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 7:01 p.m., Monday, July 8, 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.

Alton Franklin, 508 Patterson Dr., addressed the Council. He cited principles of leadership, (i.e. criticize in private and praise in public). He believed that there was room for improvement but he had seen growth. He addressed the military's SMEAC acronym, (Situation, Mission, Execution, Administration/logistics, and Command/signal). This program is used by the military to stay focused and accomplish the mission. The military tracks the resources needed and the sets measurable goals. He thanked the Council for their efforts.

Ron Schultz, 1208 E. Oakland Ave., addressed the Council. He echoed Mr. Franklin's comments. He appreciated the mayoral open houses. He reminded those present that the open houses were held the Friday before a Council meeting. These meetings allowed the Mayor to have a feel for the pulse of the community. Topics addressed might not be on a Council meeting agenda. A number of topics had been addressed through meaningful dialogue. These meetings were an opportunity for the citizens.

The following was presented:

Presentation by Christine Randall, Illinois State University Graduate Student – Homelessness Project.

Christine Randall addressed the Council. She was accompanied this evening by the group of teachers, (Courtney Tieman, Kim Mast, Barbie Price, Brant Trimpe and Staci Ruud), who worked on this project, (Community Issues Surrounding Low-Income Families and Homelessness: A Synthesis of Two Organizations and a Plan of Action). They were master's level students in Teaching & Learning f/k/a Curriculum & Instruction. She thanked the Council for the opportunity to address them.

This project involved two (2) local agencies: Habitat for Humanity and Project Oz. Interviews had been conducted. The study group's goals were to present information from the interviews and to share an action plan which would raise awareness of the services provided by these two (2) organizations. Information was presented about each agency which included their strengths and weaknesses. As educators and citizens, they were performing community outreach which would raise awareness for each agency. The Action Plan included sharing information, promoting awareness, and encouraging volunteerism.

The following was presented:

SUBJECT: Council Proceedings of June 24, 2013

RECOMMENDATION/MOTION: That the reading of the minutes of the previous Council Proceedings of June 24, 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 June 24, 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 Fruin, seconded by Alderman Lower that the reading of the minutes of the previous Council Proceedings of June 24, 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 1.d. 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, July 3, 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 Fruin, seconded by Alderman Lower 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: Intergovernmental Agreement with McLean County Regional Planning Commission

RECOMMENDATION/MOTION: That the Intergovernmental Agreement with the McLean County Regional Planning Commission, (MCRPC), be approved, the Mayor and City Clerk be authorized to execute the necessary document and the payment approved, in the amount of $27,868.

STRATEGIC PLAN LINK: Goal 1. Financially Sound city Providing Quality Basic Services.

STRATEGIC PLAN SIGNIFICANCE: The City's relationship with the MCRPC actually assists the City to affect all of its strategic plan goals. While the primary thinking might be of land use regulation and planning; MCRPC services to the City also allow us to promote prosperity, strengthen our neighborhoods, and support sustainability.

BACKGROUND: The MCRPC has been providing long term planning for the City, Town of Normal and McLean County for many years. Their functions include such things as long range transportation needs, comprehensive plans, public mapping services, etc. The three (3) government entities as well as state and federal grants provide the operational funding for the MCRPC.

Over the past several years the City has seen their contribution to MCRP vary widely, this has included two (2) past fiscal years (2009 and 2010) where payment was not required (the MCRPC

used some of their reserves to assist the City, Town and County in these tough financial times). This year the City's contribution has been set at $27,868.

Fiscal Year	City Contribution
2009	0
2010	0
2011	$23,023
2012	$24,244
2013	$23,239
2014	$27,868

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The Planning and Code Enforcement's Planning Division budgeted $25,000 in account #1001-5420-74025 for payment of this services agreement this year.

Respectfully submitted for Council consideration.

Prepared by: Mark Woolard, City Planner

Reviewed by: Mark Huber, Director – PACE

Reviewed by: Barbara J. Adkins, Deputy City Manager

Financial & budgetary review by: Timothy Ervin, Budget Officer

Legal review by: J. Todd Greenburg, Corporation Counsel

Recommended by:

David A. Hales
City Manager

REGIONAL PLANNING SERVICE AGREEMENT

This agreement is entered into as of the 1st day of July, 2013, by and between the McLean County Regional Planning Commission (hereinafter referred to as the "Commission") and the City of Bloomington (hereinafter referred to as the "City").

The parties do mutually agree as follows:

A. Period of Agreement

This agreement shall remain in full force and effect through June 30, 2014.

B. Long Range Planning Services

The Commission shall maintain a permanent professional planning staff capable of performing, or causing to be performed, a long range planning work program, including the following activities:

1. Assist the City in the periodic updating of plans and ordinances that pertain to planning and development, including the Comprehensive plan and zoning ordinances and subdivision regulations as needed.

2. Prepare or coordinate the preparation and updating of reports that are an integral part of the McLean County Transportation Study, including the Unified Work Program (UWP), Long Range Transportation Plan (LRTP), and the Transportation Improvement Program (TIP).

3. Coordinate the development and management of the regional geographic information system (GIS) as per separate intergovernmental agreement.

4. Maintain a web site to post statistical data, plans and studies, and other planning related information to serve as a resource for local governments and the public.

5. Provide assistance in the preparation of applications for federal or state funding as needed.

6. Attend meetings of county and municipal government and civic organizations or other groups interested in planning and development as requested and as schedules permit.

7. Provide technical assistance as needed and requested in matters of long range planning and development.

C. Staff

The Commission shall employ a Director of the Commission and other employees as necessary and authorized by the budget. It is agreed by all parties that the City short range planner will be available to assist the Commission staff to accomplish the activities specified in “B” above as applicable to the City of Bloomington.

D. Financing

The City of Bloomington will remit to the Commission the sum of TWENTY-SEVEN THOUSAND EIGHT HUNDRED SIXTY EIGHT AND 00/100 DOLLARS ($27,868.00) for deposit in the accounts of the Commission upon the City's receipt of an invoice for said amount.

Tari Renner Mayor - City of Bloomington	Tracey Covert City Clerk - City of Bloomington	July 9, 2013
George A. Benjamin Chairman McLean County Regional Planning Commission	Paul Russell Executive Director McLean County Regional Planning Commission	June 5, 2013

Motion by Alderman Fruin, seconded by Alderman Lower that the Intergovernmental Agreement with MCRPC be approved, the Mayor and City Clerk be authorized to execute the necessary document and the payment approved, in the amount of $27,868.

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: Professional Services Contract for the Bloomington Center for Performing Arts

RECOMMENDATION: That the contracts with Brady Enterprises Entertainment, Inc. and Zydyco, Inc. be approved, in the amount of $77,000, be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 3. Grow the local economy; Goal 5. Great place – livable, sustainable City; and Goal 6. Prosperous Downtown Bloomington.

STRATEGIC PLAN SIGNIFICANCE: Objective 3.e.- Strong working relationship among the City, businesses, economic development organizations; Objective 5.d. Appropriate leisure and recreational opportunities responding to the needs of residents; Objective 6.c. Downtown becoming a community and regional destination.

BACKGROUND: Staff respectfully requests approval of contracts to engage persons and/or groups represented by: Monterey International and WME Entertainment, LLC to perform entertainment services in the Bloomington Center for the Performing Arts, (BCPA). Contract expenses for the contracts will be $77,000. The contract prices cover the artist fees for the performances coming to the BCPA in September and November 2013. For proprietary and

competitive advantage reasons we do not mention the acts by name in the staff back up report. As is standard industry practice, some artist contracts require some additional expenses for items such as travel, meals and lodging that vary from artist to artist. Travel expenses and local lodging fees occur less often. However virtually all artists are provided with meals and non-alcoholic beverages.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The selection of these artists was coordinated with the Cultural Commission and the BCPA's Programming Advisory Committee. Staff and community advisors agree that the visiting professionals would attract broad, positive community involvement and contribute to the public service mission of the BCPA.

FINANCIAL IMPACT: The FY 2014 Budget appropriated $511,300 in line item 10014125-70218-20000. The purpose of these $77,000 contracts is to engage persons and/or groups represented by: Brady Enterprises Entertainment, Inc. and Zydyco, Inc. to provide entertainment services in the BCPA. Note this is only a portion of the total budget. The cost of this service will be offset by revenue generated from ticket sales, grants, playbills, concessions, and corporate advertisement and sponsorships. These revenues are also targeted to offset the additional artist expenses for travel, meals and lodging. With the incorporation of the BCPA Fund into the General Fund in FY 2014, stakeholders may locate this purchase in the FY 2014 General Fund Budget document on page #408.

Respectfully submitted for Council consideration.

Prepared by:	Joel Aalberts, Performing Arts Manager
Reviewed by:	John Kennedy, Director of Parks, Rec. & Cultural Arts
Reviewed by:	Barbara J. Adkins, Deputy City Manager
Financial & budgetary review by:	Timothy L. Ervin, CPFO, MS, Budget Officer
Legal review by:	J. Todd Greenburg, Corporation Counsel

Recommended by:

David A. Hales
City Manager

Motion by Alderman Fruin, seconded by Alderman Lower that the contracts with Brady Entertainment, Inc. and Zydyco, Inc. be approved, in the amount of $77,000, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Resolution Regarding Temporary Closing of State Right of Ways for Community Event

RECOMMENDATION: That the Resolution be adopted.

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 Illinois Department of Transportation (IDOT) requires that Council adopt a Resolution requesting permission to close or hinder traffic on a State Route.

Typically the City only has two (2) requests each year for parades on a State Route, (US Route 51) which involves the Memorial Day, Labor Day and Christmas Parades. IDOT has requested that each municipality that experiences multiple parades on a State Route pass one (1) blanket Resolution at the beginning of each calendar year in order to minimize paperwork and manpower expenses.

Therefore, staff respectfully requests that Council adopt the Parade Resolution and further, that the Mayor and City Clerk be authorized to execute the necessary document. Upon adoption and execution, the Resolution will be forwarded to IDOT.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

Reviewed by: Jim Karch, Director of Public Works

Reviewed by: John Kennedy, Director of Parks, Rec & Cultural Arts

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

Reviewed by: Barbara J. Adkins, Deputy City Manager

Reviewed as to legal sufficiency: J. Todd Greenburg, Corporation Counsel

Recommended by:

David A. Hales
City Manager

RESOLUTION NO. 2013 – 09

WHEREAS, the BN Jaycees and Bloomington Cycle Racing Team are sponsoring the Bloomington Jaycee Criterium, which event constitutes a public purpose;

WHEREAS, this Bloomington Jaycee Criterium will require the temporary closure of two lanes of Route 51, a State Highway in the City of Bloomington, Illinois from Jefferson Street north to Market Street;

WHEREAS, Section 4-408 of the Illinois Highway Code authorizes the Department of Transportation to issue permits to local authorities to temporarily close portions of State Highways for such public purposes;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Bloomington that permission to close Route 51 from Jefferson Street north to Market St. as above designated, be requested of the Department of Transportation.

BE IT FURTHER RESOLVED that this closure shall occur during the approximate time period between 11:00 a.m. to 7:00 p.m. on August 24, 2013.

BE IT FURTHER RESOLVED that this closure is for the public purpose of a bicycle race.

BE IT FURTHER RESOLVED, that the City of Bloomington assumes full responsibility for the direction, protection and regulation of the traffic during the time the bicycle race is in effect.

BE IT FURTHER RESOLVED, that police officers or authorized flaggers shall, at the expense of the City of Bloomington be positioned at the end of the closed section and at other points (such as intersections) as may be necessary to assist in direction traffic through the route.

BE IT FURTHER RESOLVED, that police officers, flaggers, and officials shall permit emergency vehicles in emergency situations to pass through the closed area as swiftly as is safe for all concerned.

BE IT FURTHER RESOLVED, that all debris shall be removed by the City of Bloomington prior to reopening the State highway.

BE IT FURTHER RESOLVED, that such signs, flags, barricades, etc., shall be used by the City of Bloomington as may be approved by the Illinois Department of Transportation. These items shall be provided by the City of Bloomington.

BE IT FURTHER RESOLVED, that the closure of two lanes of traffic shall be marked according to the Illinois Manual on Uniform Traffic Control Devices.

BE IT FURTHER RESOLVED, that an occasional break shall be made in the procession so that traffic may pass through. In any event, adequate provisions will be made for traffic on intersecting highways pursuant to conditions noted above.

BE IT FURTHER RESOLVED, that the City of Bloomington hereby agrees to assume all liabilities and pay all claims or any damage which shall be occasioned by the closing described above.

BE IT FURTHER RESOLVED, that the City of Bloomington hereby agrees to assume all liabilities and pay all claims for any damage which shall be occasioned by the closing described above and to hold harmless the State of Illinois from all claims arising from the requested road closings.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Department of Transportation to serve as a formal request for the permission sought in this resolution and to operate as part of the conditions of said permission.

ADOPTED on this 8th day of July, 2013.

APPROVED on this 9th day of July, 2013.

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Fruin, seconded by Alderman Lower that the Resolution 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.

The following was presented:

SUBJECT: Suspension of Ordinances to Allow Consumption of Alcohol at Lake Bloomington's Davis Lodge on October 19, 2013

RECOMMENDATION/MOTION: That the Ordinance suspending Section 26(d) of Chapter 6 and Section 701 of Chapter 31 to allow the suspension and consumption of alcohol at the Lake Bloomington Davis Lodge on October 19, 2013 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 Dr. Jamie Kear and Vince Scott to allow moderate consumption of alcohol at their October 19, 2013 wedding reception to be held at Davis Lodge. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, Bob Wall, Asst. Police Chief, and Tracey Covert, City Clerk, and Gail Kear, mother of the bride and request representative.

Commissioner Renner opened the liquor hearing and requested that the requestor's representative address this request. Gail Kear, mother of the bride, addressed the Commission. Her daughter was planning a small private wedding and reception at Lake Bloomington's Davis Lodge on October 19, 2013. Attendance was estimated at 100 people. The wedding would be a family event. The food would be self catered as Davis Lodge had a full kitchen. Famous Liquors, located at 1404 E. Empire St., would be retained to provide beer and wine service including champagne. Guest transportation would be provided via shuttle. The goal was no one who attended the wedding would drive under the influence. Ms. Kear requested permission to allow liquor service at Davis Lodge for her daughter's wedding. The wedding was scheduled for 2:00 p.m. and reception would start at 4:00 p.m. The Davis Lodge must be vacated by midnight.

Commissioner Jordan questioned if draft beer would be served. Ms. Kear responded affirmatively plus wine including champagne. Famous Liquors would provide two (2) bartenders. The kitchen window which opened out on to the porch would be used for liquor service.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that the request of Dr. Jamie Kear and Vince Scott to allow moderate consumption of alcohol at the Lake Bloomington Davis Lodge for their October 19, 2013 wedding be approved.

Motion carried, (unanimously).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Agenda for the June 11, 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 - 40

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, Dr. Jamie Kear and Vince Scott are planning to hold their wedding reception at the Lake Bloomington Davis Lodge from 3:00 p.m. to 11:55 p.m. on October 19, 2013; and

WHEREAS, Dr. Jamie Kear and Vince Scott 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 October 19, 2013 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 8th day of July, 2013.

APPROVED this 9th day of July, 2013.

APPROVED:

Tari Renner, Mayor

ATTEST:

Tracey Covert, City Clerk

Motion by Alderman Fruin, seconded by Alderman Lower that the Ordinance suspending Section 26(d) of Chapter 6 and Section 701 of Chapter 31 to allow the suspension and consumption of alcohol at the Lake Bloomington Davis Lodge on October 19, 2013 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: Suspension of Ordinances to Allow Consumption of Alcohol at Miller Park Pavilion on November 30, 2013

RECOMMENDATION/MOTION: That the Ordinance suspending Section 26(d) of Chapter 6 and Section 701 of Chapter 31 to allow the suspension and consumption of alcohol at the Miller Park Pavilion on November 30, 2013 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 Janelle Dodge and Amanda Stenger to allow moderate consumption of alcohol at their November 30, 2013, civil union reception to be held at Miller Park Pavilion. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, Bob Wall, Asst. Police Chief, and Tracey Covert, City Clerk, and Janelle Dodge, partner and request representative.

Commissioner Renner opened the liquor hearing and requested that the requestor's representative address this request. Janelle Dodge, partner, addressed the Commission. Her civil union was scheduled for November 30, 2013 at the Miller Park Pavilion. She planned to invite 125 guests. Famous Dave's, located at 1603 B Morrissey Dr., would be retained to provide food and beverage service, which would be limited to beer and wine only. The civil union was scheduled for 5:00 p.m. The reception would start at 6:00 p.m. The Miller Park Pavilion must be vacated by 11:00 p.m.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that the request of Janelle Dodge and Amanda Stenger to allow moderate consumption of alcohol at the Miller Park Pavilion for their November 30, 2013 civil union be approved.

Motion carried, (unanimously).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Agenda for the June 11, 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 - 41

AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND SECTION 26(d) OF CHAPTER 6 OF THE BLOOMINGTON CITY CODE FOR A CIVIL UNION RECEPTION AT THE MILLER PARK PAVILION

WHEREAS, and Janelle Dodge and Amanda Stenger are planning to hold their civil union reception at the Miller Park Pavilion from 5:00 p.m. to 11:00 p.m. on November 30, 2013; and

WHEREAS, Janelle Dodge and Amanda Stenger 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 civil union reception at the Miller Park Pavilion on November 30, 2013 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 8th day of July, 2013.

APPROVED this 9th day of July, 2013.

APPROVED:

Tari Renner, Mayor

ATTEST:

Tracey Covert, City Clerk

Motion by Alderman Fruin, seconded by Alderman Lower that the Ordinance suspending Section 26(d) of Chapter 6 and Section 701 of Chapter 31 to allow suspension and consumption of alcohol at the Miller Park Pavilion on November 30, 2013 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: Suspension of Ordinances to Allow Consumption of Alcohol at Miller Park Pavilion on March 15, 2014

RECOMMENDATION/MOTION: That the Ordinance suspending Section 26(d) of Chapter 6 and Section 701 of Chapter 31 to allow the suspension and consumption of alcohol at the Miller Park Pavilion on March 15, 2014 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 Ashley Wilburn and Brandon Daugherty to allow moderate consumption of alcohol at their March 15, 2014, wedding reception to be held at Miller Park Pavilion. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, Bob Wall, Asst. Police Chief, and Tracey Covert, City Clerk, and Ashley Wilburn, bride and request representative.

Commissioner Renner opened the liquor hearing and requested that the requestor's representative address this request. Ashley Wilburn, bride, addressed the Commission. Her wedding was scheduled for March 15, 2014 at the Miller Park Pavilion. She planned to invite 150 guests. A Renee, located at 306 N. Center St., Suite 102, would be retained to provide liquor service, which would be limited to beer and wine only. The wedding was scheduled for 6:00 p.m. The reception would start at 7:00 p.m. The Miller Park Pavilion must be vacated by 11:00 p.m.

Commissioner Jordan questioned who would dispense the alcohol. Ms. Wilburn stated A Renee's staff would be responsible for the liquor service.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that the request of Ashley Wilburn and Brandon Daugherty to allow moderate consumption of alcohol at the Miller Park Pavilion for their November 30, 2013 wedding be approved.

Motion carried, (unanimously).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Agenda for the June 11, 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 - 42

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 MILLER PARK PAVILION

WHEREAS, Ashley Wilburn and Brandon Daugherty are planning to hold their wedding reception at the Miller Park Pavilion from 5:00 p.m. to 11:00 p.m. on March 15, 2014; and

WHEREAS, Ashley Wilburn and Brandon Daugherty 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 Miller Park Pavilion on March 15, 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 8th day of July, 2013.

APPROVED this 9th day of July, 2013.

APPROVED:

Tari Renner, Mayor

ATTEST:

Tracey Covert, City Clerk

Motion by Alderman Fruin, seconded by Alderman Lower that the Ordinance suspending Section 26(d) of Chapter 6 and Section 701 of Chapter 31 to allow suspension and consumption of alcohol at the Miller Park Pavilion on March 15, 2014 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: Easement Agreement Between the City and Ameren Illinois Company.

RECOMMENDATION/MOTION: That the Easement Agreement with Ameren Illinois Company be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

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

STRATEGIC PLAN SIGNIFICANCE: Objection 5a. This project will improve electric energy services for the City's residents.

BACKGROUND: Ameren Illinois is proposing to construct a new 345 kilovolt (kV) electrical transmission line between the existing Brokaw and South Bloomington substations. The Brokaw substation is located near the intersection of Ireland Grove and north Towanda Barnes Rd. The South Bloomington substation is located near the intersection of East Lafayette and Easy St. The project will also include modifications at the existing South Bloomington substation.

In the event of an outage concurrently affecting two (2) existing 138 kV circuits interconnecting Brokaw substation and the South Bloomington substation, (both circuits are carried on a common tower line), or the coincident outage of the existing two (2) 345/138 kV transformers at the Brokaw substation during peak load conditions, other transmission facilities would be stressed and voltage collapse in the Bloomington area would likely result. The proposed 345 kV transmission line between the existing Brokaw and South Bloomington substations and modifications at the South Bloomington substation will provide a strong source for electricity to the Bloomington area. The project would alleviate the stress on other transmission facilities during such outage events and maintain voltage support. The project's in-service date is June 2015.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: None.

FINANCIAL IMPACT: Ameren Illinois will pay $5,400 for the easement.

Respectfully submitted for Council consideration.

Prepared by: Rosalee Dodson, Asst. Corporation Counsel

Reviewed by: Jim Karch, Director of Public Works

Financial & budgetary review by: Timothy Ervin, Budget Officer

Recommended by:

David A. Hales
City Manager

TRANSMISSION EASEMENT

THIS AGREEMENT, made this 9th day of July, 2013, by and between CITY OF BLOOMINGTON, an Illinois municipal corporation created and existing under and by virtue of the laws of the State of Illinois, hereinafter referred to as Grantor, and AMEREN ILLINOIS COMPANY d/b/a AMEREN ILLINOIS, an Illinois corporation, its successors, assigns, agents, lessees, tenants, contractors, sub-contractors, and licensees, hereinafter referred to as Grantee, WITNESSETH:

For and in consideration of the sum of Ten Dollars ($10.00), the receipt and sufficiency of which is hereby acknowledged and other good and valuable consideration to be paid to Grantor by Grantee within ninety (90) days from the date hereof or the release of this easement from any liens or encumbrances of record, whichever date is later, Grantor does grant, bargain, sell, convey, and confirm unto Grantee the perpetual right and easement in width in, on, upon, along, over, through, across, and under the following described lands situated in McLean County, Illinois, more particularly described as follows, and also depicted on Exhibit "A" attached hereto and made a part hereof.

EASEMENT

Part of Lot One (1) in the Northeast Quarter (NE 1/4) of the School Commissioner's Subdivision of Section Sixteen (16), Township Twenty Three (23) North, Range Two (2) East of the Third Principal Meridian, Bloomington Township, McLean County, Illinois as per plat recorded in Book 2, Page 136 of the records in the Recorder's Office of McLean County, Illinois, and a part of the Northwest Quarter (NW 1/4) of Section Fifteen (15), Township Twenty Three (23) North, Range Two (2) East of the Third Principal Meridian, Bloomington Township, McLean County, Illinois and described as follows:

Beginning at a point on the East line of Lot One (1) in the Northeast Quarter (NE 1/4) of the School Commissioner's Subdivision of Section Sixteen (16), Township Twenty Three (23) North, Range Two (2) East of the Third Principal Meridian, McLean County, Illinois as per plat recorded in Book 2, Page 136 of the records in the Recorder's Office of McLean County, Illinois, said point being Seventy Six and Two Hundredths (76.02) feet North of the Southeast Corner of said Lot One (1) and also, being the West line of the Northwest Quarter (NW 1/4) of Section Fifteen (15), Township Twenty Three (23) North, Range Two (2) East of the Third Principal Meridian, McLean County, Illinois and the centerline of South Bunn Street; thence North, along the East line of said Lot One (1), a distance of Thirty Three and Forty Seven Hundredths (33.47) feet to a point, said point being on the North Right of Way line of Trilakes Road; thence Southeasterly a distance of Four Hundred Sixty Six and Forty Eight Hundredths (466.48) feet to a point, said point being the intersection of the Westerly Right of Way line of former Illinois Central Gulf Railroad Right of Way and the Southwesterly Right of Way line of City of Bloomington Right of Way (formerly Conrail) as per document number 2004-00008844 of the records in the Recorder's Office of McLean County, Illinois; thence North, along the Westerly Right of Way line of former Illinois Central Gulf Railroad Right of Way, a distance of Ninety Six and Thirty Eight Hundredths (96.38) feet to the Southwesterly Right of Way line of Norfolk Southern Railway Company (formerly Norfolk & Western Railroad), also, being the Northeasterly Right of Way line of the City of Bloomington Right of Way (formerly Conrail); thence Northwesterly, along the City of Bloomington Right of Way (formerly Conrail), on a curve to the Right having a radius of Two Thousand Eight Hundred Ninety Four and Seventy Nine Hundredths (2894.79) feet and a chord of Sixty Six and Forty Six Hundredths (66.46) feet to a point; thence Northwesterly a distance of Four Hundred Ninety Eight and Twenty Seven Hundredths (498.27) feet to a point on the Southwesterly Right of Way line of the City of Bloomington Right of Way (formerly Conrail); thence Southeasterly, along the Southwesterly Right of Way of the City of Bloomington Right of Way (formerly Conrail), on a curve to the Left having a radius of Three Thousand Four and Seventy Nine Hundredths (3004.79) feet and a chord of One Hundred Sixty Nine and Ninety Eight Hundredths (169.98) feet to the Point of Beginning and containing 0.601 acres, more or less.

TAX ID NUMBER: 21-06-300-019 (pt)

Together with the perpetual right, permission, privilege, and authority in Grantee to survey, stake, construct, reconstruct, erect, place, keep, operate, maintain, inspect, patrol, add to the number of and relocate at will, at any time, and from time to time, in, on, upon, along, over, through, across, and under the herein described easement a line or lines, conduits and appurtenances, crossarms, wires, cables, transformers, anchors, guy wires, foundations, footings, and any other appurtenances, for the purpose of transmitting electric energy or other power, and for telecommunications; to trim, cut, clear or remove, at any time, and from time to time, by any means whatsoever, from said easement or the premises of the Grantor adjoining the same on either side, trees, brush, and any and all obstructions of whatsoever kind or character which, in the judgment of Grantee, may endanger the safety of, or interfere with, the surveying, staking, construction, reconstruction, erection, placement, retention, operation, maintenance, inspecting, patrolling, addition to and relocation of, Grantee's facilities; and the right of ingress and egress to, from, and over the herein described easement and any of the adjoining lands of the Grantor at any and all times for doing anything necessary or convenient in the exercise of the rights herein

granted; also the privilege of removing at Grantee's option at any time, any or all of Grantee's improvements erected in, on, upon, over, and under the herein described easement.

The Grantor agrees that it will not erect any building or structure or create or permit any hazard or obstruction of any kind or character which, in the judgment of Grantee, will interfere with the surveying, staking, construction, reconstruction, erection, placement, retention, operation, maintenance, inspection, patrolling, addition to and relocation of, Grantee's facilities.

The Grantor warrants and covenants unto Grantee that, subject to liens and encumbrances of record at the date of this easement, Grantor is the owner of the above described land and has full right and authority validly to grant this easement, and that Grantee may quietly enjoy the premises.

Grantee shall be responsible for actual damages occurring on the herein described property as a result of the construction, operation, maintenance or repair of Grantee's facilities and shall reimburse the owner hereof for such loss or damages.

TO HAVE AND TO HOLD the easement aforesaid, with all and singular the rights, privileges, appurtenances and immunities hereto belonging or in anywise appertaining unto said Grantee, its successors, assigns, agents, lessees, tenants, contractors, subcontractors, and licensees, forever.

The easement conveyance made hereby shall run with the land, and this agreement shall be binding upon and inure to the benefit of the successors, assigns and legal representatives of the parties hereto.

IN TESTIMONY WHEREOF, the said CITY OF BLOOMINGTON, has hereunto caused its corporate seal to be affixed and these presents to be signed by its Mayor and attested to by its City Clerk this 9th day of July, 2013.

Grantor: CITY OF BLOOMINGTON

By: Tari Renner, Mayor

Attest:

Tracey Covert, City Clerk

STATE OF ILLINOIS)
) SS
COUNTY OF MCLEAN)

I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, do hereby certify that Tari Renner, personally known to me to be the Mayor of CITY OF

BLOOMINGTON, an Illinois municipal corporation, and Tracey Covert, personally known to me to be the City Clerk of said Corporation, whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such Mayor and City Clerk, they signed and delivered the said instrument of writing as Mayor and City Clerk of said Corporation and caused the corporate seal of said Corporation to be affixed thereto, pursuant to authority given by the Board of Directors of said Corporation, as their free and voluntary act, and as the free and voluntary act and deed of said Corporation, for the uses and purposes therein set forth.

Given under my hand and notarial seal this 9th day of July, 2013.

Janice L. Scherff
Notary Public

(EXHIBIT A ON FILE IN CLERK'S OFFICE)

Motion by Alderman Fruin, seconded by Alderman Lower that the Easement Agreement with Ameren Illinois Company be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition submitted by Alex A. and Larry Calvert Requesting Approval of a Rezoning from R - 1C, Single Family Residential District to C - 1, Office District, for the Property Commonly Located at 1028 E. Front St.

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

STRATEGIC PLAN LINK: The rezoning will facilitate the objectives of residents feeling safe in their homes and neighborhoods and the retention of growth of current local businesses.

STRATEGIC PLAN SIGNIFICANCE: If approved the rezoning will enable the construction of additional off street parking spaces for the funeral home resulting in less funeral home visitors parking on Front St. This should lessen the congestion on Front St. enabling the residents to feel safer. Even though there are no plans to expand the building, the rezoning and subsequent parking should foster the image of a strong and growing local business.

BACKGROUND: The petitioner owns the existing funeral home located adjacent to Washington St. and Front St. as well as the vacant subject site and the vacant lot to its east. If the rezoning is changed all of these properties will create a C - 1 rectangular shaped district.

The proposed rezoning will be compatible with the adjacent funeral home site and should not create any nuisance for the immediate adjacent parcels as a squared off parking lot is intended to be built and such will be screened from the neighbors. This site is relatively small, (approximately 60' x 124'), and is not likely to substantially increase the development potential beyond parking expansion for the funeral home.

On June 12, 2013, the Planning Commission voted 10 - 0 to recommend approval of the petition. The petitioner explained that they have worked with the neighbors and the school regarding how the new off street parking will enable less parking on the street. No one from the public spoke in opposition to or in support of the petition.

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 approximately seventy-nine (79) property owners within 500'. In addition, a public notice/identification sign was posted on the property.

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

Respectfully submitted for Council consideration.

Prepared by: Mark Woolard, City Planner

Reviewed by: Mark R. Huber, Director - PACE

Financial & budgetary review by: Timothy Ervin, Budget Officer

Legal review by: J. Todd Greenburg, Corporation Counsel

Recommended by:

David A. Hales
City Manager

PETITION FOR ZONING MAP AMENDMENT

State of Illinois)
) ss:
County of McLean)

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

Now comes ALEX A. CALVERT and LARRY L. CALVERT, hereinafter referred to as your Petitioners, respectfully representing and requesting as follows:

1.That your Petitioners are the Owners of the property described on Exhibit "A" which is attached hereto and made a part hereof by this reference.

2.That said premises presently have a zoning classification of R - 1C, Single Family Residence District under the provisions of Chapter 44 of the Bloomington City Code, 1960;

3.That the present zoning on said premises is inappropriate due to error in original zoning, technological changes altering the impact or effect of the existing land uses, or the area in question having changed such that said present zoning is no longer contributing to the public welfare;

4.That your Petitioners hereby request that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended to reclassify said premises into the C – 1, Office District classification;

5.That said requested zoning classification is more compatible with existing uses and/or zoning of adjacent property than the present zoning of said premises; and

6.That said requested zoning classification is more suitable for said premises and the benefits realized by the general public in approving this petition will exceed the hardships imposed on your Petitioners by the present zoning of said premises.

WHEREFORE, your Petitioners respectfully pray that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended by changing the zoning classification of the above described premises from R - 1C, Single Family Residence District to C – 1, Office District.

Respectfully submitted,

ALEX A. CALVERT and
LARRY L. CALVERT

ORDINANCE NO. 2013 - 43

AN ORDINANCE REZONING PROPERTY IN THE CITY OF BLOOMINGTON FROM R - 1C, SINGLE FAMILY RESIDENCE DISTRICT TO C – 1, OFFICE DISTRICT

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for Rezoning of certain premises hereinafter described on Exhibit "A"; and

WHEREAS, the Bloomington Planning Commission, after proper notice was given, conducted a public hearing on said Petition; and

WHEREAS, the City Council of said City has the power to pass this Ordinance and rezone said premises.

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

1.That the premises hereinafter described on Exhibit "A" shall be and the same are hereby rezoned from R - 1C, Single Family Residence District to C – 1, Office District.

2.The Official Zoning Map of said City shall be amended to reflect these changes in the zoning classification.

3.This Ordinance shall take effect immediately upon passage and approval.

PASSED this 8th day of July, 2013.

APPROVED this 9th day of July, 2013.

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT "A"

Lot 36 in E. Rodgers Addition to the City of Bloomington, according to the Plat thereof recorded March 17, 1855 in Book 3 of Plats, page 284, in McLean County, Illinois

Parcel ID: 21-03-306-036

(1028 E. Front Street, Bloomington, Illinois)

Motion by Alderman Fruin, seconded by Alderman Lower that the Rezoning 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 Andy Streenz, Lawrence Wheat, John P. Wheat Vincente Adame, and Chad Seeman Requesting Approval of the Vacation of the East West Alley bounded by Lee St. on the west and Roosevelt St. on the east

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

STRATEGIC PLAN LINK: Goal 1. Financially sound City providing quality basic services and Goal 4. Strong neighborhoods.

STRATEGIC PLAN SIGNIFICANCE: Objective 1a. Since the alley will not need to be maintained by the City there should be a cost savings realized over several years. Objective 4a. Resident feeling safe in their homes and neighborhoods. The Vacation will result in the immediate neighborhood being safer.

BACKGROUND: The petitioners desire to vacate the east-west alley which extends from the Lee St. to Roosevelt St. If the alley is closed, it should mitigate negative impacts on the adjacent properties since it will eliminate cut through traffic. It will also eliminate the use of the alley for drug trafficking along at least two (2) of the petitioners' lots once a fence is installed.

Public Works prefers to see alleys such as these closed because it saves maintenance cost.

The Planning Commission reviewed the petition and held a public hearing on May 22, 2013. One person representing the petitioners spoke in support of the petition emphasizing the need for safety from traffic and those running drugs. No one from the public spoke in opposition to or in support of the petition. The Planning Commission voted 10 - 0 to recommend approval of the petition.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with City Code. Courtesy copies of the Public Notice were mailed to adjoining property owners.

FINANCIAL IMPACT: The financial impact on the funding of City services should not be significantly impacted. However there should be some cost savings since the City will no longer have to maintain the alley.

Respectfully submitted for Council consideration.

Prepared by:	Mark Woolard, City Planner
Reviewed by:	Mark Huber, Director – PACE
Reviewed by:	R.T. Finney, Interim Police Chief
Financial & budgetary review by:	Timothy Ervin, Budget Officer
Legal review by:	J. Todd Greenburg, Corporation Counsel

Recommended by:

David A. Hales
City Manager

PETITION FOR VACATION OF AN EAST WEST ALLEY BOUND BY LEE ST., LOCUST ST., ROOSEVELT ST. AND MULBERRY ST.

STATE OF ILLINOIS)
) ss.
COUNTY OF MCLEAN)

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

Now comes Andy Streenz, Lawrence Wheat, John P. Wheat, Vicente Adame and Chad Seeman, hereinafter referred to as your Petitioners, respectfully representing and requesting as follows:

1. That your Petitioners are interested as property owners in the adjacent premises hereinafter described in Exhibit A attached hereto and made a part hereof by this reference;

2. That your Petitioners seek approval of the vacation of an East West Alley adjacent to their premises;

3. That said vacation of an east west alley is reasonable and proper because such alley is not needed for public right of way by said City, its only use being the location of existing or proposed utilities.

WHEREFORE, your Petitioners pray that the ease west alley be vacated with such reservation of utility easements as may seem proper.

Respectfully submitted,

By: Andy Streenz
Lawrence Wheat
John P. Wheat
Vincente Adame
Chad Seeman

ORDINANCE NO. 2013 - 44

AN ORDINANCE PROVIDING FOR THE VACATION OF AN EAST WEST ALLEY

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting the vacation of an east west alley; and

WHEREAS, said petition complies in all respects with the ordinances of said City and the statutes of the State of Illinois in such case made and provided; and

WHEREAS, the City Council of said City has the power to pass this Ordinance and grant said vacation; and

WHEREAS, it is reasonable and proper to vacate said alley as requested in this case.

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

1. That the east west alley is hereby vacated.

2. The aforesaid vacation notwithstanding, the City reserves to itself and to all utilities an easement the full width of the vacated east west alley for the purpose of laying, installing, maintaining, repairing, removing, or replacing such facilities as they may deem appropriate.

3. That this ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 8th day of July, 2013.

APPROVED this 9th day of July, 2013.

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

An east west alley bounded by Lee St. on the west, Locust St. on the north, Roosevelt St. on the east and Mulberry St. on the south.

Motion by Alderman Fruin, seconded by Alderman Lower that the Vacation 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 filed by FOB Development, Inc., Requesting Approval of the Preliminary Plan for a Portion of Empire Business Park, Third Revision, for Property Commonly Located north of IL Rt. 9 and east of Trinity Ln.

RECOMMENDATION/MOTION: That the item be remanded to the Planning Commission's July 24, 2013 meeting.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 3e. Strong working relationship among the City, businesses, economic development organizations.

BACKGROUND: Public hearings regarding this Petition were held before the Planning Commission on May 8 and 22, 2013. City staff identified the need for east/west sidewalks along IL Rt. 9. In addition, Magory Dr. is shown as a private street. Discussions have been held to change this street from private to public. The Petitioner's attorney has requested that this item be remanded to Planning Commission.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph on April 22, 2013. In addition, a sign was posted on the property and courtesy notices were mailed s required by statute.

FINANCIAL IMPACT: None at this time.

Respectfully submitted for Council consideration.

Prepared by: Mark Huber, Director - PACE

Reviewed by: Barbara J. Adkins, Deputy City Manager

Legal review by: Rosalee Dodson, Asst. Corporation Counsel

Recommended by:

David A. Hales
City Manager

Motion by Alderman Fruin, seconded by Alderman Lower that the item be remanded to the Planning Commission's July 24, 2013 meeting.

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: Rescind Bid Award for White and Yellow High Durability Latex Traffic Line Paint and Glass Beads for Pavement Marking Material to Sherwin Williams and Award the Bid Diamond Vogel, Lowest Responsible Bidder

RECOMMENDATION/MOTION: That the bid award for White and Yellow High Durability Latex Traffic Line Paint and Glass Beads for Pavement Marking Material to Sherwin Williams, Bloomington, IL, be rescinded and the bid be awarded to Diamond Vogel, Bloomington, IL, for the remainder of FY 2014, in an amount not to exceed $62,705.50, and the Purchasing Agent be authorized to issue a Purchase Order.

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

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

BACKGROUND: At the March 26, 2012 Council Meeting, Public Works Department's Streets and Sewers Division received permission to purchase a new self-propelled traffic line painting machine from E-Z Liner Industries. This machine requires the pavement marking beads to be loaded mechanically and the traffic line paint to be drawn from fifty-five (55) gallon drums. A

bid specification was created which allows for the purchase of traffic line paint to be used not only with the new machine but also with the existing walk behind traffic line painting machines.

Bids received for FY 2013 (last year) – information given for reference only

On July 10, 2012 at 11:00 a.m. bids were opened and read. A total of five (5) bids were received. The five (5) bids are as follows:

Vendor	**Traffic Line Paint and Beads**
AllStates Coatings Company	$42, 794.90
Ennis Paint	$61, 644.185
Diamond Vogel Paints**	$78,398.25
Sherwin Williams	$89, 177.35
Don Smith	No Bid

**Recommended – awarded last year

Bids received for FY 2014

On April 23, 2013 at 3:00 p.m. bids were opened and read. A total of three (3) bids were received. The three (3) bids are as follows:

Vendor	**Traffic Line Paint and Beads**
Diamond Vogel **	$62,705.50
Ennis Paint	$57,800.50
Sherwin Williams	$51,555.00

**Diamond Vogel met all of the bid specifications and delivery needs of the City. Diamond Vogel stores the paint for the City and only requires a twenty-four (24) hour notice for delivery.

Ennis Paint could only delivery in pallets from out of state. Due to the City's limited storage area, this company was unable to meet our needs.

Sherwin Williams did not indicate in their bid that they also delivered in pallets from out of state and needed a thirty (30) day lead time on delivery. Due to the limited City's storage facility, the City cannot accept pallets of paint. This bid was originally awarded to Sherwin Williams at the Council's June 10, 2013 meeting.

The white and yellow high durability traffic line paint and glass beads for pavement marking provided by Diamond Vogel Paints, Bloomington, IL is recommended for the following reasons:

1. The paint specification provided by this vendor meets and/or exceeds the bid specification submitted by staff.
2. This bead specification provided by this vendor meets and/or exceeds the bid specification submitted by staff.

3. This is the lowest price while meeting all of the bid specifications, without exception. The other vendors failed to include the addendum to the bid specification with their bid packet.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice of the bid was published in the Pantagraph on April 5, 2013. Three (3) bid packages were provided. A total of three (3) bids were received.

FINANCIAL IMPACT: The FY 2014 Budget appropriated $77,175 for purchase of traffic paint in line item 10016120-71096. The total cost to purchase the paint requested for traffic line paint is $62,705.50. There are sufficient budgeted funds on hand to pay for the traffic line paint. Stakeholders may locate this purchase in the FY 2014 General Fund Budget document on page #331.

Respectfully submitted for Council consideration.

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

Reviewed by: Cathy Link, Interim Purchasing Agent.

Reviewed by: Barbara J. Adkins, Deputy City Manager

Financial & budgetary review by: Timothy L. Ervin, CPFO, MS, Budget Officer

Recommended by:

David A. Hales
City Manager

Alderman Stearns acknowledged the paint storage issue. She added her concern regarding the process. She noted that the request was to rescind a bid that had already been awarded. She questioned if the bid specifications included language addressing the storage requirement.

David Hales, City Manager, addressed the Council. He stated that the Council must take action to rescind its previous action to award the bid prior to City staff contacting the vendor.

Alderman Stearns questioned if the vendor understood the bid specifications. Mr. Hales noted that the storage requirement was specified.

Jim Karch, Director – Public Works, addressed the Council. He acknowledged the confusion. City staff believed that the City was working with the local Sherman Willams' store. Staff has learned that for commercial accounts/bids, a local Sherman Williams'

franchised store is not allowed to bid. Sherman Willams' bid does not meet the specification because it cannot meet the City's storage needs.

Alderman Stearns added that all four (4) bidders were local businesses. She added that the storage was a City requirement.

Mr. Karch closed his comments by informing the Council that the City had worked with Diamond Vogel in the past.

Motion by Alderman Fruin, seconded by Alderman Schmidt that the bid award for White and Yellow High Durability Latex Traffic Line Paint and Glass Beads for Pavement Marking Material to Sherwin Williams, Bloomington, IL, be rescinded and the bid be awarded to Diamond Vogel, Bloomington, IL, for the remainder of FY 2014, in an amount not to exceed $62,705.50, 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 the Bids for Repair Market St. Parking Garage

RECOMMENDATION: Recommend that the bid for Market St. Parking Garage Repair be awarded to J. Gill and Co., in the amount of $414,393, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

BACKGROUND: In 2011, staff had a condition report of the Market St. Parking Garage completed by Walker Restoration Consultants, engineering firm. Phase Two of the project was originally bid in 2012. The bids came back too high and were rejected by Council. Phases Two and Three were combined for bid in 2014. Based on the estimate of $504,000, from the consultant, staff budgeted $550,000 this year for the recommended repairs. The original estimate from Walker included a new roof for the Post Office housed in the garage. The Post Office roof replacement was removed by staff from this bid and will bid separately in July 2013.

The repair will consist of:

Concrete Floor RepairPrecast Tee Repair
Stair Nosing Repair Concrete Ceiling Repair
Concrete Beam Repair Concrete Column Repair
Concrete Wall RepairExpansion Joint Repair and Replacement
Cracks and Joint RepairMechanical – Drainage
Protective SealerBrick/Masonry Repairs
Traffic ToppingPaint Traffic Markings.

The base bid required a one (1) year warranty for labor and material. An alternate for four (4) additional years warranty was also included in the bid. The warranty will cover all material and labor for call back repairs for work completed under the bidding documents.

This work is expected to provide twelve to fifteen, (12 – 15) years of normal parking garage usage before major repairs are needed as long as the maintenance is kept up. A major expense would be $50,000. or more.

On June 13, 2013, bids were opened and publicly read at City Hall. The bid consists of a base bid for repairing selected areas on all levels of the garage and one (1) alternate. Alternate 1 was for the cost of four (4) additional years of warranty.
Analysis of the Bids is:

Company	Location	Base Bid	Alt. 1	Total Bid
J. Gill and Co.**	South Holland, IL	$389,993.00	$24,400	$414,393.00
Western Waterproofing Co.	Springfield, IL	$429,850.00	$1,430	$431,280.00
Truesdale Corp.	Tempe, AZ	$448,488.00	$80,080	$528,528.00
E & H Restoration	Davenport, IA	$575,072.44	$10,395	$585,467.44
Takao Nagai Concrete Restoration		$669,397.50	$10,000	$679,397.00
Structural Preservation Systems, LLC	Elgin, IL	$681,555.00	$73,000	$754,555.00

** Low and recommended bidder

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public bid notice was published in the local newspaper on May 23, 2013.

FINANCIAL IMPACT: The references of J. Gill and Co. were checked and found to be in order. Staff recommends the contract be awarded to J. Gill and Co. in the account of $414,393. Walker Restoration Consultants 2013 estimated cost without roof replacement: $450,000. A

total of $550,000 is budgeted for this project of which $50,000.00 is being held in reserve for the replacement roof.

The FY 2014 Capital Improvement Fund Budget appropriated $550,000 for repairs at the Market St. Parking Deck in line item 40100100-72520. The total cost for the repairs is $414,393. This does not include roof repairs for the portion over the post office. Stakeholders may locate this purchase in the FY 2014 Other Funds and Capital Improvement Program Budget document on page #106.

Respectfully submitted for Council consideration.

Prepared by:	Jerry Walker, Facilities Supervisor
Reviewed by:	Mark R. Huber, Director – PACE
Reviewed by:	Cathy Link, Purchasing Agent
Reviewed by:	Barbara J. Adkins, Deputy City Manager
Financial & budgetary review:	Timothy Ervin, Budget Officer
Legal review by:	J. Todd Greenburg, Corporation Counsel

Recommended by:

David A. Hales
City Manager

AGREEMENT

THIS AGREEMENT, Made and entered into on *July, 8 2013,* by and between *J. Gill And Company* first party, also hereinafter referred to as "Contractor", and the City of Bloomington, a municipal corporation, second party.

WITNESSETH:

THAT WHEREAS, the City of Bloomington did on *May, 23 2013,* by advertisement, call for bids for furnishing all labor and material for the repair of the *Market Street Parking Garage Structural Repairs, Bloomington, IL,* project for said City.

AND WHEREAS, in pursuance of said call for bids said first party, did on *June, 13 2013,* submit this bid to said City of Bloomington for furnishing all of the labor and materials for the repair of said *Market Street Parking Garage Structural Repairs, Bloomington, IL,* project for said City on file in the office of the City Clerk of said City. A copy of which specifications,

plans and profiles of said improvement on file in the City Clerk's Office are hereby referred to and made a part hereof by reference, and said first party being the lowest responsible bidder was awarded the contract for the construction of the said improvement, which bid of said Contractor is hereto attached and made a part hereof.

THEREFORE, it is covenanted and agreed upon the part of said first party that in consideration of the amounts to be paid by said City, he will furnish all labor, tools, machinery and materials for the demolition of said improvement complete, in accordance with the said plans, profiles and specifications, call for bids, and said contractor's bid, each herein set out and made a part hereof.

IT IS FURTHER AGREED that said Contractor will furnish a bond to the City of Bloomington in the penal sum of *$389,993.00, Three Hundred Eighty Nine Thousand Nine Hundred ninety Three Dollars and No Cents,* executed by said contractor and at least two responsible persons as sureties or by some surety company satisfactory to the said City of Bloomington and the City Council, as a guarantee that said Contractor faithfully will perform the work in accordance with this agreement.

Said bond shall be conditioned to save and keep harmless said City from any and all claims, demands, loss, suits, costs, expenses and damages which may be made, brought, sustained or recovered against said City by reason of any negligence, default or failure of the said contractor in building, constructing or completing said improvement and its appurtenances, or any part thereof, and that said improvement when constructed shall be free from all defects and remain in good order and condition for one year from its completion and acceptance, ordinary wear and tear, and damage resulting from accident or willful destruction excepted; which bond is attached hereto and made a part hereof.

IT IS FURTHER AGREED that said work will be completed *as outlined in the bid specs for the Market street Parking Garage Structural Repairs project, Bloomington IL.*

IT IS EXPRESSLY UNDERSTOOD AND AGREED that whenever the said City may deem necessary, additional or new bond shall be furnished by said Contractor with such sureties as will be satisfactory to the said City Council, as a guarantee that said Contractor will faithfully perform the work in accordance with the terms of this agreement.

IT IS FURTHER AGREED that should said Contractor fail to complete the work within the time herein specified for doing the same, then he shall pay the expense of the City Inspector or Inspectors from the date specified for completion until said work is completed. Or if the time for completion of the work under this contract is extended at the request of said Contractor, then he shall pay the expense of the Inspector during such extended time until completion, and shall pay to the City all other expenses created by reason of such failure to complete said work in the specified time or by reason of such time being extended.

This agreement shall not be assigned, nor any part of the work subcontracted without the written consent of the City of Bloomington endorsed hereon, and in no case shall such consent

relieve the party of the first part from the obligations herein entered into by said party, or change the terms of this agreement.

IT IS FURTHER STIPULATED AND AGREED by and between the parties hereto that all ordinances now in force in the City of Bloomington respecting and regulating public improvement, not in conflict with the terms of this contract, shall be a part and parcel of this contract.

The number of inspectors to be placed on said work shall be determined by the City of Bloomington, but if at any time on account of a disregard of any of the provisions of this contract by the said first party, or on account of the failure of said first party to faithfully perform the work in accordance with this contract, additional inspectors shall be deemed necessary by said City, the pay of such additional inspectors shall be charged to said Contractor and be deducted from the amount due said Contractor on final settlement under this contract.

The Contractor and all persons employed on the work shall obey the instruction of the City Facilities Manager or the Inspector on said work. Any person who shall refuse or neglect to so obey, or who shall be deemed incompetent by said City Facilities Manager or said Inspector shall at once be removed from the work by the Contractor when so required by said Facilities Manager or Inspector.

The City of Bloomington hereby covenants and agrees, in consideration of the faithful performance of the covenants and agreements in this contract specified to be kept and performed by first party, to pay party of the first part, when this contract shall be wholly carried out and completed upon the part of the said Contractor, and when said work shall have been finally accepted by said City of Bloomington, the amounts set forth in first party's bid in manner as herein and in said call for bids provided.

IT IS FURTHER AGREED AND UNDERSTOOD that the work to be done pursuant to this contract shall be done under the direction and to the satisfaction of the City of Bloomington, and that, except as otherwise provided in the said ordinance or the judgment of the court, said City, except as by law provided, or any officer thereof, shall not be liable for any portion of the expense of said work, nor for any delinquency or persons or property assessed.

THE TOTAL CONTRACT AMOUNT will include:

Base Bid -	$389,993.00
Alternate 1 -	$ 24,400.00 Extended five year warrantee.
Total Contract Amount	$414,393.00

This contract and the bond herein provided, shall be signed in triplicate and be subject to the approval of the City of Bloomington.

IN TESTIMONY WHEREOF the said first party has hereunto set his hand and seal, and the City of Bloomington has caused this agreement to be signed by its Mayor, its corporate seal

to be attached, and said signing and sealing to be attested by its City Clerk on the day and year first above written.

ATTEST:

Tracey Covert, City Clerk

CITY OF BLOOMINGTON

By: Tari Renner, Mayor

WITNESS:

CONTRACTOR

J. Gill And Company

By: _____
Agent for J. Gill And Company.

Mayor Renner introduced this item.

Motion by Alderman Fruin, seconded by Alderman Lower that the bid for Market St. Parking Garage be awarded to J. Gill and Co., in the amount of $414,393, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Acceptance of the Harwood Pl. Street Lighting Study and Recommendation to Replace Existing Street Lights with New Decorative Lights, Budget Approval and Budget Amendment

RECOMMENDATION/MOTION: Recommend that the Harwood Pl. Street Lighting Study and its recommendation be accepted, new black light poles and fixtures be purchased, in the

amount of $29,962.10, the Purchasing Agent be authorized to issue a Purchase Order, and the Budget Amendment Ordinance passed.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 2.d. By replacing the existing street lights which no longer work, it allows the neighborhood to retain a similar decorative style of lighting while becoming more energy efficient and improving safety both from an electrical hazard and a falling hazard.

BACKGROUND: The twelve (12) existing decorative street lights on Harwood Pl. are no longer operational as of March 18, 2013 when a pole was knocked over and broken. This resulted in failure of the electrical system including a special control transformer. Prior to that event several bulbs had burned out for which replacement bulbs were no longer available. This had prompted a study to assist in deciding the best course of action to deal with an obsolete electrical system along with light poles and concrete bases that have significant deterioration.

The 1923 decorative street lighting system on Harwood Pl. is the same type of street lighting system that was replaced in 2012 on Country Club Pl. as part of the Locust Colton CSO Elimination Phase 1 Construction Project. These old street light systems are wired in series with a type of coaxial wiring that has no ground. They required special 22.8 volt, 6.6 amp incandescent bulbs that are no longer available. In addition, a special button was required to be replaced in the lamp socket each time the bulb burned out. This special single use button allowed the rest of the street lights to stay on after a bulb failed. These buttons are also no longer available.

To help determine what options are available and their approximate costs including a life cycle cost analysis, the Farnsworth Group was retained on January 14, 2013 to study the Harwood Pl. Street Lights. Two (2) public meeting were held at City Hall to obtain residents input regarding the study and possible options. The final report has been provided to the Council. The recommended option is B1 – 10' which is a decorative pole made by Sternberg Lighting, Roselle, IL. This pole is similar to the City standard light pole used on Country Club Pl., in the Downtown, and on Tanner St. The pole is three feet (3') shorter than City standard as recommended by the study. The existing Harwood poles are about ten feet (10') tall. The recommended globe is an acorn style used on Country Club Pl. which is similar to the existing globes on Harwood. The estimated cost for this option is $94,500 installed.

In an order to restore the street lighting as quickly as possible to this neighborhood, staff recommends that the poles and fixtures be ordered immediately. Lead time for delivery on poles like these can be anywhere from three to four (3 – 4) months. The poles are built to order and the number ordered affects the price per pole. Staff recommends purchasing fourteen (14) poles and globes in order to have replacements on hand. A quote of $29,962.10 was obtained for fourteen (14) poles and head assemblies. Staff recommends utilizing the 2013 Traffic Signal Maintenance Contract to have the old system removed, new foundations, underground conduit, junction boxes, and wiring installed. Once the new poles arrive, City Electricians can wire the poles and install them on the new concrete bases.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Two (2) public meetings were held at City Hall regarding the Harwood Pl. Street Lights. The first meeting was held on February 5, 2013 to present on overview of the issues and gather resident input. The second meeting was held on June 18, 2013 to present the report prepared by the Farnsworth Group and obtain feedback on the recommendations presented in the report. A letter providing notice of each meeting was mailed to each property along Harwood Pl. and posted on the City's web site.

FINANCIAL IMPACT: The FY 2014 Budget did not appropriate funds for this project. As mentioned in the background section, staff recommends this issuance of a $29,962.10 budget amendment in the Engineering Department line item 10016210-71190 (Other Supplies). As a result of the City's bolstered financial position, staff expects the $29,962.10 will be offset by savings in other line items within the Engineering Department in FY 2014 or the City's fund balance could be used to offset this expenditure. Stakeholders may locate the Engineering Department Budget within the FY 2013 General Fund Budget document on pages #347 and #348.

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

Reviewed by: Barbara J. Adkins, Deputy City Manager

Financial & budgetary review by: Timothy Ervin, Budget Officer

Recommended by:

David A. Hales
City Manager

ORDINANCE NO. 2013 - 45

AN ORDINANCE AMENDING THE BUDGET ORDINANCE FOR THE FISCAL YEAR ENDING APRIL 30, 2014

WHEREAS, on April 8, 2013 by Ordinance Number 2013 - 18, the City of Bloomington passed a Budget and Appropriation Ordinance for the Fiscal Year Ending April 30, 2014, which Ordinance was approved by Mayor Stephen F. Stockton on April 9, 2013; and

WHEREAS, a budget amendment is needed as detailed below;

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

Section One: Ordinance Number 2013 - 18 (the Budget and Appropriation Ordinance for the Fiscal Year Ending April 30, 2014) is further hereby amended by inserting the following line items and amounts presented in Exhibit #1 in the appropriate place in said Ordinances.

Section Two: Except as provided for herein, Ordinance Number 2013 - 18 shall remain in full force and effect, provided, that any budgeted or appropriated amounts which are changed by reason of the amendments made in Section One of this Ordinance shall be amended in Ordinance Number 2013 - 18.

Section Three: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED the 8th day of July, 2013.

APPROVED the 9th day of July, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

(EXHIBIT #1 ON FILE IN CLERK'S OFFICE)

Mayor Renner introduced this item.

Alderman Fazzini questioned the cost for a standard street light. He also questioned why the residents of Harwood Pl. were not being asked to absorb this cost.

David Hales, City Manager, addressed the Council. He cited precedent, (i.e. Country Club Pl.). These street lights were replaced as part of the Locust/Colton CSO (Combined Sewer Overflow) elimination and water main replacement, phase 1. There were a few locations in the City with decorative street light poles. He added that some cities establish special street lighting districts to address same. Harwood Pl. street lights had been labeled as a replacement project.

Alderman Fazzini questioned the cost differential.

Jim Karch, Director – Public Works, directed the Council the Harwood Place Street Lighting Study, Summary of Costs which was located on page 11. The new decorative poles were labeled with the letter B. Standard utility poles were labeled with the letter C. The cost for each option was highlighted in the report. He stressed that the City had to replace the infrastructure which supports the poles. There was a cost difference between a new pole versus a decorative pole, up front and ongoing costs

Alderman Fazzini questioned if citizens requested decorative street light poles would they be responsible to cover the cost for same. Mr. Hales noted that the City would have the option of establishing a special service/assessment area to cover the cost differential.

Mr. Karch directed the Council to page 17 of Study. He cited the 100 Year Plan Summary. City had recommended Plan 2. The cost above standard utility street lighting was $56,292.

Alderman Stearns thanked City staff for their efforts on this item. Harwood Pl. was located in the Founder's Grove Neighborhood. The existing street lighting was unique and special. The City would be replacing historic street lighting. The neighborhood would benefit from this project. She believed that the old street lighting could have been restored.

Motion by Alderman Stearns, seconded by Alderman Fruin that the Harwood Pl. Street Lighting Study and its recommendation be accepted, new light poles and fixtures be purchased, in the amount of $29,962.10, the Purchasing Agent be authorized to issue a Purchase Order, and the Budget Amendment 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: Customer Service Agreement with Central Illinois Regional Broadband Network, LLC (CIRBN)

RECOMMENDATION/MOTION: That the Customer Service Agreement with CIRBN be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

BACKGROUND: The State of Illinois Department of Central Management Services (CMS) was awarded a federal grant on August 1, 2010 in the amount of $17.6 million for the planning, design, and construction of a fiber optic network. Illinois State University (ISU) is a sub-recipient of the CMS grant. CIRBN is the fiber optic network which has been constructed by ISU with grant funds. The network is high-speed, (40 billion bits per second). Pursuant to the terms of the grant, only governmental, educational, and non-profit entities may be served by CIRBN. It may be possible for CIRBN to lease excess bandwidth to private Internet providers.

The grant requires all construction to be completed by July 31, 2013, at which time CIRBN, will be responsible for all future administration of the network. CIRBN is already a legal entity. CIRBN has prepared a Customer Service Agreement for those entities who desire to obtain broadband services from it.

Discussion/Analysis

Staff has reviewed the Customer Service Agreement and recommends approval. The agreement will give the City access to the high speed fiber optic system for a monthly charge of $2,564.35, ($30,772.26 annually). The City will be able to use a total of 1,168 Mb/sec. It will have fiber optic network access for nine (9) sites at 1 GB/sec per site. The City currently pays $2,850 per month for considerably slower access. The monthly payment for the CIRBN service is approximately $286 less than the current high speed service, therefore the City will experience a slight financial savings.

The Town of Normal has entered into a Customer Service Agreement with CIRBN.

The service agreement is for a one (1) year term during which rates may not be increased.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: CIRBN, and Town of Normal.

FINANCIAL IMPACT: The FY 2014 General Fund Budget appropriated $34,519 for the monthly fees for the purchase of high speed internet in line item 10011610-71340. The annual

fee for this agreement with CIRBN to provide high speed internet access is estimated at $30,772.20 ($2,564.35 * 12 months). Stakeholders may locate this purchase in the FY 2014 General Fund Budget document on page #186.

Respectfully submitted for Council consideration.

Prepared by: Scott Sprouls, Director – Information Services

Reviewed by: Barbara J. Adkins, Deputy City Manager

Financial & budgetary review by: Timothy Ervin, Budget Officer

Legal review by: J. Todd Greenburg, Corporation Counsel

Recommended by:

David A. Hales
City Manager

Mayor Renner introduced this item.

Alderman Stearns questioned system backups and redundancy.

Scott Sprouls, Director – Information Services, addressed the Council. CIRBN was a ringed network. He informed the Council that representatives of CIRBN were present at the meeting.

Motion by Alderman Fruin, seconded by Alderman Lower that the Customer Service Agreement with CIRBN be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Central Illinois Regional Broadband Network, LLC (CIRBN) Membership

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

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

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

BACKGROUND: The State of Illinois Department of Central Management Services (CMS) was awarded a federal grant on August 1, 2010 in the amount of $17.6 million for the planning, design, and construction of a fiber optic network. Illinois State University (ISU) is a sub-recipient of the CMS grant. CIRBN is the fiber optic network which has been constructed by ISU with grant funds. The network is high-speed, (40 billion bits per second). Pursuant to the terms of the grant, only governmental, educational, and non-profit entities may be served by CIRBN. It may be possible for CIRBN to lease excess bandwidth to private Internet providers.

The grant requires all construction to be completed by July 31, 2013, at which time CIRBN will be responsible for all future administration of the network. CIRBN is already a legal entity.

On August 22, 2012, Articles of Incorporation were filed with the Illinois Secretary of State for CIRBN.

As you know, an LLC is a limited liability company, a legal entity which has many of the same attributes as corporations. Members of the LLC are not liable for acts of the LLC itself. In the event of insolvency, civil judgments, etc., a creditor cannot force the individual members of the LLC to satisfy a debt or judgment out of the assets of the individual member.

"Members" of LLCs are much the same as "directors" of a corporation. Members of CIRBN must be a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code, a governmental unit, or a wholly owned subsidiary of a state or political subdivision. This is consistent with the purposes for which the broadband network was built, (to provide broadband network services to not-for-profit organizations and educational and governmental units).

Currently, CIRBN members are ISU and the Town of Normal. Heartland Community College is also considering joining. It is anticipated that in the future other non-profit organizations will be requested to join as members.

There are pros and cons to joining as a member.

Reasons in favor of joining:

- It gives the City a greater voice in guiding the future mission of CIRBN; e.g., whether CIRBN will hire any full-time employees, the extent to which much or all of the day-to-day activities of CIRBN will be conducted through contracts with third-party service providers, whether CIRBN will have a physical business office, etc. These decisions

will, of necessity, be made in the very near future. If the City declines to join, it will, of course, not have a voice in these decisions.

- As a major customer of CIRBN, the City has an interest in the administration of the network, which it can protect by being a member of CIRBN.

- The City would be a sharing the burden of administering CIRBN with the other governmental, educational, and non-profit entities who are running this organization for the greater good.

Reasons against joining as a member:

- The City is not required join in order to have the benefits of CIRBN as a customer. Declining to join CIRBN avoids diluting the City mission and distracting officials and employees.

- If there are too many governmental members of CIRBN, it raises the possibility of litigation over the applicability of the Open Meetings Act and the Freedom of Information Act, (as pointed out above, it is anticipated that CIRBN will increase the number of private non-profit members in the near future).

- The possibility that CIRBN's business plan is too optimistic, and even though legally the City is not liable for CIRBN expenses if operating costs exceed revenues, there may be political pressure for the City to subsidize CIRBN in order to keep it a going concern.

- Fear of the unknown.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: CIRBN and Town of Normal.

FINANCIAL IMPACT: The background section of the Council memorandum does not indicate any initial membership fees to join CIRBN. Over the past few months, staff has been involved with the coordination and development of plans to use City facilities to support the infrastructure of this venture. In regards to the pros and cons, please refer to the background section. At this time, it is unknown whether there will be a future financial commitment on part of the City.

Respectfully submitted for Council consideration.

Prepared by:	Scott Sprouls, Director – Information Services
Reviewed by:	Barbara J. Adkins, Deputy City Manager
Financial & budgetary review by:	Timothy Ervin, Budget Officer
Legal review by:	J. Todd Greenburg, Corporation Counsel

Recommended by:

David A. Hales
City Manager

Mayor Renner introduced this item.

Alderman Lower questioned projected cost over revenue: annually, at five (5) years, and at ten (10) years.

David Hales, City Manager, addressed the Council. He believed that there would be costs as a member and/or as a nonmember. Cost would be addressed in the Customer Service Agreement. The City would have the ability to impact CIRBN's policies/business practices by becoming a member.

Andrea Ballinger, Illinois State University's (ISU) Associate Vice President – Administrative Technology, Lisa Huson, ISU's General Counsel, Scott Jenung, ISU's Director of CIRBN and Fred Friedrich, CIRBN consultant, were in attendance at the meeting.

Andrea Ballinger, ISU's Associate Vice President – Administrative Technology, addressed the Council. As a member, the City would be involved in CIRBN's management, i.e. the Board would set fees. CIRBN was receiving requests to become a customer. She did not have an answer to Alderman Lower's question at this time.

Alderman Fazzini informed the Council that this item had appeared before the Administration and Finance Committee. This Committee had forwarded this item on to the Council for action. CIRBN would substantially increase the City's capacity. The City should become involved in the leadership of CIRBN and become a part thereof.

Ms. Ballinger informed the Council that CIRBN had a web site. She also addressed bandwidth. The change was described as going from a push pin to large sewage pipe.

Alderman Fruin questioned when CIRBN was established. Ms. Ballinger noted 2009. Alderman Fruin believed that CIRBN would be a huge improvement for the community.

Alderman Sage added that it was nice to see this project come to fruition.

Mr. Hales echoed Alderman Fruin's comments. The City needed to recognize ISU's efforts on this project. The City was in debt to ISU as CIRBN would not have happened without their leadership. He offered his compliments to ISU's staff.

Motion by Alderman Fruin, seconded by Alderman Black that CIRBN membership be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

CITY MANAGER'S DISCUSSION: David Hales, City Manager, addressed the Council. He thanked the City staff who were involved in the City's 4th of July celebration. Key departments involved were Parks, Recreation & Cultural Arts, Police and Public Works. The community seemed to enjoy the activities. He noted the work involved.

Mr. Hales invited the Council to attend the Infrastructure Committee's July 15, 2013 meeting at 5:00 p.m. There would a presentation regarding the City's Master Plan for Storm Water and Sanitary Sewers.

MAYOR'S DISCUSSION: Mayor Renner echoed Mr. Hales' comments. He added that compliments had been received regarding the 4th of July activities.

Mayor Renner thanked Mr. Hales and Barb Adkins, Deputy City Manager, for attending the June 7, 2013 Mayoral Open House. The meetings had been held consistently. The discussions had been interesting. He noted that individuals had been treated with respect even though all were not in agreement with each other.

Mayor Renner encouraged the Council to tour the City's Fire Stations.

ALDERMEN'S DISCUSSION: Alderman Fazzini informed the Council that he had toured the Fire Stations.

Alderman Stearns noted that Miller Park looked great on the 4th of July. She recognized the efforts of the City's Parks, Recreation & Cultural Arts and Police Department's staffs.

She questioned the restoration work on the Korean/Vietnam memorial at Miller Park. She had heard that the bid had been received and the cost was lower than anticipated.

David Hales, City Manager, addressed the Council. The City planned to move forward with this work.

John Kennedy, Director – Parks, Recreation & Cultural Arts, addressed the Council. There were two (2) areas of work regarding this project. The names would be painted. This work would be completed in four to six (4 – 6) weeks.

Alderman Stearns questioned if the local veterans groups had been contacted.

Mr. Kennedy presented the Council with a DVD recording of the 4th of July fireworks.

Alderman Lower echoed Mayor Renner and Alderman Stearns' comments regarding the 4th of July celebration. He complimented the South Hill Neighborhood which annually hosts the City's 4th of July celebration.

Alderman McDade informed the Council that she would not be in attendance at the Council's July 22, 2013 meeting.

She added that she had participated in the 4th of July Park to Park Run as did Alderman Fruin.

Motion by Alderman Stearns, seconded by Alderman Sage, that the meeting be adjourned. Time: 7:52 p.m.

Motion carried.

Tracey Covert
City Clerk

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