ten, (10), year evaluation of gasification technology had been done. This project would provide small scale generation. Southern Research would be focused on the development. There currently was a pilot plant and trials were underway. The next step would be gas to liquids. The goal was low cost system at a lower scale. The focus was on flexibility of both fuel stocks and products produced. Small plants meant smaller logistics, locally sourced and local use through direct marketing. A fully integrated system would reduce the gas components to a variety of uses. The goal was to have an integrated efficient low cost system.

Mr. Robinson introduced Ian Spagler, Hensel Phelps Construction Co.'s, (HPCC), Project Engineer. Mr. Spagler addressed the Council. HPCC focused on industrial technical construction. The company was ranked fourth, (4th), as a green contractor. The company had an excellent record in the construction industry. He noted the company's experience, (Pentagon, Kennedy Space Center, Smithsonian, Clinton Presidential Library, etc.). This project was renewal growth focused. HPCC was present to support Paradigm.

Mr. Robinson introduced David Loomis, ISU, Professor and Director of the Center for Renewal Energy. Dr. Loomis addressed the Council. ISU would conduct a number of studies and perform a variety of analysis. The goal was to enhance renewal energy. He would perform applied resource analysis. He cited his experience with wind energy. Research would address the economic impact of the project. He looked forward to the research opportunities.

Mr. Robinson readdressed the Council. The Council had been introduced to the participants and informed where the process was at this time. The project would involve a complicated and integrated process.

Mr. Hales noted the assembled team. The presentation was made this evening to inform City staff if the City wanted to go forward. City staff would support Paradigm with due diligence throughout the process. The project would be time consuming. He noted the number of partners involved. City staff would provide the Council with progress reports.

Alderman Fazzini questioned if there was anything like this plant in the United States. Mr. Robinson noted that there were a number of similar projects in the US and worldwide. He noted this project's small size. In addition, this plant would go from landfill to jet fuel. This process was new. Paradigm and its partners needed to have minimal risk. The technology of waste to power was not new.

Alderman Fazzini questioned financing. He did not believe that the area's local banks had the expertise. He added that that Paradigm wanted use of the City's bonding cap. Mr. Robinson restated Paradigm was a holding company. It had a presence in the US. The USDA, (United States Department of Agricultural), had been involved. The bond market was the appropriate place for long term financing. He noted the City's tax free capacity.

Alderman Fazzini questioned the jobs numbers and the compensation levels. Mr. Robinson noted that the jobs would range from low level to mid-technical. There would be integrated labor practices. There would be a mixture of compensation levels.

Alderman Fazzini questioned the location selected. Mr. Robinson was a private pilot. He developed an association with Image Air. He was aware that the landfill was near closure. The area needed to do something with its waste stream. Bloomington Normal was the right size. It would serve as a representation for other similar sized communities. The project would not be high profile and the project scope was manageable. These were green communities and ISU was interested.

Mayor Stockton questioned the number of jobs per phase. Mr. Robinson provided the following estimates: phase one – seventy, (70). Phase 2 would bring additional jobs. He addressed the 760 number which was derived from a University of Texas study which included direct and indirect inducement. ISU would tailor its study to Illinois.

Mayor Stockton stated that the proposal sounded good. Mr. Robinson believed that this project would create employment. The numbers needed to be verified.

Alderman Stearns noted that this might be Mr. Robinson's first contact with the City. She questioned if Paradigm had considered other communities. Mr. Robinson's relationship with Image Air started in 1999. His plane needed repair during a trip. He noted ISU's Lexington Farm project. The landfill was near closing. This project had evolved over the past two, (2), years. He cited projects in North Carolina and Texas. These projects involved different volumes.

Alderman Purcell described the presentation as interesting. He questioned the following: safety – plant and device; environmental issues; waste process; storage fuel; and storage of gas produced. Mr. Robinson noted that safety was paramount. There would not be any gas storage. The plant's stack would be approximately forty-five feet, (45'), high. There were no odors. It was not a vented process. The process would be seamless and safe. There would be some jet fuel storage on site. There would not be any gas storage.

Alderman Sage extended his appreciation to Mr. Robinson. This evening's presentation was an orientation overview. The conversation had been started. He looked forward to future possibility.

Alderman Anderson expressed his interest in meeting with Mr. Robinson. He expressed his confusion regarding the end product. Mr. Robinson noted that there were mechanisms to close the dialogue. He planned to make presentations to the Town of Normal and McLean County.

Alderman Fruin questioned opening a dialogue with the community. He questioned Paradigm's communication plan. Mr. Robinson noted that this presentation had been the first public one. A process would be put in place. He noted questions regarding feasibility. The next step would be a siting ordinance. In 2013/2014, the goal was to be moving forward.

Mayor Stockton noted the past year's progress. The City and other local governmental units will need to make a commitment to the project. City staff needed Council's opinion regarding moving forward and/or any potential road blocks. Mr. Hales as City Manager would be the contact person. He hoped that Paradigm would host a public meeting in the future. Mr. Robinson noted that a schedule would be established. He added his willingness to meet with Council members and/or City staff.

Mayor Stockton expressed his appreciation to the presenters. This project could be a credit and a plus to the community.

The following was presented:

SUBJECT: Request to Approve Purchase of Five, (5), New Side Loading Refuse Trucks for the Public Works Department's Solid Waste Division

RECOMMENDATION/MOTION: That the purchase of five, (5), 2013 Crane Carrier LDT-2-26 Chassis with Labrie Expert (t) 2000 Helping Hand Body installed from Cumberland Service Center Inc., Arlington Heights, IL, in the amount of \$1,478,985 be approved, the Purchasing Agent be authorized to issue a Purchase Order, and the Resolution adopted.

BACKGROUND: In Fiscal Year, (FY), 2012 Public Works let a bid for four (4) Side Loading Automated Refuse trucks. There is no Illinois State Contract for this item. The bid was awarded to Cumberland Service Center, Arlington Heights, IL. They were the only bidder to meet all of the bid specifications. They provided Crane Carrier Chassis with Labrie Expert Helping-Hand bodies. Currently, these units are being used for curbside recycling collection. The new units have also been utilized to pick up solid waste.

In May 2012, two, (2), additional Crane Carrier Chassis with Labrie Expert Helping-Hand bodies units were purchased with the optional left Side automated arm for the ability to pick up carts on one way streets. The purchase of five, (5), Crane Carrier Chassis with Labrie Expert Helping-

Hand bodies will keep all of the solid waste and recycling equipment the same. The Solid Waste Division and Fleet Management staff are trained in the operation and maintenance of this equipment. There will be a minimal amount of training needed for new operators. Fleet Management already stocks parts for these units so there will not be a need to increase the parts inventory.

In FY 2013, Public Works Department budgeted \$1,450,000 for five, (5), replacement units. The five, (5), replaced units will be sold at public auction and have an expected value estimated to be \$15,000 each, based upon City staff's estimate. The existing units are twelve, (12), years old. The industry standard for manual trucks like these is seven, (7), years. The City has used the current trucks well past industry standard. The new units, which will specifically be used for household refuse, are estimated to arrive in August 2013.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The FY 2013 budget appropriated \$1,450,000 for replacement of the five, (5), Side Loading Solid Waste Trucks in line item (40110130-72130), 2012 Capital Lease. With the City's new computer system the account number changed due to a change in ledger account structure. Thus the purchase will be made from (40110120-72130). The total cost to purchase the Side Loading Solid Waste Trucks is \$1,478,985. The additional \$28,985 will be allocated over the five, (5), year lease period or \$5,797 per year. These vehicles will be purchased and financed through the five, (5), year capital lease with Commerce Bank approved earlier this fiscal year. Stakeholders may locate this purchase in the FY 2013 Capital, Enterprise, & Other Funds Budget document on page #117.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Financial reviewed by:

Jim Karch
Director of Public Works

Barbara J. Adkins
Deputy City Manager

Timothy Ervin
Chief Budget Officer

Recommended by:

David A. Hales
City Manager

RESOLUTION NO. 2012 - 40

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF FIVE (5) NEW SIDE LOADING REFUSE
TRUCKS FOR THE PUBLIC WORKS DEPARTMENT'S SOLID WASTE DIVISION
FROM CUMBERLAND SERVICE CENTER INC. AT A PURCHASE PRICE OF
\$1,478,985.00**

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 Five (5) New Side Loading Refuse Trucks for the Public Works Solid Waste Division at a Purchase Price of \$1,478,985.00.

ADOPTED this 10th day of December, 2012.

APPROVED this 11th day of December, 2012.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Mayor Stockton introduced this item.

David Hales, City Manager, addressed the Council. He recommended the purchase of these five, (5), trucks which were similar to the City's automated recycling trucks.

Alderman Purcell questioned if these trucks were the same and interchangeable. Jim Karch, Director – Public Works, addressed the Council. These were the same piece of equipment. He described them as multi-purpose. Two, (2), dual arm trucks had been purchased for one way streets, (one for refuse and the other for recycling).

Alderman Stearns questioned the time line. Mr. Karch stated fall 2013. He made note of leaf and snow seasons. Alderman Stearns questioned the cost to switch to the toters. Mr. Karch reminded the Council that toters were provided at no cost for recycling. The Council will have to make a decision regarding refuse. Mr. Hales suggested that the first cart could be added to the monthly refuse collection fee. He added that the Council would need to make a decision in the future.

Alderman Fazzini noted the positive impact of the recycling toters. He believed that the City would see an increase in recycling. He recommended that the toters be provided to all. Mr. Karch expressed his hopes for increase numbers. The City could encourage same by incentivizing recycling. He added that new fees to address this cost could be staggered. He restated that the Council would make a decision regarding solid waste in the future.

Alderman Mwilambwe questioned the life cycle for these trucks. Mr. Karch noted five to six, (5 – 6), years. City staff will look at maintenance costs, utility of the vehicles, etc. to make a determination.

Motion by Alderman Fazzini, seconded by Alderman Fruin that the purchase of five, (5), 2013 Crane Carrier LDT-2-26 Chassis with Labrie Expert (t) 2000 Helping Hand Body, installed from Cumberland Service Center Inc., Arlington Heights, IL, in the amount of \$1,478,985 be approved, the Purchasing Agent be authorized to issue a Purchase Order for same, and the Resolution adopted.

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

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

Nays: None.

Motion carried.

CITY MANAGER'S DISCUSSION: David Hales, City Manager, informed the Council that municipal aggregation would appear on the December 17, 2012 meeting agenda. The filing deadline was January 22, 2013. City staff would continue to work on this issue.

Mayor Stockton noted that there appeared to be a new understanding and citizens seemed to be having second thoughts.

Mr. Hales noted that a representative from Good Energy had attended the Council's meeting this evening. There would be a more robust public education program.

Mayor Stockton hoped the media would encourage the public to reach out to the Council.

MAYOR'S DISCUSSION: Mayor Stockton noted City staff's efforts to manage the budget. Economic development was important to the City. The Paradigm proposal involved advanced industry and new jobs. The Council needed to keep a right focus.

Mr. Hales thanked the Council and Justine Robinson, Economic Development Coordinator, for her role in this project. The Council had provided the City Administration Office with resources to address this issue.

Mayor Stockton reviewed the Liquor Commission Agenda for December 11, 2012. There were two (2) applications on the agenda. Neither were located in the Downtown.

ALDERMEN'S DISCUSSION: Alderman Fazzini noted the low attendance by the Bloomington and Normal Councils at local area parades. He recommended that the two (2) Councils combine their efforts in the future.

Motion by Alderman Anderson, seconded by Alderman Stearns, that the meeting be adjourned. Time: 9:13 p.m.

Motion carried.

**Tracey Covert
City Clerk**

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INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF BLOOMINGTON
AND THE TOWN OF NORMAL
REGULATING THE USE BY THE TOWN OF NORMAL
OF THE POLICE SHOOTING RANGE FACILITY
OF THE CITY OF BLOOMINGTON

WHEREAS, under Article 7, Section 10, of the 1970 Illinois Constitution, units of local government may contract among themselves to obtain or share services and to exercise, combine, or transfer any power or function, in any manner not prohibited by law or ordinance; and

WHEREAS, the City of Bloomington and the Town of Normal are home rule municipalities under article 7, section 6, of the 1970 Illinois Constitution; and

WHEREAS, the City of Bloomington and the Town of Normal desire to agree on the manner in which Law Enforcement Agencies use the Police Shooting Range owned by the City of Bloomington; and

WHEREAS, the Board of Trustees of the Town of Normal and the Bloomington City Council have, by appropriate actions, authorized this Agreement,

I. STATEMENT OF PURPOSE

The shooting range owned by the City of Bloomington is intended to supply training supplemental to the training required by the Police Training Act (50 ILCS 705/1 et seq.) and the Firearms Training for Peace Officers Act (50 ILCS 710/1, et seq.). The facility is owned by the City of Bloomington and is located in Martin Township in unincorporated McLean County.

II. DEFINITIONS

When used in the Agreement, the following terms shall have the meaning indicated:

“Agency/Agencies”: The Town of Normal.

“Chief”: The City of Bloomington Chief of Police or his designee.

“Facility”: The City of Bloomington Police Shooting Range.

III. ADMINISTRATION

The facility shall be administered by the Chief.

IV. USE OF THE FACILITY

The City of Bloomington shall permit the agencies to use the facility under the following conditions.

A. Scheduling

The agency will submit requests to the Chief by May 1st for the following year. The Chief shall establish a master schedule each year for the use of the facility. The agency will be assigned 25 shooting dates for the year. A proposed schedule will be given to the agency for their review. The agency will be responsible for notifying the Chief of any problems with the scheduled dates. The Chief will issue a final schedule.

Should the agency be unable to use the range during a scheduled time after the final schedule has been issued, the Chief will assign that agency an alternate date if one is available and the agency requests one. Likewise, if the range becomes unavailable on a date scheduled for use by the agency, the Chief will schedule an alternate date if desired. The Chief will assign alternate dates only upon request. The Chief will make every effort to provide 25 shooting dates per year for the agency; however, the agency may receive fewer dates if scheduling problems occur that are beyond the control of the Chief.

The agency may schedule shooting dates in addition to those listed on the master schedule on an as needed basis by contacting the Chief. There shall be no limit on the number of times any agency may use the shooting range during a given year, but requests for use will be subject to range availability. The agency understands and agrees that rescheduling canceled dates from the master schedule shall take precedence over scheduling any additional shooting time.

B. Supervision

The agency shall comply with the conditions of the Special Use Permit for the range property issued by the McLean County Board, a copy of which has been previously supplied and is incorporated herein by reference.

The agency shall be required to provide a range officer who shall be present at all times the agency uses the facility. The use of the facility shall be conditioned on the agency providing the Chief a current list of approved range officers employed by the agency using the range. Failing to provide the list or to keep it current, shall be grounds to refuse to allow the agency to use the facility.

C. Equipment

The agency using the shooting range shall provide their own ammunition, targets, and related equipment.

The indoor range will be limited to use of lead free ammunition only. Any agency using lead ammunition will be responsible for the cost of lead abatement at the facility as well as for any additional losses suffered by the City of Bloomington in relation to the use of

lead ammunition, including loss of use of the facility during such time as needed to abate the property.

D. Damage

The agency using the shooting range shall be responsible for damages that were due to negligence, or misuse of site equipment. Damages associated with regular wear and tear of the equipment are the responsibility of the City of Bloomington.

The range master for the agency shall inspect the shooting range site for any damage at the beginning of each day the range is used by the requesting agency and shall notify the Bloomington Police Department as soon as reasonably possible for such damage. If such notification is not made, the agency shall be billed for any damage discovered at the shooting range site after such agency used the range.

E. Annual Range Preparation

The Bloomington Police Department seeks assistance from the agency in preparing the shooting ranges for annual use. The agency agrees to assign a minimum of one range officer, (if requested) and preferably each Department's head range instructor, for forty (40) hours per year to perform range preparation duties.

V. RANGE FEES/BILLING

The Agency will pay the City of Bloomington an annual fee of ~~eight thousand two hundred twenty one dollars and ninety eight cents~~ eight thousand fifty dollars and no cents, (~~\$8,221.98~~) (\$8,050.00), for use of the facility for 2013. This fee shall be paid on January 1st of 2013 and shall represent payment for use from January 1, 2013 until December 31, 2013.

VI. MAINTENANCE

The City of Bloomington will maintain the current physical facility and upkeep of the property as it is as of January 1st. However, during the term of this Agreement, the City of Bloomington shall remove the gravel on the pistol shooting side and fill it in with concrete, pour a concrete pad for a future "entry house," and increase the size of the rifle range, if feasible. (*Not completed at this time*) If the agency cannot use the facility because it is not in operating condition (defined as the ability to qualify by state standards) on a scheduled shooting date, the agency may receive a reduction in the annual fee, but only under the following conditions: there shall be no reduction in the fee if the agency receives 25 shooting dates during the year. If the agency receives fewer than 25 shooting dates a reduction shall be made only for those dates missed because of operational conditions with the facility. To receive a fee reduction under those circumstances the agency must contact the Chief or his designee immediately to report that the facility is not in operating condition and remain at the facility, if requested to do so, until the Chief or his designee can verify and document the problem. The agency entitled to reduction shall receive 1/25th of the annual fee or ~~\$328.88~~ \$322.00 for each scheduled shooting date missed.

VII. LIABILITY

Each of the parties of this Agreement shall insure themselves or obtain insurance in an aggregate amount of \$1,000,000.00 (one million dollars) per incident for claims or judgments against them arising from the construction, management, operation, or maintenance of the Training Facility established by the agreement. Each party to this Agreement shall indemnify and hold harmless the other parties to this Agreement against all liability arising for injury to person or property resulting from the acts of each party's own employees.

In the event an employee of any jurisdiction which is a party to this Agreement is injured in such a manner as to require the jurisdiction employing said officer to pay claims to said officer under the Worker's Compensation Act, the expenses for such injury shall be borne by the jurisdiction employing the officer and shall not be subject to contribution from the other jurisdiction entering into this Agreement.

Each party to the Agreement shall waive any claims for damages or injury which it may have a right to assert against any other party to this Agreement which arises from the management, operation, or maintenance of the Training Facility established by this Agreement, excepting claims for misappropriation of funds and claims for damages or injury resulting from willful or wanton conduct of an employee of a party to the Agreement.

Nothing in the Agreement is intended to modify or waive the protections each party has under the Local Governmental and Governmental Employees Tort Immunity Act (745 ILCS 10/1-101 et seq.).

VIII. AMENDMENT OF AGREEMENT

This Agreement may be amended from time to time as deemed appropriate by the parties to the Agreement. Any party wishing to withdraw is required to give thirty (30) days' notice of such intention to the other parties to this Agreement before December 1st of any year effective January 1st of the following year.

IX. TERM

This Agreement shall remain in full force and effect for a period of one (1) year, beginning on January 1, 2013 and terminating on December 31, 2013. First payment is due January 1, 2013.

X. SEVERABILITY

In the event any portion of this Agreement is held by any court to be unconstitutional or in excess of the powers granted by law to the parties to this Agreement, such ruling or findings shall not void this Agreement, but shall instead be deemed to have severed such provisions from the remainder of this Agreement.

Date: _____

TOWN OF NORMAL

By: _____

Mayor

ATTEST: _____

Normal Town Clerk

Date: _____

CITY OF BLOOMINGTON

By: _____

Mayor

ATTEST: _____

Bloomington City Clerk

INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF BLOOMINGTON
AND THE COUNTY OF MCLEAN
REGULATING THE USE BY THE COUNTY OF MCLEAN
OF THE POLICE SHOOTING RANGE FACILITY
OF THE CITY OF BLOOMINGTON

WHEREAS, under Article 7, Section 10, of the 1970 Illinois Constitution, units of local government may contract among themselves to obtain or share services and to exercise, combine, or transfer any power or function, in any manner not prohibited by law or ordinance; and

WHEREAS, the City of Bloomington is a home rule municipality under Article 7, section 6, of the 1970 Illinois Constitution; and

WHEREAS, the County of McLean is a unit of local government exercising power under the Illinois Counties Code (55 ILCS 5/1-1001, et seq.); and

WHEREAS, the City of Bloomington and the County of McLean desire to agree on the manner in which Law Enforcement Agencies use the Police Shooting Range owned by the City of Bloomington; and

WHEREAS, the McLean County Board and the Bloomington City Council have, by appropriate actions, authorized this Agreement,

I. STATEMENT OF PURPOSE

The shooting range owned by the City of Bloomington is intended to supply training supplemental to the training required by the Police Training Act (50 ILCS 705/1 et seq.) and the Firearms Training for Peace Officers Act (50 ILCS 710/1, et seq.). The facility is owned by the City of Bloomington and is located in Martin Township in unincorporated McLean County.

II. DEFINITIONS

When used in the Agreement, the following terms shall have the meaning indicated:

“Agency/Agencies”: The County of McLean Police Agency.

“Chief”: The City of Bloomington Chief of Police or his designee.

“Facility”: The City of Bloomington Police Shooting Range.

III. ADMINISTRATION

The facility shall be administered by the Chief.

IV. USE OF THE FACILITY

The City of Bloomington shall permit the agencies to use the facility under the following conditions.

A. Scheduling

The agency will submit requests to the Chief by May 1st for the following year. The Chief shall establish a master schedule each year for the use of the facility. The agency will be assigned 25 shooting dates for the year. A proposed schedule will be given to the agency for their review. The agency will be responsible for notifying the Chief of any problems with the scheduled dates. The Chief will issue a final schedule.

Should the agency be unable to use the range during a scheduled time after the final schedule has been issued, the Chief will assign that agency an alternate date if one is available and the agency requests one. Likewise, if the range becomes unavailable on a date scheduled for use by the agency, the Chief will schedule an alternate date if desired. The Chief will assign alternate dates only upon request. The Chief will make every effort to provide 25 shooting dates per year for the agency; however, the agency may receive fewer dates if scheduling problems occur that are beyond the control of the Chief.

The agency may schedule shooting dates in addition to those listed on the master schedule on an as needed basis by contacting the Chief. There shall be no limit on the number of times any agency may use the shooting range during a given year, but requests for use will be subject to range availability. The agency understands and agrees that rescheduling canceled dates from the master schedule shall take precedence over scheduling any additional shooting time.

B. Supervision

The agency shall comply with the conditions of the Special Use Permit for the range property issued by the McLean County Board, a copy of which has been previously supplied and is incorporated herein by reference.

The agency shall be required to provide a range officer who shall be present at all times the agency uses the facility. The use of the facility shall be conditioned on the agency providing the Chief a current list of approved range officers employed by the agency using the range. Failing to provide the list or to keep it current, shall be grounds to refuse to allow the agency to use the facility.

C. Equipment

The agency using the shooting range shall provide their own ammunition, targets, and related equipment.

The indoor range will be limited to use of lead free ammunition only. Any agency using lead ammunition will be responsible for the cost of lead abatement at the facility as well as for any additional losses suffered by the City of Bloomington in relation to the use of lead ammunition, including loss of use of the facility during such time as needed to abate the property.

D. Damage

The agency using the shooting range shall be responsible for damages that were due to negligence, or misuse of site equipment. Damages associated with regular wear and tear of the equipment are the responsibility of the City of Bloomington.

The range master for the agency shall inspect the shooting range site for any damage at the beginning of each day the range is used by the requesting agency and shall notify the Bloomington Police Department as soon as reasonably possible for such damage. If such notification is not made, the agency shall be billed for any damage discovered at the shooting range site after such agency used the range.

E. Annual Range Preparation

The Bloomington Police Department seeks assistance from the agency in preparing the shooting ranges for annual use. The agency agrees to assign a minimum of one range officer, (if requested) and preferably each Department's head range instructor, for forty (40) hours per year to perform range preparation duties.

V. RANGE FEES/BILLING

The Agency will pay the City of Bloomington an annual fee of ~~eight thousand two hundred twenty one dollars and ninety eight cents~~ eight thousand fifty dollars and no cents, (~~\$8,221.98~~) (\$8,050.00), for use of the facility for 2012. This fee shall be paid on January 1st of 2013 and shall represent payment for use from January 1, 2013 until December 31, 2013. The fee shall be the same regardless of the number of times the agency uses the facility during the year.

VI. MAINTENANCE

The City of Bloomington will maintain the current physical facility and upkeep of the property as it is as of July 1st. However, during the term of this Agreement, the City of Bloomington shall remove the gravel on the pistol shooting side and fill it in with concrete, pour a concrete pad for a future "entry house," and increase the size of the rifle range, if feasible. If the agency cannot use the facility because it is not in operating condition (defined as the ability to qualify by state standards) on a scheduled shooting date, the agency may receive a reduction in the annual fee, but only under the following conditions: there shall be no reduction in the fee if the agency receives 25 shooting dates during the year. If the agency receives fewer than 25 shooting dates a reduction shall be made only for those dates missed because of operational conditions with the facility. To receive a fee reduction under those circumstances the agency must contact the Chief or his designee immediately to report that the facility is not in operating condition and remain at

the facility, if requested to do so, until the Chief or his designee can verify and document the problem. The agency entitled to reduction shall receive ~~\$280.00~~ \$322.00 for each scheduled shooting date missed.

VII. LIABILITY

Each of the parties of this Agreement shall insure themselves or obtain insurance in an aggregate amount of \$1,000,000.00 (one million dollars) per incident for claims or judgments against them arising from the construction, management, operation, or maintenance of the Training Facility established by the agreement. Each party to this Agreement shall indemnify and hold harmless the other parties to this Agreement against all liability arising for injury to person or property resulting from the acts of each party's own employees.

In the event an employee of any jurisdiction which is a party to this Agreement is injured in such a manner as to require the jurisdiction employing said officer to pay claims to said officer under the Worker's Compensation Act, the expenses for such injury shall be borne by the jurisdiction employing the officer and shall not be subject to contribution from the other two jurisdictions entering into this Agreement.

Each party to the Agreement shall waive any claims for damages or injury which it may have a right to assert against any other party to this Agreement which arises from the management, operation, or maintenance of the Training Facility established by this Agreement, excepting claims for misappropriation of funds and claims for damages or injury resulting from willful or wanton conduct of an employee of a party to the Agreement.

Nothing in the Agreement is intended to modify or waive the protections each party has under the Local Governmental and Governmental Employees Tort Immunity Act (745 ILCS 10/1-101 et seq.).

VIII. AMENDMENT OF AGREEMENT

This Agreement may be amended from time to time as deemed appropriate by the parties to the Agreement. Any party wishing to withdraw is required to give thirty (30) days' notice of such intention to the other parties to this Agreement before December 1st of any year effective January 1st of the following year.

IX. TERM

This Agreement shall remain in full force and effect for a period of one (1) year, beginning on January 1, 2013 and terminating on December 31, 2013. First payment is due January 1, 2013.

X. SEVERABILITY

In the event any portion of this Agreement is held by any court to be unconstitutional or in excess of the powers granted by law to the parties to this Agreement, such ruling or findings

shall not void this Agreement, but shall instead be deemed to have severed such provisions from the remainder of this Agreement.

COUNTY OF MCLEAN

Date: _____

By: _____
Chairman, McLean County Board

By: _____
Sheriff, McLean County

ATTEST: _____
McLean County Clerk

CTY OF BLOOMINGTON

Date: _____

By: _____
Mayor

ATTEST: _____
Bloomington City Clerk