

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

City Manager David Hales, Chief Deputy City Clerk Renee Gooderham, and Corporate Counsel Jeff Jurgens were also present.

Staff absent: City Clerk Tracey Covert.

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.

Gary Lambert, 3018 E. Oakland Ave., addressed the Council. He cited concerns with Purchase of Lot 47 and 48 of Empire Business Park Preliminary Plan utilizing a \$750,000 state legislative grant from Senator Bill Brady and entering into an Agreement with Central Catholic High School.

Mike Whelan, 2614 Rainbow, Unit #1, addressed the Council. He cited support for the Text Amendment to Chapter 1, Adoption of Administrative Adjudication System. He had practiced law for thirty-seven (37) years. The last seven (7), he was a certified arbitrator in the 11th Judicial Circuit in the mandatory arbitration program. He believed same would free court system time.

Alton Franklin, 508 Patterson Dr., addressed the Council. He had attended the Council Retreat held on November 7 & 8, 2014. He believed the exercise on values should have focused on courage, honor and commitment.

Josh Schmidgall, Bloomington, address the Council. He was from Cities Talk FM 92.9 radio station. He welcomed Stephen Rasmussen, Asst. City Manager.

Dale Mills, 3008 Clearwater, addressed the Council. He believed the sign at Miller Park was too small. Children would still climb on same.

The following was presented:

Meritorious Service Award for Shawn Albert, presented by Brendan Heffner, Police Chief.

Brendan Heffner, Police Chief presented same. He noted that Officer Albert's level of commitment was unparalleled.

The following was presented:

Presentation to former Alderman Rob Fazzini.

The following was presented:

Introduction Austin Grammer, Economic Development (ED) Coordinator.

David Hales, City Manager, addressed the Council. He noted that Mr. Grammer previously was employed at Heartland Community College, in the Workforce Development Center as the Customized Training Coordinator. He holds a Bachelor's Degree in Communications and was currently working on a Masters in Business Administration.

Austin Grammer, ED Coordinator, addressed the Council. He was looking forward to working with Bloomington Normal Economic Development Center, Downtown Business Association and on other special projects.

The following was presented:

National Education Award for Miller Park Zoo, presented to Jay Tetzloff, Miller Park Superintendent.

The following was presented:

Community Development Participation in Community Development Block Grant Program 40th Year, presented to Tom Dabareiner, Director of Community Development and Sharon Walker, Code Enforcement Division Manager.

Sharon Walker, addressed the Council. Ms. Walker introduced Jennifer Toney, Grants Coordinator.

David Hales, City Manager, addressed the Council. He stated Ms. Walker was the epitome of customer service.

The following was presented:

Proclamation Declaring November 2014 American Diabetes Month, presented to Lori Schlosser, Chair ADA Greater Illinois Area Community Leadership Board.

The following was presented:

Introduction of Stephen Rasmussen, Asst. City Manager.

David Hales, City Manager, addressed the Council. Mr. Rasmussen was a retired Army Colonel who received the Bronze Star. He held a Bachelor's Degree in Engineering and Masters in English and International Affairs. He would oversee the following departments: Public Works, Water, Community Development and Parks, Recreation and Cultural Arts.

Stephen Rasmussen, Asst. City Manager, addressed the Council. He was excited to begin working with same on various projects.

The following was presented:

SUBJECT: Council Proceedings of October 27, 2014

RECOMMENDATION/MOTION: That the reading of the minutes of the previous Council Proceedings of DATE 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 October 27, 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 Painter, seconded by Alderman Black that the reading of the minutes of the previous Council Proceedings of October 27, 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, Schmidt, Painter, Lower, Hauman, Sage, Fruin, Mwilambwe 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 6, 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: Renee Gooderham, Chief Deputy City Clerk

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

Recommended by:

David A. Hales
City Manager

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Appointment to the Bloomington-Normal Japan Sister City Committee and Board of Library Trustees

RECOMMENDATION/MOTION: That the Appointments be approved.

STRATEGIC PLAN LINK: Goal 4. Strong neighborhoods.

STRATEGIC PLAN SIGNIFICANCE: Objective 4e. Strong partnership with residents and neighborhood associations.

BACKGROUND: I ask your concurrence in the appointment of Catrina Lee Murphy 1219 South Mason, Bloomington, IL 61701, to the Bloomington-Normal Sister City Committee (Japan). Her three (3) year term will expire April 30, 2017. Ms. Murphy is replacing Rich Strle.

I ask your concurrence in the appointment of Jared Allen Brown 18 Chatsford Court, Bloomington, IL 61704, to the Board of Library Trustees. His three (3) year term will expire April 30, 2017. Mr. Brown is replacing Peggy Burton.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Mayor contacts all recommended appointments.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by: M. Beth Oakley, Executive Asst.

Recommended by:

Tari Renner
Mayor

Motion by Alderman Painter, seconded by Alderman Black Appointments be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Citywide Fuel Purchase for Fleet Vehicles and Equipment. (Bid #2015-19 Re Bid)

RECOMMENDATION/MOTION: That the Bid from Evergreen FS to purchase Fuel for one (1) year with the option of four (4) one year renewals based upon overall performance by Evergreen FS and mutual agreement of both parties be approved and the Procurement Manager authorized to issue a Purchase Order for same.

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: On October 14, 2014, a bid was released to supply fuel for the City's vehicle and equipment needs. On October 24, 2014, the bids were opened and the results are as follows. The prices are per gallon markup over Terminal cost:

Bidders Name	Unleaded Gasoline Transport	Unleaded Gasoline Tank Wagon	No.1 Diesel Transport	No.1 Diesel Tank Wagon	No.2 Diesel Transport	No.2 Diesel Tank Wagon	PL	Kerosene
Evergreen FS	\$.02	\$.18	\$.02	\$.18	\$.02	\$.18	3%	3%
Heritage Petroleum	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid

Staff recommends awarding the Bid to Evergreen FS as they meet all of the requirements of the bid. The bid evaluations have shown this to be in the best interest of the City.

These specifications are important to the City's ability to respond to its citizens needs in a natural or man-made disaster. These services include, bulk fuel transport to the bulk tank at the Public Works fuel station, deliveries to various smaller fuel tanks at the parks, golf courses, emergency generators for the Water Department, Fire Stations, US Cellular Coliseum, sewer lift pump stations, and to fire apparatus at working fires. The fuel cards are used to purchase fuel from local stores when the Public Works Department fuel station is out of service for maintenance. The local tank farm insures the ability to deliver fuel from the tank farm to the City in the event of disaster. The City has used this service in recent winters during the big snow events when bulk fuel transports could not deliver fuel. Evergreen FS offers a fuel risk management program (hedging) that allows school and municipalities to pool their fuel purchases for volume discounts and guaranteed fuel costs. Evergreen FS provides fuel storage tank sampling and testing with storage tank maintenance recommendations at no charge to the City on an annual basis.

The timely approval of this bid is important for the City to have the ability to purchase fuel on contract or (hedge fuel) starting November 12, 2014 as this is the time historicity that fuel is at its lowest.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice of the bid was published in the Pantagraph on October 14, 2014. One (1) bid and one (1) no bid was received by the October 24, 2014 deadline.

FINANCIAL IMPACT: In Fiscal Year 2014, the City Purchased 375,191 gallons of transport fuel, 72,459 gallons of tank wagon fuel, and 17,966 gallons from a local retailer for a total of 465,616 gallons of fuel at a cost of \$1,510,696. It is projected that in FY 2015, the City will spend approximately \$1,572,000 for fuel. FY 2016 is expected to be relatively unchanged. Fleet will propose for approval \$1,495,202 for the purchase of fuel for the City from the Fleet Management-Fuel account (10016310-71070).

Respectfully submitted for Council consideration.

Prepared by:

Rob Kronen, 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 Painter, seconded by Alderman Black that the Bid from Evergreen FS to purchase Fuel for one (1) year with the option of four (4) one year renewals be approved, and the Procurement Manager shall be authorized to issue a Purchase Order for same.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Analysis of RFQ for Professional Engineering Services Agreement with Midwest Engineering Associates, Inc. for the Briarwood Subdivision Infrastructure Rehabilitation project (RFQ #2015-16)

RECOMMENDATION/MOTION: Recommend that the Agreement with Midwest Engineering Associates, Inc. for the Briarwood Subdivision Infrastructure Rehabilitation project be approved, in the amount of \$170,881.79, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 2a. Better quality roads and sidewalks, 2c. Functional, well-maintained sewer collection system; and 2d. Well-designed, well-maintained City facilities emphasizing productivity and customer service.

BACKGROUND: The Briarwood Subdivision was constructed in 1921. Minimal improvements to the sewers, water mains and streets have been performed since its construction. A few residents have experienced sewer backup problems and several residents have expressed

concern about flooding during rain events and the poor condition of the streets. This project involves the complete rehabilitation of the sewers, water mains and streets in the subdivision. Staff recommended and Council approved including provisions in the FY 2015 budget to engage the services of a consultant for the Briarwood Subdivision Infrastructure Rehabilitation project.

Midwest Engineering Associates, Inc. was selected using the Professional Services Quality Based Selection Process. This process involved: 1) sending out Request for Qualifications (RFQ) specific to the project; 2) reviewing the submitted Statement of Qualifications based on the criteria outlined in the RFQ and narrowing the list to three consultants; 3) interviewing the consultants; and 4) selecting a top consultant and negotiating a fee with them.

These four (4) tasks are often referred to as a two-step professional services selection process. The City's Procurement Manager reviewed this process relative to the subject contract and confirmed that the procedure was performed in accordance with applicable standards. A list of the engineering firms that submitted Statements of Qualifications and the three (3) engineering firms that were selected for interviews were selected.

In accordance with The Brooks Act - Federal Government Selection of Architects and Engineers (Public Law 92-582), the Illinois Local Government Professional Services Selection Act (50 ILCS 510) and the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act (30 ILCS 535), the Quality Based Selection Process must be followed if federal or state grants, loans or any other federal or state monies are used to fund any portion of the project.

Under the proposed professional engineering services contract, the selected engineering firm will be performing surveys, design and preparing construction documents. The contract amount included in the Professional Engineering Services Contract will be a not to exceed amount. The final overall rates and fee proposed by Midwest Engineering Associates, Inc. is fair, appropriate and competitive for the scope of work included. The anticipated design completion date is May 10, 2015.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Request for Qualifications (RFQ #2015-16) was posted on the City website and advertised in The Pantagraph on August 1 and August 8, 2014.

FINANCIAL IMPACT: This project is budgeted for \$150,000 in the FY 2015 Budget under Motor Fuel Tax-Engineering Services (20300300-70050). Stakeholders can locate this in the FY 2015 Budget Book titled "Other Funds & Capital Improvement Program" on pages 11, 279, 292 and 293. The \$20,881.79 difference in funding will come from the construction portion of the Linden Street Bridge Deck replacement budgeted in FY 2015 for \$660,000. This project will only use approximately \$60,000 for the design portion and Public Works will rebudget the \$600,000 in a future fiscal year allowing the budgeted funds to be available in the Motor Fuel Tax Fund for the Briarwood project.

Respectfully submitted for Council consideration.

Prepared by:

Kevin Kothe, City Engineer

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 Painter, seconded by Alderman Black that the Agreement with Midwest Engineering Associates, Inc. for the Briarwood Subdivision Infrastructure Rehabilitation project be approved, in the amount of \$170,881.79, and the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Purchase of GovDelivery Software Licenses

RECOMMENDATION/MOTION: That the two (2) year agreement with GovDelivery, for a license and subscription of an Email and Digital Subscription Management environment, be approved and that the Procurement Manager be authorized to issue a Purchase Order for same. The license is sold through the General Services Administration (GSA GS-35F-0256K) contract by FedResults, Inc. of Herndon, VA for a total of \$24,000.00, billed annually in two \$12,000 payments.

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: Police and Information Services Departments staff have identified a need for the E911 Call Center dispatchers to be able to post messages on the various social networks that

the City uses to enhance communication delivery to its citizens. The dispatchers do not need full access to social media sites that would allow replying to incoming messages. Rather, they simply need to be able to post messages that could often be of a high priority. Staff has been researching how best to provide this access to a relatively large number of internal users.

Today, staff uses a software solution called HootSuite to efficiently deliver a single message to multiple social networks at once. HootSuite is an enterprise solution that allows staff to provide access for multiple City users to the City's various social network accounts without having to share the administrative level credentials for those sites. HootSuite also logs all activity to provide auditing capabilities for the social networking sites. This system works very well for the power users throughout multiple City departments, providing them the full access they need while also tracking and managing all account activity.

HootSuite, however, is a relatively expensive solution when a larger number of users need to be given relatively limited access to those social networking sites. For the Call Center dispatchers, staff needs to provide only the capability to send simple but high priority messages out through the social networks. The HootSuite system is overkill for this relatively simple need, and becomes expensive when that larger number of users needs to be accommodated.

Information Services staff has also identified the need to upgrade or replace the current email list serve solution. The City is currently using an aging list manager solution from Lyris. Staff researched the features, functionality and cost to upgrade our current version of the Lyris product. Through the upgrade, its functionality would be greatly improved. It would also provide more than simple email list management as the current version does, adding the ability to send messages through the multiple social sites the City now uses.

Although the Lyris product has performed well for what it was designed for, staff believes there might be an opportunity to find a single solution that could provide both email list management and the limited "send only" capability needed for the larger number of City users. With the popularity of social media forms of communication, staff believes it critical to be able to provide access to this form of communication in an easy and safe way. This access will allow City departments to communicate more effectively to a wider citizen audience.

Through its research, staff has identified a solution from GovDelivery as being able to both replace the Lyris List Manager and to also augment the HootSuite social media management environment. GovDelivery will provide social media access at a lower cost for City staff, (such as the Call Center dispatchers), that need only a basic ability to send out messages to multiple social networks at one time.

Although there are other solutions on the market that provide certain subsets of the features of the GovDelivery solution, staff believes GovDelivery to be a very complete solution at an extremely competitive cost. GovDelivery is also created specifically with the needs of governmental agencies in mind. Below are a list of features/functions that staff believes help set the GovDelivery solution apart from any competitors.

Unlimited Contacts
Unlimited Storage
Unlimited messages to subscribers
Self-subscribe to specific lists/topics
99% guaranteed deliverability to subscribers
24/7 technical support
Email bounce back management
Website message archive available at no extra cost
Single message to many platforms at once (email, text, Twitter, Facebook, RSS feeds)
All-in-one electronic communications platform
Page notification when web pages are updated
Sign-up available by both topics and sub-topics
Work flow settings to limit access by staff
Ability to export data and reports from system
Cross promotion between other agencies also using the GovDelivery system. Listings on other agencies registration pages.
Users can choose instant, daily, weekly or monthly alerts
Citizens can opt in to receive updates from agency via personalized RSS feed
Target a specific audience by filtering subscriber data
Tailored to meet the needs of government; only available to, and used by, governmental agencies
Section 508 compliance; accessibility standards for users that require screen readers to obtain information

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not Applicable.

FINANCIAL IMPACT: Staff has identified the following cost comparisons in support of the GovDelivery solution.

\$57,500 – HootSuite yearly cost to provide limited “post only” social media site access to thirty (30) users, by purchasing additional licenses.

\$12,000 – Lyris yearly cost to provide current email list management functionality, while also providing social media integration.

\$12,000 – GovDelivery yearly cost to provide current email list management with social media integration and also providing limited “post only” access to an unlimited number of users within the City.

Funds for the license subscription of the GovDelivery Email and Digital Subscription Management environment are included in the FY 2015 Budget under Information Services-Repair and Maintenance Office and Computer Equipment account (10011610-70530). Stakeholders can locate this in the FY 2015 Budget Book titled “Budget Overview & General Fund” on page 164.

Respectfully submitted for Council consideration.

Prepared by:

Scott Sprouls, Director of Information Services

Reviewed by: Alexander S. McElroy, Asst. to the 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

RESOLUTION NO. 2014 – 55a

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF SOFTWARE LICENSES FOR THE E911 CALL
CENTER FROM GOVDELIVERY AT A PURCHASE PRICE OF \$24,000**

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 issue a Purchase Order for software licenses for the E911 Call Center from GovDelivery at a Purchase Price of \$24,000.

ADOPTED this 10th day of November, 2014.

APPROVED this 12th day of November, 2014.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

(ON FILE IN CLERK'S OFFICE)

Motion by Alderman Painter, seconded by Alderman Black that the two (2) year agreement with GovDelivery, for a license and subscription of an Email and Digital

Subscription Management environment, in the amount of \$24,000, be approved, the Mayor and City Clerk authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Waive Formal Bid Process and Authorize Payment to Stark Excavating, Inc., for Installation of an Additional Fire Hydrant and Water Main for Replacement on State St.

RECOMMENDATION: That the Formal Bid Process be waived, payment to Stark Excavating, Inc., for installation of a fire hydrant and water main be approved, in the amount of \$28,543.42, and the Resolution adopted.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 2: Quality water for the long term.

BACKGROUND: Stark Excavation was the contractor performing water main and sewer replacement work for the Locust Colton CSO project. Work was performed during the Locust Colton CSO project. During the time Stark was performing water main work on E. Washington St., the former Director of Water instructed Stark Excavation to install an additional fire hydrant and water main at Washington St. and State St. The additional fire hydrant was installed to provide fire protection to Washington Grade School. The closest fire hydrant to the school was located on the north side of Washington Street. The water main was extended on Washington to State; this will prevent future excavation that would have to close Washington St. when infrastructure needs to be replaced. The work was performed by Stark, was not IEPA eligible.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not Applicable.

FINANCIAL IMPACT: This was not appropriated in the FY 2015 Budget but there are budgeted funds available in the Water Transmission & Distribution-Water Main Construction & Improvement (50100120-72540). Stakeholders can locate this in the FY 2015 Budget Book titled "Other Funds & Capital Improvement Program" on page 138.

Respectfully submitted for Council consideration.

Prepared by:

Brett Lueschen, Interim Director of Water

Reviewed by: Sue McLaughlin, 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

RESOLUTION NO. 2014 - 56

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PAYMENT TO STARK EXCAVATING, INC., FOR
INSTALLATION OF A FIRE HYDRANT AND WATER MAIN IN THE AMOUNT OF
\$28,543.42**

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

1. That the bidding process be waived and the Payment be authorized to Stark Excavating, Inc., in the amount of \$28,543.42 for fire hydrant and water main installation.

ADOPTED this 10th day of November, 2014.

APPROVED this 12th day of November, 2014.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Painter, seconded by Alderman Black that the Formal Bid Process be waived, payment to Stark Excavating, Inc., for installation of a fire hydrant and water main be approved, in the amount of \$28,543.42, and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Scheduled Vehicle Replacement for the Public Works Engineering Division Departments

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

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

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

BACKGROUND: The Engineering Division has a Mitsubishi IMEV that is on a two (2) year lease. The lease ends this January. The IMEV is a very dependable unit that has not had any major problems during the lease period. The IMEV is an electric vehicle with limited range capabilities. It has not proved to be a good fit for inspections in the Engineering Division because of the small size and limited cargo space. In addition, the small size makes it difficult to go over curbs and on construction sites hard to see when parked along the side of the road at inspection sites. The cargo area is not sufficient to transport the needed testing and inspection equipment. Staff will continue to explore areas where electric vehicles can be utilized by the City. The Transit Connects that are in service at the City have proven to be very useful. They provide secure storage and keep expensive tools and equipment out of the weather. The IMEV will be returned at the end of the lease.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The \$22,281 budgeted for the replacement of this vehicle is in the FY 2015 Budget under the FY 2015 Capital Lease-Capital Outlay Licensed Vehicles (40110131-72130). The replacement unit will cost \$22,195. Stakeholders can find this information in the FY 2015 Budget Book titled "Other Funds & Capital Improvement Program" on pages 114 and 265.

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 Painter, seconded by Alderman Black that the Purchase One (1) Ford Transit Connect from Curry Motors Frankfort, IL utilizing the Northwest Suburban Purchasing Cooperative Contract Number 139, in the amount of \$22,195, be approved and the Procurement Manager be authorized to issue a Purchase Order for same.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Scheduled Vehicle Replacements for the Water Department

RECOMMENDATION/MOTION: Purchase three (3) Ford Transit Connects from Curry Motors Frankfort, IL utilizing the Northwest Suburban Purchasing Cooperative Contract Number 139, in the amount of \$66,585, be approved and the Procurement Manager be authorized to issue a Purchase Order for same.

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

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

BACKGROUND: Water Transmission and Distribution Division has a 2006 Dodge Dakota that currently has over 112,000 miles. It is scheduled for replacement this Fiscal Year (FY). This

unit has had front end, brake, drive line, and transmission problems. The maintenance cost to date for this unit is \$13,295.87.

The Water Meter Service Division has a 2006 Dodge Dakota that will have about 84,000 miles on it when the replacement arrives and has a total maintenance cost to date of \$9,452.21. This unit has had brake, suspension, transmission, and electrical issues. The Water Meter Service Division also have a 2007 Dodge Dakota that will have over 93,000 miles on it when the replacement arrives and has a total maintenance cost of \$11,769.67 to date. This unit has had engine and body electrical, steering, brake, and transmission issues.

There is currently a Transit Connect in service at the Water Department and it has proven to be very useful. It provides secure storage and keeps expensive tools and equipment out of the weather. Staff request that the replaced units be declared surplus and sold at public auction on Public Surplus.com. The units are expected to bring a total of \$15,000 at auction.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The Water Transmission and Distribution 2006 Dodge Dakota replacement will be paid out of the FY 2015 Capital Lease-Capital Outlay Licensed Vehicles (40110131-72130) and has \$22,281 in the FY 2015 Budget. The replacement unit will cost \$22,195.

The Water Meter Service Division 2006 and 2007 Dodge Dakotas replacements will be paid out of the FY 2015 Capital Lease-Capital Outlay Licensed Vehicles (40110131-72130) and have \$46,154 budgeted respectively. The replacement units will cost \$44,390 in total. Stakeholders can find this information in the FY 2015 Budget Book titled "Other Funds & Capital Improvement Program" on pages 114 and 266.

Respectfully submitted for Council consideration.

Prepared by: Rob Krones, Superintendent of Fleet Maintenance

Reviewed by: Brett Lueschen, Interim Director of Water

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 Painter, seconded by Alderman Black that the Purchase three (3) Ford Transit Connects from Curry Motors Frankfort, IL utilizing the Northwest

Suburban Purchasing Cooperative Contract Number 139, in the amount of \$66,585, be approved and the Procurement Manager be authorized to issue a Purchase Order for same.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Analysis of Bids for the Police Department Uniform and Equipment Purchase (Bid #2015-18)

RECOMMENDATION/MOTION: That the bid be awarded to Sam Harris Uniforms to provide Police Officer uniforms on an “as needed” basis, for the amount not to exceed the annual police uniform budget, with the terms of said bid being until April 30, 2015, with the option for five (5) one-(1) year renewals, and the Procurement Manager be authorized to issue a blanket Purchase Order for same.

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

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

BACKGROUND: The City last signed an equipment purchase contract for police uniforms and equipment in March 2008. In order to assure the City is receiving competitive pricing on specified uniform and equipment with a high level of service, the bid was published in September 24, 2014. Only two (2) companies, Ray O’Heron Company and Sam Harris Uniforms, submitted complete bids for this contract. A third company submitted a bid, but was not responsive to all items, only footwear. An analysis of the bids submitted showed that Sam Harris Uniforms bid was lower on a majority of the individual items. The cumulative cost of initially outfitting an officer indicated that Sam Harris Uniforms was \$353.39 less than Ray O’Heron. More in depth analysis indicated that the items of clothing most often replaced were on average twenty-three percent (23%) less expensive through Sam Harris Uniforms.

Below is a line by line cost of items included in this bid:

Item	Sam Harris Uniforms	Ray O'Heron
Short Sleeve Shirt	\$49.95	\$61.00
Long Sleeve Shirt	\$53.95	\$67.50
Pants	\$68.50	\$80.50
Dress Pants	\$57.95	\$74.50
Coat	\$245.00	\$300.00
Summer Hat	\$43.00	\$59.00
Winter Hat	\$46.50	\$64.00
Garrison Belt	\$19.95	\$21.00
Duty Belt	\$39.95	\$41.00
Tie	\$6.95	\$4.99
Holster	\$140.00	\$176.00
Glove Pouch	\$15.95	\$16.00
Baton Holder	\$27.50	\$25.95
OC Holder	\$27.50	\$25.95
Handcuff Holder	\$27.50	\$25.95
Magazine Pouch	\$32.75	\$32.50
Raincoat	\$56.50	\$59.00
Boots	\$142.95	\$184.00
Outer Shirt Vest Carrier	\$64.95	\$72.00

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: In FY 2015 Budget, \$131,000 is budgeted under Police-Uniforms (10015110-62190). Stakeholders can locate this in the FY 2015 Budget Book titled "Budget Overview & General Fund" on page 250. As of the date of this memo, \$99,958.47 remains available in the FY 2015 Budget.

Respectfully submitted for Council consideration.

Prepared by: Timothy Stanesa, Lt.

Reviewed by: Kenneth Bays, Asst. Police 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

Motion by Alderman Painter, seconded by Alderman Black that the bid be awarded to Sam Harris Uniforms to provide Police Officer uniforms on an “as needed” basis, for the amount not to exceed the annual police uniform budget, with the terms of said bid being until April 30, 2015, with the option for five (5) one (1) year renewals, and the Procurement Manager be authorized to issue a blanket Purchase Order for same.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Professional Engineering Services Agreement with Lewis, Yockey & Brown, Inc. (LYB) for the Ft. Jesse Rd. Reconstruction project

RECOMMENDATION/MOTION: That the Agreement with LYB for the Ft. Jesse Rd. Reconstruction project be approved, in the amount of \$125,000, and the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.

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

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

BACKGROUND: Staff recommended and Council approved including provisions in the FY 2015 budget to engage the services of a consultant for the Ft. Jesse Rd. Reconstruction project.

LYB completed the design, construction plans and specifications for the previous Ft. Jesse Rd. Reconstruction project between Airport Rd. and Kaisner Dr. Since the current project is a direct extension of this prior project, LYB has survey data and other records which will allow them to perform the work quickly and more efficiently. This is particularly important since the Mclean County Highway Department recently awarded a contract to reconstruct Towanda Barnes Rd. from Ft. Jesse Rd. to the Towanda Village limits. The contiguous or sequential construction of these two (2) projects will have less impact on the adjacent residents and commuters which utilize the subject roads.

Under the proposed professional engineering services contract, the selected engineering firm will be performing surveys, completing designs and preparing construction documents. The contract amount included in the Professional Engineering Services Contract will be a not to exceed

amount. The final overall rates and fee proposed by LYB is fair, appropriate and competitive for the scope of work included.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: This project is budgeted for \$80,000 in the FY 2015 Budget under Motor Fuel Tax-Engineering Services (20300300-70050). Stakeholders can locate this in the FY 2015 Budget Book titled "Other Funds & Capital Improvement Program" on pages 11, 279, 288 and 289. To compensate for the \$45,000 gap in funding, the construction portion of the Linden St. Bridge Deck replacement budgeted in FY 2015 for \$660,000 will use approximately \$60,000 for the design portion and Public Works will re budget the \$600,000 in a future fiscal year allowing the budgeted funds to be available in the Motor Fuel Tax Fund for the Ft. Jesse Rd. Reconstruction project.

Respectfully submitted for Council consideration.

Prepared by: Kevin Kothe, City Engineer

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 Painter, seconded by Alderman Black that the Agreement with Lewis, Yockey & Brown, Inc. for the Ft. Jesse Rd. Reconstruction project be approved, in the amount of \$125,000, and the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Application of Mac's Convenience Stores, LLC, d/b/a Circle K #1407, located at 2412 S. Main St., requesting a GPBS liquor license which would allow the sale of packaged beer and wine only for consumption off the premises seven (7) days a week

RECOMMENDATION/MOTION: Recommend that a GPBS liquor license for Mac's Convenience Stores, LLC, d/b/a Circle K #1407, located at 2412 S. Main St., be created, contingent upon compliance with all applicable health and safety codes with the following condition: 1.) all store staff be BASSET certified within sixty (60) days of liquor license creation.

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 Mac's Convenience Stores, LLC, d/b/a Circle K #1407, located at 2412 S. Main St., requesting a GPBS liquor license which would allow the sale of packaged beer and wine only for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk; and Ed Van Etten, District Manager and Applicant's representative.

Commissioner Renner opened the liquor hearing and requested that the Applicant's representatives address this request. Ed Van Etten, District Manager and Applicant's representative, addressed the Commission. Mac's Convenience Stores, LLC was acquiring the two (2) Super Pantries located in the City. This store was located at 2412 S. Main St. This application was filed due to the change of ownership.

Commissioner Renner questioned Mr. Van Etten's liquor sales experience. Mr. Van Etten cited his fourteen (14) years of experience in the convenience store industry.

Commissioner Tompkins questioned the Emergency Contact sheet that had been filed as part of the application. Mr. Van Etten noted the Mac's corporate office had established a security call center. Local contacts would be either the Store Manager or himself.

Commissioner Tompkins cited the violation summary which had been included with the application. These violations involved sales to minors.

Mr. Van Etten informed the Commission that Mac's had adopted CBT, (Computer Based Training), for the stores' staffs. Store staff was instructed to check identification for anyone who appeared to be under the age of forty (40). Stores received evening telephone reminders to check identification. There was a sales log for restricted sales items, (alcohol and tobacco products). If store staff was found to have not checked identification, it was grounds for termination.

Commissioner Tompkins noted the total dollar value of the fines paid in the last three (3) years. He added that the City required BASSET, (Beverage Alcohol Sellers and Servers Education and Training), training for store managers.

Mr. Van Etten informed the Commission that all store staff would be BASSET certified. Commissioner Renner questioned if Mac's application was a leap of faith.

Commissioner Jordan questioned employee longevity. Mr. Van Etten noted that in the past employee tenure had been two to three (2 – 3) years. Due to company restraints regarding full/part time employees, employee tenure had been reduced to twelve to eighteen (12 - 18) months.

Commissioner Jordan questioned management presence at the store. Mr. Van Etten noted that the store manager generally worked first shift and the assistant store manager worked either second or third shift. Mac's currently held four (4) liquor licenses in the City.

George Boyle, Asst. Corporation Counsel, noted that Mac's application did not list any violations that occurred in the City.

Mr. Van Etten informed the Commission that he had been promoted to District Manager in October 2012. There had not been a violation at the stores in his district during his tenure as District Manager.

Mr. Boyle referred to the listing that had been included in Mac's application. There were five (5) violations listed in Normal. He acknowledged that there had not been a violation for Mac's since October 2012.

Commissioner Renner stated that there had been some issues with Mac's but there had not been a single violation since Mr. Van Etten became District Manager.

Commissioner Jordan added that this application involved a change of ownership.

Commissioner Renner restated that all store staff would be BASSET certified. He recommended that this occur within sixty (60) days after the liquor license is issued. Mr. Van Etten stated that he would contact Heartland Community College regarding the next class.

Motion by Commissioner Jordan, seconded by Commissioner Tompkins to recommend to the Council that a GPBS liquor license for Mac's Convenience Stores, LLC, d/b/a Circle K #1407, located at 2412 S. Main St., be approved contingent upon compliance with all health safety codes with the following condition: 1.) all store staff be BASSET certified within sixty (60) days of liquor license creation.

Motion carried, (unanimously).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph on October 6, 2014 in accordance with City Code. In accordance

with City Code, approximately three (3) courtesy copies of the Public Notice were mailed on October 3, 2014. In addition, the Agenda for the October 14, 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: None. Request is for a change of ownership. Annual fee for a GPBS liquor license is \$1,180.

Respectfully submitted for Council consideration.

Recommended by:

Tari Renner
Mayor

Motion by Alderman Painter, seconded by Alderman Black that a GPBS liquor license for Mac's Convenience Stores, LLC, d/b/a Circle K #1407, located at 2412 S. Main St., be created, contingent upon compliance with all applicable health and safety codes with the following condition: 1.) all store staff be BASSET certified within sixty (60) days of liquor license creation.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Application of Mac's Convenience Stores, LLC, d/b/a Circle K #1421, located at 1206 N. Towanda Barnes Rd., requesting a GPBS liquor license which would allow the sale of packaged beer and wine only for consumption off the premises seven (7) days a week

RECOMMENDATION/MOTION: Recommend that a GPBS liquor license for Mac's Convenience Stores, LLC, d/b/a Circle K #1421, located at 1206 N. Towanda Barnes Rd., be created, contingent upon compliance with all applicable health and safety codes with the following condition: 1.) all store staff be BASSET certified within sixty (60) days of liquor license creation.

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 Mac's Convenience Stores, LLC, d/b/a Circle K #1421, located at 1206 N. Towanda Barnes Rd., requesting a GPBS liquor license which would allow the sale of packaged beer and wine only for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk; and Ed Van Etten, District Manager and Applicant's representative.

Commissioner Renner opened the liquor hearing and requested that requested that the Applicant's representatives address this request. Ed Van Etten, District Manager and Applicant's representative, addressed the Commission. Mac's Convenience Stores, LLC was acquiring the two (2) Super Pantries located in the City. This store was located at 1206 N. Towanda Barnes Rd. This application was filed due to the change of ownership.

Commissioner Renner questioned Mr. Van Etten's liquor sales experience. Mr. Van Etten cited his fourteen (14) years of experience in the convenience store industry.

Commissioner Tompkins questioned the Emergency Contact sheet that had been filed as part of the application. Mr. Van Etten noted the Mac's corporate office had established a security call center. Local contacts would be either the Store Manager or himself.

Commissioner Tompkins cited the violation summary which had been included with the application. These violations involved sales to minors.

Mr. Van Etten informed the Commission that Mac's had adopted CBT, (Computer Based Training), for the stores' staffs. Store staff was instructed to check identification for anyone who appeared to be under the age of forty (40). Stores received evening telephone reminders to check identification. There was a sales log for restricted sales items, (alcohol and tobacco products). If store staff was found to have not checked identification, it was grounds for termination.

Commissioner Tompkins noted the total dollar value of the fines paid in the last three (3) years. He added that the City required BASSET, (Beverage Alcohol Sellers and Servers Education and Training), training for store managers.

Mr. Van Etten informed the Commission that all store staff would be BASSET certified.

Commissioner Renner questioned if Mac's application was a leap of faith.

Commissioner Jordan questioned employee longevity. Mr. Van Etten noted that in the past employee tenure had been two to three (2 – 3) years. Due to company restraints regarding full/part time employees, employee tenure had been reduced to twelve to eighteen (12 - 18) months.

Commissioner Jordan questioned management presence at the store. Mr. Van Etten noted that the store manager generally worked first shift and the assistant store manager worked either second or third shift. Mac's currently held four (4) liquor licenses in the City.

George Boyle, Asst. Corporation Counsel, noted that Mac's application did not list any violations that occurred in the City.

Mr. Van Etten informed the Commission that he had been promoted to District Manager in October 2012. There had not been a violation at the stores in his district during his tenure as District Manager.

Mr. Boyle referred to the listing that had been included in Mac's application. There were five (5) violations listed in Normal. He acknowledged that there had not been a violation for Mac's since October 2012.

Commissioner Renner stated that there had been some issues with Mac's but there had not been a single violation since Mr. Van Etten became District Manager. He encouraged Mr. Van Etten to continue his efforts to keep Mac's record clean.

Commissioner Jordan added that this application involved a change of ownership. He questioned the lot size at this location. Mr. Van Etten responded that he did not know. Commissioner Jordan questioned if diesel fuel was available for sale at this location. Mr. Van Etten responded affirmatively.

Commissioner Renner restated that all store staff would be BASSET certified. He recommended that this occur within sixty (60) days after the liquor license is issued. Mr. Van Etten stated that he would contact Heartland Community College regarding the next class.

Motion by Commissioner Jordan, seconded by Commissioner Tompkins to recommend to recommend to the Council that a GPBS liquor license for Mac's Convenience Stores, LLC, d/b/a Circle K #1421, located at 1206 N. Towanda Barnes Rd., be approved contingent upon compliance with all health safety codes with the following condition: 1.) all store staff be BASSET certified within sixty (60) days of liquor license creation.

Motion carried, (unanimously).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph on October 6, 2014 in accordance with City Code. In addition, the Agenda for the October 14, 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: None. Request is for a change of ownership. Annual fee for a GBPS liquor license is \$1,180.

Respectfully submitted for Council consideration.

Recommended by:

Tari Renner
Mayor

Motion by Alderman Painter, seconded by Alderman Black that a GPBS liquor license for Mac's Convenience Stores, LLC, d/b/a Circle K #1421, located at 1206 N. Towanda Barnes Rd., be created, contingent upon compliance with all applicable health and safety codes with the following condition: 1.) all store staff be BASSET certified within sixty (60) days of liquor license creation.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Amendment to Prevailing Wage Resolution regarding Apprenticeship Requirements for Public Contracts in Excess of \$100,000

RECOMMENDATION/MOTION: Recommend that the Amended Resolution Ascertain the Prevailing Rates of Wages for Laborers, Workers and Mechanics Engaged in Public Works be adopted to include language requiring apprenticeship participation requirements for public contracts in excess of \$100,000.

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: The Prevailing Wage Act (820 ILCS 130/1 *et seq.*) requires that public bodies such as the City, which awards any construction contract for public work or doing such work by day labor, shall ascertain the general prevailing hourly rates of wages for employees engaged in such work, and shall require that all contractors of the City pay those wages to their workers. This Act requires public bodies to adopt a resolution or ordinance ascertaining the wages by the end of July each year.

On July 14, 2014, the City adopted a Resolution Ascertain the Prevailing Rates of Wages for Laborers, Workers and Mechanics Engaged in Public Works with the City of Bloomington.

Although not required by law, the Resolution, as proposed, contained language requiring contractors to provide proof of participation in an apprenticeship program if the contract is in excess of \$100,000. This had been a past practice of the City and was believed to have originally been added at the request of the Trades and Labor Council.

When the Resolution was discussed by the Council at the July 14, 2014 meeting, there were questions on whether the apprenticeship threshold had been lower in the past and this language was removed from the Resolution to allow the Council time to ascertain the correct number. The \$100,000 threshold has now been confirmed as the past practice of the City and accordingly this amended resolution is provided to incorporate and include the apprenticeship language.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by: Jeffrey R. Jurgens, Corporation Counsel

Review by: Tracey Covert, City Clerk

Recommended by:

David A. Hales
City Manager

RESOLUTION NO. 2014 – 58

AMENDED RESOLUTION OF THE CITY OF BLOOMINGTON, McLEAN COUNTY, ILLINOIS ASCERTAINING THE PREVAILING RATES OF WAGES FOR LABORERS, WORKERS AND MECHANICS ENGAGED IN PUBLIC WORKS WITH THE CITY OF BLOOMINGTON

WHEREAS, the Prevailing Wage Laws, 820 ILCS 130/1 et seq., as amended, require that each public body awarding any construction contract for public work or doing such work by day labor shall ascertain the general prevailing hourly rates of wages for employees engaged on such work; and

WHEREAS, “public work”, as defined in the Prevailing Wage Law, includes commercial or industrial projects financed in whole or in part through the issuance of revenue bonds by the City of Bloomington under authority of the Industrial Project Bond Act or Home Rule Ordinance or financed in whole or in part through other public funds, without regard to what person or entity formally contracts for such work; and

WHEREAS, the statutes further provide that said rates be published, publicly posted and/or kept available for inspection by any interested party in the Office of the Secretary of State and Labor Department; and

WHEREAS, the City of Bloomington believes Prevailing Wage Law should apply to private commercial economic development projects directly supported by public funds, including projects supported by Tax Increment Financing or tax incentives of any kind; and

WHEREAS, when the City of Bloomington timely adopted its resolution ascertaining the prevailing rates of wages on July 14, 2014, it was adopted without language requiring participation in apprenticeship programs for construction contracts in excess of \$100,000 as there had been debate as to the previous dollar amount threshold for this requirement; and

WHEREAS, City officials and staff have reviewed previous records and the City has historically set the apprenticeship requirement for those construction contracts in excess of \$100,000 and would like to continue said requirement and make such a part of the City's requirements on the award of construction contracts; and

WHEREAS, the City of Bloomington believes that contractors awarded contracts for public work as defined by state statute and this Resolution should, as a prerequisite to such contract, provide proof of participation in apprenticeship and training programs approved and registered with the United States Department of Labor's Bureau of Apprenticeship and Training for all construction contracts in excess of \$100,000.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bloomington, County of McLean, State of Illinois that the prevailing wages as established and regularly updated by the Illinois Department of Labor are incorporated herein by reference as the prevailing rates of hourly wages in the City of Bloomington, Illinois for the laborers, workers and mechanics specified therein who are engaged in the construction of public works within the jurisdiction of this municipality; and

BE IT RESOLVED that the prevailing wages as established and regularly updated by the Illinois Department of Labor, as show on the attached McLean County Prevailing Wage for June 2014, shall be paid to laborers, workers and mechanics specified therein when such persons perform work on private commercial economic development projects directly supported by public funds, including projects supported by Tax Increment Financing or tax incentives of any kind; and

BE IT RESOLVED that contractors shall submit to the City on a monthly basis all certified payroll records for prevailing wage work performed by contractor **employees and subcontractors**. The certified payroll records must include the following for each employee employed on the project: Name, Address, Telephone Number, Social Security Number, Job Classification, hourly wages paid in each pay period, number of hours worked each day and starting and ending time of work each day. The contractor shall submit these records with a signed statement that the records are true and accurate, that the wages paid to each worker are

not less than the prevailing rate and that the contractor is aware that filing records known to be false is a Class B misdemeanor offense; and

BE IT RESOLVED that contractors awarded contracts for public work as defined by state statute and this Resolution should, as a prerequisite to such contract, provide proof of participation in apprenticeship and training programs approved and registered with the United States Department of Labor's Bureau of Apprenticeship and Training for all construction contracts in excess of \$100,000; and

BE IT RESOLVED that nothing herein contained shall be construed to apply said prevailing hourly rates of wages in the locality to any work or employment other than public works or private commercial economic development projects directly supported by public funds as defined in the Act and this Resolution; and

BE IT RESOLVED that contractors awarded contracts for public work as defined by state statute and this Resolution should, as a prerequisite to such contract, obtain the current prevailing wage rates from the Illinois Department of Labor and regularly check for updated prevailing wage rates during the entire duration of said contract for the locality; and

BE IT RESOLVED that the City Clerk shall mail a copy of this Resolution to any employer, any association of employers, and to any person or association of employees who have filed or do file their names and addresses with the Clerk requesting copies of any determination under said law of the particular rates and of the particular classes of persons whose wages will be affected by such rates; and

BE IT RESOLVED that this Resolution shall supersede and take effect over Resolution 2014-29 and shall be considered the City's governing resolution on prevailing wages until further amendment and/or adoption of a new resolution setting for the prevailing wages in July of 2015; and

BE IT RESOLVED that the City Clerk shall promptly file a certified copy of this Resolution with the Department of Labor of the State of Illinois; and

BE IT RESOLVED that the City Clerk, as required by law, shall cause to be published in a newspaper of general circulation within the area of this municipality a notice of this Resolution and that it is the effective prevailing wage determination of this public body.

ADOPTED this 10th day of November, 2014.

APPROVED this 12th day of November, 2014.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Painter, seconded by Alderman Black that the Amended Resolution Ascertaining the Prevailing Rates of Wages for Laborers, Workers and Mechanics Engaged in Public Works be adopted to include language requiring apprenticeship participation requirements for public contracts in excess of \$100,000.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Text Amendment to Chapter 29, Section 194B Clarifying When Vehicles May Be Impounded by the Police

RECOMMENDATION/MOTION: Recommend that the Text Amendment be approved and the Ordinance passed.

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: In June, Chapter 29, Section 194B of the City Code was updated to reference the state statute providing for impoundment of motor vehicles by municipalities. That statute enumerates several offenses for which vehicles may be impounded. The statute also contains a catch-all provision that provides vehicles may be impounded when operated or used “in the commission of, or the attempt to commit, any other misdemeanor or felony offense in violation of the Criminal Code of 1961 or the Criminal Code of 2012, when so provided by local ordinance.” The proposed text amendment adds the catch-all language from the state statute to the City’s impoundment ordinance and thereby clarifies that vehicles may be impounded when used in the commission of, or in the attempt to commit, a felony or misdemeanor in the referenced criminal codes.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by: George D. Boyle, Asst. Corporation Counsel

Recommended by:

David A. Hales
City Manager

ORDINANCE NO. 2014 - 107**AN ORDINANCE AMENDING THE BLOOMINGTON CITY CODE CHAPTER 29,
SECTION 194B – VEHICLE SEIZURE AND IMPOUNDMENT**

SECTION 1. That the Bloomington City Code Chapter 29 Section 194B shall be and is hereby amended to read as follows: (additions are indicated by underlining; deletions are indicated by strikeouts):

SEC. 194B VEHICLE SEIZURE AND IMPOUNDMENT.

(a) Fee, Seizure and Impoundment. Vehicles used in the offenses listed in Section 11-208.7(b) of the Illinois Vehicle Code, 625 ILCS 5/11-208.7(b) or in any other misdemeanor or felony offense in violation of the Criminal Code of 1961 or the Criminal Code of 2012 are hereby declared contraband and subject to seizure and impoundment. The impoundment of any vehicle used in the commission of any of the foregoing offenses shall subject the owner to an administrative fee of \$400.00 plus costs of towing and storage.

(b) Removal and Seizure. Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this Section, the police officer may cause the vehicle to be removed and relocated to a secure location. The officer shall inform any person in control of the vehicle of the seizure and the right to a prompt probable cause hearing and an administrative impoundment hearing as provided in this Section.

At the time the vehicle is towed, the officer shall notify or make a reasonable attempt to notify the owner, lessee, or person identifying himself or herself as the owner or lessee of the vehicle, or any person who is found to be in control of the vehicle at the time of the alleged offense, of the fact of the seizure and of the right of the vehicle owner or lessee to an administrative hearing. The police officer shall also provide notice that the motor vehicle will remain impounded pending the completion of an administrative hearing, unless the owner or lessee of the vehicle, or a lienholder, posts with the municipality a bond equal to the administrative fee as provided by this Section and pays for all towing and storage charges.

(c) Notice. The City will provide the registered owner or lessee of the vehicle and any lienholder of record with a notice of hearing. The notice shall:

1. be served upon the owner, lessee, and any lienholder of record either by personal service or by first class mail to the interested party's address as registered with the Secretary of State;
2. be served upon interested parties within 10 days after a vehicle is impounded by the City; and

3. contain the date, time, and location of the administrative hearing. An initial hearing shall be scheduled and convened no later than 45 days after the date of the mailing of the notice of hearing.

(d) Prompt Probable Cause Hearing. At any time prior to an administrative impoundment hearing, at the request of the owner of a vehicle or a person with authority from an owner, the Police Chief or his designee shall hold a prompt probable cause hearing. Said hearing shall occur within 24 hours of the request, excluding Saturdays, Sundays and holidays. At the hearing, any interested person shall be given a reasonable opportunity to be heard and present evidence. Formal rules of evidence shall not apply, and hearsay evidence shall be admissible. At the prompt probable cause hearing, the Police Chief or his designee shall determine whether probable cause exists for the seizure and impoundment of the vehicle pursuant to this Section and, if asserted by the owner, whether the vehicle was stolen from the owner. If the Police Chief or his designee determines that probable cause exists for the continued impoundment of the vehicle, the Police Chief or his designee shall order the vehicle held pending an impoundment hearing or payment of the bond and any towing and storage fees due. If the Police chief or his designee determines that probable cause for impoundment does not exist or that the vehicle was stolen from the owner, the Police Chief or his designee shall order the immediate release of the vehicle without payment of any penalties, fees or costs.

(e) Administrative Impoundment Hearing. A hearing officer designated by the City Manager shall hold an administrative impoundment hearing within 45 days of the notice of impoundment hearing sent pursuant to subsection (c) of this Section. A person seeking the hearing may waive the foregoing time restraint. At the impoundment hearing, any interested person shall be given a reasonable opportunity to be heard. Formal rules of evidence shall not apply, and hearsay evidence shall be admissible. The impoundment hearing shall comply with the requirements set forth in Section 11-208.7 of the Illinois Vehicle Code, 625 ILCS 5/11-208.7. At the impoundment hearing, the hearing officer shall determine by a preponderance of the evidence whether the vehicle was used in violation of a listed offense or whether the vehicle was stolen from the owner. If the hearing officer determines that the vehicle was not utilized in violation of any offense listed in Section 11-208.7(b) of the Illinois Vehicle Code, 625 ILCS 5/11-208.7(b), or that the vehicle was stolen from the owner, the hearing officer shall order the immediate release of the vehicle without payment of any administrative fee and the expeditious return of any bond or fee already paid by the vehicle owner or his agent. Any bond or fee returned shall be to the person who paid the bond or fee, unless directed otherwise by that person. Any person claiming a vehicle ordered released under this subsection shall have seven days from the date of the order of release within which to claim the vehicle without accruing additional storage charges; thereafter, the person claiming the vehicle shall be responsible for paying any and all storage charges that accrue. If the hearing officer determines the vehicle was used in the commission of a listed offense, the hearing officer shall order the vehicle held pending payment of the fee and any towing and storage fees which may be due.

(f) Innocent Defendant. In the event that a person is acquitted of all charges stemming from the incident for which the vehicle was impounded or is not charged within six months for any offense stemming from the incident for which the vehicle was impounded, that person may apply to the Police Chief for a full refund of any bond or administrative fee paid to release the vehicle.

A disposition of court supervision will be considered as a conviction and not an acquittal. Participation in a diversion program or similar program to avoid judicial consequences shall not be considered an acquittal for purposes of this Section. A plea agreement which calls for the dismissal of the charge for which the vehicle was impounded in exchange for a guilty plea to any other charge shall not be considered an acquittal for purposes of this Section. The Police Chief shall refund any bond or administrative fee paid, if an acquittal occurs or if charges are not likely to be brought within 6 months. Any fee or bond returned shall be to the person who paid the bond or fee, unless directed otherwise by that person. Any person claiming a vehicle ordered released under this subsection shall have seven days from the date of the order of release within which to claim the vehicle without accruing additional storage charges; thereafter, the person claiming the vehicle shall be responsible for paying any and all storage charges that accrue.

(g) Release of Vehicle. A vehicle seized and impounded under this Section shall be released to the owner or the owner's agent upon payment of the bond or administrative fee and all towing and storage fees accrued. Payment of the bond or administrative fee and towing and storage fees does not waive an owner's right to an impoundment hearing.

(h) Unclaimed Vehicle. Any vehicle not claimed by its owner or other interested party within thirty-five days after the impoundment hearing shall be considered abandoned and sold pursuant to State law. An owner or interested party may claim his/her vehicle by paying the administrative fee, towing and storage fees any time prior to sale of the vehicle.

(i) Nothing in this section shall be construed to prohibit the holding, forfeiture or impoundment of any vehicle pursuant to any other law or statute.

SECTION 2. Except as provided herein, the Bloomington City Code, as amended, shall remain in full force and effect.

SECTION 3. The City Clerk is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 4. This Ordinance is enacted pursuant to the authority granted to the City as a home rule unit by Article VII, Section 6 of the 1970 Illinois Constitution.

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

PASSED this 10th day of November, 2014.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Painter, seconded by Alderman Black that the Text Amendment be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition from Fox Creek Village, LLC Requesting Approval of a Final Plat for Fox Creek Village, 4th Addition, Located South of Fox Creek Rd. and West of Union Pacific Railroad

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

STRATEGIC PLAN SIGNIFICANCE: Goal 5. Great place – livable, sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Objective 5a. Well-planned City with necessary services and infrastructure.

BACKGROUND: The original preliminary plan for the Fox Creek Village Planned Unit Development was passed by Council on May 23, 2003. The last approved final plat for this area was passed by council on July 22, 2013. The subject final plat conforms to the amended Preliminary Plan passed by Council on September 9, 2013.

Public improvements for this subdivision are ongoing; as a result, a punchlist for this subdivision does not exist at this time.

In accordance with the Annexation Agreement approved by Council April 25, 1994, there are no tap on fees required to be paid for this development before final platting. However, a revolving commercial surety bond for performance guarantee has been posted by the developer in the amount of \$150,000.00

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Fox Creek Village, LLC.

FINANCIAL IMPACT: The cost of all public improvements, platting, and recording will be borne by the petitioner.

Respectfully submitted for Council consideration.

Prepared by: Anthony J Meizelis, PE, Civil Engineer I

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

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

PETITION FOR APPROVAL OF FINAL PLAT

State of Illinois)
)ss.
County of McLean)

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

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

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

WHEREFORE, your petitioner respectfully prays that said Final Plat for the Fourth Addition to Fox Creek Village Subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

FOX CREEK VILLAGE, LLC,
By Snyder Properties Trust, Member

By: Stephen W. Snyder
One of its Trustees

ORDINANCE NO. 2014 - 108**AN ORDINANCE APPROVING THE FINAL PLAT OF THE
FOURTH ADDITION TO FOX CREEK VILLAGE SUBDIVISION**

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

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

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

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

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

1. That the Final Plat of the Fourth Addition to Fox Creek Village Subdivision and any and all requested exemptions and/or variations be, and the same is hereby approved.
2. That this Ordinance shall be in full force and effective as of the time of its passage this 10th day of November, 2014.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Exhibit A – Legal Description**Tract 1:**

A part of Outlot 46 in the Second Addition to Fox Creek Village Subdivision in the City of Bloomington, McLean County, Illinois, according to the plat recorded as Document No. 2008-26743 in the McLean County Recorder's Office, a part of Lot 2 in Fox Creek Country Club in the City of Bloomington, McLean County, Illinois, according to the plat recorded as Document No. 95-26592 in said Recorder's Office and a part of Lot 4 in Capen's Subdivision of Part of Sections 13 and 24, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Beginning at the Southernmost Corner of Lot 58 in the Third Addition to Fox Creek Village Subdivision Planned Unit Development in the City of Bloomington, Illinois, according to the plat recorded as Document No. 2013-21601 in the McLean County Recorder's Office. From said Point of Beginning, thence northwest 135.95 feet along the Southwesterly Line of said Lot 58 and the Southwesterly Line of Winding Way; thence northeast 19.97 feet along the West Line of Winding Way which forms an angle to the right of $270^{\circ}-00'-00''$ with the last described course to the Southeast Corner of Lot 55 in said Third Addition; thence northwest 81.55 feet along the South Line of said Lot 55 and the South Line of Lot 54 in said Third Addition which forms an angle to the right of $90^{\circ}-00'-00''$ with the last described course; thence west 475.44 feet along the South Line of said Third Addition and the westerly extension thereof which forms an angle to the right of $153^{\circ}-58'-53''$ with the last described course; thence south 250.00 feet along a line which forms an angle to the right of $90^{\circ}-00'-00''$ with the last described course to the Westerly Extension of the North Line of Outlot 26 in Fox Creek Village Subdivision according to the plat recorded as Document No. 2003-46554 in said Recorder's Office; thence east 623.28 feet along said Westerly Extension and the North Line of said Outlot 26 which forms an angle to the right of $90^{\circ}-00'-00''$ with the last described course to the Northeast Corner of said Outlot 26 being on the Northwestern Right-of-Way Line of the former Chicago and Alton Railroad, said Right-of-Way Line also being the Southeasterly Line of Lot 4 in said Capen's Subdivision; thence northeast 5.50 feet along said Right-of-Way Line which forms an angle to the right of $116^{\circ}-00'-45''$ with the last described course; thence northwest 25.00 feet along said Right-of-Way Line which forms an angle to the right of $90^{\circ}-00'-00''$ with the last described course; thence northeast 134.35 feet along said Right-of-Way Line which forms an angle to the right of $270^{\circ}-00'-00''$ with the last described course to the Point of Beginning.

Tract 2:

A part of Lot 4 in Capen's Subdivision of Part of Sections 13 and 24, Township 23 North, Range 1 East of the Third Principal Meridian, and a part of Sections 18 and 19, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Beginning at the Southeast Corner of Outlot 26 in Fox Creek Village Subdivision Planned Unit Development in the City of Bloomington, Illinois, according to the plat recorded as Document No. 2003-46554 in the said McLean County Recorder's Office. From said Point of Beginning, thence southwest 183.38 feet along the Northwestern Right-of-Way Line of the former Chicago and Alton Railroad, said Right-of-Way Line also being the Southeasterly Line of said Lot 4 to the Southeast Corner thereof; thence west 687.80 feet along

the South Line of said Lot 4 which forms an angle to the left of 115°-15'-08" with the last described course to the Southwest Corner of said Lot 4; thence north 590.34 feet along the West Line of said Lot 4 which forms an angle to the left of 90°-45'-37" with the last described course to the intersection of said West Line and the Westerly Extension of the North Line of said Outlot 26; thence east 361.31 feet along said Westerly Extension which forms an angle to the left of 90°-00'-00" with the last described course to a corner of said Outlot 26 lying 618.97 feet east of the Northeast Corner thereof; thence south 30.00 feet along a North-South Line of said Outlot 26 which forms an angle to the left of 90°-00'-00" with the last described course; thence west 75.81 feet along an East-West Line of said Outlot 26 which forms an angle to the left of 90°-00'-00" with the last described course; thence south 404.66 feet along the West Line of said Outlot 26 which forms an angle to the left of 270°-00'-00" with the last described course to the Southwest Corner of said Outlot 26; thence east 482.66 feet along the South Line of said Outlot 26 which forms an angle to the left of 270°-00'-00" with the last described course to the Point of Beginning.

PIN: Part of 21-19-176-036

Part of 21-19-176-037

Motion by Alderman Painter, seconded by Alderman Black that the Final Plat be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Application of BNN Enterprises LLC, d/b/a Smoke Rings etc., located at 1414 S. Main St., requesting a PAS liquor license which would allow the sale of all types of packaged for consumption off the premises seven (7) days a week

RECOMMENDATION/MOTION: Recommend that a PAS liquor license for BNN Enterprises LLC, d/b/a BNN Enterprises LLC, located at 1414 S. Main St., be created, contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) no single serve sales and 2.) no liquor sales on Sunday until 12 noon.

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 BNN Enterprises LLC, d/b/a Smoke Rings etc., located at 1414 S. Main St., requesting a PAS liquor license which would allow the sale of all types of packaged for consumption off 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 Brian Haskins, owner/operator and Applicant's representative.

Commissioner Renner opened the liquor hearing and stated that this Application had been laid over by the Commission at their September 9, 2014 meeting to allow City staff to address the separation distance between Smoke Rings and two (2) nearby churches, (Integrity Deliverance Ministries Integrity Church located at 1409 S. Main St. and Pilgrim Holiness Church located at 1409 S. East St.). It was noted that the City Code stated that the distance must be more than 100'.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He reference state statute which also contained the 100' provision. He stated his understanding of this statute which addressed nearest part of the building not the property line boundaries.

Commissioner Tompkins questioned Mr. Boyle's interpretation. Mr. Boyle restated that there was no prohibition.

Commissioner Renner reminded the Commission that the Applicant had agreed to no single serve sale items.

Commissioner Jordan expressed his concerns. He cited the location of the two (2) churches and the impact of Pastor Brown's testimony at the Commission's September 9, 2014 meeting. He also cited neighborhood opposition. He recalled concerns raised regarding truck loading and unloading at this business. He questioned if the applicant planned to request a "T", Tavern, license after obtaining a "P", Packaged liquor license.

Commissioner Renner also stated that liquor sales would not be allowed until after 12 noon on Sundays.

Commissioner Renner questioned if there was anyone present who which to address this application either in support of or in opposition to.

Brian Haskins, owner/operator and Applicant representative, addressed the Commission. He thanked City staff for their efforts regarding the distances between his business and the two (2) churches. He had also taken measurements.

Commissioner Renner acknowledged that the distances were over 100', (i.e. Integrity Deliverance Ministries Integrity Church located at 1409 S. Main St. – 132' and Pilgrim Holiness Church located at 1409 S. East St. - 108').

Mr. Haskins addressed delivery concerns. Deliveries would be made in the morning. He agreed to the two (2) conditions, (no single serve sales and no Sunday sales until after 12 noon).

Commissioner Jordan questioned video gaming. Mr. Haskins stated that his business was not eligible. He would need a license to sell by the glass to be eligible.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan to recommend to the Council that a PAS liquor license for BNN Enterprises LLC, d/b/a Smoke Rings etc., located at 1414 S. Main St., be approved contingent upon compliance with all health safety codes with the following conditions: 1.) no single serve sales and 2.) no liquor sales on Sunday until 12 noon.

Motion carried, (unanimously).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph on September 2, 2014 in accordance with City Code. In accordance with City Code, approximately 121 courtesy copies of the Public Notice were mailed on August 29, 2014. In addition, the Agenda for the October 14, 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: This application represents a new liquor license. Annual fee for a PAS liquor license is \$1,410.

Respectfully submitted for Council consideration.

Recommended by:

Tari Renner
Mayor

Alderman Lower stated he had spoken with business owners and Pastor Joseph Brown, Integrity Deliverance Ministries Integrity Church, located at 1409 S. Main St. They had concerns with a liquor license at this location. He stated citizens and business owners worked hard to make the area vibrant.

Mayor Renner noted that this item had been heard twice by the Liquor Commission. The neighborhood had not expressed opposition. Rev. Brown had indicated support with the condition of no liquor sales on Sunday until 12 noon.

Motion by Alderman Lower, seconded by Alderman Schmidt that a PAS liquor license for BNN Enterprises LLC, d/b/a BNN Enterprises LLC, located at 1414 S Main St., be denied.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: 2015 Employee Benefit Renewal Summary

RECOMMENDATION/MOTION: Informational. Provider contracts are under legal review and will be provided for Council approval.

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: In August of this year, the Council approved a contract with Arthur J. Gallagher & Co. (AJG) to act as consultant and insurance broker for employee benefits. Since then, AJG has been meeting regularly with staff and has proceeded to act on the City's behalf in negotiating 2015 insurance rates with the City's employee benefit providers for health, dental, and life insurance. AJG also shopped the market through an RFP for stop loss coverage for the City's self-insured health plan, (Preferred Provider Organization or PPO plan) medical claims and undertook an analysis to determine whether the City should purchase stop loss coverage for the PPO prescription drug plan.

AJG has provided the attached summaries on their stop loss market analysis and 2015 renewal activities. The overall renewal results are positive and the graph provided by AJG provides comparative information on health care pricing and increases. Table 1 provides each plans increase. Table 2 indicates the total increase in calendar 2015 versus 2014 for health, dental and vision coverage. Full-time City employees have a choice in health plans between the self-insured PPO plan administered by Blue Cross and the fully-insured Health Alliance HMO plan. Sworn police also have access to a union plan which is under their control. All full-time employees also have the option of electing dental and vision coverage. The City covers the cost basic life insurance coverage for all full-time employees.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The citizens and employees of the City.

FINANCIAL IMPACT: Not applicable.

Table 1: Summary of Increases for Plans

	Total 2014 Monthly Premium	Total 2015 Monthly Premium	Monthly Increase for Employee
PPO Health Plan*			
Single	\$566	\$609.69	\$10.92
Employee + One	\$1,148	\$1,294.16	\$20.79
Family	\$1,923	\$2,066.44	\$35.86
Health Alliance HMO			
Single	\$661	\$736	\$18.62
Employee + One	\$1,069	\$1,447	\$36.63
Family	\$1,798	\$2,001	\$50.66
	Total 2014 Monthly Premium	Total 2015 Monthly Premium	Monthly Increase for Employee
Dental			
Single	\$30.08	\$30.30	\$0.11
Employee + One	\$60.55	\$61.00	\$0.23
Family	\$91.67	\$92.36	\$0.34
Vision**			
Single	\$8.21	\$8.21	\$0
Employee + One	\$13.06	\$13.06	\$0
Family	\$17.89	\$17.89	\$0
Group Life/AD&D			

Table 2: Employees' total monthly increase in calendar 2015 versus 2014.

	PPO	HMO
Single Health, Dental, Vision	\$11.03	\$18.73
Family Health, Dental, Vision	\$36.21	\$51.00

*PPO Health plan increase includes expected increase to both medical and pharmacy plan costs. The medical claims are administered by Blue Cross/Blue Shield and the pharmacy by Catamaran under separate contracts.

**Vision coverage is under contract to VSP and renews in 2017.

Respectfully submitted for Council consideration.

Prepared by: Laurie Wollrab, MBA, PHR, Comp& Benefit 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

David Hales, City Manager, addressed the Council. He noted that Council had approved a contract with Arthur J. Gallagher & Co. (AJG) to act as consultant and insurance broker for employee benefits. AJG proactively reviewed employee benefits, identified best practices going forward and assists employees with healthy life style choices.

Erin N. Duffy, AJG's Area Vice President Public Sector Practice Health & Welfare Consulting, addressed the Council. AJG was the City's advocate. The goal was to manage costs, viewing the City holistically.

She noted that Blue Cross Blue Shield (BCBS), Preferred Provider Organization (PPO), renewal was a 3.9% increase. The average was 7.5%. Health Alliance, Health Maintenance Organization (HMO), had 11.27% renewal increase. BCBS' dental plan renewal increase was .7%. Life insurance costs remained the same. Prescription drug purchasing group, Catamaran Pharmacy Benefit Manager, had a projected savings of -6.5%. Discounts and rebates assisted with the savings.

AJG was asked to contact other stop loss carriers for competitive rates. Those contacted denied coverage due several claims running outside the stop loss. It was expected that premiums would double due to same. The renewal was negotiated from 13.3% to 7.6%.

Ms. Duffy noted table 1: Summary of Increases for Plans. Medical benchmarking information was provided. The Municipal Cooperative, known as IPBC, was a group of seventy-five (75) cities and villages who share in the cost of benefits. AJG compared the City's information to that of IPBC and all of AJG's customers across the country.

Mr. Hales questioned the HMO increase factors. Ms. Duffy stated the HMO was fully insured product. Limited data was provided due to same. There were large claims.

Mr. Hales questioned the Cadillac tax. Ms. Duffy explained it was an excise tax that begins 2018. It was a forty percent (40%) tax on plan values in excess of \$10,200 single employees and \$27,500 family. AJG goal was to begin planning now.

Ms. Duffy noted one of the initiatives was to establish an insurance committee. The committee would have employees from the unions and departments. The committee would address the renewal process, health care reform, wellness and how to engage employees with their benefits. The average employee tenure was 9.4 years. AJG's goal was to extend same.

Alderman Black cited concern with the Cadillac tax. Ms. Duffy stated the tax begins January 1, 2018. She believed it was critical to current union negotiations. The underwriters were currently trending all renewals at 9.3%. The federal government had not provided any more information since the establishment of same.

Mr. Hales reminded Council that the Police Union's had negotiated control over designing their health plan. Employees costs was twenty-five percent (25%).

Alderman Fruin cited encouragement with the establishment of employee committees. He questioned AJG's measurements with reference to the Cadillac tax. Ms. Duffy responded that every group was different. She noted that groups who have fifty percent (50%) employees in unions have a higher threshold.

Alderman Fruin questioned norms and/or averages of other municipalities. Ms. Duffy referred to the Medical Benchmarking chart that had been provided to the Council.

The following was presented:

SUBJECT: Purchase of Lots 47 and 48 of Empire Business Park Preliminary Plat Utilizing a \$750,000 State Legislative Grant from Senator Bill Brady and to Enter into an Agreement with Central Catholic High School for Use of said Land as a Practice Field

RECOMMENDATION/MOTION: That the Purchase of Lots 47 & 48 Empire Business Park and Agreements be approved, and the Resolution adopted.

STRATEGIC PLAN SIGNIFICANCE: Goal 5. Great place – livable, sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Objective 5d. Appropriate leisure and recreational opportunities responding to the needs of residents.

BACKGROUND: Sen. Brady has offered a \$750,000 state legislative grant to allow the City to purchase property next to McGraw Park, in the Empire Business Park, that Central Catholic High School is interested in for a practice football field. There are several moving parts to this transaction, which include a purchase agreement with the seller of the property, an Agreement with Central Catholic High School and a grant agreement with the Department of Commerce and Economic Opportunity, (DECEO) (CCHS).

A draft Purchase Agreement has been created, which lists the purchase price as \$750,000. An appraisal of the property was completed which valued the property at \$766,000.

Proposed in this purchase agreement, seller pays three percent (3%) but the Buyer's three percent (3%) is waived. The seller and buyer split the remaining closing costs. Also, the seller/developer is required to complete road improvements, which include Halls Ferry Rd.

connection to the south at the intersection with Cornelius Dr. and the extension of Cornelius Dr. east through the intersection with Halls Ferry within eighteen (18) months.

A draft agreement with CCHS is also proposed. In this agreement, the CCHS will enter into a fifteen (15) year agreement, with three (3) five (5) year renewals. They will have the ability to withdraw from the agreement, with a ninety (90) days notice, after each five (5) year increment. However, they are willing to continue to pay the \$1,700 per year for the remaining term of the agreement, if they opt out.

CCHS will take on the primary responsibilities for creating the practice field and maintaining, mowing and cleaning it at their own cost on a regular basis. CCHS will pay the City \$1,700 annually in rent for use of the field after it's created. This annual amount will increase, at a rate of the cost of living in the 6th and 11th years. CCHS expects work to begin immediately to create the practice field in time for the start of the 2015 practice season. Finally, CCHS will provide liability insurance coverage and list the City as an additional insured.

The City will take responsibility for annual turf management at a cost of \$2,500 per year. The City will also be allowed to open up the field for third party use with proper notice.

The \$750,000 allocated by Sen. Brady will be distributed through DCEO. Interim Bobbie Herakovich, Director of Parks, Recreation and Cultural Arts contacted DCEO and has completed a grant survey. This survey provides information for a forthcoming legal contract for the grant award which will be scheduled for Council consideration. Staff received official notification from DCEO that the \$750,000 legislative grant is allocated in the state's bond fund.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: CCHS.

FINANCIAL IMPACT: It is estimated that there will be approximately \$433 for title charges (buyer) and recording fees. These fees will be paid from the Economic Development – Other Professional & Technical Services account (10019170-70220). The City will provide annual turf management that is estimated to be approximately \$2,500 per year and will not start until FY 2016. This expense will be proposed in the Parks Maintenance – Other Repair & Maintenance account (10014110-70590). The Stakeholder may locate the closing costs in the FY 2015 Budget Book titled “Budget Overview & General Fund” on page 386.

Respectfully submitted for Council consideration.

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

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

Legal review by: Jeffrey R. Jurgens, Corporation Counsel

Recommended by:

David A. Hales
City Manager

David Hales, City Manager, addressed the Council. He noted that discussion to acquire land for the expansion of McGraw Park originated in 2009 and with a \$31 billion State of Illinois Capitol Bill. He had spoken with Senator Brady who stated each legislator was given an allocation. There was short timeframe to make recommendations. They receive numerous requests. Central Catholic High School (CCHS) requested in 2009 to expand McGraw Park. CCHS stated that expansion would be non exclusive and used for football practice. Mr. Hales noted that they currently lease land at the Central Illinois Regional Airport. The lease expires 2015.

The bill provided the opportunity to acquire approximately four (4) acres. It would allow CCHS to have a practice football field, and allow for provide soccer fields. The public would have use of same after the football season. CCHS would enter into \$1,700 yearly lease agreement. CCHS would also spend \$20,000 to improve and develop the land.

Alderman Black was conflicted. He noted that the expansion was not part of the Parks Master Plan. He questioned rejection. Mr. Hales believed the money would go to another municipality. Senator Brady would make the determination.

Alderman Black believed accepting the grant benefited the community.

Alderman Mwilambwe questioned land use for soccer fields. Mr. Hales responded affirmative. He noted that the agreement required CCHS to develop a concept plan. The plan would be subject to approval.

Alderman Mwilambwe questioned cost. Mr. Hales stated \$2500 for turf management.

Alderman Hauman questioned current tax rate. She questioned tax dollars received from same. Mr. Hales believed the rate was farm land and dollars received were low.

Alderman Hauman questioned other land for CCHS' use. Mr. Hales stated none close to the school.

Alderman Stearns noted that once the City was owner the land would be tax exempt. She believed this was not a proper way to spend public money.

Alderman Fruin acknowledged representatives from Central Catholic High School (CCHS) Sean Foster, Principal and Doug Atkins, Athletic Director. He recognized Gary Lambert and concerns raised. He addressed the belief that there was a conflict of interest. Meetings had been held for the past two (2) years with Senator Brady, David Hales, City

Manager, Justine Robinson, former Economic Development Coordinator, John Kennedy, former Parks, Recreation and Cultural Arts Director, Joy Allen, former CCHS Principal and related grant personnel.

Alderman Fruin believed there was minimal cost to the City. He noted that there were a lot of organizations using City parks. CCHS would pay a lease fee for use of same. CCHS indicated field space required, the months, days and times for use. He believed this allowed for other program uses. This park land dedication fulfilled the demands placed on the Parks, Recreation and Cultural Arts Department. CCHS had provided a key for the City to use their facility. He was not aware of another organization to do same. There have been other private/public partnerships. He cited alley vacations or street dedications as examples. He noted road extension and business benefits. There had been discussions about the lack of parking and park land on Ekstam Dr. He believed this was an opportunity to resolve same.

Alderman Lower was uncertain. He acknowledged Alderman Stearns' concerns. He believed support of the agreement could bring in revenue.

Alderman Painter questioned lighting and practice times. Football practices would end by 6:30 p.m. She questioned edification language. Jeff Jurgens, Corporation Counsel, addressed the Council. The contract had mirror language.

Motion by Alderman Fruin, seconded by Alderman Black that the Purchase of Lots 47 & 48 Empire Business Park and Agreements be approved, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.

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

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

Nays: Alderman Schmidt, Lower, Mwilambwe and Stearns.

Motion carried.

The following was presented:

SUBJECT: Text Amendment to Chapter 1. Adoption of Administrative Adjudication System

RECOMMENDATION/MOTION: Recommend that the Text Amendment to Chapter 1 City Code Relating to Ordinance Enforcement through Administrative Adjudication be approved and the Ordinance passed.

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: For several months, staff from several departments have been working on the establishment of an administrative adjudication system to adjudicate City ordinance Violations, (OV). To establish an administrative court, the City need only pass an ordinance creating a hearing unit. A hearing officer will also need to be appointed who must be an attorney licensed to practice law in the State of Illinois for at least three (3) years. Upon approval of the ordinance establishing the administrative adjudication system, staff will issue a Request for Qualifications (RFQ) to obtain the necessary hearing officers. Under administrative adjudication, fines cannot exceed \$50,000 and the hearing officer's decision can be enforced, after the appeal period, in the same manner as a court judgment. To ensure due process, decisions of the hearing officer are appealable under the Administrative Review Law.

As an overview of the process, complaints will be brought before the hearing officer by the filing of a written pleading by an authorized City official. Service of the pleading/complaint can simply be mailed to the defendant. A hearing will then be held, (at least fifteen/15 days after service), at City Hall promptly after the pleading is filed and served.

Some of the benefits of administrative adjudication include: 1.) that the City will keep 100% of any fines and costs assessed as opposed to the portion of costs assessed by the county when the circuit court is utilized to handle complaints; 2.) convenience to residents and staff (e.g. establish hearing times that work for the City and hold the hearings at City Hall); 3.) a hearing officer is appointed to specifically concentrate on and enforce local City issues; 4.) the formal rules of evidence do not apply; and 5.) certain procedures allow some decisions/fines to be collected as a special assessment.

In 2013, the City filed approximately 1,200 code violations in circuit court. The vast majority of these are behavioral violations, with typically ten (10) or fewer property/building code violations being filed each month. This last October, the City filed 151 complaints in circuit court. Note the number of complaints filed does not represent the number of citations actually issued. If a citation is paid and/or timely resolved, no complaint is filed on the matter.

Under the current system, if a defendant is found guilty of a violation and issued a fine of \$100, the circuit court also assesses "court costs" in the amount of \$127. The City also collects attorney fees in the amount of \$25. Accordingly, a \$100 fine quickly turns into an actual financial obligation of \$252 on the part of the violator. A fine of \$200 has court costs of approximately \$147 and those with multiple violations are charged higher court costs. The ordinance proposed by staff includes a hearing cost charge of \$100, which should equate to a savings of approximately \$52 for offenders while still allowing the City to recoup its costs.

Under the administrative adjudication ordinance being proposed to the Council, the administrative court will have jurisdiction over all OV, including property, building code and behavioral violations.

Staff believes that establishment of a City administrative court will create an easier process for prosecuting code violations and thus bring about more accountability and increased code enforcement.

Upon adoption, the goal would be to have the administrative court established and operating by January 2015. This will allow time to obtain the necessary hearing officers, order the necessary forms and have the Code Hearing Department operational. Staff anticipates minimal costs associated with the establishment of the Code Hearing Department, including any necessary security at City Hall during hearings, will be more than offset by the assessment of the hearing costs, increased prosecutions, enforcement actions and collections.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: This is a new program for the City and all financial impact based on the data available and best estimates at this time. The financial impact of the program will be reevaluated after a few months and adjustments will be made if necessary.

The program will be managed by Corporation Counsel Office and all accounts will be setup in this department. Corporation Counsel will issue an RFQ to hire two (2) contractual hearing officers at an estimated cost of \$145 per hour. There will be the potential for four (4) hours of hearings each Wednesday. The defendant will be charged \$100 per violation. Based on current historical data, there are 100 cases found in favor of the City. All non-compliant defendants who do not pay, will be turned over to a collection agency who will retain thirty percent (30%) of the fines. Bad debt is estimated at ten percent (10%).

If the program is approved, a budget amendment will be brought back to Council to adjust the current year's budget for estimates of both revenues and expenditures.

Program Estimated Monthly Financial Impact

Revenue	
Court fee per violation	\$100
Court cases per month	\$100
Court fee revenue/month (based on wins)	\$10,000
Less 10% Bad Debt (10 cases/month – collection fee of 30% of court fee/violation)	\$(300)
Total Revenue	\$9,700
Expenses	
Hearing Officers 16 hours/month @\$145/hour	\$2,320
Forms and other administrative fees	\$250
Total Expenses	\$2,570

Net Revenue	\$7,130
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Respectfully submitted for Council consideration.

Prepared by: Jeffrey R. Jurgens, Corporation Counsel

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

Recommended by:

David A. Hales
City Manager

Alderman Black left the dias at 8:41 p.m.

Jeff Jurgens, Corporation Counsel, addressed the Council. He defined administrative adjudication as a system for code violations. The violations would include property code's; building code and behavioral.

A Request for Qualifications would be taken for a hearing officer. A collection agency would be retained. Security and/or Police officers would be needed for the behavioral violations. Corporation Counsel staff would be utilized. Hearings would be recorded and held in the Council Chambers. The program would begin early 2015.

Alderman Black returned at 8:43 p.m.

The City would have direct control of enforcement. Code violations were heard at the McLean County Law and Justice Center twice a month. The hearing officer would dedicate every Wednesday. An advantage was repeat offenders would be remembered.

Mr. Jurgens believed the City would not have financial burden. This process would generate revenue. He noted that current court fees range from \$125 - \$200, and the City receives the full violation payment.

Mayor Renner noted that cases would be handled expeditiously. Mr. Jurgens responded affirmatively. Strict guidelines would be established.

In 2013, there were 1,200 cases filed in circuit court. Behavioral violations were heard twice a month.

David Hales, City Manager, addressed the Council. He noted that the Town of Normal had taken similar action.

Alderman Black questioned conflict of interest. Mr. Jurgens stated that there would be a code of conduct and state statute required hearing officers to attend training. Alderman Black questioned supervision. Mr. Jurgens stated that the hearing officer would be contractual.

Alderman Mwilambwe questioned program evaluation. Mr. Jurgens responded that an evaluation would be completed looking at number of fines paid and general feedback from the community. He noted that the process could be returned to the circuit court any time.

Alderman Sage questioned appeal process. Mr. Jurgens responded individuals could appeal to the circuit court. They would have the same rights as they do now. Appealing a case would be cost effective starting in a lower court.

Alderman Sage believed there would be benefits to having public comment on this item. He recommended placing same on a Committee of the Whole meeting.

Alderman Lower echoed Alderman Sage's comments. He noted that there were concerns with property rights.

Alderman Stearns echoed Alderman Lower's comments. She believed this was a major change.

Motion by Alderman Stearns, seconded by Alderman Fruin that the Text Amendment to Chapter 1 Relating to Ordinance Enforcement through Administrative Adjudication be postponed for a public hearing to be held on December 8, 2014.

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

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

Nays: None.

Motion carried.

CITY MANAGER'S DISCUSSION: David Hales, City Manager, thanked everyone who attend the Council Retreat on November 7 & 8, 2014.

He noted that there was a Veterans Day Ceremony on November 11, 2014 at 10:49 a.m. to be held at the McLean County History Museum, located at 200 N. Main St.

MAYOR'S DISCUSSION: Mayor Renner noted he would be accepting a recognition award for the establishment of the pension policy from the Illinois Public Pension Association on December 5, 2014. He thanked the Council for their hard work on same. He believed the policy was a model for others to follow.

ALDERMEN'S DISCUSSION: Alderman Lower acknowledged the Marine Corp's birthday. He questioned how many blue or gold star families were in the community.

Alderman Stearns thanked those in attendance for their military service.

Motion by Alderman Black, seconded by Alderman Hauman, that the meeting be adjourned. Time: 9:17 p.m.

Motion carried.

**Renee Gooderham
Chief Deputy City Clerk**