

**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, August 12, 2013.

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

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

Aldermen: Judy Stearns, Mboka Mwilambwe, Kevin Lower, David Sage, Robert Fazzini, Jennifer McDade, Scott Black, Karen Schmidt, Jim Fruin and Mayor Tari Renner.

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

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.

Carl Woodward, 1707 Clearwater, addressed the Council. He had addressed the Council in the past. He expressed his interest in City finances. The Council had done a poor job on same. He noted the estimated \$200 million in pension and infrastructure obligations. The Council had added staff and voted for a deficit when it passed the budget. There were methods which would allow the City to catch up on pensions. He expressed his concern that future generations would be burdened. The Council's actions had been irresponsible. The Council needed to pick a method. He had requested current figures from the City. The City was eighteen (18) months behind and City staff was waiting on the audit.

He addressed the proposed bond issue on this evening's agenda. The bond issue would be a good thing. The Council needed to borrow what it could. He encouraged the Council to borrow a lot due to future cost increases. He described the proposed bond issue as smart. The Council needed to borrow the necessary funds and move quickly.

Bruce Meeks, 1402 Wright St., addressed the Council. The City was not there yet. He addressed public access to data. He noted the City Hall of the past and in the present was for all citizenry. He cited his attendance at a variety of City meetings. He had been proactive in the community. He was interested in web site transparency. He had presented the City with a draft ordinance. The Council had not voted on same. He believed that part of the solution was citizen centric governing. He believed that all data should be open and transparent. He also addressed the bond issue on this evening's agenda. Due to low

interest rates, he recommended that the City issue \$20 million in bonds. There were numerous projects which could be addressed. He had obtained a list from City staff.

Eric Penn, 1035 E. Front St., addressed the Council. He represented the construction industry. It had been a slow year for laborers. The Council needed to address street conditions. Interest rates were low. City debt was not overwhelming. City infrastructure and streets needed repair. He believed that infrastructure repair addressed capital needs which in turn would lead to economic development. Employment in the construction industry was low. These dollars would be spent locally. He noted the theme of the Labor Day parade – “Hire Local – Buy Local”.

Alton Franklin, 508 Patterson Dr., addressed the Council. The Council had a handle on the City’s mission. There was an issue with execution. There had been years of talking. It was time to fish or cut bait. The City had an action plan. Priorities had been set. It was time accomplish something. He expressed his support for the bond issue which appeared on this evening’s Council agenda. He recommended that the amount be increased to \$15 - \$20 million. \$10 million was a good place to start. Money was cheap at this time. He estimated the waiting cost at \$780,000. The name of the game was action.

The following was presented:

Oath of Office: Steve Kiesling and Ryan Gleason, Firefighters

Mayor Renner introduced Mike Kimmerling, Fire Chief. Chief Kimmerling noted that Firefighters Kiesling and Gleason were the department’s two (2) newest members. They had completed the one (1) year probationary period. Mr. Kiesling was from a firefighting family. He had an EMT – P, (Emergency Medical Technician – Paramedic), license and would complete a degree in Fire Science in the fall 2013. Mr. Gleason also held an EMT – P and had completed Associates in Arts in Applied Fire Science.

Tracey Covert, City Clerk, performed the Oath of Office.

The following was presented:

SUBJECT: Council Proceedings of July 22, 2013

RECOMMENDATION/MOTION: That the reading of the minutes of the previous Council Proceedings of July 22, 2013 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 1.d. City services delivered in the most cost-effective, efficient manner.

BACKGROUND: The Council Proceedings of July 22, 2013 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, 5 ILCS 120/2.06(b).

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 Mwilambwe, seconded by Alderman McDade that the reading of the minutes of the previous Council Proceedings of July 22, 2013 be dispensed with and the minutes approved as printed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Bills and Payroll

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

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

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

BACKGROUND: The list of bills and payrolls will be posted on the City's website on Wednesday, August 7, 2013 by posting via the City's web site.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

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

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

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

Recommended by:

David A. Hales
City Manager

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Report

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

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

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

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

1. 2012 City of Bloomington Audit for Motor Fuel Tax.

This report is prepared by the Illinois Department of Transportation, (IDOT). It is based upon documents filed by the City with IDOT and IDOT's records. It covers the 2012 calendar year. IDOT has abbreviation for the use of MFT funds. The following are listed in the report: AC – Agency Credit, BD – Building Demolition, BR – Bridge, BT – Bike Trails, PV – Pavement, RP – Rigid Pavement, RS – Resurfacing, SP – Safety Project, TL – Traffic Signals and WR – Widening and Resurfacing.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

Financial reviewed by: Patti-Lynn Silva, Director of Finance

Recommended by:

David A. Hales
City Manager

Motion by Alderman Mwilambwe, seconded by Alderman McDade that the report be received and placed on file.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Formal Bid Waiver for the Purchase of Single Source Water Meters and Related Accessories for the Water Department's FY 2014 Water Meter Installation Program

RECOMMENDATION/MOTION: That the formal bid process be waived, and staff be authorized to purchase water meters and related accessories from Ferguson Waterworks, the authorized Neptune water meter supplier for this area, at the prices specified.

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 City has utilized a variety of water meters manufactured by different companies during the last 100 years. Over that time, the City has been able to judge the positive and negative attributes of various meter brands. For at least the last twenty (20) years, the City has standardized upon the Neptune brand of water meter, manufactured by Neptune Technology Group, Incorporated, a meter company that has been manufacturing water meters for over 120 years. The City has standardized on the Neptune brand of meter due to its reliability, technological innovation, product support, backward compatibility, accuracy, and price.

During the period of time that water meters were simple analog devices, (from the 1880's to the mid-1960's), water utilities could utilize any brand of water meter provided the water meter met the utility's or industry's standards. In essence, water meters were a commodity of which there were very few differences from one meter brand to another. A water utility could have had numerous meter brands throughout its system and since water meters were simple devices that were manually read, it made very little difference what the brand was utilized. This is why water meters had been bid through the years and one year's lowest priced meter may not be the next years lowest priced meter. The most glaring negative in this situation is that a utility had to stock numerous spare parts for the different brands of meters in its system and its personnel had to master a level of proficiency in repairing various meter brands.

Since the 1960's and certainly with the major advances in the 1990's, metering technology, particularly in the areas of data collection and transmission, has caused a major divergence in meter brands. Currently, water metering technology varies greatly from one manufacturer to another as different technologies and proprietary components are used, particularly in the areas of communication of meter reading information. Simply put, different brands of water meters do not communicate well, if at all, with one another.

Therefore, many utilities have settled upon a particular brand of meter and negotiated the price of the water meters and the related accessories. That is what the City has done for at least twenty (20) years. The City cannot competitively bid water meters of different brands and integrate them into the existing system.

The City embraced the emerging technology of radio frequency (RF) transmitting data collectors on water meters. The resultant efficiencies of reduced personnel needed for meter reading through Council action on February 28, 2005, specifically identifying Neptune as the manufacturer of water meters to be used by the City. The Water Department has been installing RF transmitting data collectors on its water meters since that time and is approximately eighty percent (80%) deployed, (approximately 23,500 RF units installed on 31,000 total water meters). The City has reduced its meter reading force by two (2) employees over that time and now has only one (1) meter reader remaining. The last position will be phased out within three (3) years.

The Water Department is requesting waiver of the formal bid process and authorization to purchase Neptune Water meters and the related accessories at prices provided by Ferguson Waterworks for its FY 2014 Water Meter Program.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: None.

FINANCIAL IMPACT: Water meter and ancillary components are listed in the approved FY 2014 Budget book under Other Funds and Capital Improvement Program in the amount of \$1,300,000 as shown in line item 50100150-71730 on page 154. \$250,000 has already been spent in this Fiscal Year leaving a balance of \$1,050,000. Virtually all of this line item will be expended on Neptune meters and ancillary components.

Respectfully submitted for Council consideration.

Prepared by: Craig M. Cummings, Director of Water

Reviewed by: Barbara J. Adkins, Deputy City Manager

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Patti-Lynn Silva, Director of Finance

Legal review by: J. Todd Greenburg, Corporation Counsel

Recommended by:

David A. Hales
City Manager

Motion by Alderman Mwilambwe, seconded by Alderman McDade that the formal bid process be waived, and staff be authorized to purchase water meters and related accessories from Ferguson Waterworks, the authorized Neptune water meter supplier for this area, at the prices specified.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Analysis Request for Proposal (RFP) for Kitchen Remodel Project at Station #2, located at 1911 E. Hamilton Rd.

RECOMMENDATION/MOTION: That the RFP for Station #2 Kitchen Remodel Project be awarded to Anderson, in the amount of \$40,350, and Purchasing Agent be authorized to issue a Purchase Order for same.

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

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

BACKGROUND: Fire Station #2, located at 1911 E. Hamilton Rd., was designed as a two (2) company fire station serving the southern portion of the City. The station was constructed in 1998. Presently, six (6) personnel are assigned there each twenty-four (24) hour shift.

The overall condition of this station is good. There are some renovations needed based on use and age. One of the areas in need is the kitchen. The heavy use of this area along with installation of less durable materials in the initial construction has led to deterioration of cabinets and countertops at the station. The objective of the RFP was to use materials better suited to a commercial environment while being cost effective.

The project was released as an RFP on January 22, 2013. A non-mandatory pre-bid conference was held at Station #2 on February 5, 2013. There were eighteen (18) individuals, (including four/4 City staff), present at the meeting. RFP were due to the City on February 26, 2013 at 1:00 p.m. The City Clerk's Office received two (2) proposals. They were evaluated for compliance by the Purchasing Agent. Of the two (2), only one (1) was completed and complied with the City's requirements. The sole vendor was invited to an interview with Fire Department and Purchasing staff on March 21, 2013. The proposal was evaluated by Fire Department staff, including personnel assigned to the station. It was found to meet the needs of the project. The renovation consists of replacement of all existing cabinetry, countertops, flooring, resetting of all appliances and sink, and painting as well as a new solid surface counter in the watch booth area.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice of the RFP was published in the Pantagraph on January 22, 2013. Twenty-four (24) RFP packages were provided. A total of two (2) RFP were received.

FINANCIAL IMPACT: The FY 2014 General Fund and Capital Improvement Budget appropriated \$50,000 for the renovation of the kitchen at Fire Station #2 with \$30,000 in line 10015210-79990 and \$20,000 in 40100100-72520. The total cost for the renovation is \$40,350, which is \$9,650 or 19.3% below the appropriated budget. Stakeholders may locate this purchase in the FY 2014 General Fund Budget Document on page #277 and in the FY 2014 Other Funds and Capital Improvement Program on page #106.

Respectfully submitted for Council consideration.

Prepared by: Michael Kimmerling, Fire Chief

Financial & budgetary review by: Chris Tomerlin, Budget Analyst

Legal review by: J. Todd Greenburg, Corporation Counsel

Recommended by:

David A. Hales
City Manager

Motion by Alderman Mwilambwe, seconded by Alderman McDade that the RFP for Station #2 Kitchen Remodel Project be awarded to Anderson, in the amount of \$40,350, and the Purchasing Agent be authorized to issue a Purchase Order for same.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Green Building, LLC Property Tax Abatement

RECOMMENDATION/MOTION: That the property tax abatement be approved, the Mayor and City Clerk be authorized to execute the necessary documents and the Resolution adopted.

STRATEGIC PLAN LINK: Goal 6: Prosperous Downtown Bloomington and Goal 3: Grow the Local Economy.

STRATEGIC PLAN SIGNIFICANCE: Objectives 6a: More beautiful, clean Downtown area; 6b: Downtown Vision and Plan used to guide development, redevelopment and investments; 6c: Downtown becoming a community and regional destination; 6d: Healthy adjacent neighborhoods linked to Downtown; and 6e: Preservation of historic buildings. Objectives 3a: Retention and growth of current local businesses; 3b: Attraction of new targeted businesses that are the “right” fit for Bloomington; 3c: Revitalization of older commercial homes; 3d: Expanded retail businesses; and 3e: Strong working relationship among the City, businesses & economic development organizations

BACKGROUND: Green Building, LLC is a local development team which has decades of experience in the Bloomington-Normal community. The project in question would rehabilitate an existing structure located at 115 E. Monroe St. in the Downtown.

This project would serve two (2) primary functions. First, it would serve as a fifteen (15) unit residential apartment building for current and prospective residents of the Downtown community. A use that is currently in high demand as rental occupancy sits at 100% (Downtown Business Association) and businesses are increasing the number of short-term employees working in the Downtown area. Secondly, the project site would serve to provide enhanced retail and restaurant space (two/2 units) for the commercial sector.

In all, this revitalization project would invest a minimum of \$1.6 million into taxable property in the City and would serve to revitalize an existing structure in the Downtown, an area highlighted on the City’s Economic Development Target Area Map. In addition to the rehabilitation of an existing structure in a focus area of our community, a few elements of particular interest in regards to this project include its compatible design and occupancy, a synergy with the concepts outlined in the forthcoming Downtown Plan and a focus on environmentally sustainable outcomes.

In order to make the project financially feasible and thus complete the renovation, Green Building has requested a freeze on real estate taxes owed on the site in question. The tax freeze, if approved by the taxing bodies, would allow Green Building to pay a portion of the new increment of property tax during each of the five (5) years while the company invests into the site. After the period of five (5) years is over, the company’s taxes will rise to take into account the full value of the new investment. At that point, all taxing bodies would begin to collect the full amount of post-investment taxes.

ALDERMANIC COMMITTEE BACKGROUND: Discussed at the June 3, 2013 Administration & Finance Committee Meeting.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: National Development Council, Economic Development Council for the Bloomington-Normal Area, Downtown Bloomington Association, City of Bloomington, Bloomington School District 87, McLean County Finance Committee, Assessor for the Town of the City of Bloomington, and McLean County Chamber of Commerce.

FINANCIAL IMPACT: According to the National Development Council, which conducted a full financial analysis of the developers and the project in question, (including a three (3) year review of personal and business financial statements), this incentive is necessary in order to make the project financially viable. The company has leveraged existing financial resources and programs, including the Downtown Bloomington Enterprise Zone, (a \$92,540 value), and the City's Harriet Fuller Rust Façade Grant Program, (a \$25,000 value). A financial gap still exists within this project. As proposed, this arrangement serves to strengthen the projects financial position and fill the identified financial gap.

As structured, the proposed property tax abatement agreement protects the taxing bodies through a guarantee each taxing body will collect all existing pre-project level of property taxes *plus* an additional increment equal to 76.28592% of the pre-project amount. For example, the Bloomington Library collected \$130.93 in 2011; therefore, in the first year of the tax abatement, the Library will collect the pre-project amount of \$130.93 *plus* an additional \$99.88 of the new increment for a total of \$230.81 to be collected by the Library. This will occur during each of the five (5) years during the tax abatement agreement. Upon completion of the five (5) year agreement, each taxing body will collect the full amount of taxes under the new assessment. For example, the Library will go from collecting \$130.93 in the current year, to \$230.81 during each of the five (5) years under the tax abatement agreement and \$1,078.14 each year following the abatement. (An illustration of the incentive structure is included in the Financial Impact section of this memo.) Again, this approach would allow Green Building to close its financial gap while also maintaining an adequate market return in the initial years of the project.

It is important to note that the amount of abated taxes will vary from taxing body to taxing body, based on the size of each taxing body's specific levy, (an estimate of said breakdown is provided within the Financial Impact section of this memo). As each taxing body will have their own tax abatement agreement, if one or more taxing bodies choose not to participate, this will have no effect whatsoever on taxing bodies that do choose to participate.

The tables below demonstrate the potential value of the capital investment and related property tax abatement as proposed for each of the taxing bodies affecting the parcel.

Property Assessment Estimate for Work to be Completed

Table and information provided by the Assessor for the Town of the City of Bloomington.

115 E. Monroe	2011 Assessment	New Assessment
	21 – 04 – 194 – 006	@ completion of work
Land	\$18,861	\$18,861
Improvements	\$33,359	\$411,139
Total	\$52,220	\$430,000

Proposed Tax Abatement Agreement & Related Estimates

Taxing Body	2011 Tax Rate	2011 Taxes Collected	Est. Taxes Collected During Agreement (per year)	Est. Abatement During Agreement (per year)	Est. Taxes Collected After Agreement (per year)
McLean County	0.915710	\$478.19	\$842.98	\$3,094.62	\$3,937.55
City of Bloomington Township	0.143280	\$74.82	\$131.90	\$484.20	\$616.10
City of Bloomington	1.059550	\$553.30	\$975.39	\$3,580.69	\$4,556.07
B-N Water Reclamation District	0.163900	\$85.59	\$150.88	\$553.90	\$704.77
Blm-Nrm Airport Authority	0.154860	\$80.87	\$142.56	\$523.35	\$665.90
CUDS 87 Bloomington	4.657410	\$2,432.10	\$4,287.44	\$15,739.38	\$20,026.86
City of Bloomington Library	0.250730	\$130.93	\$230.81	\$847.32	\$1,078.14
Heartland Community College 540	0.475840	\$248.48	\$438.03	\$1,608.04	\$2,046.11
Totals	7.82128	\$4,084.28	\$7,200.00	\$26,431.50	\$33,631.50

Value of Abatement After 5 Years: (Assumes All Taxing Bodies Participate)	% of Project Costs (Assumes All Taxing Bodies Participate)
\$132,157.50	8.17%

Proposed Tax Abatement Illustration

Taxing Body	2011 Taxes	Year 1 Taxes	Year 2 Taxes	Year 3 Taxes	Year 4 Taxes	Year 5 Taxes	Year 6 Taxes
McLean County	\$478.19	\$842.98	\$842.98	\$842.98	\$842.98	\$842.98	\$3,937.55
City of Bloomington Township	\$74.82	\$131.90	\$131.90	\$131.90	\$131.90	\$131.90	\$616.10
City of Bloomington	\$553.30	\$975.39	\$975.39	\$975.39	\$975.39	\$975.39	\$4,556.07
B-N Water Reclamation District	\$85.59	\$150.88	\$150.88	\$150.88	\$150.88	\$150.88	\$704.77
Blm-Nrm Airport Authority	\$80.87	\$142.56	\$142.56	\$142.56	\$142.56	\$142.56	\$665.90
CUSD 87 Bloomington	\$2,432.10	\$4,287.44	\$4,287.44	\$4,287.44	\$4,287.44	\$4,287.44	\$20,026.86
City of Bloomington Library	\$130.93	\$230.81	\$230.81	\$230.81	\$230.81	\$230.81	\$1,078.14

Taxing Body	2011 Taxes	Year 1 Taxes	Year 2 Taxes	Year 3 Taxes	Year 4 Taxes	Year 5 Taxes	Year 6 Taxes
Bloomington Library							
Heartland Community College 540	\$248.48	\$438.03	\$438.03	\$438.03	\$438.03	\$438.03	\$2,046.11
<i>Total</i>	<i>\$4,084.28</i>	<i>\$7,199.99</i>	<i>\$7,199.99</i>	<i>\$7,199.99</i>	<i>\$7,199.99</i>	<i>\$7,199.99</i>	<i>\$33,631.50</i>

In addition to the 76.28592% increase in property taxes in each of the first five (5) years of the agreement, there are a number of other ways in which this project will be beneficial to the community outside of the capital investment figures. As these aspects are difficult to quantify, an overview of the potential positive effects of this project are outlined below. Ultimately, this project will:

- Increase the food and beverage and sales tax revenue generated by the commercial units.
- Use local workforce during construction and upon completion of the retail and restaurant sections.
- Increase the property value of the affected building and have a positive impact on the surrounding area.
- Allow for the expansion of targeted local retail and restaurant owners where leakage exists and by effect increase retail sales and retail sales tax receipts.
- Renovate a Downtown Bloomington property that has been in our community for over 100 years; when complete, citizens and local businesses will benefit from enhanced Downtown aesthetics.
- Stimulate positive communication between developers, City staff and economic development organizations within our community and open the door for future development opportunities.
- Enhance the perception of the Downtown among City residents.
- Be a source of pride for those actively working to improve the Downtown.

Respectfully submitted for Council consideration.

Prepared by: Justine Robinson, Economic Development Coordinator

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

Legal review by: J. Todd Greenburg, Corporation Counsel

Recommended by:

David A. Hales
City Manager

TAX ABATEMENT AGREEMENT

THIS TAX ABATEMENT AGREEMENT (the “*Agreement*”) is made this 16th day of July, 2013, between the Board of Trustees of the Bloomington Public Library, (the “Board of Trustees”) and Green Building, LLC (the “*Developer*”), a Delaware limited liability company.

WHEREAS, the Board of Trustees is a local taxing body; and,

WHEREAS, tax abatement is a tool often used as an incentive to induce business retention, business expansion and new development resulting in community revitalization; and;

WHEREAS, the promise of financial assistance can make the difference in a developer’s decision regarding the location of a project or the eagerness to expand or initiate a project; and,

WHEREAS, Green Building, LLC, a Delaware limited liability company (the “*Developer*”) has requested real estate tax abatements on the part of the local taxing districts in order to undertake the renovation of a century old building located at 115 E. Monroe Street (the “*Building*”) in the area known as “Downtown Bloomington”; and,

WHEREAS, the Developer has advised the Board of Trustees that without the real estate tax abatements as requested, this undertaking will not be economically viable; and,

WHEREAS, all parties believe the economic development impact of this proposed project will ultimately be advantageous to the community as a whole due to the capital investment by the Developer and the resulting job opportunity, neighborhood revitalization, and the increase in the tax base of all of the taxing districts; and,

WHEREAS, the Developer has submitted a plan for the redevelopment and rehabilitation of the Building, which has remained vacant for many years, to construct a multi-unit rental property with fifteen (15) residential units and commercial space on the ground floor (the “*Project*”); and,

WHEREAS, the current equalized assessed value of 115 East Monroe Street (the “*Subject Property*”) is described in *Exhibit A* attached hereto; and,

WHEREAS, the Subject Property is identified as tax parcel 21-04-194-006 (the “*Tax Parcel*”), which is 1.162 acres in size; and,

WHEREAS, for purposes of this Agreement, the “Base EAV” of the Subject Property will be deemed to be the 2011 assessed value of the Tax Parcel; and,

WHEREAS, Article 18 of the Illinois Revenue Code, 35 ILCS 200/18-165(a), provides that:

“Any taxing district upon a majority vote of its governing authority may, after the determination of the assessed valuation of its property, order the clerk of that county to abate any portion of its taxes on the following types of property:

Commercial and industrial.

The property of any commercial or industrial firm. . . . The abatement shall not exceed a period of ten (10) years and the aggregate amount of abated taxes for all taxing districts combined shall not exceed \$4,000,000[;]”

WHEREAS, the Developer has estimated that the Project shall require \$1,600,000 of investment, including the cost of acquisition, to undertake and complete the Project; and,

WHEREAS, the Developer has requested that the Board of Trustees grant its request for a real estate tax abatement as permitted by Illinois law, provided that the Developer satisfy all of the terms and conditions as set forth in the Tax Abatement Agreement attached hereto and made a part hereof (the “*Agreement*”); and,

WHEREAS, the Board of Trustees is willing to grant such real estate tax abatement to the Developer in accordance with the terms and conditions set forth in the Agreement.

NOW, THEREFORE, IN CONSIDERATION of the mutual undertakings herein contained and other valuable consideration, the parties hereby agree as follows:

Section 1. The Board of Trustees hereby agrees to adopt a Resolution, in the form attached hereto as *Exhibit A* (the “*Resolution*”), directing the County Clerk to abate that portion of the real estate taxes levied by the Bloomington Public Library against the Subject Property over and above the sum of \$230.81. Said abatement shall be for a period of five (5) years, as stated in the Resolution. The Board of Trustees agrees to adopt and file any other documents that may be required from time to time to effectuate said abatements, including (*if necessary*) annual abatement resolutions.

Section 2. The Developer hereby agrees, on or before December 14, 2014, to redevelop and reconstruct the building located on the Subject Property to provide a multi-family rental facility with 15 residential units and commercial space on the ground floor (the “*Project*”) for a total investment of no less than \$1,600,000.

Section 3. The Developer hereby covenants and agrees to submit to the City of Bloomington on or before February 1, 2015, the following items, to-wit: paid invoices (including statements at least monthly for development and general contractor fees), bills, contracts (including the agreement of the parties relative to acquisition of the Subject Property), lien waivers or other evidence as may be requested by the City to demonstrate an investment of no less than \$1,600,000 to complete the Project.

Section 4. This Agreement is subject to termination by the Board of Trustees after sixty (60) days written notice at any time during the term of this Agreement:

1. The Developer has failed to demonstrate that it has invested at least \$1,600,000 for improvements related to the Subject Property, including, without limitation, acquisition costs, site work, building construction, costs and fees, and equipment (purchased and installed).

2. The Developer has failed to complete the Project on or before December 31, 2014.

Section 5. The Developer covenants and agrees, warrants and represents that it shall comply with all applicable federal, state and local laws, rules, regulations, ordinances, charters, statutes, codes, orders, policies and procedures relating to the Subject Property.

Section 6. For so long as this Agreement shall remain in full force and effect, the Developer agrees to provide access to and authorize inspection of the Subject Property upon request of the City of Bloomington to ensure that the improvements are made according to the specifications and conditions of this Agreement.

Section 7. In the event this Agreement is terminated due to the Developer's breach of any provision of this Agreement, then all taxes abated by the Board of Trustees pursuant to this Agreement shall be repaid to the Board of Trustees within thirty (30) days of Board of Trustee's request therefore. Additionally, the Board of Trustees shall direct the County Clerk not abate any of the Board of Trustee's levy of property taxes of the Subject Property.

Section 8. The Board of Trustees may extend the date set forth in *Section 3 a.1* of this Agreement, if the Developer reasonably demonstrates the necessity for any such extension(s).

Section 9. The Agreement constitutes the entire contract between the parties hereto, and no oral statements or promises and no understanding not embodied in this writing shall be valid or binding. Any modification of this Agreement shall be in writing and executed with the same formality as this Agreement.

Section 10. This Agreement shall be governed by the laws of the State of Illinois. It is agreed by the parties that if any party commences suit, action or any other legal proceeding against the other, the venue shall be the Circuit Court of McLean County, Illinois. Each prevailing party in such suit, action, or proceeding has a right to recover from any adverse party, its attorney's fees, court costs, and other costs of litigation.

Section 11. Any statutory reference contained herein shall include any and all amendments thereto and replacements thereof.

Section 12. Any notice required under this Agreement shall be given to the respective parties as follows:

To the Developer:
Green Building, LLC
Attn: Robert J. Vericella
125 South Bellemont
Bloomington, Illinois 61701

To the Board of Trustees:
Bloomington Public Library

August 12, 2013

349

Attn: Georgia Bouda
205 East Olive Street
Bloomington, Illinois 61701

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officers on the above date at Bloomington, Illinois.

Board of Trustees of the Bloomington Public Library, a local taxing body

By: Narendra Jaggi
Library Board

City of Bloomington

Tari Renner
Mayor

Attest:

Tracey Covert
City Clerk

Date: August 26, 2013

Green Building, LLC, a Delaware limited liability company

By: Fred Wollrab

Attest:

Robert Vericella

Date: September 3, 2013

RESOLUTION NO. 2013 - 11**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE BLOOMINGTON PUBLIC LIBRARY, CONDITIONALLY AND PARTIALLY ABATING PROPERTY TAX FOR GREEN BUILDING, LLC**

WHEREAS, the Board of Trustees of the Bloomington Public Library (the “Board of Trustees”) is a local taxing district; and,

WHEREAS, tax abatement is a tool often used as an incentive to induce business retention, business expansion and new development resulting in community revitalization; and,

WHEREAS, the promise of financial assistance can make the difference in a developer’s decision regarding the location of a project or the eagerness to expand or initiate a project; and,

WHEREAS, Green Building, LLC, a Delaware limited liability company (the “*Developer*”) has requested real estate tax abatements on the part of the local taxing districts in order to undertake the renovation of a century old building located at 115 E. Monroe Street (the “*Building*”) in the area known as “Downtown Bloomington”; and,

WHEREAS, the Developer has advised the Board of Trustees that without the real estate tax abatements as requested, this undertaking will not be economically viable; and,

WHEREAS, all parties believe the economic development impact of this proposed project will ultimately be advantageous to the community as a whole due to the capital investment by the Developer and the resulting job opportunity, neighborhood revitalization, and the increase in the tax base of all of the taxing districts; and,

WHEREAS, the Developer has submitted a plan for the redevelopment and rehabilitation of the Building, which has remained vacant for many years, to construct a multi-unit rental property with fifteen (15) residential units and commercial space on the ground floor (the “*Project*”); and,

WHEREAS, the current equalized assessed value of 115 East Monroe Street (the “*Subject Property*”) is described in *Exhibit A* attached hereto; and,

WHEREAS, Article 18 of the Illinois Revenue Code, 35 ILCS 200/18-165(a), provides that:

“Any taxing district upon a majority vote of its governing authority may, after the determination of the assessed valuation of its property, order the clerk of that county to abate any portion of its taxes on the following types of property:

(1) *Commercial and industrial.*

(A) The property of any commercial or industrial firm. . . . The abatement shall not exceed a period of ten (10) years and the aggregate amount of abated taxes for all taxing districts combined shall not exceed \$4,000,000[;]”

WHEREAS, the Developer has estimated that the Project shall require an investment of \$1,600,000, to undertake and complete the Project; and,

WHEREAS, the Developer has requested that the Board of Trustees grant its request for a real estate tax abatement as permitted by Illinois law, provided that the Developer satisfy all of the terms and conditions as set forth in the Tax Abatement Agreement attached hereto and made a part hereof (the "*Agreement*"); and,

WHEREAS, the Board of Trustees is willing to grant such real estate tax abatement to the Developer in accordance with the terms and conditions set forth in the Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Trustees of the Bloomington Public Library, as follows:

Section 1. The Tax Abatement Agreement by and between the Board of Trustees and Green Building, LLC, in the form attached hereto, is hereby approved and the Mayor is hereby authorized and directed to execute said Agreement on behalf of the Board of Trustees.

Section 2. The McLean County Clerk is hereby ordered to abate that portion of real estate taxes levied by the Board of Trustees against the Subject Property over and above the sum of \$230.81 commencing with the 2015 taxes payable in 2016; the 2016 taxes payable in 2017; the 2017 taxes payable in 2018; the 2018 taxes payable in 2019; and, the 2019 taxes payable in 2020; subject, however, to cancellation and termination upon written notice from the City Clerk of a default by the Developer under the Tax Abatement Agreement.

Section 3. The real estate tax abatement provided in Section Two shall terminate immediately upon written notice from the City Clerk that, at any time after December 31, 2014, a default has occurred on the part of the Developer which has not been cured.

Section 4. Any statutory reference contained herein shall include any and all amendments thereto and replacements thereof.

Section 5. This Resolution shall be in full force and effect upon its passage, approval, and publication as provided by law.

PASSED by the Board of Trustees of the Bloomington Public Library, this 16th day of July 2013.

AYES: Trustees Jaggi, Bowles, Pratt, Painter, Kibler, Kelahan, Koos, Burton and Wetzel.

NAYS: None.

ABSENT: None.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Mwilambwe, seconded by Alderman McDade that the proposed property tax abatement 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 Stearns, Mwilambwe, Schmidt, McDade, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Reciprocal Reporting Agreement between the Law Enforcement Agencies and the Public School Districts

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

STRATEGIC PLAN LINK: Goal 4. Strong neighborhoods.

STRATEGIC PLAN SIGNIFICANCE: Objective 4a. Residents feeling safe in their homes and neighborhoods.

BACKGROUND: The Juvenile Court Act (705 ILCS 405) requires that law enforcement records involving juveniles be kept confidential except in certain specifically listed circumstances. One of those circumstances permits sharing of information between a law enforcement agency and an appropriate school official provided such sharing of information is pursuant to a reciprocal reporting system established and maintained between the school district and the law enforcement agency. Numerous local officials have collaborated to draft an agreement. It lists the circumstances under which law enforcement agencies and schools may

share information. The need for such agreements is obvious. The proposed agreement will, in the future, be used by the City staff as a template for similar agreements between the City and private schools. The staff recommends approval of this agreement.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Representatives of the law enforcement agencies and public school districts listed in the agreement.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by: J. Todd Greenburg, Corporation Counsel

Reviewed by: R.T. Finney, Interim Police Chief

Recommended by:

David A. Hales
City Manager

INTERGOVERNMENTAL AGREEMENT BETWEEN COMMUNITY UNIT SCHOOL DISTRICT NO. 5, MCLEAN AND WOODFORD COUNTIES, ILLINOIS; BLOOMINGTON PUBLIC SCHOOL DISTRICT NO. 87; BLUE RIDGE COMMUNITY UNIT SCHOOL DISTRICT NO. 18; THE DEWITT / LIVINGSTON / MCLEAN COUNTY REGIONAL OFFICE OF EDUCATION NO. 17; EL PASO GRIDLEY COMMUNITY UNIT SCHOOL DISTRICT NO. 11; EUREKA COMMUNITY UNIT SCHOOL DISTRICT NO. 140; GIBSON CITY – MELVIN – SIBLEY COMMUNITY UNIT SCHOOL DISTRICT NO. 5; HEYWORTH COMMUNITY UNIT SCHOOL DISTRICT NO. 4; LEROY COMMUNITY UNIT SCHOOL DISTRICT NO. 2; LEXINGTON COMMUNITY UNIT SCHOOL DISTRICT NO. 7; OLYMPIA COMMUNITY UNIT SCHOOL DISTRICT NO. 16; PRAIRIE CENTRAL COMMUNITY UNIT SCHOOL DISTRICT NO. 8; RIDGEVIEW COMMUNITY UNIT SCHOOL DISTRICT NO. 19; TRI-VALLEY COMMUNITY UNIT SCHOOL DISTRICT NO. 3; THE BLOOMINGTON POLICE DEPARTMENT; THE MCLEAN COUNTY SHERIFF'S DEPARTMENT; THE NORMAL POLICE DEPARTMENT; THE BOARD OF TRUSTEES OF ILLINOIS STATE UNIVERSITY ON BEHALF OF THE ILLINOIS STATE UNIVERSITY LABORATORY SCHOOLS AND THE ILLINOIS STATE UNIVERSITY POLICE DEPARTMENT ONLY, NORMAL, ILLINOIS; THE CITY OF BLOOMINGTON, ILLINOIS; THE COUNTY OF MCLEAN, ILLINOIS; AND THE TOWN OF NORMAL, ILLINOIS REGARDING THE RECIPROCAL REPORTING OF CRIMINAL OFFENSES

This Intergovernmental Agreement ("Agreement") is entered into by and between Community Unit School District No. 5, McLean and Woodford Counties, Illinois; Bloomington Public

School District No. 87; Blue Ridge Community Unit School District No. 18; The DeWitt / Livingston / McLean County Regional Office of Education No. 17; El Paso Gridley Community Unit School District No. 11; Eureka Community School District No. 140; Gibson City – Melvin – Sibley Community Unit School District No. 5; Heyworth Community Unit School District No. 4; Lexington Community Unit School District No. 7; Leroy Community Unit School District No. 2; Olympia Community Unit School District No. 16; Prairie Central Community Unit School District No. 8; Ridgeview Community Unit School District No. 19; Tri-Valley Community Unit School District No. 3 (collectively, the “Schools”); the Bloomington Police Department; the McLean County Sheriff’s Department; the Normal Police Department (collectively, the “Law Enforcement Agencies”); the City of Bloomington, Illinois; the County of McLean, Illinois; the Board of Trustees of Illinois State University on behalf of the Illinois State University Laboratory Schools and the Illinois State University Police Department only; and the Town of Normal, Illinois regarding the reciprocal reporting of information concerning criminal offenses.

RECITALS

WHEREAS, the City of Bloomington is a unit of local government as defined in Article VII, Section 1 of the Constitution of the State of Illinois of 1970;

WHEREAS, the County of McLean is a unit of local government as defined in Article VII, Section 1 of the Constitution of the State of Illinois of 1970;

WHEREAS, Illinois State University is a body corporate and politic of the State of Illinois and a public institution of higher learning as defined in the Board of Higher Education Act (110 ILCS 205/0.01, et seq; 110 ILCS 675/20-1, et seq.);

WHEREAS, the Town of Normal is a unit of local government as defined in Article VII, Section 1 of the Constitution of the State of Illinois of 1970;

WHEREAS, pursuant to Article VII, Section 10 of the Constitution of the State of Illinois of 1970, units of local government and school districts have the authority to contract or otherwise associate among themselves to obtain or share services and to exercise, combine, or transfer any power or function, in any manner not prohibited by law or ordinance; and

WHEREAS, pursuant to the Illinois State University Law (110 ILCS 675/20-1, et seq.), the Board has the power to enter into contracts with municipalities within which the University or any branch thereof is located, in whole or in part, for such municipality to provide essential services; and

WHEREAS, the Schools, Board of Trustees of Illinois State University on behalf of the Illinois State University Laboratory Schools, and units of local government are public agencies as defined in Section 2 of the Intergovernmental Cooperation Act (5 ILCS 220/1 et seq.) and

WHEREAS, pursuant to Section 5 of the Intergovernmental Cooperation Act, any one or more public agencies may contract with any one or more other public agencies to perform any governmental service, activity or undertaking or to combine, transfer, or exercise any powers,

functions, privileges, or authority which any of the public agencies entering into the contract is authorized by law to perform, provided that such contract shall be approved by the governing bodies of each party to the contract; and

WHEREAS, the Illinois General Assembly has found that a safe and civil school environment is necessary for students to learn and achieve; and

WHEREAS, pursuant to Section 24-24 of the Illinois School Code (105 ILCS 5/1-1 et seq.), teachers, other certificated educational employees, and any other person, whether or not a certificated employee, providing a related service for or with respect to a student must maintain discipline in the schools, including school grounds which are owned or leased by the board and used for school purposes and activities. In all matters relating to the discipline in and conduct of the schools and the school children, such persons stand in the relation of parents and guardians to the pupils. This relationship extends to all activities connected with the school program, including all athletic and extracurricular programs, and may be exercised at any time for the safety and supervision of the pupils in the absence of their parents or guardians; and

WHEREAS, pursuant to Sections 10-22.6 and 10-22.10a of the School Code, school authorities may request the assistance of Law Enforcement Agencies for the purpose of conducting inspections and searches of lockers, desks, parking lots, and other school property and equipment owned or controlled by the school for illegal drugs, weapons, or other illegal or dangerous substances or materials, including searches conducted through the use of specially trained dogs. If a search produces evidence that the student has violated or is violating either the law, local ordinance, or the school's policies or rules, such evidence may be seized by school authorities and turned over to law enforcement authorities, and disciplinary action may be taken; and

WHEREAS, pursuant to Section 10-21.4a of the School Code, it is the responsibility of school principals to utilize resources of proper law enforcement agencies when the safety and welfare of students and teachers are threatened by illegal use of drugs and alcohol; and

WHEREAS, various other sections of the School Code authorize the Schools to work with local law enforcement for the purposes of keeping schools safe and providing education or training; and

WHEREAS, pursuant to Section 10-20.14 of the School Code, parent teacher advisory committees in cooperation with local law enforcement agencies shall develop policy guideline procedures to establish and maintain a reciprocal reporting system between school districts and local law enforcement agencies regarding criminal offenses committed by students; and

WHEREAS, pursuant to Section 10-21.7 of the School Code, the superintendent must report incidents of battery committed against teachers, teacher personnel, administrative personnel or educational support personnel to the local law enforcement authorities immediately after the occurrence of the attack; and

WHEREAS, pursuant to Section 10-27.1A of the School Code, the school principal or his or her designee shall immediately notify a local law enforcement agency upon receiving a report any

person has been observed in possession of a firearm on school grounds, other than a law enforcement official engaged in the conduct of his or her official duties; and

WHEREAS, pursuant to Section 10-27.1A of the School Code, the superintendent or his or her designee, upon receipt of a report from any school personnel regarding a verified incident involving a firearm in a school or on school owned or leased property, shall report all such firearm-related incidents occurring in a school or on school property to the local law enforcement authorities immediately; and

WHEREAS, pursuant to Section 10-27.1B of the School Code, the superintendent or his or her designee, upon receipt of a report from any school personnel regarding a verified incident involving drugs in a school or on school owned or leased property, shall report all such drug-related incidents occurring in a school or on school property to the local law enforcement authorities immediately; and

WHEREAS, pursuant to Section 22-20 of the School Code, all law enforcement agencies of the State of Illinois and its political subdivisions shall report to the principal of any public school of this State whenever a child enrolled therein is detained for proceedings under the Juvenile Court Act of 1987, or for any criminal offense or any violation of a municipal or county ordinance. The report shall include the basis for detaining the child, circumstances surrounding the events which led to the child's detention, and status of proceedings. The report shall be updated as appropriate to notify the principal of developments and the disposition of the matter. The information derived thereby shall be kept separate from and shall not become a part of the official school record of such child and shall not be a public record. Such information shall be used solely by the appropriate school official or officials whom the school has determined to have a legitimate educational or safety interest to aid in the proper rehabilitation of the child and to protect the safety of students and employees in the school; and

WHEREAS, pursuant to Sections 1-7(A)(8)(A) and 5-905(1)(h)(A) of the Juvenile Court Act of 1987 (705 ILCS 405/1-1 et seq.), and in accordance with a reciprocal reporting agreement, appropriate Schools or officials whom the school has determined to have legitimate educational or safety interests are permitted to inspect and copy and law enforcement agencies are permitted to transmit to such officials law enforcement records concerning a minor enrolled in any school who has been arrested or taken into custody for certain offenses, provided the law enforcement agency or officer believes there is an imminent threat of physical harm to students, school personnel, or others who are present in the school or on school grounds, and provided further that any information about a minor who is the subject of a current police investigation that is directly related to school safety shall consist of oral information only;

NOW, THEREFORE, in consideration of the mutual promises, terms and conditions set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby expressly acknowledged, the parties hereto covenant, consent, and agree as follows:

1. Reciprocal Reporting Agreement

A. Representatives: The Schools and the Law Enforcement Agencies shall each designate a representative, respectively, to be its point of contact for purposes of this Agreement. The representatives of the Schools and Law Enforcement Agencies, respectively, will arrange periodic meetings as needed. Meetings shall be intended and designed to improve general communication between the parties and share information relevant to criminal activity affecting the educational community.

B. Information Sharing: The Schools and Law Enforcement Agencies agree to share information as provided below. For purposes of this Agreement, the term “School” when applied to the Board of Trustees of Illinois State University shall refer only to the Illinois State University Laboratory Schools.

1. The Law Enforcement Agencies shall report to the Schools:
 - a) Information involving students, staff, or parents that directly affects the safety of any school or any of the students or staff of any school. For purposes of this Agreement, the term “school” or phrase “any school” refer to any school operated by the Schools covered under this Agreement.
 - b) Whenever a child enrolled in any school is detained for proceedings under the Juvenile Court Act of 1987, or for any criminal offense or any violation of a municipal or county ordinance during school hours or listed in Section 1B1(c) of this Agreement.
 - c) When a student under 18 years of age enrolled in any school has been arrested or taken into custody for any of the following offenses and Law Enforcement Agencies believe there is an imminent threat of physical harm to students, school personnel, or others who are present in the school or on any school grounds (705 ILCS 405/1-7(A) (8) and 5-905(1) (h)):
 - 1) A violation of Article 24 of the Criminal Code of 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1 et seq.);
 - 2) A violation of the Illinois Controlled Substances Act (720 ILCS 570/100 et seq.);
 - 3) A violation of the Cannabis Control Act (720 ILCS 550/1 et seq.);
 - 4) A forcible felony as defined in Section 2-8 of the Criminal Code of 1961 or the Criminal Code of 2012 including treason, first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, robbery, burglary, residential burglary, aggravated arson, arson, aggravated kidnaping, kidnaping, aggravated battery resulting in great bodily harm or permanent disability or disfigurement and any other felony which involves the use or threat of physical force or violence against any individual (720 ILCS 5/2-8);
 - 5) A violation of the Methamphetamine Control and Community Protection Act (720 ILCS 646/1 – 646/9999);
 - 6) A violation of Section 1-2 of the Harassing and Obscene Communications Act (720 ILCS 135/0.01 – 135/2);
 - 7) A violation of the Hazing Act (720 ILCS 120/0.01 – 120/10); or

- 8) A violation of Section 12-1, 12-2, 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5, 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the Criminal Code of 1961 or the Criminal Code of 2012.
- d) When a student 18 years of age or older has been arrested or taken into custody for any felony; criminal offense (felony or misdemeanor) listed in Section 1B1(c) of this Agreement; “narcotics offense” or “sex offense” as defined in Section 21B-80 of the School Code; gang related offense; offense perpetrated against any student or school personnel; or any similar violations of a municipal or county ordinance.
- e) When any employee of the Schools has been arrested or taken into custody for any felony; criminal offense (felony or misdemeanor) listed in Section 1B1(c) of this Agreement; “narcotics offense” or “sex offense” as defined in Section 21B-80 of the School Code; gang related offense; offense perpetrated against any student or school personnel; or any similar violations of a municipal or county ordinance.
2. The Law Enforcement Agencies may report to the Schools intelligence information involving the safety of any school, students, or staff.
3. Schools shall report to Law Enforcement Agencies:
 - a) Immediately upon receipt of a written complaint from any school personnel of an incident of battery committed against a teacher, administrative personnel, or educational support personnel.
 - b) Immediately upon receipt of a report from any school official, school personnel, or other person that they observed a person in possession of a firearm in any school, on any school grounds, or on any school owned or leased property. For purposes of this Agreement, “school grounds” or “school owned or leased property” includes the real property comprising any school, any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity, or any public way within 1,000 feet of the real property comprising any school.
 - c) Immediately upon receipt of a report from any school personnel regarding a verified incident involving drugs in a school or on school owned or leased property, including any conveyance owned, leased, or used by the school for the transport of students or school personnel.
4. Schools may report to Law Enforcement Agencies:
 - a) Whenever any school administrative personnel have reasonable suspicion to believe that a student has committed a criminal offense or violation of a municipal or county ordinance, provided such report is made in compliance with Section 5(d) of this Agreement.
 - b) Whenever any school administrative personnel have reasonable suspicion to believe that a school employee has committed a criminal offense.
5. All reports:
 - a) Should identify the student or school employee by name and describe the circumstances of the alleged criminal activity, except that the Schools may confer with the Law Enforcement Agencies without identifying the student or school employee involved in order to ascertain whether

- misconduct in a particular case rises to the level of a criminal offense to be reported under this Agreement;
- b) Should, except where required to be made immediately, be made as soon as possible; and
 - c) When made pursuant to Section 1(c) above:
 - 1) shall include the basis for detaining the child, circumstances surrounding the events which led to the child's detention, and status of proceedings;
 - 2) shall be updated as appropriate to notify the Schools of developments and the disposition of the matter;
 - 3) shall be kept by the Schools separate from the official school record of such child;
 - 4) shall not become a part of the official school record of such child and shall not be a public record; and
 - 5) shall be used solely by the Schools to aid in the proper rehabilitation of the child and to protect the safety of students and employees in the school.
 - d) When made pursuant to Section 3(a) above must be requested by the Law Enforcement Agencies prior to adjudication of the student by the court. For purposes of this Agreement, the Law Enforcement Agencies hereby make an ongoing and continuing request for information related to criminal offenses and municipal or county ordinance violations suspected to have been committed by students.
6. All information, whether verbal or written, may be disseminated by any representative to any employees of his or her agency, when the representative believes such dissemination is necessary to further the objectives stated in this Agreement.
7. Information may be communicated verbally among the representatives at any time deemed necessary by the representatives. Information may also be verbally communicated among the representatives during meetings called for that purpose; such meetings may be held according to a schedule, or may be called by any representative on an as-needed basis. Information in written form may be transmitted among the representatives by any agreed-upon method, including but not limited to, United States mail, hand-delivery, fax, or email; such sharing of written information may be according to an agreed-upon schedule, or on an as-needed basis.
8. All information provided or shared under this Agreement shall remain confidential and shall be disclosed only to the persons as identified in this Agreement. By entering this Agreement, the Schools and Law Enforcement Agencies certify that any information received pursuant to this Agreement shall not be disclosed to any other party except as provided by law or court order, which includes but is not limited to the bona fide prosecution of students or school employees.
9. The ILLINOIS CRIMINAL CODE, the ILLINOIS JUVENILE COURT ACT, and the ILLINOIS SCHOOL CODE shall be used as the references for needed definitions and interpretations.

2. Effective Date, Renewal, and Termination

This Agreement will be effective as of the date it is signed by the parties hereto and will remain in effect and automatically renew from year to year unless terminated sooner. Any party may terminate its participation in this Agreement upon thirty (30) days prior written notice to the others.

3. Scope of Agreement

Nothing in this Agreement is intended to impose upon any party a duty to report information to any other party which is not otherwise required by law. This Agreement shall not be interpreted as making an obligation of a party mandatory which is otherwise discretionary under the law or vice versa. No party to this Agreement waives any defenses or immunities it otherwise has under the law, including without limitation any immunities under the Sections 2-204 or 2-205 of the Local Governmental and Governmental Employees Tort Immunity Act or the State Employee Indemnification Act (5 ILCS 350/1, et seq.).

4. Amendment

No change or modification of this Agreement shall be valid unless it is in writing and is signed by all the parties hereto.

5. Assignment

No party to this Agreement may assign this Agreement or its rights or obligations herein.

6. Notices

All notices required pursuant to this Agreement shall be in writing and sent by U.S. certified mail, postage prepaid, return receipt requested or by overnight express delivery to the address of the party set forth below or as otherwise directed in writing by such party or as provided under applicable state law. Notice is deemed given three (3) days after being deposited in the U.S. Mail for certified mail delivery or one (1) day after being deposited with an overnight express delivery courier for delivery to the correct address.

Superintendent
Community Unit School District No. 5
1809 West Hovey Avenue
Normal, IL 61761-4339

Town of Normal
Mayor
11 Uptown Circle
PO Box 589
Normal, IL 61761

Normal Police Department
Chief
11 Uptown Circle
PO Box 589
Normal, IL 61761

Superintendent
Bloomington School District No. 87
300 East Monroe
Bloomington, IL 61701

City of Bloomington
Mayor
109 E. Olive Street
Bloomington, IL 61701

Bloomington Police Department
Chief
305 S East Street
Bloomington, IL 61701-7609

Board of Trustees of Illinois State University
President
421 Hovey Hall
Campus Box 1000
Normal, IL 61790-1000

Superintendent
Blue Ridge CUSD No. 18
411 N John Street
Farmer City, IL 61842

Superintendent
El Paso Gridley CUSD No. 11
97 W. Fifth Street
El Paso, IL 61738

Superintendent
Eureka CUSD No. 140
109 W. Cruger Avenue
Eureka, IL 61530

Superintendent
Gibson City - Melvin - Sibley CUSD No. 5
307 N. Sangamon Avenue
Gibson City, IL 60936

Superintendent
Heyworth CUSD No. 4
522 E. Main Street
Heyworth, IL 61745

Superintendent
Illinois State University Laboratory Schools
Illinois State University
College of Education
Campus Box 5300
DeGarmo 506

Superintendent
LeRoy CUSD No. 2
5500 N 2375 East Road
LeRoy, IL 61752

Superintendent
Lexington CUSD No. 7
Box 67, Wall & Cherry Streets
Lexington, IL 61753

Superintendent
Olympia CUSD No. 16
13593 Burr Oak Road
Bloomington, IL 61704

Superintendent
Prairie Central CUSD No. 19
605 N. Seventh Street
Fairbury, IL 61739

Superintendent
DeWitt / Livingston / McLean County
Regional Office of Education No. 17
200 W. Front Street, Suite 500D
Bloomington, IL 61701

Superintendent
Ridgeview CUSD No. 19
300 S. Harrison Street
Colfax, IL 61728

Superintendent
Tri-Valley CUSD No. 3
410 E. Washington Street
Downs, IL 61736

Chairman
McLean County Board
115 E. Washington Street, Room 401
Bloomington, IL 61701

Sheriff
McLean County Sheriff's Department
104 W. Front Street
Bloomington, IL 61701

7. Governing Law

This Agreement shall be construed in accordance with and pursuant to the laws of the State of Illinois.

8. Non-waiver of Breach

The failure of any party to insist upon strict performance of any of the terms or conditions of this Agreement shall not be construed to be a waiver of such term or condition or any subsequent breach thereof.

9. Severability

The invalidity or unenforceability of any particular provision of this Agreement shall not affect the other provisions hereof, and this Agreement shall be construed in all respects as if such invalid or unenforceable provision were omitted.

10. Enforcement

It is acknowledged and agreed that no party to this Agreement shall be liable for any negligent or wrongful acts, either by omission or commission, chargeable to the other party. It is further acknowledged and agreed that this Agreement shall not be construed to create a duty owed by any party to any third party. Each party hereto covenants and agrees that the exclusive claims or remedies for breach of this Agreement shall be limited to an action for specific performance or mandamus action or termination of this Agreement. Accordingly, each party hereby waives any and all other claims and remedies, direct or indirect, by way of subrogation or otherwise, that such party may have against any other party arising out of the performance or non-performance of any provision of this Agreement by such party.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on their behalf and attested by their duly authorized officers, all on the dates as herein set forth.

COMMUNITY UNIT SCHOOL DISTRICT NO. 5,
McLEAN AND WOODFORD COUNTIES, ILLINOIS

By: _____

Its: _____

Date: _____

TOWN OF NORMAL, ILLINOIS

By: _____

Its: _____

Date: _____

NORMAL POLICE DEPARTMENT

By: _____

Its: _____

Date: _____

BLOOMINGTON PUBLIC SCHOOL DIST. NO. 87

By: _____

Its: _____

Date: _____

CITY OF BLOOMINGTON, ILLINOIS

By: Tari Renner

Its: Mayor

Date: August 13, 2013

BLOOMINGTON POLICE DEPARTMENT

By: RT Finney

Its: Interim Police Chief

Date: August 14, 2013

BOARD OF TRUSTEES OF ILLINOIS
STATE UNIVERSITY

By: _____

Its: _____

Date: _____

BLUE RIDGE COMMUNITY UNIT
SCHOOL DISTRICT NO. 18

By: _____

Its: _____

Date: _____

EL PASO – GRIDLEY CUSD NO. 11

By: _____

Its: _____

Date: _____

EUREKA CUSD NO. 140

By: _____

Its: _____

Date: _____

GIBSON CITY - MELVIN - SIBLEY CUSD NO. 5

By: _____

Its: _____

Date: _____

HEYWORTH CUSD NO. 4

By: _____

Its: _____

Date: _____

LEROY CUSD NO. 2

By: _____

Its; _____

Date: _____

LEXINGTON CUSD NO. 7

By: _____

Its: _____

Date: _____

OLYMPIA CUSD NO. 16

By: _____

Its: _____

Date: _____

PRAIRIE CENTRAL CUSD NO. 8

By: _____

Its: _____

Date: _____

RIDGEVIEW CUSD NO. 19

By: _____

Its: _____

Date: _____

DEWITT / LIVINGSTON / MCLEAN COUNTY
REGIONAL OFFICE OF EDUCATION NO. 17

By: _____

Its: _____

Date: _____

TRI-VALLEY CUSD NO. 3

By: _____

Its: _____

Date: _____

COUNTY OF MCLEAN

By: _____

Its: _____

Date: _____

MCLEAN COUNTY SHERIFF'S
DEPARTMENT

By: _____

Its: _____

Date: _____

Motion by Alderman Mwilambwe, seconded by Alderman McDade that the agreement be approved and the Mayor and City Clerk be authorized to the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Ratification of Contract with Local 699 American Federation of State, County and Municipal Employees, AFL-CIO, (Public Works/Parks), for the period of May 1, 2012 through April 30, 2014

RECOMMENDATION/MOTION: That the Contract be ratified.

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

STRATEGIC PLAN SIGNIFICANCE: Objectives: 1d. City services delivered in the most cost effective, efficient manner, and 1e. Partnering with others for the most cost effective service delivery

BACKGROUND: On May 7, 2012, the parties began negotiating the terms for a collective bargaining agreement to replace the Agreement that expired on April 30, 2012. A draft of the new Contract language provided to the Union was also provided to the Council. On July 12, 2013, the parties reached Tentative Agreements on the issues listed below. On July 31, 2013, Local 699 ratified the Tentative Agreements, detailed, in summary, below.

Sick Leave

- Reduced Accelerated Accrual eligibility to one time in an employee's career after August 12, 2013. Limited eligibility for this benefit to one serious health condition and requires employees to deplete all but eighty (80) sick leave hours.
- Ability to use twenty-four (24) hours of sick leave annually for injury or illness of parent.
- Require doctor's verification for any sick leave usage for a child between the ages of 19 - 26.
- Increase the requirement for a doctor's note for illness from two to three (2 – 3) days.
- Addition of Sick Leave Abuse Language.
- Ability to run FMLA concurrently with Sick Leave, minimizing employee's time away from work.

- Clarification of consequences if an employee fails to report an absence appropriately.
- Requirement to pay employees at their regular rate of pay if the City requires them to be seen by a physician.

Health Insurance

- Employees will be eligible for the Blue Cross/Blue Shield PPO Well Plan and the Health Alliance HMO Well Plan. The Well Plan raises deductibles from \$250 to \$400. This change was effective January 1, 2013.

Wages

- May 1, 2011 wage table will be increased by 0% on May 1, 2012 and 2% on May 1, 2013 with retroactive pay.
- Base wages reduced for new hires. May 1, 2011 wage table rate at ninety percent (90%) of base will be the new base for employees hired after August 12, 2013. Applicable longevity will apply.
- \$500 signing bonus paid upon ratification of the Agreement.
- Agreement on \$16.00 hourly rate for a new position of Assistant Greenskeeper.

Overtime

- Updated language on distribution of overtime for the Parking and Fleet Division.

On Call Pay

- Addition of on call procedure for weather related events. Employees may be placed on call for a twenty-four (24) hour period for weather related events. If employees are placed on call and are not called in they shall be paid for two (2) hours at their straight time hourly rate.

Clothing Allowance

- Increased clothing allowance from \$600 to \$750 annually for all employees, excluding the Zoo, Fleet Management and Police employees.
- Increased Zoo employees' Safety Shoe Allowance from \$150 to \$200 per year.
- Increased Fleet Management Technicians annual allowance from \$200 to \$250.

Subcontract Language

- Right to contract out any work City deems necessary in the interest of efficiency, economy, and improved work product or emergency.
- Ability to implement the decision prior to the conclusion of impact or effects bargaining.

Other

- Deleted obsolete language on Reclassification of Recycle Truck Driver position.
- Clarification on job continuation language.
- Clarification on accrual of leave time and adjustment of employee's anniversary date if an employee is in an unpaid status in excess of thirty (30) days.

- Allow Fleet Technician's one (1) day per year for ASE and/or EVT certification testing. Reimbursement for the cost of the test when passing score is provided.
- Agreement to change Parking Maintenance position upon retirement to Laborer – Custodian.
- Clarification of language on seniority principle and addition of language on qualifications to perform the work in the event of promotions, demotions and layoffs.
- Addition of procedure to decline temporary elevation.
- Elimination of last continuous date of hire for employees hired after May 1, 2012.
- Changed to a \$10 meal reimbursement without a receipt for those working a twelve (12) hour shift or more.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Council and Local 699.

FINANCIAL IMPACT: The financial impact of the Tentative Agreements includes:

- Gained work productivity with limiting sick leave for children, addition of sick leave abuse language and FMLA running concurrent with Sick Leave.
- Reduction in wage table for new employees hired after August 12, 2013. This will increase costs for year one and two and decrease costs by ten percent (10%) for year four through the employee's career. The estimated savings for a new employee in the lowest pay classification whose career is thirty-one (31) years would be \$175,448.
- Increase in wage tables for existing employees by two percent (2%) effective May 1, 2013 (with retro). Estimated cost of the two percent (2%) (without longevity) is \$124,966.
- Reduced the cost of the City Health Insurance benefit by \$176,847 for 2013.
- \$500 signing bonus for bargaining unit employees on payroll at time of ratification. Estimated 107 employees at \$53,500.
- Potential to increase cost for employees being on call, but will ensure employees are available for weather related events.
- Potential increase in Zoo Shoe allowance by \$250. Estimated five (5) employees at \$50.
- Increased Fleet Allowance by \$350. Estimated seven (7) employees at \$50.
- Increased Clothing Allowance by \$13,800. Estimated ninety-three (93) employees at \$150.
- Increased the time employees get to longevity steps by using their full-time date of hire versus their last continuous date of hire.
- Increased Fleet training cost and increased employee knowledge base.
- Upon retirement of existing staff, decrease cost of Parking Maintenance staff by 11.5%

Respectfully submitted for Council consideration.

Prepared by:

Angie Brown, Human Resources Specialist

Reviewed by: Emily Bell, Director of Human Resources
Jim Karch, Director of Public Works
John Kennedy, Director of Parks, Rec. & Cultural Arts

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Patti-Lynn Silva, Director of Finance

Legal review by: Lisa Callaway, Clark Baird Smith, LLP
J. Todd Greenburg, Corporation Counsel

Recommended by:

David A. Hales
City Manager

Motion by Alderman Mwilambwe, seconded by Alderman McDade that the Contract be ratified.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Application of Taste of India BLM, Inc., d/b/a Taste of India, located at 704 S. Eldorado Rd., requesting an RAS liquor license, which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week

RECOMMENDATION/MOTION: That an RAS liquor license for Taste of India BLM, Inc., d/b/a Taste of India, located at 704 S. Eldorado Rd., be created, contingent upon compliance with all applicable health and safety codes.

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 regarding the application by Taste of India BLM, Inc., d/b/a Taste of India, located at 704 S. Eldorado Rd., requesting an RAS liquor license, which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel; and Tracey Covert, City Clerk; and Keyur Patel, owner/operator and Applicant representative.

Commissioners absent: Stephen Stockton.

Commissioner Renner opened the liquor hearing and requested that the Applicant address this application. Keyur Patel, owner/operator and Applicant representative, addressed the Commission. Taste of India would be located at the restaurant formerly known as Chevy's. He planned to renovate the building.

Commissioner Renner noted feedback received from the McLean County Health Department, (MCHD). Mr. Patel informed the Commission that he had met with the MCHD staff this morning. Commissioner Renner informed Mr. Patel that the MCHD's approval was required.

Commissioner Tompkins questioned if Mr. Patel held other liquor licenses. Mr. Patel responded affirmatively. He had held a liquor license in the recent past and currently held a liquor license for Namaste Plaza BLM, located at 704½ S. Eldorado Rd. He described Namaste as a convenient store.

Commissioner Tompkins questioned if Taste of India's servers would be BASSET (Beverage Alcohol Sellers & Servers Education & Training), trained. Mr. Patel responded affirmatively.

Commissioner Jordan questioned the required insurance. He also questioned if Mr. Patel had any previous violations.

Motion by Commissioner Jordan, seconded by Commissioner Tompkins that the application by Taste of India BLM, Inc., d/b/a Taste of India, located at 704 S. Eldorado Rd., requesting a RAS liquor license, which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week be approved.

Motion carried, (unanimously).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph on July 1, 2013 in accordance with City Code. In accordance with City Code, approximately eighty-four (84) courtesy copies of the Public Notice were mailed on July 1, 2013. In addition, the Agenda for the July 9, 2013 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

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

Respectfully submitted for Council consideration.

Recommended by:

Tari Renner
Mayor

Motion by Alderman Mwilambwe, seconded by Alderman McDade that an RAS liquor license for Taste of India BLM, Inc., d/b/a Taste of India, located at 704 S. Eldorado Rd., be created, contingent upon compliance with all applicable health and safety codes.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Application of Station Two Twenty Inc., d/b/a Station Two Twenty, located at 220 E. Front St., requesting an RAPS liquor license, which would allow the sale of all types of alcohol by the glass for consumption on the premises and the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week

RECOMMENDATION/MOTION: That an RAPS liquor license for Station Two Twenty, Inc., d/b/a Station Two Twenty, located at 220 E Front St., be created, contingent upon compliance with all applicable health and safety codes.

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 regarding the application by Station Two Twenty Inc., d/b/a Station Two Twenty, located at 220 E. Front St., requesting an RAPS liquor license, which would allow the sale of all types of alcohol by the glass for consumption on the premises and the sale of all types of packaged alcohol 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; and Tracey Covert, City Clerk; and Ken Myszke, owner/operator and Applicant representative.

Commissioners absent: Stephen Stockton.

Commissioner Renner opened the liquor hearing and requested that the Applicants address this application. He noted that this application involved a change of ownership.

Ken Myszke, owner/operator and Applicant representative, addressed the Commission. Station 220 was currently held by CS Bloom, Inc. Chad Ellington was the building owner. Epiphany Farms had been responsible for the kitchen operations for the past two and a half (2½) years. A new corporation was formed. The corporate stockholders were Stu Hummel, Na Nam Myszke and himself. Their new corporation would enter into a twenty (20) year lease with Mr. Ellington. The lease was contingent upon approval of the liquor license.

Commissioner Tompkins described Station Two Twenty as a good player/partner. There had not been any issues with this restaurant.

Commissioner Jordan questioned Mr. Ellington's continued ownership. Mr. Myszke stated that Mr. Ellington would be the landlord. He restated that the new corporation consisted of himself, his wife and Mr. Hummel.

George Boyle, Asst. Corporation Counsel, addressed the Applicant. He questioned the business plan and if any changes were planned. Mr. Myszke noted that there had been a number of changes during the past two and a half (2½) years. The Loft would reopen in the fall 2013 with a new concept and new name.

Mr. Boyle questioned the request for the "P", Packaged liquor license. He specifically questioned the conditions for a packaged sale. Mr. Myszke cited wine dinners. Guests have requested the ability to purchase the wines served at these dinners.

Commissioner Tompkins questioned hard liquor to go. Mr. Myszke noted that there might be an occasional beer and/or liquor tasting. There was no plan to offer packaged spirits for sale.

Commissioner Tompkins recommended that a dinner order must accompany a liquor order. Mr. Myszke noted that Station Two Twenty was focused on the dining experience. The focus was not on liquor sales.

Commissioner Jordan stated that patrons would have the ability to purchase sealed bottles. Mr. Myszke noted that patrons currently have the ability to take their bottled wine home. An opened bottle of wine is corked, placed in a sealed bag with the receipt enclosed. The intention was to host special wine dinners and offer these wines for packaged sale.

Mr. Boyle noted that the wine baggie was allowed under state law. He needed to research City Code. Commissioner Jordan stated that the wine must be in the original container. Mr. Boyle added that it must be bottled wine. Mr. Myszke added that the wine baggy is sealed.

Commissioner Tompkins suggested that the “P” liquor license be amended to only allow the sale of package wine. Mr. Myszke reminded the Commission of the occasional spirit tasting. Commissioner Tompkins stated that he had no problem with the concept. Mr. Myszke acknowledged the risk. Wine dinners were scheduled events. Attendees would complete an order sheet. The wine would be picked up at a later date.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that the application by Station Two Twenty, Inc., d/b/a Station Two Twenty, located at 220 E. Front St. requesting an RAPS liquor license, which allows the sale of all types of alcohol by the glass and the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week be approved.

Motion carried, (unanimously).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph on July 1, 2013 in accordance with City Code. In accordance with City Code, approximately eighteen (18) courtesy copies of the Public Notice were mailed on July 1, 2013. In addition, the Agenda for the July 9, 2013 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 an RAPS liquor license is \$2,210.

Respectfully submitted for Council consideration.

Recommended by:

Tari Renner
Mayor

Motion by Alderman Mwilambwe, seconded by Alderman McDade that an RAPS liquor license for Station Two Twenty, Inc., d/b/a Station Two Twenty, located at 220 E Front St., be created, contingent upon compliance with all applicable health and safety codes.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Suspension of Ordinances to Allow Consumption of Alcohol at Lake Bloomington's Davis Lodge on June 28, 2014

RECOMMENDATION/MOTION: That the Ordinance be passed.

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

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

BACKGROUND: The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the request of Brian Smith and Ashley McKay to allow moderate consumption of alcohol at their June 28, 2014, wedding reception to be held at Lake Bloomington's Davis Lodge. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, and Tracey Covert, City Clerk, and Ashley McKay & Brian Smith, bride and groom and request representatives.

Commissioners absent: Stephen Stockton.

Commissioner Renner opened the liquor hearing and requested that the requestor's representative address this request. Ashley McKay, bride, addressed the Commission. The wedding was scheduled for June 28, 2014 at the Lake Bloomington Davis Lodge. There were 150 people on the guest list. Famous Liquors, located at 1404 E. Empire St., would be retained to provide liquor service, which would be limited to beer and wine only. The wedding reception was scheduled for 1:00 to 4:00 p.m.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that the request of Ashley McKay and Brian Smith to allow moderate consumption of alcohol at the Lake Bloomington Davis Lodge for their June 28, 2014 wedding be approved.

Motion carried, (unanimously).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Agenda for the July 9, 2013 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Recommended by:

Tari Renner
Mayor

ORDINANCE NO. 2013 - 57**AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND SECTION 26(d) OF CHAPTER 6 OF THE BLOOMINGTON CITY CODE FOR A WEDDING RECEPTION AT THE LAKE BLOOMINGTON DAVIS LODGE**

WHEREAS, Ashley McKay and Brian Smith are planning to hold their wedding reception at the Lake Bloomington Davis Lodge from 1:00 p.m. to 4:00 p.m. on June 28, 2014; and

WHEREAS, Ashley McKay and Brian Smith have requested permission from the City to serve beer and wine during this event; and

WHEREAS, in order to legally possess alcohol in a City Park, Section 701(a), (b) and (c) of Chapter 31 of the Bloomington City Code, which prohibits the drinking, selling and possessing alcohol beverages with the City parks and Section 26(d) of Chapter 6 of the Bloomington City Code, which prohibits possession of open alcohol on public property must be suspended;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, ILLINOIS;

Section 1: That Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, are suspended for the duration of the wedding reception at the Lake Bloomington Davis Lodge on June 28, 2014 under the conditions set forth in the rental agreement.

Section 2: Except for the date of date set forth in Section 1 of this Ordinance, Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, shall remain in full force and effect. Nothing in this Ordinance shall be interpreted as repealing said Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6.

Section 3: This Ordinance shall be effective on the date of its passage and approval.

Section 4: This Ordinance is adopted pursuant to the home rule authority granted the City of Bloomington by Article VII, Section 6 of the 1960 Illinois Constitution.

PASSED this 12th day of August, 2013.

APPROVED this 13th day of August, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Mwilambwe, seconded by Alderman McDade that the Ordinance be passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Transfer of Land to Developers of The Grove on Kickapoo Creek Subdivision, Fourth Addition in Exchange for Parkland Conveyed from the Developers

RECOMMENDATION/MOTION: That the conveyance of land be authorized.

STRATEGIC PLAN LINK: 5. Great place - livable, sustainable City.

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

BACKGROUND: On May 28, 2013, the City approved a Petition from Eastlake, LLC, requesting approval of Final Plats for The Grove on Kickapoo Creek Subdivision, Fourth Addition and Grove Park Subdivision commonly located north of Ireland Grove Rd. and west of Township Rd. 2100 East. As part of that subdivision, the portions of property set aside for parkland dedication and property set aside for buildable lots were slightly revised. Since there had already been a dedication of land by the developers to the City for use as parkland, which is now shown on the newly approved plat as buildable lots, that property should be conveyed by the City to the developers. Similarly, since the developers owned property which is now to be used as parkland, the developers have prepared a deed conveying that land to the City. A deed has been drafted which conveys property currently owned by the City to the developers. A copy of the deed tendered to the City by the developers was provided to the Council, as well as a copy of a map showing the changes in land ownership.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: None.

FINANCIAL IMPACT: None. The values of the parcels traded are virtually identical.

Respectfully submitted for Council consideration.

Prepared by: J. Todd Greenburg, Corporation Counsel

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Patti-Lynn Silva, Director of Finance

Recommended by:

David A. Hales
City Manager

Motion by Alderman Mwilambwe, seconded by Alderman McDade that the conveyance of land be authorized.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition submitted by FOB Development, Inc. requesting approval of a Third Revision to a Preliminary Plan for a Portion of Empire Business Park

RECOMMENDATION/MOTION: That the Preliminary Plan be approved and the Ordinance passed.

STRATEGIC PLAN LINK: Goal 5. Great place – livable sustainable City. The preliminary plan will facilitate the objective of expanding businesses.

STRATEGIC PLAN SIGNIFICANCE: Objective 5b. City decisions consistent with plans and policies. Once the plan is approved and along with final platting development of vacant land can begin. This will encourage the growth of local businesses in the business park and other business locations along east Empire.

BACKGROUND: The petitioner is requesting to amend the Empire Business Park Preliminary Plan. This is for the property located north of Illinois Rt. 9, east of Trinity Ln. and west of the

future Deneen Dr., consisting of approximately 14.2 acres. The cul-de-sac from a previously approved plan is proposed to be removed and a public street extended to Deneen Dr. The location of the existing Trinity Ln. and Deneen Dr. will not change. There is much interest in this business park and approval will facilitate the sale of parcels for commercial development.

The Planning Commission reviewed the petition on May 8, 22, and July 24, 2013. The petitioner's attorney and engineer both spoke at the meetings explaining the amended preliminary plan. The Commission had discussion on providing a sidewalk along the north side of Empire St. The Commission held public hearings and one person spoke in support of the request, objected to the consistency review rating, and the approval being held up for the sidewalk issue. At the May 8, 2013 meeting the case was laid over in order for staff and the developer to work on a sidewalk resolution and consult with the Illinois Department of Transportation (IDOT) on their sidewalk requirements. On May 22, 2013, Commission voted 8 - 0 to recommend approval of the petition. The case was remanded back by the Council to the Commission on July 24, 2013. The developer, staff and the Commission were all satisfied with the plan.

Staff believed having Magory Dr. extended to Deneen Dr. was a positive feature of the revised Preliminary Plan as it will improve circulation. The major concerns from staff was that sidewalks should be provided on the north side of Empire St. and on Magory Dr., that Magory Dr. should be a public street and properly designed, and that all IDOT requirements are met. All of these issues have been resolved and Magory Dr. will be a City street built to City specifications with sidewalks on both sides and on Empire St. The design will also comply with IDOT requirements.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with City Code. In accordance with the Zoning Code, (Ordinance No. 2006 - 137), courtesy copies of the Public Notice were mailed to twenty (20) property owners within 500'. In addition, public notice/identification sign were posted on the property.

FINANCIAL IMPACT: The financial impact on the City revenues and services should not change with the approval of the amended Preliminary Plan.

Respectfully submitted for Council consideration.

Prepared by: Mark Woolard, City Planner

Reviewed by: Mark R. Huber, Director - PACE

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Patti-Lynn Silva, Director of Finance

Legal review by: J. Todd Greenburg, Corporation Counsel

Recommended by:

David A. Hales
City Manager

**PETITION FOR APPROVAL OF THIRD REVISION TO A PORTION OF THE
EMPIRE BUSINESS PARK PRELIMINARY PLAN**

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

NOW COMES FOB DEVELOPMENT, INC., hereinafter referred to as Petitioner, respectfully
representing and requesting as follows:

1. Petitioner is interested in the premises described on the attached Exhibit "A" attached hereto and made a part hereof by this reference;
2. Petitioner seeks approval of a third revision of the previously approved Empire Business Park Subdivision and attaches hereto as Exhibit "B" a copy of the proposed revision.
3. That the only change sought by this revision is to extend a private street Easterly to be extended to proposed Deneen Drive in lieu of the private street which had been shown on the previously approved Preliminary Plan.

WHEREFORE, Petitioner prays that this revision to a portion of the previously approved Empire Business Park Preliminary Plan, as amended, be approved as requested herein.

Respectfully submitted,

FOB DEVELOPMENT, INC.

By: William C. Wetzel
Its Attorney

ORDINANCE NO. 2013 - 52

**AN ORDINANCE APPROVING THE THIRD REVISION OF A PORTION OF THE
PRELIMINARY PLAN OF THE EMPIRE BUSINESS PARK SUBDIVISION**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for Approval of a Third Revision to a Portion of the Empire Business Park Subdivision relating to the premises legally described in Exhibit "A" attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition is valid and sufficient and conforms to the requirements of the statutes in such cases made and provided and the requirements of the Bloomington City Code; and

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Bloomington, McLean County, Illinois:

1. That the Third Revision to the Preliminary Plan for the Empire Business Park Subdivision as shown on Exhibit "B" is hereby approved.
2. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 12th day of August, 2013.

APPROVED this 13th day of August, 2013.

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

All that part of 355.15 Acres off the West Side of Section 31, Township 24 North, Range 3 East of the Third Principal Meridian, McLean County, Illinois, per "Survey of 355.15 Acres off the West Side of Section 31" as shown in Plat Book 12, page 120, in the McLean County Recorder's Office, lying south of and adjacent to the South Line of Cornelius Drive, east of and adjacent to the East Line of Airport Road, north of and adjacent to the North Line of Illinois Route 9 and west of and adjacent to the West Line of Trinity Lane, all in the City of Bloomington, Illinois.

This property contains 14.20 acres, more or less.

Motion by Alderman Mwilambwe, seconded by Alderman McDade that the Preliminary Plan be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition Submitted by Jeff Fuller Requesting Approval of a Final Plat for Fuller Subdivision, Located in McLean County Within One and Half (1½) Miles of the Corporate City Limit, south of I-74 and east of 1530 E. Rd.

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

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

STRATEGIC PLAN SIGNIFICANCE: Objective 2d. Well planned City with necessary services and infrastructure.

BACKGROUND: This Final Plat consists of one (1) lot located south of I-74, east of 1530 E. Rd. This Final Plat qualifies for submission under the Expedited Final Plat submission process.

The subject site is not within the corporate limits of the City, however, it is within one and half (1½) miles of the corporate limits. Chapter 24. Section 2.1 of City Code allows the City to exercise extraterritorial jurisdiction in the unincorporated area outside the City to allow planning input to areas which may soon be annexed to the City.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Jeff Fuller and McLean County Building and Zoning Department.

FINANCIAL IMPACT: All survey and platting costs are being paid by the owner.

Respectfully submitted for Council consideration.

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

Reviewed by: Barbara J. Adkins, Deputy City Manager

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Patti-Lynn Silva, Director of Finance

Legal review by: J. Todd Greenburg, Corporation Counsel

Recommended by:

David A. Hales
City Manager

PETITION FOR APPROVAL OF FINAL PLAT

State of Illinois)
) ss.
County of McLean)

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

Now comes Jeff Fuller hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A which is attached hereto and made a part hereof by this reference, of is are) a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That your petitioner seeks approval of the Final Plat for the subdivision of said premises to be known and described as Fuller Subdivision;
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.

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

Respectfully submitted,

By: Jeff Fuller

ORDINANCE NO. 2013 – 53**AN ORDINANCE APPROVING THE FINAL PLAT OF THE FULLER 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 Fuller Subdivision, legally described in Exhibit A attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition requests the following exemptions or variations from the provisions of the Bloomington City Code-1960, as amended: none; and

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

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

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

1. That the Final Plat of the Fuller 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 and approval.

PASSED this 12th day of August, 2013.

APPROVED this 13th day of August, 2013.

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A**LEGAL DESCRIPTION**

That part of the East ½ of the Southwest ¼ of Section 22, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, bounded and described as follows: beginning at the intersection of the southerly right of way line of FAI Route 74 and the west line of said East ½ of said Southwest ¼, and running thence North 85° - 00' - 30" East, along said right of way line of said FAI Route 74, 25.21 feet; thence South 81° - 01' - 00" East, along said right of way line, 380.79 feet; thence South 01° - 09' - 27" East, parallel with said west line, 509.43 feet; thence South 88° - 50' - 33" West, perpendicular to said West line, 360.30 feet, to a point on the easterly right of way line of a public road; thence North 01° - 24' - 03" West, along said easterly right of way line, 441.68 feet; thence North and West along said easterly right of way here being a curve to the left having a radius of 65.00 feet with a chord of 127.82 feet, bearing North 18° - 22' - 16" West, an arc distance of 180.34 feet, to a point on said west line of the East ½ of said Southwest ¼; and thence North 01° - 09' - 27" West, along said west line, 11.00 feet to the Point of Beginning. Containing 5.00 acres, more or less.

Motion by Alderman Mwilambwe, seconded by Alderman McDade 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, Mwilambwe, Schmidt, McDade, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition submitted by Luther Oaks, Inc. Requesting Approval of a Special Use Permit for a Nursing Home for Property Located at 601 Lutz Rd.

RECOMMENDATION/MOTION: That the Special Use be approved with the condition that the Petitioner prevent prohibited or problematic material from entering the public sewer system, all sewage originating from Luther Oaks shall pass through this screen or filter, which shall be cleaned and maintained by Luther Oaks on a routine basis or any substitute that the City approves in its place and the Ordinance passed.

STRATEGIC PLAN LINK: Goal 3. Grow the local economy.

STRATEGIC PLAN SIGNIFICANCE: Objective 3a. Retention and growth of current local businesses. After this Special Use plan is approved, along with final platting, the expansion of

the nursing home can begin. This will enable the expansion of this business as well as encourage the growth of other businesses by providing local jobs at the skilled nursing facility and related local health care occupations.

BACKGROUND: The petitioner is requesting the approval of a Special Use for a skilled nursing facility in order to expand the existing senior housing and assisted living facility with a new nursing home. The new building will be attached to their existing building. The site is located on Lutz Rd. and consists of approximately twelve (12) acres.

This case was before the Zoning Board of Appeals (ZBA) for public hearing and review on July 17, 2013. The petitioner, their attorney and engineer spoke in support of the petition. They explained how they have worked to satisfy staff's concerns, particularly by expanding the width of the service driveway to accommodate fire trucks. They also supported a condition of approval that a screen or equivalent device be installed in the sewer system to deal with material from their existing facility that has clogged up the system. No one from the public spoke in support of or in opposition to the petition.

Staff has evaluated the project and finds it to be an appropriate use for the site. The adjacent land uses should be compatible with the proposed use in that there are other senior or institutional uses and a school with a large open space between it and the proposed use. The capacity of the street is adequate. There should be only a minimal change in traffic.

The ZBA voted to recommend approval of the Special Use permit by a vote of 5 - 0 with the condition that the Petitioner prevent prohibited or problematic material from entering the public sewer system, all sewage originating from Luther Oaks shall pass through this screen or filter, which shall be cleaned and maintained by Luther Oaks on a routine basis or any substitute that the City approves in its place.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with City Code. In accordance with the Zoning Code, (Ordinance No. 2006-137), courtesy copies of the Public Notice were mailed to fifty-nine (59) property owners within 500'. In addition, public notice/identification sign was posted on the property.

FINANCIAL IMPACT: The financial impact on the City revenues should be an increase in sales tax through many health care purchases with the approval of the Special Use.

Respectfully submitted for Council consideration.

Prepared by: Mark Woolard, City Planner

Reviewed by: Mark R. Huber, Director - PACE

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Patti-Lynn Silva, Director of Finance

Recommended by:

**PETITION FOR A SPECIAL USE PERMIT FOR PROPERTY LOCATED AT:
601 LUTZ ROAD, BLOOMINGTON, ILLINOIS, 61704**

State of Illinois)
) ss.
County of McLean)

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

Now comes Luther Oaks, Inc., an Illinois not-for-profit corporation, hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioner is a lessee of the premises hereinafter legally described in Exhibit “A”, which is attached hereto and made a part hereof by this reference;
2. That said premises presently has a zoning classification of S – 2, Public Lands and Institutions District, under the provisions of Chapter 44 of the Bloomington City Code, 1960;
3. That under the provisions of Chapter 44, Section 44.6-30 of said City Code the construction of a skilled nursing facility, is allowed as a special use in an S - 2 zoning district;
4. That the establishment, maintenance, or operation of said special use on said premises will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
5. That said special use on said premises will not be injurious to the use and enjoyment of other property in the immediate vicinity of said premises for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
6. That the establishment of said special use on said premises will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the S - 2 zoning district;

7. That the exterior architectural treatment and functional plan of any proposed structure on said premises will not be so at variance with either the exterior architectural treatment and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood adjacent to said premises;
8. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided to said premises for said special permitted use;
9. That adequate measures have been or will be taken to provide ingress and egress to and from said premises so designed as to minimize traffic congestion in the public streets; and
10. That said special permitted use on said premises shall, in all other respects, conform to the applicable regulations of the S - 2 zoning district in which it is located except as such regulations may, in each instance, be modified by the City Council of the City of Bloomington pursuant to the recommendations of the Bloomington Board of Zoning Appeals.

WHEREFORE, your petitioner respectfully prays that said special use for said premises be approved.

Respectfully submitted,

LUTHER OAKS, INC.

By: William C. Wetzel
Its Attorney

ORDINANCE NO. 2013 - 54

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR
CONSTRUCTION OF A SKILLED NURSING FACILITY
FOR PROPERTY LOCATED AT: 601 LUTZ ROAD, BLOOMINGTON, IL 61704**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting a Special Use Permit for the construction of a skilled nursing facility for certain premises hereinafter described in Exhibit "A"; and

WHEREAS, the Bloomington Board of Zoning Appeals, after proper notice was given, conducted a public hearing on said petition; and

WHEREAS, the Bloomington Board of Zoning Appeals, after said public hearing made findings of fact that such Special Use Permit would comply with the standards and conditions for granting such special permitted use for said premises as required by Chapter 44, Section 44.6-30 of the Bloomington, City Code, 1960; and

WHEREAS the City Council of the City of Bloomington has the power to pass this Ordinance and grant this special use permit.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Bloomington, McLean County, Illinois:

1. That the Special Use Permit for the construction of a skilled nursing facility on the premises hereinafter described in Exhibit "A" shall be and the same is hereby approved.
2. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 12th day of August, 2013.

APPROVED this 13th day of August, 2013.

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT "A"**BOUNDARY DESCRIPTION**

A part of the Southwest Quarter of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois more particularly described as follows:

Commencing as a point of reference at a stone marking the southeast corner of the Southwest Quarter of said Section 17;

Thence North 01 degree 34 minutes 05 seconds west along the east line of the Southwest Quarter of said Section 17 a distance of 40.02 feet to the Point of Beginning;

Thence North 90 degrees 00 minutes 00 seconds west and parallel with the south line of the east half of the Southwest Quarter of said Section 17 a distance of 381.51 feet;

Thence North 01 degree 51 minutes 29 seconds west a distance of 241.98 feet;

Thence North 90 degree 00 minutes 00 seconds west a distance of 470.00 feet to a point on the west line of Lot 3 in Townley's Highland Acres Subdivision;

Thence North 00 degrees 48 minutes 10 seconds west along the west line of said Lot 3 a distance of 134.07 feet;

Thence North 20 degrees 56 minutes 51 seconds west a distance of 192.92 feet;

Thence North 39 degrees 14 minutes 11 seconds east a distance of 242.01 feet;

Thence North 88 degrees 25 minutes 55 seconds east a distance of 756.50 feet to a point on the east line of the Southwest Quarter of said Section 17;

Thence South 01 degree 34 minutes 05 seconds east along the east line of the Southwest Quarter of said Section 17 a distance of 764.50 feet to the Point of Beginning.

Said described parcel contains 530208.619 (12.171 acres) square feet more or less.

Motion by Alderman Mwilambwe, seconded by Alderman McDade that the Special Use be approved with the condition that the Petitioner install a screen or filter at a location north of the public manhole on Lutz Rd. to prevent prohibited or problematic material from entering the public sewer system, all sewage originating from Luther Oaks shall pass through this screen or filter, which shall be cleaned and maintained by Luther Oaks on a routine basis, and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition submitted by Luther Oaks, Inc. requesting Approval of an Amended Preliminary Plan for the First Addition to Luther Oaks Subdivision

RECOMMENDATION/MOTION: That the Amended Preliminary Plan be approved and the Ordinance passed.

STRATEGIC PLAN LINK: Goal 3. Grow the local economy. The preliminary plan will facilitate the objective of expanding businesses.

STRATEGIC PLAN SIGNIFICANCE: Objective 3a. Retention and growth of current local businesses. After this Preliminary Plan is approved, along with final platting and approval of the Special Use permit for a skilled nursing facility the expansion of the nursing home can begin. This will enable the expansion of this business as well as encourage the growth of other businesses by providing local jobs at the nursing home and related local health care occupations.

BACKGROUND: The petitioner is requesting the approval of the Preliminary Plan in order to expand their senior housing and assisted living facility with a new nursing home. The new building will be attached to their existing building. The site is located on Lutz Rd. and consists of approximately twelve (12) acres. No new roads are planned for this one (1) lot subdivision and access will continue off Lutz Rd. Estimates are that the amount of traffic will only increase slightly with the nursing home.

The Planning Commission reviewed the petition on July 24, 2013. The petitioner's attorney and engineer both spoke at the meeting to explain the amended Preliminary Plan and how they have worked to satisfy staff's concerns, particularly by expanding the width of the service driveway to accommodate fire trucks. They also agreed that a second entrance will be provided for any future expansion of the site. The Commission held a public hearing and no one spoke in support of or in opposition to the request.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with City Code. In accordance with the Zoning Code, (Ordinance No. 2006-137), courtesy copies of the Public Notice were mailed to seventy-four (74) property owners within 500'. In addition, public notice/identification sign was posted on the property.

FINANCIAL IMPACT: The financial impact on the City revenues should increase be an increase in sales tax through many health care purchases with the approval of the amended Preliminary Plan.

Respectfully submitted for Council consideration.

Prepared by: Mark Woolard, City Planner

Reviewed by: Mark R. Huber, Director - PACE

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Patti-Lynn Silva, Director of Finance

Legal review by: J. Todd Greenburg, Corporation Counsel

Recommended by:

David A. Hales
City Manager

**PETITION FOR APPROVAL OF AMENDED PRELIMINARY PLAN FOR A
SUBDIVISION**

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

NOW COMES Luther Oaks, Inc., an Illinois not-for-profit corporation, hereinafter referred to as
Petitioner, respectfully representing and requesting as follows:

1. That your petitioner is interested as lessee in the premises hereinafter described in
Exhibit "A" attached hereto and made a part hereof to be known by this reference;
2. Petitioner seeks approval of the Amended Preliminary Plan for a subdivision of
said premises to be known and described as "First Addition to Luther Oaks
Subdivision" which Amended Preliminary Plan is attached hereto and made a part
hereof;
3. That your Petitioner also seeks approval of the following exemptions or variations
from the provisions of Chapter 24, of the Bloomington City Code: None.

WHEREFORE, your Petitioner prays that the Amended Preliminary Plan for the First Addition
to Luther Oaks Subdivision submitted herewith be approved with the exemptions or variations as
requested herein.

Respectfully submitted,

Luther Oaks, Inc., An Illinois not-for-profit
corporation

By: William C. Wetzel
Its Attorney

ORDINANCE NO. 2013 - 55**AN ORDINANCE APPROVING THE AMENDED PRELIMINARY PLAN OF THE
FIRST ADDITION TO LUTHER OAKS SUBDIVISION**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for Approval of the Amended Preliminary Plan of the “First Addition to Luther Oaks Subdivision”, legally described in Exhibit “A” attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition requests the following exemptions or variations from the provisions of the Bloomington City Code, 1960, as amended: None; and

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

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

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Bloomington, McLean County, Illinois:

1. That the Amended Preliminary Plan of the “First Addition to Luther Oaks 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 and approval.

ADOPTED this 12th day of August, 2013.

APPROVED this 13th day of August, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT "A"

BOUNDARY DESCRIPTION

A part of the Southwest Quarter of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois more particularly described as follows:

Commencing as a point of reference at a stone marking the southeast corner of the Southwest Quarter of said Section 17;

Thence North 01 degree 34 minutes 05 seconds west along the east line of the Southwest Quarter of said Section 17 a distance of 40.02 feet to the Point of Beginning;

Thence North 90 degrees 00 minutes 00 seconds west and parallel with the south line of the east half of the Southwest Quarter of said Section 17 a distance of 381.51 feet;

Thence North 01 degree 51 minutes 29 seconds west a distance of 241.98 feet;

Thence North 90 degree 00 minutes 00 seconds west a distance of 470.00 feet to a point on the west line of Lot 3 in Townley's Highland Acres Subdivision;

Thence North 00 degrees 48 minutes 10 seconds west along the west line of said Lot 3 a distance of 134.07 feet;

Thence North 20 degrees 56 minutes 51 seconds west a distance of 192.92 feet;

Thence North 39 degrees 14 minutes 11 seconds east a distance of 242.01 feet;

Thence North 88 degrees 25 minutes 55 seconds east a distance of 756.50 feet to a point on the east line of the Southwest Quarter of said Section 17;

Thence South 01 degree 34 minutes 05 seconds east along the east line of the Southwest Quarter of said Section 17 a distance of 764.50 feet to the Point of Beginning.

Said described parcel contains 530208.619 (12.171 acres) square feet more or less.

Motion by Alderman Mwilambwe, seconded by Alderman McDade that the Amended Preliminary Plan be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.**The following was presented:**

SUBJECT: Petition submitted by Luther Oaks, Inc. requesting Approval of a Final Plat for First Addition to Luther Oaks Subdivision, located north of Lutz Rd. and west of Wittenberg Woods Subdivision

RECOMMENDATION/MOTION: That the Final Plat be approved and the Ordinance passed, subject to the Petitioner paying the required fees prior to recording of the plat.

STRATEGIC PLAN LINK: Goal 3: Grow the local economy.

STRATEGIC PLAN SIGNIFICANCE: Objective 3a. Retention and growth of current local businesses. Approval of this Final Plat allows Luther Oaks to expand the facility and grow the local economy.

BACKGROUND: This Final Plat consists of one (1) lot located north of Lutz Rd. and east of Greenwood Ave. The zoning in this area is S – 2, Public Lands and Institutions District. The subject property is being re-platted to allow for expansion on the west side of the Luther Oaks facility. The subject Final Plat contains a single lot because the additional area would not have been buildable if it had been platted as a separate lot as it would not have had frontage on a public street. Since this expansion does not appear on the existing preliminary plan, a revised preliminary plan has also been submitted to appear before council. This subject Final Plat is in conformance with the proposed preliminary plan.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Luther Oaks, Inc. The Preliminary Plan has been before the Zoning Board of Appeals and Planning Commission.

FINANCIAL IMPACT: All survey, plat and recording costs are paid by Luther Oaks, Inc.

Respectfully submitted for Council consideration.

Prepared by: Jim Karch, Director of Public Works

Reviewed by: Barbara J. Adkins, Deputy City Manager

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Patti-Lynn Silva, Director of Finance

Legal review by: J. Todd Greenburg, Corporation Counsel

August 12, 2013

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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 LUTHER OAKS, INC., hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit "A" which is attached hereto and made a part hereof by this reference;
2. That the Plat depicts a total of not more than three lots and outlots; that the Plat includes all contiguous property in common ownership or unified control;
3. That the proposed Subdivision shall not necessitate the construction or installation of public street improvements;
4. That no waivers of the Land Subdivision Code are requested other than waivers of bonds and fees;
5. That no public improvements are needed in connection with the approval of the Plat of Subdivision;
6. That all prerequisites for proceeding under the Final Plat Approval process are in place.
7. That Petitioner requests a waiver of the requirement to submit a preliminary plan and to pursue the submission, review and approval procedure and proceed under the Final Plat submission process.

WHEREFORE, your petitioner respectfully prays that said Final Plat for the First Addition to Luther Oaks Subdivision submitted herewith be approved under the Final Plat submission procedure.

Respectfully submitted,

LUTHER OAKS, INC.

By: William C. Wetzel
 Its Attorney

ORDINANCE NO. 2013 - 56

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE FIRST ADDITION TO
LUTHER OAKS 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 First Addition to Luther Oaks Subdivision, legally described in Exhibit "A" attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition requests approval pursuant to the Expedited Final Plat process; and

WHEREAS, the following exemptions or variations from the provisions of the Bloomington City Code-1960, as amended: None; and

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

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

1. That the Final Plat of the First Addition to Luther Oaks 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 12th day of August, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT "A"**BOUNDARY DESCRIPTION**

A part of the Southwest Quarter of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois more particularly described as follows:

Commencing as a point of reference at a stone marking the corner of the Southeast Corner of the Southwest Quarter of said Section 17;

Thence North 01 Degree 34 Minutes 05 Seconds West along the East line of the Southwest Quarter of said Section 17 a distance of 40.02 feet to the Point of Beginning;

Thence North 90 Degrees 00 Minutes 00 Seconds West and Parallel with the South line of the of the East half of the Southwest Quarter of said Section 17 a distance of 381.51 feet;

Thence North 01 Degree 51 Minutes 29 Seconds West a distance of 241.98 feet;

Thence North 90 Degree 00 Minutes 00 Seconds West a distance of 470.00 feet to a Point on the West line of Lot 3 in Townley's Highland Acres Subdivision;

Thence North 00 Degrees 48 Minutes 10 Seconds West along the West line of said Lot 3 a distance of 134.07 feet;

Thence North 20 Degrees 56 Minutes 51 Seconds West a distance of 192.92 feet;

Thence North 39 Degrees 14 Minutes 11 Seconds East a distance of 242.01 feet;

Thence North 88 Degrees 25 Minutes 55 Seconds East a distance of 756.50 feet to a Point on the East line of the Southwest Quarter of said Section 17;

Thence South 01 Degree 34 Minutes 05 Seconds East along the East line of the Southwest Quarter of said Section 17 a distance of 764.50 feet to the Point of Beginning.

Said described parcel contains 530208.619 (12.171 acres) square feet more or less.

Motion by Alderman Mwilambwe, seconded by Alderman McDade 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, Mwilambwe, Schmidt, McDade, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition submitted by Robert Novtony, Joan Novotny, Craig Bowars and Katie Bowars requesting Approval of a Special Use Permit for a Medical, Health Services Facility for Property Located at 1415 Croxton Ave.

RECOMMENDATION/MOTION: That the Special Use be approved and the Ordinance passed.

STRATEGIC PLAN LINK: Goal 3. Grow the local economy.

STRATEGIC PLAN SIGNIFICANCE: Objective 3a. Retention and growth of current local businesses. The significance of the project is that in growing or developing local businesses the local economy will grow as well. This goal would directly relate to growing local businesses for this chiropractic business in that two (2) floors at their present location hinders their business stability and growth whereas their new location on Croxton is a one (1) story building enabling them to better serve their clients.

BACKGROUND: The petitioners desire to move their business to the Croxton property where the building is a one (1) story former dentist's building. The property is zoned R - 3B, Multiple Family Residence District. This district allows primarily residential uses but this particular use is allowed only upon a special use approval. The adjacent land uses should be compatible with the proposed use in that it will be a relatively quiet business with all indoor activity except for vehicular traffic.

This case was before the Zoning Board of Appeals (ZBA) for a public hearing and review on July 17, 2013. The petitioner and his attorney spoke in support of the petition. They explained that there will be no change to the building or parking lot except for possible cosmetic changes. The use of the property will be consistent with the former dentist office. No one from the public spoke in support of or in opposition to the petition.

Staff has evaluated the project and finds it to be an appropriate use for the site. The capacity of the street is adequate and there should be virtually no change in traffic.

The ZBA voted to recommend approval of the Special Use permit by a vote of 5 - 0.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with City Code. In accordance with the Zoning Code, (Ordinance No. 2006-137), courtesy copies of the Public Notice were mailed to fifty-nine (59) property owners within 500'. In addition, public notice/identification sign was posted on the property.

FINANCIAL IMPACT: This development should not increase or decrease property taxes or sales taxes.

Respectfully submitted for Council consideration.

Prepared by: Mark Woolard, City Planner

Reviewed by: Mark R. Huber, Director, PACE

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Patti-Lynn Silva, Director of Finance

Legal review by: J. Todd Greenburg, Corporation Counsel

Recommended by:

David A. Hales
City Manager

**PETITION FOR A SPECIAL USE PERMIT FOR PROPERTY LOCATED AT:
1415 CROXTON AVENUE**

State of Illinois)
) ss.
County of McLean)

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

Now comes Robert Novotny, Joan Novotny, Craig Bowars, and Katie Bowars hereinafter referred to as your petitioners, respectfully representing and requesting as follows:

1. That your petitioners are the owners of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A, which is attached hereto and made a part hereof by this reference, or is a mortgagee or vendee in possession, assignee of rents: receiver, executor (executrix); trustee, lease, or any other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That said premises presently has a zoning classification of R - 3B under the provisions of Chapter 44 of the Bloomington City Code, 1960;
3. That under the provisions of Chapter 44, Section 44.6-30 of said City Code Medical, Health Services are allowed as a special use in an R - 3B, Multiple Family Residence zoning district;
4. That the establishment, maintenance, or operation of said special use on said premises will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
5. That said special use on said premises will not be injurious to the use and enjoyment of other property in the immediate vicinity of said premises for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
6. That the establishment of said special use on said premises will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the R - 3B zoning district;
7. That the exterior architectural treatment and functional plan of any proposed structure on said premises will not be so at variance with either the exterior architectural treatment and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood adjacent to said premises;

8. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided to said premises for said special permitted use;
9. That adequate measures have been or will be taken to provide ingress and egress to and from said premises so designed as to minimize traffic congestion in the public streets; and
10. That said special permitted use on said premises shall, in all other respects, conform to the applicable regulations of the R - 3B zoning district in which it is located except as such regulations may, in each instance, be modified by the City Council of the City of Bloomington pursuant to the recommendations of the Bloomington Board of Zoning Appeals.

WHEREFORE, your petitioners respectfully pray that said special use for said premises be approved.

Respectfully submitted,

Robert Novotny

Joan Novotny

Craig Bowars

Katie Bowars

ORDINANCE NO. 2013 - 57

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A
MEDICAL, HEALTH SERVICES FACILITY FOR PROPERTY LOCATED AT: 1415
CROXTON AVENUE**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting a Special Use Permit for a Medical, Health Services Facility for certain premises hereinafter described in Exhibit A; and

WHEREAS, the Bloomington Board of Zoning Appeals, after proper notice was given, conducted a public hearing on said petition; and

WHEREAS, the Bloomington Board of Zoning Appeals, after said public hearing made findings of fact that such Special Use Permit would comply with the standards and conditions for granting such special permitted use for said premises as required by Chapter 44, Section 44.6-30 of the Bloomington, City Code, 1960; and

WHEREAS the City Council of the City of Bloomington has the power to pass this Ordinance and grant this special use permit.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Bloomington, McLean County, Illinois:

1. That the Special Use Permit for a medical, health services facility on the premises hereinafter described in Exhibit A shall be and the same is hereby approved.
2. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 12th day of August, 2013.

APPROVED this 13th day of August, 2013.

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

The North 200 feet of even width off the entire North side of Lots 1 and 2 in the Subdivision of the East 10 acres of the West 20 acres of Lot 46 in C. Weed's Subdivision of part of the North ½ of Section 10, Township 23 North, Range 2 East of the Third Principal Meridian, EXCEPT therefrom Holiday Condominium to the City of Bloomington, according to the Plat recorded May 5, 1980 as Document No. 80-4595

Motion by Alderman Mwilambwe, seconded by Alderman McDade that the Special Use be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Purchase and Installation of DuraSAFE Rubber Tile Surfacing for Holiday Park Playground

RECOMMENDATION/MOTION: That the purchase and installation of DuraSAFE Plus rubber tiles from SofSurfaces be approved, in the amount of \$46,725.02, and the Purchasing Agent be authorized to issue a Purchase Order for the same.

STRATEGIC PLAN LINK: Goal 2. Upgrade City infrastructure and facilities; Goal 4. Strong neighborhoods; and Goal 5. Great place – livable, sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Objective 2d. Well designed, well maintained City facilities emphasizing productivity and customer service; Objective 4d. Improved neighborhood infrastructure; and Objective 5d. Appropriate leisure and recreational opportunities responding to the needs of residents.

BACKGROUND: In 2007, staff combined two (2) playground renovation projects at Miller Park and Holiday Park. A new square, rubber tile system, called SofTILE made by SofSurfaces, was chosen for the playground surfacing at both locations. City Park Maintenance staff installed these rubber tiles at both park locations.

Over the course of the next few years, the SofTILE squares at Miller Park began to fail due to some manufacturing defects in the SofTILE. After unsuccessfully trying replacement of SofTILE squares under warranty, staff worked with the manufacturer, SofSurfaces to have the entire playground surfacing at Miller Park replaced with a new and improved rubber tile,

DuraSAFE. This was completed in spring 2012 and the new product has worn well with no defects or problems noted.

The SofTILE squares at Holiday Park have been much slower to show similar failures. Staff believes the reason for this is the amount of use at Holiday Park is greatly less than that at Miller Park. Staff again has worked with SofSurfaces to install warranty replacement SofTILE squares at Holiday Park. However, during inspection and warranty replacement an additional problem of seams separating between the tiles on the west one-third of the playground surfacing was discovered. Upon inspection it was determined that our staff's installation of the SofTILES was incorrect and is the cause for the seam separation. This keeps these tiles out of a warranty claim. Due to safety and liability concerns, the west one-third of the playground is currently closed.

SofSurfaces is willing to replace the failed tiles with warranty replacement SofTILE squares. However the tiles that have separated along the seams are not covered under warranty. These tiles would have to be purchased at full price. SofSurfaces has agreed to offer a sixty percent (60%) discount towards the purchase and installation, (by SofSurfaces personnel), of the new and improved DuraSAFE tile for the entire playground surface. Staff is recommending accepting this offer. The DuraSAFE tile has proven to be a better, more durable product than the SofTILE squares. Although state law gives the City legal immunity from liability for injuries occurring on City property used for recreational purposes, City staff desires to make the playing surfaces as safe as reasonably possible for persons using the parks.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: SofSurfaces, all inclusive recreation, and Corporation Counsel.

FINANCIAL IMPACT: This FY 2014 Budget did not include an appropriation for this expenditure within the Parks Maintenance budget, (account # 10014110-72140). Staff plans to finance the \$46,725.02 through savings in other line items within the Parks Maintenance Budget. Two (2) mowers that were budgeted to be replaced, (Kubota unit #s 797&711 in the amount of \$30,000), do not need to be purchased this year as these two (2) units were replaced by a donation from Bridgestone Firestone. Miller Park's bathroom remodel, (account# 100014110-70550), in the amount of \$10,000 will be pushed to the following fiscal year. Tipton Park and Miller Park's fountains, (account # 10014110-70550), were budgeted for \$15,000 and were purchased for \$8,580, a savings of \$6,420. The remaining \$305.02 will come from the General Operating Budget. The Parks Maintenance budget may be found within the FY 2014 General Budget Document on page #207.

Respectfully submitted for Council consideration.

Prepared by: John R. Kennedy, Director of Parks, Rec & Cultural Arts

Reviewed by: Barbara J. Adkins, Deputy City Manager

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

Legal review by: J. Todd Greenburg, Corporation Counsel

Recommended by:

David A. Hales
City Manager

Alderman Lower had spent time at Holiday Park. He believed that the playground surface was repairable. Repair could be completed at a lower cost.

John Kennedy, Parks, Recreation & Cultural Arts Director, addressed the Council. He cited tile failure and seam separation. The failure was at the base. The stanchions are one piece. The issue was similar to the Miller Park playground. This was a liability issue. The newer product presented the safest alternative.

Alderman Lower expressed his opinion that the current surface could be repaired.

Mr. Kennedy restated that the goal was to solve the seam issue. City staff's concern was long term liability.

Motion by Alderman Mwilambwe, seconded by Alderman Fazzini that the purchase and installation of DuraSAFE Plus rubber tiles from SofSurfaces be approved, in the amount of \$46,725.02, and the Purchasing Agent be authorized to issue a Purchase Order.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Analysis of Bid for One (1) 2014 Ford E450 Chassis with an Elkhart Coach ECII Body for the Recreation Division of the Parks, Recreation and Cultural Arts Department

RECOMMENDATION/MOTION: That the bid for a 2014 Ford E450 Chassis with an Elkhart Coach ECII Body be awarded to Midwest Transit Equipment, Inc., Kankakee, IL, in the amount of \$39,328, and the Purchasing Agent be authorized to issue a Purchase Order.

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

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

BACKGROUND: The Parks, Recreation and Cultural Arts Department's Recreation Division has a 2005 Ford E450 Chassis with a fourteen (14) Passenger Eldorado Bus Body. This unit is scheduled for replacement in Fiscal Year (FY) 2014. This unit has over 82,000 miles. It is used for Special Opportunities Available in Recreation, (SOAR), programs as well as for Parks & Recreation programs. The SOAR and Recreation programs both provide transportation to a large number of their programs. They are currently using the van four to five (4 – 5) times a week. Individuals involved in the SOAR and Recreation programs have mental and/or physical disabilities. Some of the participants require wheelchairs. Therefore a wheelchair lift is needed. In addition to in-town transportation, the van is used to transport SOAR athletes to out-of-town Special Olympics competitions and for out-of-town special events. The Fifty-Five Plus (55+) Parks & Recreation programs and youth programs also use the van vehicle. The existing unit will be disposed of as a trade-in on this bid.

An invitation to bid was mailed out and opened on July 17, 2012 at 11:00 AM. The results were as follows:

Vendor	Addendum	Bid New Unit	Trade-in Amount	Total Bid
Midwest Transit Inc.	Yes	\$49,728	\$10,400	\$39,328

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice of the bid was published in the Pantagraph on June 28, 2013. Five (5) bid packages were mailed. A bid was received.

FINANCIAL IMPACT: The FY 2014 Capital Lease 40110130-72130, (Capital Lease-Licensed Vehicle), has \$58,000 budgeted for replacement of this unit. The City will be reimbursed for the purchase and then pay the corresponding half year debt service payment budget of \$6,322 in FY 2014. Stakeholders can find this item in the FY 2014 Budget Book entitled Other Funds and Capital Improvement Program on page 112.

Respectfully submitted for Council consideration.

Prepared by: Jim Karch, P.E., Director of Public Works

Reviewed by: Barbara J. Adkins, Deputy City Manager

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Patti-Lynn Silva, Director of Finance

Recommended by:

David A. Hales
City Manager

Alderman Lower addressed cost savings. He believed that the life of the current vehicle could be extended. Vehicles should last 100,000 miles or more with a proper maintenance program.

John Kennedy, Parks, Recreation & Cultural Arts Director, addressed the Council. He accepted the recommendation of the Fleet Maintenance Superintendent. City staff based their recommendation upon mileage and repair history. He noted the number of passengers transported by the vehicle to a number of out of state events.

Jim Karch, Public Works Director, also addressed the Council. There was an annual process where every piece of equipment is evaluated. This evaluation was not based upon mileage. City staff looked at the vehicle's age, repair history, etc. City staff was aware of this vehicle's low mileage.

Motion by Alderman Mwilambwe, seconded by Alderman Fazzini that the bid for a 2014 Ford E450 Chassis with an Elkhart Coach ECII Body be awarded to Midwest Transit Equipment, Inc., Kankakee, IL, in the amount of \$39,328, and the Purchasing Agent be authorized to issue a Purchase Order.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Ashley Furniture Assignment of Sales Tax Incentive

RECOMMENDATION/MOTION: That the Assignment of a Sales Tax Incentive previously granted to Ashley Furniture, in an amount not to exceed \$150,000, be approved, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.

STRATEGIC PLAN SIGNIFICANCE: Goal 3. Grow the local economy.

STRATEGIC PLAN SIGNIFICANCE: Objective 3a. Retention and growth of current local businesses; Objective 3d. Expanded retail businesses; and Objective 3e. Strong working relationships among the City, businesses, economic development organizations

BACKGROUND: To assist in funding the Ashley Home Furniture Store, located in the City, Mike Bruegge, store owner, has been approved for a \$150,000 loan with the First National Bank, Carlyle. In order to provide additional security for the loan, it is the intent of the First National Bank to take an Assignment on the Economic Incentive Agreement between Bruegge & Co., Inc. and the City executed on June 19, 2012. Under the terms of this agreement, Mr. Bruegge would receive a portion of the new sales tax revenue generated by the Ashley Furniture Store, in an amount not to exceed \$150,000. Mr. Bruegge has requested that the City approve the Assignment of the Economic Incentive Agreement with First National Bank and that all proceeds from the Economic Incentive Agreement be made payable to Bruegge & Co., Inc. and The First National Bank in Carlyle.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Kathleen Field Orr, Kathleen Field Orr & Associates, special counsel, Michael Bruegge, Bruegge & Co., Inc., and Chris Maschhoff, First National Bank in Carlyle

FINANCIAL IMPACT: Under the terms of the Economic Incentive Agreement executed on June 19, 2012, only new incremental revenue in an amount not to exceed \$150,000 will be provided to Mr. Bruegge in the form of a sales tax rebate. As the funds are currently assigned to Mr. Bruegge, a new Assignment of these funds to the First National Bank in Carlyle will not have a direct financial impact on the City.

Respectfully submitted for Council consideration.

Prepared by: Justine Robinson, Economic Development Coordinator

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

Legal review by: J. Todd Greenburg, Corporation Counsel

Recommended by:

David A. Hales
City Manager

ASSIGNMENT AND AGREEMENT

FOR AND IN CONSIDERATION of the sum of Ten and No/100ths Dollars (\$10.00) and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Bruegge & Co., an Illinois corporation (“*Assignor*”) hereby sells, assigns, transfers and sets over unto The First National Bank in Carlyle, Illinois (“*Assignee*”), its

successors and assigns, all of Assignor's right, title and interest in all revenues due to the Assignor under that certain Economic Incentive Agreement entered into by Assignor and the City of Bloomington, McLean County, Illinois, an Illinois municipal corporation (the "*City*"), approved June 19, 2012, by Resolution No. 2012 - 23. The foregoing assignment as contemplated under this Assignment is pursuant to Section 8 of said Economic Incentive Agreement.

Assignee does hereby accept the foregoing Assignment on the condition that the Assignor retains all responsibility to perform the obligations of the "Developer" under the Economic Incentive Agreement. The Assignor hereby acknowledges its sole responsibility to perform all such obligations under said Economic Incentive Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Assignment as of the ____ day of _____, 2013.

ASSIGNOR:

BRUEGGE & CO., an Illinois corporation

By: Michael Bruegge
Title: Owner/Manager

ASSIGNEE:

The First National Bank in Carlyle, Illinois

By: _____

CITY CONSENT:

The City of Bloomington hereby consents to the foregoing Assignment.

CITY OF BLOOMINGTON, MCLEAN COUNTY, an
Illinois municipal corporation

Tari Renner
Mayor

RESOLUTION NO. 2013 - 10

**RESOLUTION APPROVING AN ASSIGNMENT OF THE
ECONOMIC INCENTIVE AGREEMENT**

WHEREAS, the City of Bloomington, McLean County, Illinois (the “City”) is a duly organized and validly existing home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

WHEREAS, the City has been requested to approve and the City is prepared to approve a certain assignment of all of the right, title and interest of Bruegge & Co., an Illinois corporation (the “Developer”) in and to all of the revenues due to the Developer pursuant to that certain Economic Incentive Agreement by and between the City and the Developer approved June 19, 2012, by Resolution No. 2012 - 23.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Bloomington, McLean County, Illinois, that the Assignment of the Economic Incentive Agreement of the revenues due to the Developer in the form attached hereto and made a part hereof are hereby approved and the Mayor is authorized to execute and deliver said Agreement.

ADOPTED this 12th day of August, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Stearns clarified that this item involved the assignment of the sales tax incentive. She stated her intention to vote in support of same.

Motion by Alderman Mwilambwe, seconded by Alderman Schmidt that the Assignment of a Sales Tax Incentive previously granted to Ashley Furniture, in an amount not to exceed \$150,000, be approved, the Mayor and City Clerk by authorized to execute the necessary documents, and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition submitted by HL Bloomington LLC and Hundman Management LLC, requesting the Approval of a Special Use Permit for Multiple Family Dwellings for Property Located at 1021, 1025, 1031, 1037 and 1041 Ekstam Dr.

RECOMMENDATION/MOTION: That the Special Use Permit be approved and the Ordinance passed.

STRATEGIC PLAN LINK: Goal 4. Strong neighborhoods.

STRATEGIC PLAN SIGNIFICANCE: Objective 4a. Residents feeling safe in their homes and neighborhoods. The significance of the project is that in growing or developing local businesses the local economy will grow as well. This goal would directly relate to growing local businesses for apartment and construction businesses. Indirectly it is related to retail businesses as they look at the number of households before investing in retail development.

BACKGROUND: The petitioners desire to develop the property on the east side of Ekstam Dr. consisting of five (5) two-story apartment buildings. The property is zoned B – 1, Highway Business District. This district allows many commercial uses as well as apartments with a special use permit. The density will be close to that of the apartments which have already been developed on the west side of Ekstam Dr. The development should be compatible with the other nearby apartments, condominiums and commercial uses. The development of the land to the east is limited because of restrictions due to the airport flight path.

This case was before the Zoning Board of Appeals (ZBA) for a public hearing and review on May 15 and July 17, 2013 after being remanded back by the Council to the ZBA for consideration of the revised site plan which reflected a small playground and four (4) less dwelling units. The petitioner, his attorney and engineer spoke in support of the petition. They believed there was ample acreage for commercial development within a mile of the site. This request was an appropriate use given the surrounding uses. One person from the public spoke generally in support of the request stating the residential demarcation line would be farther south. Five (5) people spoke at each meeting in opposition to the petition. Several emails and a petition were also submitted opposing the Special Use. The objections pertained to poor public notification, traffic, safety for the children, high density, insufficient parking, denial of the Pamela apartments, decreasing property values, preferred businesses, changing school enrollments, business security, and lack of green space & parks.

Staff has evaluated the project and finds it to be an appropriate use for the site. The capacity of the street is adequate even for the increase in traffic generated by the new apartments. In response to earlier projects, changes have already been made to alleviate traffic congestion with

street parking removed on the west side of Ekstam Dr. and the installation of speed humps. Certain issues such as Ekstam Dr. being blocked are only related to temporary construction activities.

The ZBA voted to recommend approval of the Special Use permit by a vote of 3 - 2.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with City Code. In accordance with the Zoning Code, (Ordinance No. 2006-137), courtesy copies of the Public Notice were mailed to forty-seven (47) property owners within 500'. In addition, public notice/identification sign was posted on the property.

FINANCIAL IMPACT: This development will not only generate additional property taxes but will also produce sales taxes. The demand on public services will also increase through public safety calls.

Respectfully submitted for Council consideration.

Prepared by: Mark Woolard, City Planner

Reviewed by: Mark R. Huber, Director - PACE

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Patti-Lynn Silva, Director of Finance

Legal review by: J. Todd Greenburg, Corporation Counsel

Recommended by:

David A. Hales
City Manager

Alderman Mwilambwe stated that he did not take this petition lightly. He had visited the site and heard from area residents and the developers. He noted the school situation and traffic concerns. He cited the lack of recreational space. The area was congested. He estimated that 200 children resided in the Wingover development. Eighty-eight (88) apartments were proposed. He estimated that over 300 children would reside in these apartments. He noted the developers' efforts to address the concern regarding recreational space for children. Currently, children use the parking lots for recreation. He noted the impact upon Cornelius Dr. Residents have waited as the area has seen development activity. He added his interest in the impact of Cornelius Dr. by providing access to McGraw Park.

Alderman Stearns acknowledged that this petition was within Alderman Mwilambwe's ward. She had also spoken with constituents. Based upon the size of the

subdivision, the road was small. The developers had worked hard. She cited the traffic volume. Citizens had appealed to the Zoning Board of Appeals, (ZBA). As an elected official, she had heard from citizens. She planned to support the neighborhood and vote no on this item.

Alderman Fazzini believed that this item involved what was best for the City versus what was best for the neighbors. He cited the role of the ZBA. This board had met twice and voted on this petition. The zoning classification allowed for apartments and/or businesses. The types of businesses was unknown.

Alderman Lower had also heard from individuals who were on both sides of this issue. He noted the limited number of construction projects. Economic development took planning and encouragement. He believed that the area was zoned B – 1, Highway Business District, due to its proximity to the airport. Potential businesses included trucking services which would support the airport. There were not any single family homes in this area.

Mayor Renner acknowledged that the Council had received communications from the neighbors.

Alderman Sage stated his intention to vote for denial of the petition.

Motion by Alderman Mwilambwe, seconded by Alderman Sage that the petition be denied.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Sage and Black.

Nays: Alderman Fazzini, Fruin and Lower.

Motion carried.

The following was presented:

SUBJECT: Consider Conceptual Approval for a \$10 Million Street Resurfacing Bond and Direct City Manager to Proceed as Necessary

RECOMMENDATION/MOTION: That the Administration and Finance Committee recommends to the Council to grant conceptual approval to the issuance of a \$10 million bond for street resurfacing.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 2.a. Better quality roads and sidewalks.

BACKGROUND: The Administration and Finance Committee (AFC) recommends that the Council give conceptual approval to the issuance of a \$10 million bond for street resurfacing. If approved, the City Manager will engage bond counsel and a financial adviser to assist in all steps necessary to issue this bond. In the near future, Council will be asked to approve a formal Bond Resolution which will precede any bond sale.

A PowerPoint presentation was made before the AFC on August 5, 2013. Information presented showed the City's total debt obligations were declining in accordance with action taken by previous Councils. Deferred Capital Improvement needs are now approaching \$400 million. Staff is estimating that the Fiscal Year (FY) 2015 Budget will be facing \$5 - \$8 million in expenditure increases. To fund these proposed budget expenditures, increases in the property tax, fee increases for solid waste, sanitary sewer, storm water & water, and possibly other tax and fee increases will be necessary. Revenue projections for FY 2015 will be prepared after the City receives six (6) months of actual data (i.e. November and/or December).

While the City has a solid AA bond rating, the City needs to be strategic and cautious in future borrowing for deferred capital needs. Adoption of a Twenty (20) Year Comprehensive Capital Improvement Program (CIP) is a critical characteristic of highly rated municipalities. Bond rating agencies are anxious to see completion of the City's CIP and will carefully review what revenue source(s) will be used to fund any future borrowing.

ALDERMANIC COMMITTEE BACKGROUND: Discussed at Administration & Finance Committee on July 1 and August 5, 2013. The Committee recommends that the Council grant conceptual approval for the issuance of a \$10 million bond for street resurfacing.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: None.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by: David A. Hales, City Manager

Financial reviewed by: Patti-Lynn Silva, Director of Finance

Mayor Renner stated that this item addressed procedural and subtenant issues. It was a new era of openness and transparency. The street resurfacing budget was \$4 million. This bond issue was part of his mayoral campaign. The number one concern expressed by the City's residents was street repairs. There were a number of proposals to address this issue. Some had suggested that the City use the General Fund's Unreserved Fund Balance. He supported a bond issue for street resurfacing. He had spoken with both the Council and City Manager regarding this high priority. The issue involved logistics. The amount, \$10 million, was the maximum amount of work that could be completed in a construction season.

As Mayor, he believed in his role as an advocate. He had addressed a number of community groups. He also cited press interviews regarding this bond issue. At the town hall meeting held in Ward 7, street resurfacing was the number one topic. He also cited a meeting at Luther Oaks which he had attended with Alderman Sage. He wanted the City to move and move quickly on this issue. The bond market was changing and interest rates were increasing. He requested the Council's support. The City was in a different environment. He was an activist mayor. He believed in openness and transparency. He was making changes. He encouraged Council involvement. He added that at his mayoral open houses, streets were the number one concern. This issue had had a thorough vetting. The Administration/Finance Committee had considered this item twice. City staff would address the process. It was critical for the Council to take action this evening. He cited cost savings due to the City's purchasing power. Citizens wanted action.

Alderman Lower noted that this had been a resounding topic. He cited it as a campaign issue. He acknowledged that there were other underlying issues. He stated financing and planning were needed to make this happen. He planned to support this item.

Alderman Sage had questions about this issue. This item had been presented as a street resurfacing plan. Now, it appeared that sewers would also be included. He questioned if the streets involved had been identified.

Mayor Renner informed the Council that the Public Works Department staff was developing a list. He restated that there were logistical issues. He cited weekend conversations. A list of streets was important but the City needed to know which streets also had sewer needs. This fact may mean that some streets would be ineligible.

Alderman Sage expressed his appreciation for the clarification. He expressed his concern regarding public safety. He cited the Fire Department as an example. The Council needed to balance competition priorities. He also noted pensions. He questioned how the state's pension liability might impact the City. He cited reduced revenue streams from the state as a possibility. The Council had just received the draft Sewer Master Plan which included over \$100 million in sewer needs. There appeared to be a philosophy that this was only a \$10 million bond issue. It appeared that the City would need to borrow more and spend more which might result in new and additional tax burdens. He needed more specifics. The City needed sound financial management. The Council needed to look at the entire scope of needs. This was generally done as part of the budget process. He also acknowledged the bond rating agencies.

Alderman Mwilambwe served on the Administration/Finance Committee. He recommended that this issue be forwarded on to the Council for further discussion. He expressed his interest in flexibility. City sewers represented a serious issue. These dollars would be spent one way or another. The City would need to borrow funds. He addressed the decision making process. The City should take advantage of the low interest rates. He concluded that nothing was certain.

Alderman Stearns cited tremendous financial pressures. She expressed her concern that the City would go over the financial cliff. There also were pension funding concerns. She understood that this issue was about action. She questioned an inventory of City properties. She noted that Fire Station #5 was still vacant. Citizens wanted action. Economic development was a tool which took well maintained infrastructure. The bond rating agencies want to see the City make a change and address its capital need projects. There were a variety of scenarios which could impact the City. She cited state funding and major employers as examples. She expressed her concern regarding spending on noncritical items such as new staff positions and City parks. Citizens were interested in street repairs.

Alderman McDade believed that questions needed to be asked. She had listened to residents. Streets were a key priority. She chaired the Infrastructure Committee. The challenge was that this item occurred outside of the budget cycle. This item needed to be looked at and compared to other issues. She questioned the impact upon property taxes. She cited other conversations which included pension, fire stations, the Police Department and streets. Citizens do not want to pay more. There was no data available which addressed the impact of this issue upon taxes. She questioned what items the City needed to have. The Council needed to determine what was needed and make it part of the budget process. She was an advocate for streets which were a part of the City's infrastructure. Infrastructure impacted economic development which resulted in jobs. The Council needed to be diligent. The process included property taxes and the budget.

Mayor Renner noted that this issue was not part of the budget cycle. The City's budget was amendable. Interest rates were increasing. He cited the spring election. The City could issue additional debt if needed.

Alderman Schmidt also had questions. The recommendation was for a \$10 million bond issue repayable over ten (10) years. She questioned the annual payment and if this issue would be back loaded.

Alderman Fazzini estimated the annual payment at \$1.1 million.

David Hales, City Manager, informed the Council that the debt service scheduled that had been prepared was back loaded. This item was early in the process.

Alderman Schmidt noted that the proposed bond issue would now address streets and sewers. She noted older neighborhoods which were experiencing sewer failures which resulted in continuing emergency repairs. She also stated that pension costs had been estimated at \$1.6 - \$3 million in the coming fiscal year.

Mayor Renner stressed the issue was street resurfacing. There would be some flexibility as dollars would be available for sewers if necessary.

Mr. Hales noted that the minimum increase to pension funding would be \$1.6 million.

Alderman Schmidt stated that \$1.1 million would be needed for street resurfacing bond payment and \$1.6 million would be needed for pensions. She questioned how this could be accomplished with no tax increases. The bond rating agencies wanted the City to develop a comprehensive plan. These agencies wanted to see action.

Mr. Hales stated that the City had a Sewer Master Plan. The City needed to focus on the southwest well field. The Water Plan cost was estimated at \$8 - \$10 million.

Alderman Schmidt had sent an email to her constituents. She encouraged the Council to look at all expenses. She urged caution. The Council needed to consider all priorities. The Council had developed a process. The Council had a twenty-four (24) item Action List. She would not support this item.

Alderman Black also served as a member of the Administration/Finance Committee. He cited his campaign for office. The number one concern was streets. The Council had an option to do something. Revenue to make the bond payments could come from taxes, fees, economic development, etc. The City had a number of challenges/issues. This bond issue would create value and jobs which in turn would grow the local economy. \$10 million was a good place to start. The Council needed to be aggressive.

Alderman Fazzini described this bond issue as phase one. The City had over \$200 million in needs. There were a variety of income sources. The City had the capacity to repay this bond issue. The Council may be considering an innovative bond issuance in the near future. Previous Councils had failed to take action. This would be a \$10 million bond issue which would be repaid in ten (10) years. Three (3) years from now, the City would have \$80 million in debt.

Alderman Fruin noted that the Council had been discussing street resurfacing for a long time. The City had a number of big ticket items before it. He acknowledged that bond issuance had been a campaign promise. The City would issue new bonds for infrastructure needs. He expressed his willingness to replace existing bond debt. He planned to honor his statements on this issue. He was not against street resurfacing. There were a number of vital issues which the Council needed to address.

Motion by Alderman Fazzini, seconded by Alderman Stearns that the City issue a ten (10) year \$10 million General Obligation bond for street resurfacing and sewers, if necessary.

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

Ayes: Aldermen Stearns, Mwilambwe, Lower, Fazzini and Black.

Nays: Aldermen McDade, Schmidt, Fruin and Sage.

Motion carried.

The following was presented:

SUBJECT: Fiscal Year (FY) 2014 Action Plan

RECOMMENDATION/MOTION: That the FY 2014 Action Plan be adopted.

STRATEGIC PLAN LINK: This plan will support all six (6) of the City's Major Goals.

Goal 1. Financially Sound City Providing Quality Basic Services.

Goal 2. Upgrade City Infrastructure and Facilities.

Goal 3. Grow the Local Economy.

Goal 4. Strong Neighborhoods.

Goal 5. A Great Place – Livable, Sustainable City.

Goal 6. Prosperous Downtown Bloomington.

BACKGROUND: The FY 2014 Action Plan was presented at the Council Work Session on July 8, 2013. Council was asked for input over the last few weeks. The Plan presented was the result of Council and staff input.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: None.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by: Katie Buydos, Executive Asst.

Recommended by:

David A. Hales
City Manager

David Hales, City Manager, addressed the Council. He noted that the list had been revised. City staff had presented a realistic plan which specified Council and City staff responsibilities. There were goals and objectives for City staff. The Action Plan was for City staff. Items would be brought before the Council. He suggested that the \$10 million bond issue be added to the Action Plan.

Motion by Alderman McDade, seconded by Alderman Mwilambwe that the Action Agenda be adopted.

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

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

Nays: None.

Motion carried.

CITY MANAGER'S DISCUSSION: None.

MAYOR'S DISCUSSION: Mayor Renner reminded the Council that the Councils for the Town of Normal and City planned to participate in the Labor Day Parade. He added that he was scheduled to throw the first pitch at the Cornbelters' August 20, 2013 game.

ALDERMEN'S DISCUSSION: Alderman Fruin informed the Council that there would be a resident initiated meeting on Tuesday, August 13, 2013 at the Holiday Inn, located at 1715 Parkway Plaza Dr., regarding the eastside highway. Residents of the Grove, Harvest Pointe and Eagle View Subdivisions had been invited. In addition, the mayors, city managers and councils for the Town of Normal and City had been invited along with the McLean County Board Chairman and County Administrator. He hoped that there would not be any OMA (Open Meetings Act) violations. Citizens had heard from Clark Dietz Inc., project consultant. They wanted to hear from their elected officials.

Alderman McDade addressed the proposed Soccer Complex/Community Center. There would be a press conference on Tuesday, August 13, 2013. The airport property would no longer be available in the near future. There was a community need. She questioned if the City had taken a position on this proposal and/or if the City was interested in participating. There were those in the community who believed that the City supported this proposal. Others were frustrated by the City's silence. She noted that at this time the City was not an active partner.

Mayor Renner noted that this proposal was being made by a group of private citizens who appeared to want public money. He believed that this group planned to use the referendum process to request a quarter cent, (.0025), increase to the sales tax. At this time, the City was not involved. The group had not presented the City with a formal proposal.

Alderman McDade noted that the existing soccer fields would be going off line. She believed that the City should be a part of the conversation. She recommended that the City adopt a solutions oriented approach.

Mayor Renner noted that the solution may need to involve the City and the Town.

Alderman Stearns updated the Council regarding the Vietnam memorial at Miller Park. The names would be highlighted. The memorial's appearance would be improved. The bronze flame would be replaced. The VFW (Veteran's Foreign War) were involved. The work should be completed by Veterans Day. There would be a ceremony scheduled.

Alderman Lower noted that the proposed soccer complex/community center involved the YMCA. These were private entities which should solicit private funding. He believed that there were under utilized parks which could be converted to soccer use at no expense. The soccer complex had been presented as an economic development tool. He believed that soccer matches should be hosted at various sites in the community.

Alderman Schmidt commented on this project. The City needed to be proactive. The City needed to know the community's capacity. The City needed to be linked with the Town and County. The City needed to insure that if this project happened it would occur at the lowest cost.

Mayor Renner noted that the supporters appeared to be focused on a \$32 million project.

Motion by Alderman Stearns, seconded by Alderman Schmidt, that the meeting be adjourned. Time: 8:45 p.m.

Motion carried.

**Tracey Covert
City Clerk**

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