

**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 7:00 p.m., Monday, November 24, 2014.

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, Kevin Lower, David Sage, Diana Hauman, Joni Painter, Scott Black, Karen Schmidt, Jim Fruin and Mayor Tari Renner.

City Manager David Hales, City Clerk Tracey Covert and Deputy Corporate Counsel Angela Fyans-Jimenez were also present.

Staff absent: Corporate Counsel Jeff Jurgens.

PUBLIC COMMENT: Mayor Renner 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 reminded the Council of his past comments regarding the Council's lack of integrity. The Council had no value. He cited Alderman Fruin's statement regarding his lack of a conflict of interest. This issue needed to be revisited. Conflict of interest was not limited to compensation.

Gary Lambert, 3018 E. Oakland Ave., addressed the Council. He cited the public dialogue over the past ten (10) days regarding McGraw Park. Additional information had come to light: both positive and negative. On the negative, he cited local and state politicians who advance their own interest. On the positive: he cited local media coverage. It appeared that these grant dollars could be used for parks and/or trails. He had reviewed the Addendum II. He cited the used of Constitution Trail. The Trail would be an appropriate use of these dollars.

Marty Seigel, 615 E. Chestnut, addressed the Council. She cited an email from Dorothy Deenie and supported same. She resided in the Old East Side Neighborhood. She noted the gap in Constitution Trail in this neighborhood was not listed. The land in question belonged to the community. The land had been vacated by the railroad.

Patricia Marton, 1114 E. Grove St., addressed the Council. She had attended Sheriff Mike Emery's retirement reception. She planned to continue her efforts in the area of elder abuse. She continued to draft information. She cited Problem Oriented Policing,

(POP), and citizens' use of technology. Currently, she was working with Ken Bays, Asst. Police Chief. She believed that another program was needed. It would be a joint effort: Police Department, attorneys and seniors. She also had attended the Library Task Force meeting. She looked forward to the expansion of the Library.

Donna Boelen, 2702 Fox Trot Trail, addressed the Council. She believed that the City's ordinance regarding conflict of interest was clear. Central Catholic High School (CCHS) received millions from the Peoria Diocese. These dollars would be a loan which would be repaid by the Catholic community. This would be a purchase agreement. A third of church revenue supported CCHS. Everyone would pay for upgrades. She did not believe that a practice field was needed. CCHS providing the City with access to the building was not an extraordinary gesture. These grant dollars should become part of the General Fund and be used to support the existing Parks Master Plan.

Josh Schmidgall, 108 Boeykens, Normal, addressed the Council. He informed them that he was employed at 92.9 Radio. He questioned how the City could spend \$750,000 and raise taxes.

The following was presented:

Oath – Stephen Rasmussen, Asst. City Manager.

David Hales, City Manager, addressed the Council. Steve Rasmussen, Asst. City Manager, was introduced to the Council at their November 10, 2014 meeting.

Tracey Covert, City Clerk, performed the Oath.

The following was presented:

SUBJECT: Council Proceedings of November 10, 2014 and Special Meeting Minutes of November 5, 2014

RECOMMENDATION/MOTION: That the reading of the minutes of the previous Council Proceedings of November 10, 2014 and the Special Meeting Minutes of November 5, 2014 be dispensed with and the minutes approved as printed.

STRATEGIC PLAN LINK: Goal 1. Financially sound City providing quality basic services.

STRATEGIC PLAN SIGNIFICANCE: Objective 1d. City services delivered in the most cost-effective, efficient manner.

BACKGROUND: The Council Proceedings of November 10, 2014 and the Special Meeting Minutes of November 5, 2014 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: Tracey Covert, City Clerk

Recommended by:

David A. Hales
City Manager

Motion by Alderman Schmidt, seconded by Alderman Painter that the reading of the minutes of the previous Council Proceedings of November 10, 2014 and Special Session Minutes of November 5, 2014 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, Painter, Lower, Hauman, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Bills and Payroll

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

STRATEGIC PLAN LINK: Goal 1. Financially sound City providing quality basic services.

STRATEGIC PLAN SIGNIFICANCE: Objective 1d. City services delivered in the most cost-effective, efficient manner.

BACKGROUND: The list of bills and payrolls will be posted on the City's website on November 26, 2014.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

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

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

Financial & budgetary review by: Patti-Lynn Silva, Director of Finance

Recommended by:

David A. Hales
City Manager

Motion by Alderman Schmidt, seconded by Alderman Painter 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, Painter, Lower, Hauman, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Appointment/Reappointments to John M. Scott Health Care Commission (JMSHCC)

RECOMMENDATION/MOTION: Recommend that the Appointment and Reappointments be affirmed.

STRATEGIC PLAN LINK: Goal 1. Financially sound City providing quality basic services.

STRATEGIC PLAN SIGNIFICANCE: Objective 1e. Partnering with others for the most cost-effective service delivery.

BACKGROUND: I ask your affirmation of the following appointment/reappointments:

McLean County Dental Society: Appointment of Dr. David Wyse. Dr. Wyse will replace Dr. Stephen Doran. McLean County Dental Society is authorized to appoint a member to this board.

Per Section II of the JMSHCC by-laws, Dr. David Wyse shall serve out a term ending April 30, 2017 and a new term will be added ending April 30, 2020. He will then be able to serve for two (2) additional terms with the option of a maximum of three (3) consecutive terms.

Second Presbyterian Church: Appointment of Dr. Scott Hamilton. Dr. Hamilton will replace Dr. James Swanson's, appointment. Second Presbyterian Church is authorized to appoint a member of their church to this Board.

Per Section II of the JMSHCC by-laws, Dr. Scott Hamilton shall serve out a term ending April 30, 2015 and a new term will be added ending April 30, 2017. He will then be able to serve for two (2) additional terms with the option of a maximum of three (3) consecutive terms.

Bloomington Regional Optometric Society: Dr. John Couillard. Reappointment to this Board.

Per Section II of the JMSHCC by-laws, Dr. John Couillard shall serve a third term which will end April 30, 2017.

9th District Nurses Association: Dr. Donna Hartweg. Reappointment to this Board.

Per Section II of the JMSHCC by-laws, Dr. Donna Hartweg shall serve a second term which will end April 30, 2015.

McLean County Health Department: Susan (Albee) Grant. Reappointment to this Board.

Per Section II of the JMSHCC by-laws, Susan (Albee) Grant shall serve a second term which will end April 30, 2015.

OSF St. Joseph Medical Center: Annette Martinez. Reappointment to this Board.

Per Section II of the JMSHCC by-laws, Annette Martinez shall serve a second term which will end April 30, 2015.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by:

Beth Oakley, Executive Asst.

Recommended by:

Tari Renner
Mayor

Motion by Alderman Schmidt, seconded by Alderman Painter that the Appointment and Reappointments be affirmed.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Painter, Lower, Hauman, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Purchase of Scheduled Vehicle Replacement for Facilities Management Office

RECOMMENDATION/MOTION: Recommend that the purchase of one (1) Ford Transit Connect from Curry Motors, Frankfort, IL using the Northwest Suburban Purchasing Cooperative (SPC) Contract Number 139 be approved, in the amount of \$22,195, and the Procurement Manager be authorized to issue a Purchase Order.

STRATEGIC PLAN LINK: Goal 1. Financially sound City providing quality basic services.

STRATEGIC PLAN SIGNIFICANCE: Objective 1d. City services delivered in the most cost-effective, efficient manner.

In order to be responsive to citizen needs, adequate resources must be provided to employees to fulfill the goal of providing quality basic services.

BACKGROUND: The Facilities Management Office currently has a 1999 Chevrolet S10 pick-up truck that is due for replacement. This unit has 78,800 miles on it. It is fifteen (15) years old and rusting badly. Due to the rust the parking brake and brake calipers have been repaired along with replacing the fuel tank that rusted through. It has also had issues with the steering, front suspension, and the air conditioning system. Maintenance cost to date is \$8,432.84.

Staff is recommending replacing the pick-up truck with a Transit Connect. This will allow for secure storage of building maintenance supplies and keep expensive tools and equipment out of the weather.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Facilities Management Office has \$23,493 budgeted in the FY 2015 Capital Lease - Capital Outlay Licensed Vehicles (40110131 - 72130). Stakeholders can find this in the FY 2015 Budget Book titled “Other Funds & Capital Improvement Program” on pages 108 and 114.

Respectfully submitted for Council consideration.

Prepared by: Rob Krones, Superintendent of Fleet Maintenance

Reviewed by: Jim Karch, PE CFM, Public Works Director

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: Jeffrey R. Jurgens, Corporation Counsel

Recommended by:

David A. Hales
City Manager

Motion by Alderman Schmidt, seconded by Alderman Painter that the purchase of one (1) Ford Transit Connect from Curry Motors, Frankfort, IL using the Northwest Suburban Purchasing Cooperative Contract Number 139 be approved, in the amount of \$22,195, and the Procurement Manager 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, Painter, Lower, Hauman, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Rejection of Bid for Replacement of the Headquarters Station Overhead Door Openers, (Bid 2015-42)

RECOMMENDATION/MOTION: Recommend that the bid be rejected and the Procurement Manager and Fire Department staff be authorized to enter into negotiations with Childers Door Service of Central Illinois for completion of work described in the original bid document, to waive the formal bid process for this project, authorize the issuance of a Purchase Order with

Childers Door Service of Central Illinois for the work at a price approved by the City Manager, and the Resolution adopted.

STRATEGIC PLAN LINK: Goal 1. Financially sound City providing quality basic services.

STRATEGIC PLAN SIGNIFICANCE: Objective 1a. Budget with adequate resources to support defined services and levels of services

BACKGROUND: On November 6, 2014 at 2:00 PM, bids were publicly opened and read for the replacement of the Headquarters Station Overhead Door Openers. At that time only one (1) bid was received, but the bid packet was incomplete. The only documentation received was a Childers Proposal dated August 6, 2014 and a bid bond.

<u>Company</u>	<u>Location</u>	<u>Bid</u>
Childers Door Service	Hudson, IL	\$17,192.08

The Scope of Work included replacement of seven (7) outdated overhead door openers and the additional installation of safety devices on each door.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The bid was advertised in The Pantagraph on October 17, 2014. The following companies were sent Notice to Bid for Bid 2015 - 42:

Childers Door Service	Hudson, IL
Midstate Overhead Doors	Bloomington, IL
Pinnacle Door	Bloomington, IL
Sunburst Doors	Bloomington, IL

FINANCIAL IMPACT: The Fire Department budgeted funds for this project in the FY 2015 Budget, Fire – Other Miscellaneous Expenses account (10015210 - 79990). The total budget approved in this account for FY 2015 is \$225,000 of which \$185,219.42 is still available. Stakeholders can locate this in the FY 2015 Budget Book titled “Budget Overview & General Fund” on page 273.

Respectfully submitted for Council consideration.

Prepared by: Eric Vaughn, Deputy Fire Chief - Administration

Reviewed by: Les Siron, Interim Fire Chief

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: Jeffrey R. Jurgens, Corporation Counsel

Recommended by:

David A. Hales
City Manager

RESOLUTION NO. 2014 - 59

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF OVERHEAD DOOR OPENERS FOR
HEADQUARTERS STATION FROM CHLDERS DOOR SERVICE AT A PURCHASE
PRICE APPROVED BY THE CITY MANAGER**

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

1. That the bidding process be waived and the Procurement Manager be authorized to Purchase Overhead Door Openers for Headquarters Station at a Purchase Price approved by the City Manager.

ADOPTED this 24th day of November, 2014.

APPROVED this 25th day of November, 2014.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Schmidt, seconded by Alderman Painter that the bid be rejected and that Procurement Manager and Fire Department staff be authorized to enter into negotiations with Childers Door Service of Central Illinois for completion of work described in the original bid document, to waive the formal bid process for this project, authorize the issuance of a Purchase Order with Childers Door Service of Central Illinois for the work at a price approved by the City Manager, and the Resolution adopted.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Painter, Lower, Hauman, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Analysis of Request for Proposal, (RFP), and Contract Award to Anderson Building Services, Inc. for Fire Headquarters Station Kitchen Remodel, (RFP 2015 – 40)

RECOMMENDATION/MOTION: Recommend that the RFP for Fire Headquarters Station Kitchen Remodel be awarded to Anderson Building Services, Inc., Normal, IL, the contract approved, in the amount of \$55,995, and the Mayor and City Clerk be authorized to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 2 Upgrade City infrastructure and facilities.

STRATEGIC PLAN SIGNIFICANCE: Objective 2d. Well-designed, well maintained City facilities emphasizing productivity and customer service.

BACKGROUND: The City issued an RFP for the purpose of remodeling the Headquarters Fire Station Kitchen. Headquarters is staffed daily by nine (9) Firefighters who work twenty-four (24) hour shifts. The Headquarters kitchen was last remodeled in the early 1990s. Due to the heavy daily use, cabinets and counter tops have deteriorated and are in need of replacement. The RFP stated that all materials should be able to withstand heavy daily use and demonstrate good durability characteristics and low maintenance. The design should maximize functionality of the space and have pleasing aesthetics that blend with the existing decor.

The deadline for RFP submittals was October 28, 2014, at 2:00 PM; the City received two (2) proposals:

Company	City	Price	Bid Type
Anderson Building Services, Inc.	Normal, IL	\$45,850	Base
“	“	\$8,400	Add Alternate
“	“	\$1,745	Voluntary Add Alternate
		\$55,995	Total Proposed Bid
CAD Construction	Tremont, IL	\$42,291	Incomplete Base
“	“	\$14,391	Incomplete Add Alternate
		\$56,682	Total Proposed Bid

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The RFP was advertised in The Pantagraph on October 8, 2014. A list of Plan holders was provided to the Council. A List of Pre-proposal Meeting held on October 15, 2014 at 10:00 AM has also been provided.

FINANCIAL IMPACT: The Fire Department budgeted funds for this project in the FY 2015 Budget, Fire – Other Miscellaneous Expenses account (10015210 - 79990). The total budget approved in this account for FY 2015 is \$225,000 of which \$185,219.42 is still available. Stakeholders can locate this in the FY 2015 Budget Book titled “Budget Overview & General Fund” on page 273.

Respectfully submitted for Council consideration.

Prepared by: Eric Vaughn, Deputy Fire Chief - Administration

Reviewed by: Les Siron, Interim Fire Chief

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: Jeffrey R. Jurgens, Corporation Counsel

Recommended by:

David A. Hales
City Manager

**CITY OF BLOOMINGTON
CONTRACT WITH ANDERSON BUILDING SERVICES
FOR FIRE HEADQUARTERS KITCHEN REMODEL**

THIS AGREEMENT, dated this 24th day of November, 2014, is between the City of Bloomington (hereinafter “CITY”) and Anderson Building Services, Inc. (hereinafter “ANDERSON”).

WHEREAS, the City sought proposals for a remodel of the Fire Headquarters’ kitchen located at 310 N. Lee Street in Bloomington; and

WHEREAS, there were two responses to the request for proposals, however the response by ANDERSON was the only complete proposal and was deemed by the City Council to be the best value and price.

NOW THEREFORE, the parties agree as follows:

Section 1. Recitals. The recitals set forth above are incorporated into this Section 1 as if specifically stated herein.

Section 2. Description of Services. ANDERSON shall remodel the Headquarters Fire Station, located at 310 N. Lee Street in Bloomington, as set forth in RFP #2015-40, including Addendum No. 1, Addendum No. 2, Addendum 3, and the response to the RFP provided by ANDERSON, as well as the Voluntary Alternate Design No. 2. ANDERSON shall further complete the Scope of Work and complete the specifications set forth in these documents and provide a guarantee as to the Work set forth in RFP #2015-40.

Section 3. Incorporation of RFP & Proposal Terms. The provisions of RFP #2015-40, a Request for Proposal for Fire Headquarters Kitchen Remodel, as well as Addenda Nos. 1, 2 and 3, and the proposal submitted by ANDERSON, including the Voluntary Alternate Design No. 2, shall be incorporated into this Agreement and made a part thereof and shall be considered additional contractual requirements that must be met by ANDERSON. In the event of a conflict between the terms of the RFP/Proposal and this Contract, this Contract shall govern.

Section 4. Payment. For the work performed by ANDERSON under this Contract, the CITY shall pay ANDERSON \$55,995.00. The payment terms set forth in the RFP shall govern payment.

Section 5. Default and Termination. Either party shall be in default if it fails to perform all or any part of this Contract. If either party is in default, the other party may terminate this Contract upon giving written notice of such termination to the party in default. Such notice shall be in writing and provided thirty (30) days prior to termination. The non-defaulting party shall be entitled to all remedies, whether in law or equity, upon the default or a violation of this Contract. In addition, the prevailing party shall be entitled to reimbursement of attorney's fees and court costs.

Section 6. Indemnification. To the fullest extent permitted by law, ANDERSON shall indemnify and hold harmless CITY, its officers, officials, agents and employees from claims, demands, causes of action and liabilities of every kind and nature whatsoever arising out of or in connection with ANDERSON's operations performed under this Contract, except for loss, damage or expense arising from the sole gross negligence or willful misconduct of the CITY or the CITY's agents, servants or independent contractors who are directly responsible to CITY. This indemnification shall extend to claims occurring after this Contract is terminated as well as while it is in force. The indemnity shall apply regardless of any concurrent negligence, whether active or passive, of the CITY or CITY's officers, officials, agents, employees, or any other persons or entities. The indemnity set forth in this section shall not be limited by insurance requirements or by any other provision of this Contract. CITY shall maintain no liability once the spoils material is delivered to ANDERSON at which point ANDERSON assumes full responsibility and releases CITY of any and all claims associated therewith.

Section 7. General Liability Insurance. ANDERSON shall maintain general liability insurance for bodily injury and property damage arising directly from its negligent acts

or omissions, with general limits shall be less than \$2,000,000.00. Certificates of insurance shall be provided to CITY and CITY shall be named as an additional insured under the policy.

Section 8. Representations of Vendor. ANDERSON hereby represents it is legally able to perform the work that is subject to this Contract and shall further abide by all obligations contained with the RFP, addenda thereto, and obligations made within its proposal to the CITY.

Section 9. Assignment. Neither party may assign this Contract, or the proceeds thereof, without written consent of the other party.

Section 10. Compliance with Laws. ANDERSON and all work by ANDERSON shall at all times comply with all laws, ordinances, statutes and governmental rules, regulations and codes.

Section 11. Governing Law. This Agreement shall be governed by and interpreted pursuant to the laws of the State of Illinois.

Section 12. Joint Drafting. The parties expressly agree that this agreement was jointly drafted, and that both had opportunity to negotiate its terms and to obtain the assistance of counsel in reviewing it terms prior to execution. Therefore, this agreement shall be construed neither against nor in favor of either party, but shall construed in a neutral manner.

Section 13. Attorney Fees. In the event that any action is filed in relation to this agreement, the unsuccessful party in the action shall pay to the successful party, in addition to all the sums that either party may be called on to pay, a reasonable sum for the successful party's attorneys' fees.

Section 14. Paragraph Headings. The titles to the paragraphs of this agreement are solely for the convenience of the parties and shall not be used to explain, modify, simplify, or aid in the interpretation of the provisions of this agreement.

Section 15. Counterparts. This agreement may be executed in any number of counterparts, each of which shall be deemed to be an original, but all of which together shall constitute the same instrument.

CITY OF BLOOMINGTON

ANDERSON BUILDING SERVICES, INC.

By: Tari Renner
Its Mayor

By: Barbara A. Anderson
Its President

ATTEST:

By: Tracey Covert
City Clerk

Motion by Alderman Schmidt, seconded by Alderman Painter that the RFP for Fire Headquarters Station Kitchen Remodel be awarded to Anderson Building Services, Inc., Normal, IL, the contract be approved, in the amount of \$55,995, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Painter, Lower, Hauman, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Review of Executive Session Minutes from 1995 - 2014

RECOMMENDATION/MOTION: Recommend that the Resolution be adopted.

STRATEGIC PLAN LINK: Goal 1. Financially sound City providing quality basic services.

STRATEGIC PLAN SIGNIFICANCE: Objective 1d. City services delivered in the most cost-effective, efficient manner.

BACKGROUND: The Open Meeting Act requires a semiannual review of approved Executive Session Minutes to determine whether a need for confidentiality still exists as to the City's past Executive Session Minutes. The determination on which minutes are going to be released and which minutes still require confidential treatment must be reported on in open session. The Resolution makes this report.

The Council met previously on October 27 and November 10, 2014 in Executive Session to review the Executive Session Minutes and to make the determinations required by the Open Meetings Act. The Resolution reports on the release and/or partial release of the meeting minutes from October 10, 2011, January 24, 2014, February 10 and 24, 2014, March 24, 2014 and July 28, 2014, and the need for the continued confidential treatment of redacted portions from those and other meeting minutes listed in Schedule B.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Tracey Covert, City Clerk

Legal review by: Jeffrey Jurgens, Corporation Counsel

Recommended by:

David A. Hales
City Manager

RESOLUTION NO. 2014 - 60

**A RESOLUTION REPORTING THE RELEASE AND RETENTION
OF EXECUTIVE SESSION MINUTES**

WHEREAS, the City Council of the City of Bloomington, Illinois has met from time to time in executive session for purposes authorized by the Illinois Open Meetings Act; and

WHEREAS, pursuant to the requirements of 5 ILCS 120/2.06(c), a review of all closed session minutes has been completed; and

WHEREAS, the City Council has determined that portions of the minutes of the meetings listed on Schedule A, attached hereto, no longer require confidential treatment and should be made available for public inspection and that the redacted portions of said meeting minutes still have a need for confidential treatment and should not be released; and

WHEREAS, the City Council has further determined that a need for confidentiality still exists as to the Executive Session Minutes from the meetings set forth on Schedule B, attached hereto and incorporated by reference; and

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

Section 1. The Executive Session Minutes from those meetings set forth on Schedule A, attached hereto and incorporated by reference, are released in part with the confidential information redacted. The preamble to this Resolution is incorporated into the body of this resolution.

Section 2. The City Clerk is hereby authorized and directed to make the un-redacted portion of the minutes from those meetings listed in Schedule A available for inspection and copying in accordance with the Open Meetings Act and standing procedures of the Clerk's Office.

Section 3. The City Clerk is hereby authorized and directed to destroy the verbatim audio recording for those Executive Sessions that have been approved by the Council and after eighteen (18) months have passed.

Section 4. This Resolution shall be in full force and effect from and after its passage and approval according to law.

ADOPTED this 24th day of November, 2014.

APPROVED this 25th day of November, 2014.

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

**SCHEDULE A
TO BE RELEASED**

DATE	REASON
October 11, 2011	Section 2(c)(12) Settlement* Section 2(c)(11) Litigation
January 27, 2014	Section 2(c)(12) Settlement*
February 10, 2014	Section 2(c)(21) Review of Closed Session*
February 24, 2014	Section 2(c)(21) Review of Closed Session
March 24, 2014	Section 2(c)(21) Review of Closed Session*
July 28, 2014	Section 2(c)(12) Settlement* Section 2(c)(6) Sale or Lease of Real Estate*

***Denotes release with redactions, as a need for confidentiality still exists as to part of said minutes.**

**SCHEDULE B
TO BE RETAINED**

DATE	REASON
January 23, 1995	Section 2(c)(1) Personnel
June 12, 1995	Section 2(c)(2) Collective Bargaining
February 26, 1996	Section 2(c)(1) Personnel
October 14, 1996	Section 2(c)(2) Collective Bargaining
November 12, 1996	Section 2(c)(2) Collective Bargaining
February 24, 1997	Section 2(c)(1) Personnel
March 10, 1997	Section 2(c)(2) Collective Bargaining
May 12, 1997	Section 2(c)(2) Collective Bargaining
July 14, 1997	Section 2(c)(2) Collective Bargaining
October 13, 1997	Section 2(c)(2) Collective Bargaining
January 26, 1998	Section 2(c)(1) Personnel
July 14, 1998	Section 2(c)(2) Collective Bargaining

DATE	REASON
July 27, 1998	Section 2(c)(2) Collective Bargaining
December 28, 1998	Section 2(c)(1) Personnel
May 10, 1999	Section 2(c)(2) Collective Bargaining
June 14, 1999	Section 2(c)(2) Collective Bargaining
September 13, 1999	Section 2(c)(5) Purchase or Lease of Real Estate
November 22, 1999	Section 2(c)(1) Personnel
December 13, 1999	Section 2(c)(1) Personnel
December 11, 2000	Section 2(c)(1) Personnel
November 13, 2001	Section 2(c)(1) Personnel
May 28, 2002	Section 2(c)(2) Collective Bargaining
September 23, 2002	Section 2(c)(2) Collective Bargaining
November 12, 2002	Section 2(c)(1) Personnel
March 8, 2004	Section 2(c)(1) Personnel
May 10, 2004	Section 2(c)(2) Collective Bargaining
February 28, 2005	Section 2(c)(1) Personnel
March 14, 2005	Section 2(c)(1) Personnel
March 28, 2005	Section 2(c)(6) Sale or Lease of Real Estate
May 9, 2005	Section 2(c)(2) Collective Bargaining
August 14, 2006	Section 2(c)(1) Personnel
August 28, 2006	Section 2(c)(1) Personnel
August 13, 2007	Section 2(c)(2) Collective Bargaining
November 13, 2007	Section 2(c)(2) Collective Bargaining
December 10, 2007	Section 2(c)(1) Personnel
January 7, 2008	Section 2(c)(1) Personnel
February 11, 2008	Section 2(c)(2) Collective Bargaining Section 2(c)(1) Personnel
June 9, 2008	Section 2(c)(5) Purchase or Lease of Real Estate
August 19, 2008	Section 2(c)(1) Personnel
October 13, 2008	Section 2(c)(5) Purchase or Lease of Real Estate
November 3, 2008	Section 2(c)(1) Personnel
November 17, 2008	Section 2(c)(1) Personnel
November 18, 2008	Section 2(c)(1) Personnel
November 19, 2008	Section 2(c)(1) Personnel
March 9, 2009	Section 2(c)(2) Collective Bargaining Section 2(c)(11) Litigation
March 30, 2009	Section 2(c)(2) Collective Bargaining Section 2(c)(1) Personnel
April 6, 2009	Section 2(c)(2) Collective Bargaining Section 2(c)(1) Personnel
April 13, 2009	Section 2(c)(2) Collective Bargaining
April 27, 2009	Section 2(c)(2) Collective Bargaining
May 26, 2009	Section 2(c)(2) Collective Bargaining
June 8, 2009	Section 2(c)(2) Collective Bargaining
June 22, 2009	Section 2(c)(2) Collective Bargaining

DATE	REASON
June 27, 2009	Section 2(c)(2) Collective Bargaining
August 10, 2009	Section 2(c)(2) Collective Bargaining
September 28, 2009	Section 2(c)(2) Collective Bargaining Section 2(c)(5) Purchase or Lease of Real Estate Section 2(c)(6) Sale or Lease of Real Estate
December 14, 2009	Section 2(c)(2) Collective Bargaining
January 11, 2010	Section 2(c)(2) Collective Bargaining
January 25, 2010	Section 2(c)(2) Collective Bargaining Section 2(c)(5) Purchase or Lease of Real Estate
February 8, 2010	Section 2(c)(2) Collective Bargaining Section 2(c)(6) Sale or Lease of Real Estate
February 22, 2010	Section 2(c)(2) Collective Bargaining
April 5, 2010	Section 2(c)(2) Collective Bargaining
April 26, 2010	Section 2(c)(6) Sale or Lease of Real Estate Section 2(c)(2) Collective Bargaining
June 28, 2010	Section 2(c)(1) Personnel
September 27, 2010	Section 2(c)(1) Personnel
November 8, 2010	Section 2(c)(5) Purchase or Lease of Real Estate
November 22, 2010	Section 2(c)(2) Collective Bargaining
March 28, 2011	Section 2(c)(2) Collective Bargaining
May 9, 2011	Section 2(c)(2) Collective Bargaining Section 2(c)(11) Litigation
June 13, 2011	Section 2(c)(2) Collective Bargaining
July 11, 2011	Section 2(c)(1) Personnel
August 8, 2001	Section 2(c)(5) Purchase or Lease of Real Estate
December 19, 2011	Section 2(c)(5) Purchase or Lease of Real Estate
May 29, 2012	Section 2(c)(2) Collective Bargaining
August 17, 2012	Section 2(c)(1) Personnel
October 10, 2011	Section 2(c)(5) Purchase or Lease of Real Estate
November 8, 2012	Section 2(c)(1) Personnel
December 10, 2012	Section 2(c)(1) Personnel
December 17, 2012	Section 2(c)(2) Collective Bargaining Section 2(c)(1) Personnel
February 25, 2013	Section 2(c)(29) Meet with External Auditors Section 2(c)(2) Collective Bargaining
July 22, 2013	Section 2(c)(5) Purchase or Lease of Real Estate
September 23, 2013	Section 2(c)(12) Settlement
November 12, 2013	Section 2(c)(1) Personnel Section 2(c)(5) Purchase or Lease of Real Estate
December 9, 2013	Section 2(c)(11) Potential Litigation Section 2(c)(1) Personnel
December 16, 2013	Section 2(c)(11) Potential Litigation Section 2(c)(1) Personnel
January 27, 2014	Section 2(c)(12) Settlement

DATE	REASON
	Section 2(c)(2) Collective Bargaining
February 10, 2014	Section 2(c)(2) Collective Bargaining
March 24, 2014	Section 2(c)(2) Collective Bargaining
April 7, 2014	Section 2(2)(11) Litigation
June 23, 2014	Section 2(c)(11) Litigation Section 2(c)(2) Collective Bargaining
July 7, 2014	Section 2(c)(1) Personnel
July 28, 2014	Section 2(c)(1) Personnel Section 2(c)(11) Litigation Section 2(c)(6) Sale or Lease of Real Estate Section 2(c)(5) Purchase or Lease of Real Estate
August 11, 2014	Section 2(c)(5) Purchase or Lease of Real Estate
September 15, 2014	Section 2(c)(11) Litigation

Motion by Alderman Schmidt, seconded by Alderman Painter that the Resolution be adopted.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Painter, Lower, Hauman, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Application of Asia, LLC, d/b/a Asia, located at 407 N. Hershey Rd., requesting an RAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week

RECOMMENDATION/MOTION: Recommend that an RAS liquor license for Asia, LLC, d/b/a Asia, located at 407 N. Hershey Rd., be created, contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) the application be reviewed by Mr. Liu's attorney and 2.) floor plan be provided prior to the Council's November 24, 2014 meeting.

STRATEGIC PLAN LINK: Goal 4. Grow the local economy.

STRATEGIC PLAN SIGNIFICANCE: Objective 4.a. Retention and growth of current local business.

BACKGROUND: The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the application of Asia, LLC, d/b/a Asia, located at 407 N. Hershey Rd., requesting an RAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk; and Mike Liu, owner/operator and Applicant's representative.

Commissioner Renner opened the liquor hearing and requested that the Applicant's representatives address this request. He noted that this application had also appeared on the Commission's October 14, 2014 meeting agenda. Mike Liu, owner/operator and Applicant's representative, addressed the Commission. The business plan was to open a restaurant and serve alcohol with dinner.

Mr. Liu noted that this was his second application. He had attended Heartland Community College's BASSET, (Beverage Alcohol Sellers and Servers Education and Training), class which had been held on November 3, 2014. The restaurant's planned opening was the end of November.

Commissioner Renner noted that Asia's location had formerly operated as Ming's Restaurant. Mr. Liu noted that the restaurant offered a dining area with a small bar. He restated his hope to be granted a liquor license. Asia would offer Asian cuisine. It would be a formal dining restaurant.

Commissioner Tompkins noted that Mr. Liu had been encouraged to fine tune his application. Mr. Liu stated that Asia's floor plan would be the same as Ming's Restaurant. He had reached out to the former owner and requested a copy of the restaurant's floor plan. He had also called the realtor. He had tried to obtain the document. He restated that there would be no changes to the building's interior.

Commissioner Tompkins noted that items on the Questionnaire lacked a proper answer. Mr. Liu had worked with Lyndel Armstrong, attorney/CPA, (Certified Public Accountant), regarding the application.

Commissioner Renner believed that there were inconsistent answers.

Commissioner Jordan questioned if Mr. Liu had consulted with an attorney. Mr. Liu informed the Commission that his attorney had reviewed the application.

Commissioner Jordan questioned the bar area. Mr. Liu informed the Commission that the bar had three (3) stools and served as the restaurant's service bar.

Commissioner Jordan noted that Mr. Liu had purchased the building.

Commissioner Tompkins questioned the Emergency Call-in Sheet. Mr. Liu stated that staff interviews were being conducted.

Motion by Commissioner Jordan, seconded by Commissioner Renner to recommend to the Council that an RAS liquor license for Asia, LLC, d/b/a Asia, located at 407 N. Hershey Rd., be approved contingent upon compliance with all health safety codes with the following conditions: 1.) the application be reviewed by Mr. Liu's attorney and 2.) floor plan be provided prior to the Council's November 24, 2014 meeting.

Ayes: Commissioner Jordan and Renner.

Nays: Commissioner Tompkins.

Motion carried.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph on October 27, 2014 in accordance with City Code. In accordance with City Code, approximately thirty-seven (37) courtesy copies of the Public Notice were mailed on October 27, 2014. In addition, the Agenda for the November 4, 2014 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT: New liquor license would be created. Annual fee for an RAS liquor license is \$2,210.

Respectfully submitted for Council consideration.

Recommended by:

Tari Renner
Mayor

Motion by Alderman Schmidt, seconded by Alderman Painter that an RAS liquor license for Asia, LLC, d/b/a Asia, located at 407 N. Hershey Rd., be created, contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) the application be reviewed by Mr. Liu's attorney and 2.) floor plan be provided prior to the Council's November 24, 2014 meeting.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Painter, Lower, Hauman, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Lake Bloomington Lease Transfer Petition for Lot 3 and the East ½ of Lot 2, Block 1 of Camp Iroquois, from Donald William Davisson to Donald William Davisson & Sue Ann Davisson, Co-Trustees of the Bill Davisson Trust dated October 8, 2014

RECOMMENDATION/MOTION: Recommend that the Lake Lease Transfer be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 1. Financially sound City providing quality basic services.

STRATEGIC PLAN SIGNIFICANCE: Objective 1a. Budget with adequate resources to support defined services and level of services.

BACKGROUND: The sewage disposal system inspection was completed in October 2014. The septic system appears to be functioning normally, and was pumped at this time. The property does not have a basement, only a small crawl space. Outlet baffle has a good amount of corrosion. Over half the sand filter system is located under the driveway. The age of the sewage disposal system is over twenty-five (25) years. The McLean County Health Department estimates sewage disposal systems have an average life span of approximately twenty to twenty-five, (20-25), years. However, this can be affected greatly by usage patterns of the premises, (seasonal versus full time occupancy), and system maintenance.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: This petition will have a neutral financial impact in that the current lease uses the current formula, (\$0.40 per \$100 of Equalized Assessed Value), for determining the Lake Lease Fee. With this transfer, the lake lease formula will generate about \$529.60 per year in lease income. This lake lease income will be posted to Lake Maintenance - Lease Income (50100140 - 57590). Stakeholders can locate this in the FY 2015 Budget Book titled "Other Funds & Capital Improvement Program" on page 146.

Respectfully submitted for Council consideration.

Prepared by: Connie Fralick, Office Manager

Reviewed by: Sue McLaughlin, ICMA-CM, Interim Asst. City Manager

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: Jeffrey R. Jurgens, Corporation Counsel

Recommended by:

David A. Hales
City Manager

Motion by Alderman Schmidt, seconded by Alderman Painter that the Lake Lease Transfer be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Painter, Lower, Hauman, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Lake Bloomington Lease Transfer Petition for Lot 17, Block 5 of Camp Kickapoo, from Tilio Giacobassi Declaration of Trust dated October 23 1997, Tilio Giacobassi, Trustee to Martha E. Giacobassi Trust dated November 13, 2013, Martha Giacobassi, Julie Ann Giacobassi, and Michael John Giacobassi, Trustees

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

STRATEGIC PLAN LINK: Goal 1. Financially sound City providing quality basic services.

STRATEGIC PLAN SIGNIFICANCE: Objective 1a. Budget with adequate resources to support defined services and level of services.

BACKGROUND: The sewage disposal system inspection was completed in June 2014. The septic system appears to be functioning normally, and was pumped. The age of the sewage disposal system is over fifty-nine (59) years. The McLean County Health Department estimates sewage disposal systems have an average life span of approximately twenty to twenty-five, (20 - 25), years. However, this can be affected greatly by usage patterns of the premises, (seasonal versus full time occupancy), and system maintenance. This property will be used seasonally.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: This petition will have a neutral financial impact in that the current lease uses the current formula, (\$0.15 per \$100 of Equalized Assessed Value), for determining the Lake Lease Fee. With this transfer, the lake lease formula will generate about \$106.67 per year in lease income. This lake lease income will be posted to Lake Maintenance - Lease Income (50100140 - 57590). Stakeholders can locate this in the FY 2015 Budget Book titled "Other Funds & Capital Improvement Program" on page 146.

Respectfully submitted for Council consideration.

Prepared by: Connie Fralick, Office Manager

Reviewed by: Sue McLaughlin, ICMA-CM, Interim Asst. City Manager

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: Jeffrey R. Jurgens, Corporation Counsel

Recommended by:

David A. Hales
City Manager

Motion by Alderman Schmidt, seconded by Alderman Painter that the Lake Lease Transfer be approved and Mayor and City Clerk be authorized to execute the necessary documents.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Painter, Lower, Hauman, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

City Council Request for Reconsideration of Resolution Adoption and Agreements.

Mayor Renner introduced this item. The Resolution Authorizing the Purchase of Lots 47 & 48 in the Empire Business Park and a Cooperation Agreement with Central Catholic High School had been passed by the Council at their November 10, 2014 meeting by a five to four (5 – 4) vote. Concerns had been raised and the documents were not

executed. An alderman who voted on the prevailing side could make a motion to reconsider. He hoped to handle this item expeditiously.

Alderman Fruin made brief comments. He stated that there were no back room deals. He explained why he had voted on November 10, 2014 and explained why he would recuse himself this evening.

Alderman Lower requested a point of order. He believed that under Robert's Rules a motion to reconsider should be made at the same meeting.

Angela Fyans-Jimenez, Deputy Corporation Counsel, addressed the Council. A motion to reconsider is made at the Council's next regularly scheduled meeting.

Alderman Fruin stated that he took the role of alderman seriously. He cited the community conversation regarding this item. He did not recuse himself at the November 10th meeting. He noted the City's Corporation Counsel Office's opinion that conflict of interest involved ownership/management authority. Central Catholic High School, (CCHS), use of this land was limited to three percent (3%) of the time. CCHS' Board was advisory only. All authority rested with the Peoria Diocese. He cited his forty-five (45) year involvement with CCHS. He believed that this fact was well known in the community. His bio listed this relationship which has been placed on the City's web site for over seven (7) years. He explained his prior judgment. He planned to recuse himself due to the belief that there was a conflict of interest.

Alderman Fruin left the dais at 7:19 p.m.

Motion by Alderman Painter, seconded by Alderman Schmidt that the Council reconsider the approval of the Resolution and agreements passed on November 10, 2014.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Painter, Hauman, Sage, and Black.

Nays: Alderman Lower.

Motion carried.

David Hales, City Manager, informed the Council that there were three (3) options: 1.) approve; 2.) disapprove or 3.) some other actions.

The following was presented:

City Council Action on Reconsideration of Resolution and Agreements Authorizing the Purchase of Lots 47 & 48 in the Empire Business Park Preliminary Plan Utilizing a \$750,000 State Legislative Grant, Enter into a Purchase Agreement with FOB Development, Inc., and a Cooperation Agreement with Central Catholic High School.

Alderman Lower expressed his disagreement with Alderman Fruin's comments. He did not believe that Alderman Fruin had to recuse himself. Senator Bill Brady had provided the City with a grant for a park. The lease with Central Catholic High School, (CCHS), was a secondary issue. He did not understand the reconsideration of this item.

Mayor Renner informed the Council that he had contacted the Attorney General's Office regarding conflict of interest.

Alderman Black cited feedback from his ward. This grant should make the community better and be targeted to one area of the City. The Council needed to find a better way to spend these dollars to benefit the community.

Mayor Renner read from the Council packet. These funds did not have to be spent on McGraw Park. It was designated for parks and trails.

Alderman Hauman requested clarification. She questioned if the City had exhausted all options to use these dollars.

Mayor Renner noted that the City had reach out to the Department of Commerce and Economic Opportunity, (DCEO). These funds must be used for parks and/or trails. He questioned the Council's priorities.

Alderman Hauman questioned timing.

David Hales, City Manager, addressed the Council. City staff had reached out to DCEO officials. If these funds were not used to purchase land, it could be directed towards different parks' projects. DCEO was prepared to issue a contract which would be binding.

Mayor Renner stated that initially these dollars were earmarked. At this time, they were a grant.

Alderman Mwilambwe noted that McGraw Park was located in his ward. He cited the initial vote. He had heard from constituents on both sides of the issue. He noted the media arguments. The root of the problem was everyone having the information at the right time. Additional information has surfaced since the initial vote. He also cited the initial assumption that land belonging to the Central IL Regional Airport would no longer be available. In the end, there was too much information and too many people talking. The issue for him was creditability. He noted the people's trust in their government. He needed to distance himself from this issue as he did not have a full understanding. The Council was now considering different projects. He addressed McGraw Park. All of the people involved needed to be in the same room. He stated that the information kept changing. The City needed to move beyond.

Alderman Painter stated that her initial vote was based upon the information available. Additional information had come to light. Citizens' concerns needed to be addressed.

Alderman Stearns did not believe that anything had changed. This item involved public funds. The grant was already funded. She cited the state's debt and mismanagement. She believed that these dollars should be returned to the taxpayers. She cited principal – this was the public's money. It should be spent on a public purpose. The public should have access to and use of. CCHS was a parochial school. She questioned giving these funds to a school. She believed that there were other uses. The issue involved trust. She did not plan to change her vote as there were a number of things she found troubling.

Mayor Renner cited the fact that the Council had met in Executive Session to address this issue. These minutes could be released after this issue is resolved.

Alderman Sage questioned the impact of an affirmative vote.

Alderman Stearns raised a point of order. Angela Fyans-Jimenez, Deputy Corporation Counsel, addressed the Council. She noted that Alderman Fruin had recuse himself and left the dais.

Alderman Lower questioned the impact of an Attorney General's Office ruling.

Mayor Renner stated none. An Alderman who voted on the prevailing side had made the motion to reconsider. An affirmative vote was to deny.

Motion by Alderman Black, seconded by Alderman Schmidt that the Resolution and Agreements Authorizing the Purchase of Lots 47 & 48 in the Empire Business Park Preliminary Plan Utilizing a \$750,000 State Legislative Grant, Enter into a Purchase Agreement with FOB Development, Inc., and a Cooperation Agreement with Central Catholic High School be denied.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Painter, Lower, Hauman, Sage, and Black.

Nays: None.

Motion carried.

Alderman Fruin returned to the meeting at 7:41 p.m.

The following was presented:

City Council Consideration/Discussion of Alternative Proposals for Utilizing a \$750,000 State Legislative Grant.

Mayor Renner opened a discussion regarding capital projects involving parks and/or trails. He welcomed feedback from citizens.

Alderman Schmidt questioned the City's out reach efforts. She questioned if this grant would be used for a single project or multiple projects.

Angela Fyans-Jimenez, Deputy Corporation Counsel, addressed the Council. Jeff Jurgens, Corporation Counsel, had reviewed these documents. She was not familiar with same.

David Hales, City Manager, addressed the Council. He expressed his belief that the Council could make a determination. He cautioned that time was of the essence. The City needed an executed contract which would be signed by Governor Quinn. The Department of Commerce and Economic Opportunity (DCEO) was willing to work with the City. This contract could be stopped as Governor Quinn's term was almost expired. The City needed to consider projects that could be completed quickly. There was a one (1) year time line. Existing infrastructure could be repaired. The Town of Normal received a \$500,000 grant which was used for a variety of projects. City staff was ready/willing to reach out to DCEO.

Bobbie Herakovich, Interim Parks, Recreation & Cultural Arts Director, addressed the Council. This grant should be used to benefit all. The first and highest use for these dollars would be expansion of an existing park. She encouraged the Council to look at other parks. She restated that the purchase of park land was the highest benefit for these dollars. She addressed the Parks Master Plan which was a guiding document.

Mayor Renner requested that hardcopies of this Plan be provided to the Council.

Ms. Herakovich addressed Constitution Trail and land acquisition for same. She was cognizant that \$750,000 was not a lot money to purchase land. Each project needed to be definable/doable in two (2) years. She cited a dog park. The sports park was too expensive. She also cited capital improvement needs. Land acquisition could address gaps in Constitution Trail. Miller Park had failing infrastructure, (i.e. roads and storm water issues). Prairie Vista's cart paths were in need of repair. The Lincoln Center parking lot also needed repair. These represented high needs.

Ms. Herakovich restated that land acquisition should be the first priority. Land was the longest lasting. The Parks Master Plan should be used as a guide. She added that Council approval(s) also required DCEO approval. These funds should be used to benefit the residents.

Mayor Renner cited trail extension along Sugar Creek. Ms. Herakovich questioned the City's ability to complete same. She did not believe that there was a survey.

Mayor Renner suggested that the Council review the Parks Master Plan and hold a Work Session.

Mr. Hales reminded the Council that the December meetings would be held on December 8th and 15th. He questioned scheduling a special meeting. The Council needed to vote on this item in December, (i.e. short time frame). Extensions to Constitution Trail would involve engineering, design and land acquisition. Constitution Trail was also in need of repair. The Parks Master Plan would be distributed to the Council.

Alderman Lower encouraged the Council to consider existing infrastructure, (i.e. storm water runoff).

Alderman Sage recommended that the Council review the Parks Master Plan's System Wide Priorities before continued conversation. He specifically cited page 81, which addressed playground renovations. Under Parcel Development, four (4) parks were listed. He also directed the Council to page 82 which contained comments regarding other parks. Final recommendations addressed expansion of Constitution Trail. The Plan also noted constraints.

Alderman Mwilambwe noted that the process was being updated. He questioned when the Parks Master Plan had been updated.

Ms. Herakovich stated that 3D Design updated the Parks Master Plan in 2010. The process included focus groups, evaluation of City parks and the parks system, no dollars were assigned, and subjects were identified. There also was a needs assessment.

Mr. Hales added that there was a written survey.

Alderman Mwilambwe noted the City's Indian community and their request for a cricket field. This did not seem to be a priority. Ms. Herakovich stated that this item would involve land acquisition. Alderman Mwilambwe noted their contribution to the community. This group had waited fifteen (15) years. Eventually the City had to do something.

Alderman Stearns addressed infrastructure, (i.e. Mille Park roads/curbs). The City needed to repair/maintain existing parks. She also cited Constitution Trail. There was a land ownership issue. The City needed to establish ownership.

The following was presented:

SUBJECT: Adoption of the 2014 Tax Levy for \$23,719,066 as estimated

RECOMMENDATION/MOTION: Recommend that 2014 Tax Levy be approved, in the amount of \$23,719,066, and the Ordinance passed.

STRATEGIC PLAN LINK: Goal 1. Financially sound City providing quality basic services.

STRATEGIC PLAN SIGNIFICANCE: Objective 1c. Engaged residents that are well informed and involved in an open governance process.

BACKGROUND: There are three (3) components of the property tax formula that affect an increase or decrease in a homeowners property taxes. The dollar amount requested by the City or any of the other overlapping tax districts, the amount of the final Equalized Assessed Value (EAV) which is one third of the properties assessed value, and the tax rate that is generated by dividing the dollar amount by the EAV:

$$\text{Tax formula:} \quad \frac{\text{Dollar Levy}}{\text{Final EAV}} = \text{Tax Rate}$$

The City adopts its tax levy based on a *preliminary* EAV which is an estimate and subject to the appeals process. The Final EAV is completed by January 1, 2014. The tax rate generated is later applied to individual property owner's tax bill on April 1, 2014 and bills are sent out on May 1st.

2014 Tax formula Estimate	<u>\$23,719,066</u>	1.3157%
(Preliminary EAV):	\$1,802,822,457	

This year the City's tax levy estimate is \$23,719,066, *(the Council was provided with Exhibit 1 for the tax levy break out by component)*, which appears to result in a lower tax rate than last year. Depending on what happens to the City's final EAV homeowner's could receive a slight decrease in property taxes levied by the City. *(The Council was provided with Exhibit 2 for estimated impact to individual homeowners.)*

Expenditures related to the property tax levy are primarily related to pension funding and operating costs for public safety and the Bloomington Public Library.

COUNCIL COMMITTEE BACKGROUND: A preliminary discussion of the 2014 Tax Levy was held at the October 20, 2014 Committee of the Whole meeting and the estimated 2014 Tax Levy was presented at the October 27, 2014 Council Meeting which were both public meetings.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Information was presented at two (2) public meetings.

FINANCIAL IMPACT/ANALYSIS: The Council adopted the Tax Levy last year with only a slight increase for the Public Library of \$33,233 for a final levy of \$23,219,066. The City Manager and Finance Director recommended the Council adopt the Tax Levy estimate of \$23,719,066 which increases the overall levy by \$500,000. *This increase will be solely dedicated to fund the Police and Fire Pensions.*

Staff has created two (2) exhibits. Exhibit 1 depicts the recommendations and allocation for the 2014 Tax Levy. Exhibit 2 is the estimated impact to the taxpayer.

Respectfully submitted for Council consideration.

November 24, 2014

911

Prepared by: Carla Murillo, Budget Manager
Reviewed by: Patti-Lynn Silva, Finance Director
Legal review by: Jeffrey R. Jurgens, Corporation Counsel
Recommended by:

David A. Hales
City Manager

ORDINANCE 2014 – 109**AN ORDINANCE LEVYING TAXES FOR THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS FOR THE FISCAL YEAR BEGINNING MAY 1, 2014 AND ENDING APRIL 30, 2015 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, Seven Hundred Nineteen Thousand and Sixty Six dollars (\$23,719,066) 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, 2014 and ending April 30, 2015, 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, 2014 and ending April 30, 2015 as passed by the City Council of said City at its regular meeting held on the 28th of April, 2014, 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, MCLEAN COUNTY ILLINOIS

(b) The tax rate against the said taxable property of the City of Bloomington for the year 2014 for and on account of the aforesaid tax levy be, and the same is hereby set for said taxable year as follows:

I. General Corporate Purposes	\$1,287,233
II. Police Protection Fund	\$1,354,421
III. Fire Protection Fund	\$1,183,228
IV. Public Parks	\$1,001,415
V. Fire Pension Fund	\$4,196,000
VI. Police Pension Fund	\$4,008,000
VII. Illinois Municipal Retirement Fund	\$2,502,907
VIII. FICA Taxes Fund	\$1,459,009
IX. General Bond and Interest	\$2,180,143
X. Public Library Fund	\$4,546,710
Total	\$23,719,066

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, 2014 and ending April 30, 2015.

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 \$23,719,066.

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.

PASSED this 24th day of November, 2014.

APPROVED this 25th day of November, 2014.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Mayor Renner introduced this item.

Alderman Sage reiterated that the Tax Levy would see a slight increase but the amount paid by the taxpayer would see a slight decrease.

Mayor Renner cited the needs of Police and Fire Pension Funds. He also cited the growth in EAV, (Equalized Assessed Value), due to construction. The Council was committed to holding the line on property taxes.

Alderman Stearns was not sure about the City's EAV. She cited the Board of Review process which was ongoing. If the Council held the line on property taxes, then property taxes would be going down. It appeared that City staff wanted more money to run the City. In her opinion, the City had a spending problem.

Motion by Alderman Schmidt, seconded by Alderman Painter that 2014 Tax Levy be approved, in the amount of \$23,719,066, and the Ordinance passed.

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

Ayes: Aldermen Mwilambwe, Schmidt, Painter, Hauman, Sage, Fruin and Black.

Nays: Aldermen Stearns and Lower.

Motion carried.

The following was presented:

SUBJECT: Abatements of Debt Service for the 2014 Tax Levy

RECOMMENDATION/MOTION: Recommend that the Resolutions for the Abatement of \$8,586,896.91 of property taxes for the 2014 Tax Levy for debt service payments be adopted.

STRATEGIC PLAN LINK: Goal 1. Financially sound City providing quality basic services.

STRATEGIC PLAN SIGNIFICANCE: Objective 1a. Budget with adequate resources to support defined services and level of services

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 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. Staff recommends abating \$8,586,896.91 of the 2014 Tax Levy for annual debt service whereas the City has funds set aside to cover this balance.

	Current Levy Amount as per County Clerk	Abated these Resolutions	Balance to be Levied for 2014
2004 Multi-Purpose Bond	\$1,156,652.91	\$1,156,652.91	

	Current Levy Amount as per County Clerk	Abated these Resolutions	Balance to be Levied for 2014
PBC Lease	\$1,148,685.00	\$1,148,685.00	
2005 GO Bond	\$741,348.00	\$741,348.00	
2007 GO Bond	\$275,725.00		\$275,725.00
2009 GO Bond	\$118,400.00		\$118,400.00
2011 GO Bond	\$1,261,875.00	\$1,261,875.00	
2012 Taxable GO Bond	\$2,408,761.50	\$1,786,193.50	\$662,568.00
2013A Refunding Bond	\$1,163,450.00		\$1,163,450.00
2013B & 2013C GO Bonds	\$1,159,050.00	\$1,159,050.00	
2014A & 2014B Bonds	\$1,333,092.50	\$1,333,092.50	
Total	\$10,767,039.91	\$8,586,896.91	\$2,180,143.00

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The City will abate \$8,586,896.91 in annual debt service and levy only \$2,180,143 in the 2014 Property Tax Levy or approximately twenty percent (20%) of total annual debt service. The City has historically abated similar balances and levied \$2,180,143 for debt service for the last seven (7) years.

Respectfully submitted for Council consideration.

Prepared by: Paulette Hurd, Chief Accountant

Financial & budgetary review by: Patti-Lynn Silva, Director of Finance

Legal review by: Kyle Harding, Chapman & Cutler

Recommended by:

David A. Hales
City Manager

(RESOLUTION NO. 2014 – 61 ON FILE IN CLERK’S OFFICE)

RESOLUTION NO. 2014 - 62**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 and 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 to lease a portion of the old Champion Building and to expand the parking garage, passed November 13, 2001 and December 22, 2003; 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 2014, payable in year 2015 to make rental payments due under the Lease; and

WHEREAS, although the City levied \$1,148,685 for the year 2014 to make payments due under the Lease in 2015, the amount of the City's rental payment due under the Lease in 2015 is \$719,509; 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 payment.

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 2014, payable in 2015 of \$1,148,685 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 2014.

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 24th day of November, 2014.

APPROVED this 25th day of November, 2014.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Mayor Renner introduced this item.

David Hales, City Manager, addressed the Council. The Council was required to abate debt service or it would be added to the Tax Levy. The City will use available General Fund dollars to address this debt not the property tax. This action needed to be taken annually. He cited the assistance of the City's bond counsel, (Chapman & Cutler).

Motion by Alderman Painter, seconded by Alderman Black that the Resolutions for Abatement of \$8,586,896.91 of property taxes for the 2014 Tax Levy debt service payments be adopted.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Painter, Lower, Hauman, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Presentation of the FY 2014 Comprehensive Financial Annual Report (CAFR) as Audited

RECOMMENDATION/MOTION: Presentation only.

STRATEGIC PLAN LINK: Goal 1.Financially sound City providing quality basic services.

STRATEGIC PLAN SIGNIFICANCE: Objective 1a. Budget with adequate resources to support defined services and level of services.

The production of the City's annual financial statements and completion of the annual audit process by a qualified independent entity outside the City provides assurance of the City's financial status and internal control framework.

BACKGROUND: The City's CAFRs for both the City and the US Cellular Coliseum were issued on October 30, 2014, by Sikich LLP, an independent audit firm who provided an unqualified or "clean" opinion on both sets of financial statements. An unqualified opinion means the financial statements have been audited to gain reasonable assurance that the financial statements are presented fairly in all material respects.

Sikich conducts its annual audits in accordance with auditing standards generally accepted in the United States of America and standards issued by the Comptroller General of the United States.

The CAFRs are posted on the City's website on October 31st and subsequently, hardcopies documents were also provided to Council members.

Other reports: Several other documents are also issued as a result of the audit. These items include the federal Single Audit and TIF (Tax Increment Financing) financial and compliance reports. Copies have been or will be forwarded to the Council. As noted in the City's CAFR, our auditors rely on audits conducted by other auditors for various component units or related entities that must be incorporated in the City's financial statements.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: None.

FINANCIAL IMPACT: An unqualified audit opinion is a major factor in maintaining the City's credit rating.

Respectfully submitted for Council consideration.

Prepared by: Paulette Hurd, Chief Accountant

Financial & budgetary review by: Patti-Lynn Silva, Finance Director

Legal review by: Jeffrey R. Jurgens, Corporation Counsel

Recommended by:

David A. Hales
City Manager

Mayor Renner introduced this item.

David Hales, City Manager, addressed the Council. He recognized the efforts of Paulette Hurd, Chief Accountant. Ms. Hurd was responsible for the City's financial statements. She also checked internal processes. He cited the time commitment.

Mr. Hales introduced Chad Lucas, Sikich partner. This was Sikich's seventh (7th) audit. All of the reports had been placed on the City's web site.

Chad Lucas, Sikich partner, addressed the Council. He extended his appreciation to the City's Finance Department staff. He noted their responsiveness. He planned to present a brief overview. He noted that the City's Comprehensive Annual Financial Report, (CAFR), and the City's filing for a GFOA (Government Finance Officers Association), Certificate of Achievement, meant that the City went above and beyond the basics. The City also included financial trend information.

Mr. Lucas pointed out that the independent auditor's opinion was clean, "unmodified". He encouraged the Council to read the Management Discussion/Analysis. He noted the CAFR's first section which included bullet points that addressed financial highlights. He noted the impact of the bond issues. He also addressed the City's Enterprise Funds.

Mr. Lucas informed the Council that the City needed to give consideration to future accounting pronouncements. Pension funding would be included in the CAFR in 2016, (GASB/Government Accounting Standards Boards 67/68). Pension funding would become a liability on the City's financial reports.

Mr. Lucas addressed the single audit for federal expenditures. There was an instance of noncompliance. It was a reporting issue. The City had not obtained HUD, (Housing Urban Development), approval. The US Cellular Coliseum's audit was included. This was a separate report. An unmodified opinion had been given. Finally, he addressed the Management Letter section.

Alderman Stearns had questions. She noted that the CAFR was on time. She requested to contact Mr. Lucas via email.

Mr. Hales requested that the Council direct its questions first to Patti-Lynn Silva, Finance Director and/or Paulette Hurd, Chief Accountant.

Alderman Stearns noted past meetings between the Council and Mr. Lucas. Mr. Hales believed these meetings were held prior to the audit.

Mr. Lucas recalled interviews and conversations with various individuals. These meetings addressed fraud, risk, etc. He added that this year Sikich staff met with the Mayor.

Mayor Renner noted that if there was a specific issue to schedule a meeting.

Alderman Black thanked Mr. Lucas for the presentation. He highlighted internal control deficiencies.

Mr. Hales expressed indebtedness to the Council. He cited the Tyler Munis software. City staff continued to address internal controls. Six (6) items had been addressed. City staff would review the remaining items. The goal was to resolve all of them by the end of the fiscal year. Improvement would be made. City staff would need to perform a cost/benefit analysis regarding segregation of duties.

Alderman Mwilambwe questioned the budget and plans for process improvement. He believed that there would be an internal auditor position.

Mr. Hales informed the Council that an Request for Proposal (RFP) had been issued. City staff would present the Council with a recommendation. This role would address fraud and risk assessment. This item should appear before the Council in December. The Council would be presented with an Action Plan.

CITY MANAGER'S DISCUSSION: David Hales, City Manager, addressed the Council. He informed them that the Turkey Trout would be held on Thanksgiving, November 27, 2014 at 8:00 a.m. at Miller Park. The Parks, Recreation & Cultural Arts Department was still in need of volunteers.

Mr. Hales informed the Council that Les Siron had been named Interim Fire Chief. An internal search was planned. Interviews would be held in December.

Mr. Hales added that Patti-Lynn Silva, Finance Director, had been involved with the audit. She reviewed the final documents including the recommendations for improvement.

He wished those present a Happy Thanksgiving.

MAYOR'S DISCUSSION: Mayor Renner informed those present that the holiday tree lighting ceremony would be held at Withers Park on Friday, December 5, 2014. Alderman Schmidt would attend same. He would be out of town to accept a Pension Funding Award.

He wished those present a Happy Thanksgiving.

ALDERMEN'S DISCUSSION: Alderman Lower noted that the Home Sweet Home Mission located at 303 E. Oakland Ave., was located in his ward. This agency's efforts at Thanksgiving time was something the City should be proud of.

Motion by Alderman Mwilambwe, seconded by Alderman Hauman, that the meeting be adjourned. Time: 8:22 p.m.

Motion carried.

Tracey Covert
City Clerk

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