CITY OF BLOOMINGTON
COUNCIL MEETING AGENDA
109 E. OLIVE
TUESDAY, MAY 28, 2013 7:00 P.M.

1. **Call to order**

2. **Pledge of Allegiance to the Flag**

3. **Remain Standing for a Moment of Silent Prayer**

4. **Roll Call of Attendance**

5. **Recognition/Appointments**

   A. **Japanese Sister City Foreign Exchange Students to Thank the Council**

      i) **Masaki Okada (BHS) and Sayuki Oka (NCHS)**

   B. **Miller Park Zoological Society to present City with Annual Donation**

   C. **Proclamations**

   D. **Boards, Commissions, Committees Appointments/Reappointments**

      i) **Appointment to Beautification Committee**

      ii) **Reappointments to Airport Authority**

      iii) **Reappointments to Convention and Visitors Bureau Board**

      iv) **Appointments to Human Relations Commission**

      v) **Appointment to Japanese Sister City Committee**

6. **"Consent Agenda"**

   A. **Bills and Payroll. (Recommend that the Bills and Payroll be allowed and the orders drawn on the Treasurer for the various amounts as funds are available.)**

B. **Appointments and Reappointments to various Boards, Commissions, Committees. (Recommend that the appointments and reappointments be approved.)**

C. **Analysis of a Request for Proposal – RFP# 2013-10 for Street Sign Inventory and Work Order/Asset Management System. (Recommend that the RFP be awarded to Cloudpoint Geographics in the amount of $100,000 and the Purchasing Agent be authorized to issue a Purchase Order.)**

D. **Payment for participation in McLean County's Information Technologies for EJustice Support and Oracle Support. (Recommend that the payment to McLean County's Information Technologies in the amount of $29,564.03 for EJustice support and $8,498.41 for Oracle support for EJustice be approved for a total of $38,062.44.)**

E. **Analysis of Bids for Sixty Four (64) New Golf Carts at The Den at Fox Creek. (Recommend that the bid golf carts at The Den at Fox Creek be awarded to EZ-GO in the amount of $224,704, and the Purchasing Agent be authorized to issue a Purchase Order for same.)**

F. **Brush Disposal Agreement between the City and T Kirk Brush, Inc. (Recommend that the Brush Disposal Agreement between the City and T Kirk Brush, Inc. be approved and the Mayor and City Clerk be authorized to execute the necessary documents.)**

G. **Retention of the law firm of Hinshaw & Culbertson, LLP, to represent the City before the Illinois Commerce Commission with respect to existing and proposed grade crossings of the Norfolk Southern Railroad in and near Bloomington. (Recommend that the retention of the law firm of Hinshaw & Culbertson, LLP be approved pursuant to the terms of the attached retention letter dated March 18, 2013 and that the Corporation Counsel be authorized to sign such letter on behalf of the City.)**

H. **Professional Services Contract for the Bloomington Center for Performing Arts. (Recommend that the contracts in the amount of $87,500 be approved and the Mayor and City Clerk be authorized to execute the necessary documents.)**

I. **Suspension of Chapter 6 Section 26(d) to Allow Possession of Open Alcohol on Public Property for the WGLT Event June 8, 2013. (Recommend that the Ordinance be passed.)**

J. **Suspension of Ordinances to Allow Consumption of Alcohol at Lake Bloomington's Davis Lodge on June 11, 2013. (Recommend 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's Davis Lodge on June 11, 2013 be passed.)**

K. **Lake Bloomington Lease Transfer Petition for Lot 2, Block 0 of Camp Peoria Pointe from Francis R. Donovan to Gregory, Michael and Roger Donovan. (Recommend that Council approve this transfer.)**

L. **Petition from Eastlake, L.L.C., requesting Approval of Final Plats for The Grove on Kickapoo Creek Fourth Addition Subdivision and Grove Park Subdivision commonly located north of Ireland Grove Road and west of Township Road 2100 East. (Recommend that Council accept the Petitions and pass an ordinance approving the Final Plats for The Grove on Kickapoo Creek Fourth Addition Subdivision and Grove Park Subdivision subject to the Petitioner supplying a surety for any uncompleted public improvements and paying the required tap-on fees prior to recording of the plats.)**

M. **Review of a petition submitted by Interchange City West, LLC, requesting approval of an Amended Preliminary Plan for the West Gate Plaza Subdivision. (Recommend that Council approve Case PS-02-13 for the Amended Preliminary Plan for the West Gate Plaza Subdivision subject to the six conditions identified by the engineering memo of April 25, 2013.)**

N. **Review of a petition submitted by Interchange City West, LLC, requesting approval of a Reinstatement of a Preliminary Plan for the West Gate Plaza Subdivision. Westgate Amended. (Recommend that Council approves Case PS-01-13 for the Reinstatement of a Preliminary Plan for the Third Amended Interchange City West Subdivision.)**

O. **Petition from Interchange City West, LLC Requesting Approval of a Final Plat for West Gate Plaza, 2nd Addition, Located North of Market Street/Route 9 and East of Interstate Drive 3. (Recommend that Council accept the Petition and pass an ordinance approving the Final Plat for West Gate Plaza, 2nd Addition.)**

7. **"Regular Agenda"**

A. **Agreement with Westside Churches for Youth Programming. (Recommend that agreement be approved.)** ***(20 minutes)***

B. **Text Amendment to Chapter 8. Animals and Fowls, Identification and Regulation of Vicious and Dangerous Dogs. (Recommend that the Ordinance be passed.)** ***(15 minutes)***

8. **City Manager's Discussion**

9. **Mayor's Discussion**

10. **City Aldermen's Discussion**

11. **Executive Session – cite section**

12. **Adjournment**

13. **Notes**

FOR COUNCIL: May 28, 2013

SUBJECT: Proclamations

RECOMMENDATION/MOTION: That the proclamations be made a matter of record.

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

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

BACKGROUND: The proclamations will be presented:

1. In Recognition of League of Women Voters of Illinois 2013;

2. Dr. C. Alvin Bowman Day.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

Recommended by:

Tari Renner
Mayor

Attachments: Attachment 1. Proclamations

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Black				Alderman Mwilambwe			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman Lower				Alderman Stearns			
Alderman McDade							
				Mayor Renner			

Proclamation

In Recognition of League of Women Voters of Illinois 2013

***WHEREAS**, The League of Women Voters of Illinois is celebrating the 100th Anniversary of the 1913 Illinois law granting women the right to vote for President of the United States and municipal officers.*

***WHEREAS**, the legislator, when signed by then Governor Edward Dunn on June 26, 1913, made Illinois the first state east of the Mississippi River to allow women to vote in the Presidential elections.*

***WHEREAS**, 200,000 Illinois women voted in the 1914 election and helped continue to pave the way for passage of the 19th Amendment in 1920 which gave full suffrage to women throughout the United States.*

***WHEREAS**, The League of Women Voters was founded in Chicago, Illinois in February 1920 and the League of Women Voters of Illinois was created on March 22, 1920 and has, during the 83 years since, encouraged all citizens to become informed and active participants in government.*

***WHEREAS**, the League of Women Voters of McLean County was founded in 1933 by Florence Fifer Bohrer, the first female state senator in Illinois, and proudly counts among its 116 members many who reside in Bloomington and Normal.*

***WHEREAS**, the League of Women Voters of McLean County is hosting the 56th Biennieum convention of the League of Women Voters of Illinois at the Carol Reitan Conference Center and the Bloomington Normal Marriot Hotel where delegates, members and friends of the League of Women Voters of Illinois will gather to discuss its future and celebrate its past.*

***THEREFORE**, I, Mayor Tari Renner welcome the League of Women Voters to Bloomington, Illinois and proclaim June 7-9, 2013 as League of Women Voters of Illinois weekend in recognition of the League's celebration of the1913 legislation.*

Tari Renner
Mayor

Tracey Covert
City Clerk

PROCLAMATION
"Dr. C. Alvin Bowman Day"

WHEREAS, *In 1978 Dr. Al Bowman began his career at Illinois State University as an instructor while working in the Department of Speech Pathology and Audiology; and*

WHEREAS, *Over the course of 35 years at Illinois State University Dr. Bowman carried the title of instructor, professor, Department Chair, Provost; and*

WHEREAS, *On March 17, 2004 became the 17th President of Illinois State University, a position he would carry for the next 10 years; and,*

WHEREAS, *Under his leadership, the University of Illinois reached an historic high in incoming student American College Testing averages as well as retention and graduation rates; and*

WHEREAS, *During Dr. Bowman's tenure as President, the university was named as one of the top 100 universities in U.S. News and World Report; and*

WHEREAS, *During his Presidency, a large portion of university buildings were renovated or built entirely from the ground up including a new student fitness center, and a private-public partnership student apartment complex. Also, included in campus construction projects is a recently secured funding endeavor for a new university fine arts complex.*

NOW, THEREFORE, *I, Tari Renner, Mayor of the City of Bloomington, on behalf of City Council and the citizens, do hereby proclaim July 26, 2013 as:*

"Dr. C. Alvin Bowman Day"

Tari Renner
Mayor

Tracey Covert
City Clerk

FOR COUNCIL: May 28, 2013

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 Thursday, May 23, 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:

Barbara J. Adkins
Deputy City Manager

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Black				Alderman Mwilambwe			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman Lower				Alderman Stearns			
Alderman McDade							
				Mayor Renner			

FOR COUNCIL: May 28, 2013

SUBJECT: Appointment to the Beautification Committee, Reappointments to the Blm-Nml Airport Authority, Reappointments to Blm-Nml Convention & Visitors Bureau Board, Appointments to Human Relations Commission, Appointment to Japanese Sister City Committee

RECOMMENDATION/MOTION: That the Appointments and Reappointments be approved.

STRATEGIC PLAN LINK: Goal 3. Strong Neighborhoods

STRATEGIC PLAN SIGNIFICANCE: Objective 3.e. Strong partnership with residents.

BACKGROUND: I ask your concurrence in the appointment of Erica Larkin of 909 Snyder Dr, Bloomington 61701 to the Beautification Committee. Her first four (4) year term will expire April 30, 2017.

I ask your concurrence in the reappointment of Aaron Quick of 1618 Keybridge Way, Bloomington 61704 to the Bloomington-Normal Airport Authority. His second five (5) year term will expire April 30, 2018.

I ask your concurrence in the reappointment of David Colee of 2807 Kolby Ct, Bloomington 61704 to the Bloomington-Normal Airport Authority. His second five (5) year term will expire April 30, 2018.

I ask your concurrence in the reappointment of Jim Fruin of 3001 Thronwood, Bloomington 61704 to the Bloomington-Normal Convention & Visitors Bureau Board. His second indefinite term will not expire unless he is formally replaced.

I ask your concurrence in the reappointment of Julie Kubsch of 317 N Center, Bloomington 61701 to the Bloomington-Normal Convention & Visitors Bureau Board. Her second indefinite term will not expire unless she is formally replaced.

I ask your concurrence in the appointment of Janet Lancaster of 316 N. Main, Bloomington 61701 to the Human Relations Commission. Her first three (3) year term will expire on April 30, 2016.

I ask your concurrence in the appointment of Suresh Krishna of 1408 Tralee Ln, Bloomington 61704 to the Human Relations Commission. His first three (3) year term will expire on April 30, 2016.

I ask your concurrence in the appointment of Teodora Amoloza of 39 Breckenwood Ct, Bloomington 61704 to the Japanese Sister City Committee. Her first three (3) year term will expire on April 30, 2016.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Mayor contacted all appointments and reappointments.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by: Kathryn Buydos, Executive Assistant

Recommended by:

Tari Renner
Mayor

Attachments: Attachment 1. Various Board and Commission Rosters

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Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Black				Alderman Mwilambwe			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman Lower				Alderman Stearns			
Alderman McDade							
				Mayor Renner			

Bloomington Beautification Committee

5/21/2013 1:22 PM KB

Category	Staff/Chair	Title	First Name	Last Name	Street	City	Zip	Expiration	Appointment Date	Year First Appt	Attendance Last 12 Meetings
Beautification Committee			Tammi	Winters	1120 S. Low St	Bloomington	61701	04/30/10	09/01/07	2007	9
Beautification Committee			Martha	Burk	904 S. Clinton	Bloomington	61701	04/30/13	01/11/10	2010	9
Beautification Committee			Patricia	Morin	1405 N Clinton Blvd	Bloomington	61701	04/30/15	08/22/11	2011	
Beautification Committee			Marlene	Gregor	107 W Market St	Bloomington	61701	04/30/15	08/22/11	2011	
Beautification Committee			Josh	Barnett	2322A Rainbow Ave	Bloomington	61704	04/30/15	08/22/11	2011	
Beautification Committee			Valerie	Dumser	809 W. Washington	Bloomington	61701	04/30/16	09/24/12	2012	
Beautification Committee			Amy	Davis	501 S. Clayton St	Bloomington	61701	04/30/16	10/22/12	2012	
Beautification Committee			Anne	Driskell	1228 Bancroft Dr	Bloomington	61704	04/30/15	09/12/11	2011	
Beautification Committee			Sue	Floyd	608 N Lee	Bloomington	61701	04/30/13	01/11/10	2010	9
Beautification Committee			Julie	Morton	204 W. Tanner St	Bloomington	61701	04/30/10	09/01/07	2007	4 of 8
Beautification Committee			VACANT								
	Ex-officio										
Beautification Committee	Ex-officio		Jan	Lauderman	4 Oxford Ct	Bloomington	61704				
Beautification Committee	Chair		Stan	Cain	10 Barley Circle	Bloomington	61704	04/30/10	04/01/90	1990	12

Beautification Committee	Staff		Jeff	Hindman	Parks & Recreation						

Number of Vacancies
1

Number of Applications on file
6

Number of Expired Board Members
3

Request for reappointments:
Stan Cain emailed a request (12/19/2011) that Tammi Winters, Julie Morton and Stan Cain be reappointed.

Notes
4 year terms
12 members, 2 ex-officio members
Number Mayor Appoints: 12
Type: Internal
City Code:
Required by code - State or City: No
Meets the 4th Thurs of each month at 7:00pm - Blm Library Community Room

Bloomington-Normal Airport Authority

5/21/2013 1:21 PM KB

Category	Staff/Chair	Title	First Name	Last Name	Street	City	Zip	Expiration	Appointment Date	Year First Appt	Attendance Last 12 Meetings	Mayor Appointed
Airport Authority	Chair		Paul	Harmon	6 Clinton Place	Normal	61761	04/30/14				
Airport Authority			Aaron	Quick	115 Spring Ridge Dr.	Bloomington	61704	04/30/13				x
Airport Authority			David	Colee	2807 Kolby Ct.	Bloomington	61704	04/30/12		2007	12	x
Airport Authority			Alan	Sender	1007 Broadway	Normal	61761	04/30/12				
Airport Authority			Earl	Kingman - N	206 Riss Dr	Normal	61701	04/30/15				
Airport Authority			Kurt	Bock	19 Lavendar Lane	Bloomington	61704	04/30/13				
Airport Authority			J. Jay	Allen	1205 Broad Creek Rd	Bloomington	61704	04/30/16				

Number of Vacancies
0

Number of Applications on file
1

Number of Expired Board Members
1

Request for reappointments
Lynnette from CIRA called (4/9/12) to request the reappointment of David Colee.

Details
5 year terms
7 members
Number of members the Mayor Appoints: 2
Type: Multi-Jurisdictional
City Code:
Required by code - State or City: Yes
Meets the 2nd Thursday of each month at 4:30pm - Airport Conference Room

Paul Harmon 10/11/12 approved reappointment of David Colee - email

Bloomington-Normal Area Convention and Visitors Bureau Board of Directors

5/21/2013 3:47 PM KB

Category	Staff/Chair	Title	First Name	Last Name	Street	City	State	Zip	Expiration	Appointment Date	Year First Appt	Mayor Appointed
CVB	Chair		Ron	Moorehead								
CVB	Ex-Officio		Jim	Fruin*	3001 Thornwood	Bloomington	IL	61704	none	11/01/11	2011	x
CVB	Ex-Officio		Chris	Koos								
CVB			Julie	Kubsch	317 N Center	Bloomington	IL	61701	none	01/01/12	2004	x
CVB			Steve	Newman								
CVB			Adam	Nielsen								
CVB			Carl	Olson								
CVB	Ex-Officio		Matt	Sorensen								
CVB			Bette	Rackauskas								

Number of Vacancies
0

Number of Applications on file
0

Number of Expired Board Members
1

Notes
no set term (at the discretion of the governing body when to appoint/re-appoint)
9 members
Number Mayor Appoints: 2
Type: Multi-Jurisdictional
City Code:
Required by code - State or City:

*Mayor Stockton put Jim Fruin in his place and gave him his Ex-Officio voting rights as of Nov 2011.

Human Relations Commission

5/21/2013 1:23 PM KB

Category	Staff/Chair	Title	First Name	Last Name	Street	City	State	Zip	Expiration	Appointment Date	Year First Appt	Attendance Last 12 Meetings
Human Relations Commission			VACANT				IL					
Human Relations Commission			VACANT				IL					
Human Relations Commission	Chair		Anthony	Jones	2103 Clearwater	Bloomington	IL	61704	04/30/11	04/30/01		12
Human Relations Commission			John	Elliott	53 Prenzler Dr	Bloomington	IL	61704	04/30/12	03/23/09		12
Human Relations Commission			Cathy	Ahart	828 W. Oakland	Bloomington	IL	61701	04/30/08	04/30/00		11
Human Relations Commission			Rhonda	Smith	2 Rock Garden Ct, Duplex #1	Bloomington	IL	61704	10/24/14	10/24/11	2011	
Human Relations Commission			Donya	Wills Flohr	5207 Longfield Rd	Bloomington	IL	61705	10/24/14	10/24/11	2011	
Human Relations Commission	Staff		Ernestine	Jackson	109 E. Olive St	Bloomington	IL	61701				

Number of Vacancies
2

Number of Applications on file
8

Number of Expired Board Members
5

Request for reappointments:
Ernestine Jackson has requested (fall 2011) reappointment of Anthony Jones, Cathy Ahart

Notes
3 year terms
7 members
Number Mayor Appoints: 7
Type: Internal
City Code:
Required by code - State or City: No
Meets the 2nd Wed of each month at 7:00pm - Council Chambers

Japan Sister City Committee

5/21/2013 1:23 PM KB

Category	Staff/Chair	Title	FirstName	LastName	Street	City	State	Zip	Expiration	Appointment Date	Mayor Appointed
Japan Sister City Committee			VACANT								
Japan Sister City Committee			VACANT								
Japan Sister City Committee			Jenny	Goldman		Normal	IL	61761			
Japan Sister City Committee			Akiko	Wilson	20 Linda Lane	Normal	IL	61761			
Japan Sister City Committee			Mary Anne	Schierman	511 E Market St	Bloomington	IL	61701			
Japan Sister City Committee			Mellisa	Lawless		Normal	IL	61761			
Japan Sister City Committee			Mike	McKnight	PO Box 821	Normal		61761			
Japan Sister City Committee			Toyoka	Nishehara-Johnson	400 Jenny Lind	Normal	IL	61761			
Japan Sister City Committee			Leticia	Montes de Oca		Normal	IL	61761			
Japan Sister City Committee			Earl	Kingman	206 Riss Dr.	Normal	IL	61761			
Japan Sister City Committee			VACANT								x
Japan Sister City Committee			VACANT								x
Japan Sister City Committee			VACANT								x
Japan Sister City Committee			Donald	Necessary	19 Lake Ridge Ct	Bloomington	IL	61701	04/30/16	01/14/13	x
Japan Sister City Committee			Bob	Clary	3211 Winchester	Bloomington	IL	61704			x
Japan Sister City Committee			Harriett	Steinbach		Normal	IL	61761			x
Japan Sister City Committee			Sanae	Farrier		Bloomington	IL				x
Japan Sister City Committee			Cindy	Hansen	2810 Greenfield Rd.	Bloomington	IL	61704			x
Japan Sister City Committee			Joe	Reid	12 Lake Bluff Ct	Bloomington	IL	61704			x
Japan Sister City Committee	Chair		Rich	Strle	2903 Hendrix	Bloomington	IL	61701	04/30/12	03/23/09	x

Number of Vacancies (Bloomington)
3

Number of Applications on file
6

Number of Expired Board Members
??

Notes

3 year terms
20 members
Number Mayor Appoints: 10
Type: Independent
City Code:
Required by code - State or City: No
website: www.bnsistercities.org
Meets 1st Monday of each month, 6:30pm in the CIRA Community Room

FOR COUNCIL: May 28, 2013

SUBJECT: Analysis of a Request for Proposal – RFP# 2013-10 for Street Sign Inventory and Work Order/Asset Management System

RECOMMENDATION/MOTION: That the RFP be awarded to Cloudpoint Geographics in the amount of $100,000 and the Purchasing Agent be authorized to issue a Purchase Order.

STRATEGIC PLAN LINK: Goal 2: Upgrade City Infrastructure and Facilities

STRATEGIC PLAN SIGNIFICANCE: By purchasing these services, it allows the City's existing sign inventory to be updated in order to maintain compliance with the national Manual on Uniform Traffic Control Devices (MUTCD) and for the sign inventory to become a layer in the Geographic Information System (GIS).

BACKGROUND: The national Manual on Uniform Traffic Control Devices (MUTCD) as published by the Federal Highway Administration (FHWA) requires agencies to maintain roadway signs to certain minimum standards including retro-reflectivity. As signs age in the field they fade and become less reflective making them difficult to see at night.

In the current MUTCD, there are requirements that agencies establish a method to identify deficient signs and replace them. The MUTCD states, "Implementation and continued use of an assessment or management method that is designed to maintain regulatory and warning traffic sign retro-reflectivity at or above the established minimum levels." One of the more popular established methods involves maintaining an accurate sign inventory and replacing deficient signs based on date installed. Another accepted method involves using a person 60 years of age or older to drive the streets at night to identify signs that need replacement. The most difficult and costly method involves using a retro-reflectometer to measure the retro-reflectivity at several locations on each and every sign in the field.

The City has an existing sign inventory that was started in 1988 and was used to obtain two state grants to replace deficient signs in the 1990's and early 2000's. There is a need to update this inventory and establish a more efficient system to maintain the inventory in order to maintain compliance with the MUTCD.

There is also a need to collect the information in such a way that it can integrate into the MUNIS inventory and asset management system as well as MUNIS work order system. These MUNIS modules are scheduled for implementation in the future.

The City received seven responses to this RFP which was due at 2:30 PM on March 21, 2013.

Company	Base Proposal
3M Company Roadway Maintenance Services, Traffic Safety & Security	$132,741.00
Baxter Woodman Consulting Engineers	$375,000.00
Cannon Group	$299,840.00
Cloud Point Geographics	$109,840.00
Data Transfer Solutions, LLC	$92,956.00
Hanson Professional Services Inc	$294,750.00
Schnieder	$256,400.00

After careful evaluation of the submittals, the selection team decided on Cloud Point Geographics out of Roanoke, Illinois as the best fit for the City's needs. The selection team included City staff from Public Works and Information Services. RFP's were based on collecting data for 25,000 signs. The current sign inventory has 22,500 signs.

The City will be replacing sings on a wear out basis. When a sign is worn out the crews will be replacing them with MUTCD grade signs. Any "Knock Down" signs will be replaced with MTCD grade.

In FY 2013, Streets & Sewer Division replaced approximately 1,500 signs.

BUDGET INFORMATION:

FY 2013

- Sign materials -- Budget $16,538 -- Actual $10,569.33
- Sign post -- Budget $6,285 -- Actual $17,506.75
- Street Name sign -- Budget $23,100 -- Actual $45,033.25
- Tctrl Sign -- Budget $26,544 -- Actual $17,080.90

FY 2014

- Sign materials -- Budget $17,365
- Sign post -- Budget $50,000
- Street Name sign -- Budget $75,000
- Tctrl Sign -- Budget $27,563

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The FY 2013 Budget appropriated $100,000 for this project in line item 10016210-70690; however, due to the timing of the issuance of the RFP, staff was unable to complete the selection of a vendor before the end of FY 2013. Thus, these funds were **not** spent in FY 2013. Staff has completed the RFP process and selected Cloud Point Geographic to provide a Street Sign Inventory and Work Order/Asset Management System. Although the total cost of the Cloud Point Geographic proposal exceeds the budget, staff will ensure the overall

project expenses will not exceed $100,000. If approved by Council, staff will return later in the Fiscal Year with a budget amendment. Stakeholders may locate this line item in the Street Maintenance Budget in the FY 2014 General Fund Budget Document on Page #330.

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

Financial & Budgetary review by: Timothy L. Ervin, CPFO, M.S., Budget Officer

Recommended by:

Barbara J. Adkins
Deputy City Manager

Attachments: Attachment 1. RFP Ranking
Attachment 2. Retroreflectivity Requirements Flyer

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Black				Alderman Mwilambwe			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman Lower				Alderman Stearns			
Alderman McDade							
				Mayor Renner			

RFP 2013-10

STREET SIGN INVENTORY and
WORK ORDER/ASSET MANAGEMENT SYSTEMS (WOAMS)

Evaluation

	Description	Max Points	Company (see below) A	B	C	D	E	F	G
1	Qualifications and experience for the specific scope of services	50	48	45	30	48	48	45	35
2	Cost proposal based on the contract description	5	5	4	2	5	4	3	3
3	Compliance with requirements of this RFP (40 points)	40	38	30	25	30	35	30	30
4	References provided	5	5	4	3	5	5	5	5
	TOTAL	100	96	83	60	88	92	83	73

Details

Mobile Data Capture	Y	O	N	Y	Y	N	Y
Handheld Data Capture	O	Y	Y	N	O	Y	O
Accuracy in meters	1	1	U	1	1	0.5	1
Barcode	O	O	Y	O	O	Y	O
Sign Photo	Y	O	Y	Y	Y	Y	Y
ESRI GIS data layer	Y	Y	Y	Y	Y	Y	Y
Data Collection cost per sign	$3.50	$10.26	$0.77	$2.35	I	I	$8.53
Reconcile with existing database	N	N	N	N	N	N	Y
MUTCD compliance per sign	N	O	N	Y	Y	Y	$1.64
Retroreflectivity per sign	N	N	N	N	Y	Y	O
WOAMS per sign	I	I	I	I	I	I	$1.62
MUNIS integration	Y	~I	Y	N	Y	N	O
Overall Price Per Sign	$4.39	$10.26	$11.99	$3.72	$5.31	$15.00	$11.79

Y = Yes
N = No
O = Optional
I = Included
U = Unspecified

Note: E & F include night time evaluation

	Company	Address	City	State	Zip	Phone	Base Proposal Price	Comments
A	Cloudpoint Geographics	PO Box 1017 415 N Main St	Roanoke	IL	61561	877-377-8124	$109,840.00	Camcode Barcodes - Motorola Readers
B	Schnieder	8901 Otis Ave	Indianapolis	IN	46216	866-973-7100	$256,400.00	Beacon software solution
C	Cannon Group	708 N Wells St	Chicago	IL	60654	312-635-0900	$299,840.00	GoMaps software iPad minis
D	Data Transfer Solutions, LLC	3680 Avalon Park Blvd, Ste 200	Orlando	FL	32828	407-382-5222	$92,956.00	VUEWorks web-based asset mgmt partner with Shive-Hattery
E	3M Company Roadway Maintenance Services, Traffic Safety & Sec	3M Center Bldg 235-3A-09	St Paul	MN	55144	800-553-1380 #3	$132,741.00	ArcPad $144,478 3M web service
F	Baxter Woodman Consulting Engineers	8840 West 192nd Street	Mokena	IL	60448	708-478-2090	$375,000.00	
G	Hanson Professional Services Inc	7625 N University St, Ste 200	Peoria	IL	61614	309-691-1327	$294,750.00	

KNOW YOUR RETRO 2007

NEW MUTCD SIGN RETROREFLECTIVITY REQUIREMENTS

U.S. Department of Transportation
Federal Highway Administration

Maintaining Traffic Sign Retroreflectivity *FHWA-SA-07-020*

Traffic signs provide important information to drivers at all times, both day and night. To be effective, their visibility must be maintained. The 2003 *Manual on Uniform Traffic Control Devices* (MUTCD) addresses sign visibility in several places, including Sections 1A.03, 1A.04, 1A.05, 2A.06, 2A.08, and 2A.22. These sections address factors such as uniformity, design, placement, operation, and maintenance. Previously, the MUTCD did not specify minimum retroreflectivity levels.

The second revision of the 2003 MUTCD introduces new language establishing minimum retroreflectivity levels that must be maintained for traffic signs. **Agencies have until January 2012, to establish and implement a sign assessment or management method to maintain minimum levels of sign retroreflectivity.** The compliance date for regulatory, warning, and ground-mounted guide signs is January 2015. For overhead guide signs and street name signs, the compliance date is January 2018. The new MUTCD language is shown on page 2 and 3 of this document.

The new standard in Section 2A.09 requires that agencies maintain traffic signs to a minimum level of retroreflectivity outlined in Table 2A-3 of the MUTCD. The Federal Highway Administration (FHWA) believes that this proposed change will promote safety while providing sufficient flexibility for agencies to choose a maintenance method that best matches their specific conditions.

Including Table 2A-3 in the MUTCD does not imply that an agency must measure the retroreflectivity of every sign. Rather, the new MUTCD language describes five methods that agencies can use to maintain traffic sign retroreflectivity at or above the minimum levels. Agencies can choose from these methods or combine them. Agencies are allowed to develop other appropriate methods based on engineering studies. However, agencies should adopt a consistent method that produces results that correspond to the values in Table 2A-3.

The new MUTCD language recognizes that there may be some individual signs that do not meet the minimum retroreflectivity levels at a particular point in time. As long as the agency with jurisdiction is maintaining signs in accordance with Section 2A.09 of the MUTCD, the agency will be considered to be in compliance. This document describes methods that can be used to maintain sign retroreflectivity at or above the MUTCD's minimum maintained retroreflectivity levels.

RETROREFLECTIVITY MAINTENANCE

The MUTCD describes two basic types of methods that agencies can use to maintain sign retroreflectivity at or above the MUTCD minimum maintained retroreflectivity levels — assessment methods and management methods. The FHWA has identified and listed assessment and management methods for maintaining sign retroreflectivity in accordance with Section 2A.09. These methods are described on page four. A full report on these methods can be found at *www.fhwa.dot.gov/retro*.

New MUTCD Minimum Retroreflectivity Compliance Periods

- Four years for implementation and continued use of an assessment or management method that is designed to maintain traffic sign retroreflectivity at or above the established minimum levels;
- Seven years for replacement of regulatory, warning, and ground-mounted guide (except street name) signs that are identified using the assessment or management methods as failing to meet the established minimum levels; and
- Ten years for replacement of street name signs and overhead guide signs that are identified using the assessment or management method as failing to meet the established minimum levels.

New MUTCD Section 2A.09 Maintaining Minimum Retroreflectivity

Support:

Retroreflectivity is one of several factors associated with maintaining nighttime sign visibility (see Section 2A.22).

Standard:

Public agencies or officials having jurisdiction shall use an assessment or management method that is designed to maintain sign retroreflectivity at or above the minimum levels in Table 2A-3.

Support:

Compliance with the above Standard is achieved by having a method in place and using the method to maintain the minimum levels established in Table 2A-3. Provided that an assessment or management method is being used, an agency or official having jurisdiction would be in compliance with the above Standard even if there are some individual signs that do not meet the minimum retroreflectivity levels at a particular point in time.

Guidance:

Except for those signs specifically identified in the Option portion of this Section, one or more of the following assessment or management methods should be used to maintain sign retroreflectivity:

A. **Visual Nighttime Inspection** – The retroreflectivity of an existing sign is assessed by a trained sign inspector conducting a visual inspection from a moving vehicle during nighttime conditions. Signs that are visually identified by the inspector to have retroreflectivity below the minimum levels should be replaced.

B. **Measured Sign Retroreflectivity** – Retroreflectivity is measured using a retroreflectometer. Signs with retroreflectivity below the minimum levels should be replaced.

C. **Expected Sign Life** – When signs are installed, the installation date is labeled or recorded so that the age of a sign is known. The age of the sign is compared to the expected sign life. The expected sign life is based on the experience of sign retroreflectivity degradation in a geographic area compared to the minimum levels. Signs older than the expected life should be replaced.

D. **Blanket Replacement** – All signs in an area/corridor, or of a given type, should be replaced at specified intervals. This eliminates the need to assess retroreflectivity or track the life of individual signs. The replacement interval is based on the expected sign life, compared to the minimum levels, for the shortest-life material used on the affected signs.

E. **Control Signs** – Replacement of signs in the field is based on the performance of a sample of control signs. The control signs might be a small sample located in a maintenance yard or a sample of signs in the field. The control signs are monitored to determine the end of retroreflective life for the associated signs. All field signs represented by the control sample should be replaced before the retroreflectivity levels of the control sample reach the minimum levels.

F. **Other Methods** – Other methods developed based on engineering studies can be used.

Support:

Additional information about these methods is contained in the 2007 Edition of FHWA's *"Maintaining Traffic Sign Retroreflectivity"* (see Section 1A.11).

Option:

Highway agencies may exclude the following signs from the retroreflectivity maintenance guidelines described in this Section:

A. Parking, Standing, and Stopping signs (R7 and R8 series)

B. Walking/Hitchhiking/Crossing signs (R9 series, R10-1 through R10-4b)

C. Adopt-A-Highway signs

D. All signs with blue or brown backgrounds

E. Bikeway signs that are intended for exclusive use by bicyclists or pedestrians

New MUTCD Table 2A-3. Minimum Maintained Retroreflectivity Levels ①

SIGN COLOR	SHEETING TYPE (ASTM D4956-04)				ADDITIONAL CRITERIA
	Beaded Sheeting			Prismatic Sheeting	
	I	II	III	III, IV, VI, VII, VIII, IX, X	
White on Green	W*; G ≥ 7	W*; G ≥ 15	W*; G ≥ 25	W ≥ 250; G ≥ 25	Overhead
	W*; G ≥ 7	W ≥ 120; G ≥ 15			Ground-mounted
Black on Yellow or Black on Orange	Y*; O*	Y ≥ 50; O ≥ 50			②
	Y*; O*	Y ≥ 75; O ≥ 75			③
White on Red	W ≥ 35; R ≥ 7				④
Black on White	W ≥ 50				—

① The minimum maintained retroreflectivity levels shown in this table are in units of cd/lx/m^2 measured at an observation angle of 0.2° and an entrance angle of -4.0°.
② For text and fine symbol signs measuring at least 1200 mm (48 in) and for all sizes of bold symbol signs
③ For text and fine symbol signs measuring less than 1200 mm (48 in)
④ Minimum Sign Contrast Ratio ≥ 3:1 (white retroreflectivity ÷ red retroreflectivity)
* This sheeting type should not be used for this color for this application.

BOLD SYMBOL SIGNS

- W1-1, -2 – Turn and Curve
- W1-3, -4 – Reverse Turn and Curve
- W1-5 – Winding Road
- W1-6, -7 – Large Arrow
- W1-8 – Chevron
- W1-10 – Intersection in Curve
- W1-15 – 270 Degree Loop
- W2-1 – Cross Road
- W2-2, -3 – Side Road
- W2-4, -5 – T and Y Intersection
- W2-6 – Circular Intersection
- W3-1 – Stop Ahead
- W3-2 – Yield Ahead
- W3-3 – Signal Ahead
- W4-1 – Merge
- W4-2 – Lane Ends
- W4-3 – Added Lane
- W4-6 – Entering Roadway Added Lane
- W6-1, -2 – Divided Highway Begins and Ends
- W6-3 – Two-Way Traffic
- W10-1, -2, -3, -4, -11, -12 – Highway-Railroad Advance Warning
- W11-2 – Pedestrian Crossing
- W11-3 – Deer Crossing
- W11-4 – Cattle Crossing
- W11-5 – Farm Equipment
- W11-6 – Snowmobile Crossing
- W11-7 – Equestrian Crossing
- W11-8 – Fire Station
- W11-10 – Truck Crossing
- W12-1 – Double Arrow
- W16-5p, -6p, -7p – Pointing Arrow Plaques
- W20-7a – Flagger
- W21-1a – Worker

FINE SYMBOL SIGNS – Symbol Signs Not Listed As Bold Symbol Signs

SPECIAL CASES

- W3-1 – Stop Ahead: Red retroreflectivity ≥ 7
- W3-2 – Yield Ahead: Red retroreflectivity ≥ 7; White retroreflectivity ≥ 35
- W3-3 – Signal Ahead: Red retroreflectivity ≥ 7; Green retroreflectivity ≥ 7
- W3-5 – Speed Reduction: White retroreflectivity ≥ 50
- For non-diamond shaped signs such W14-3 (No Passing Zone), W4-4p (Cross Traffic Does Not Stop), or W13-1, -2, -3, -5 (Speed Advisory Plaques), use largest sign dimension to determine proper minimum retroreflectivity level.

ASSESSMENT METHODS

Assessment methods require evaluation of individual signs within an agency's jurisdiction. There are two basic assessment methods — visual assessment and measured sign retroreflectivity.

1. VISUAL ASSESSMENT

Nighttime Inspection

In the visual nighttime inspection method, on-the-fly assessments of retroreflectivity are made by an inspector during nighttime conditions. The following recommendations provide general guidance for the inspections:

- Develop guidelines and procedures for inspectors to use in conducting the nighttime inspections and train inspectors in the use of these procedures.
- Conduct inspections at normal speed from the travel lane(s).
- Conduct inspections using low-beam headlights while minimizing interior vehicle lighting.
- Evaluate signs at typical viewing distances so that adequate time is available for an appropriate driving response.

One or more of the following procedures should be used to support visual inspections.

Calibration Signs Procedure

In this procedure, an inspector views a "calibration sign" prior to conducting the nighttime inspection described above. Calibration signs have known retroreflectivity levels at or above minimum levels. These signs are set up where the inspector can view the calibration signs in a manner similar to nighttime field inspections. The inspector uses the visual appearance of the calibration sign to establish the evaluation threshold for that night's inspection activities. The following factors provide additional information on the use of this procedure:

- Calibration signs are needed for each color of sign in Table 2A-3.
- Calibration signs are viewed at typical viewing distances using the inspection vehicle.
- Calibration signs need to be properly stored between inspections so that their retroreflectivity does not deteriorate over time.
- Calibration sign retroreflectivity should be verified periodically.

Comparison Panels Procedure

Comparison panels are used to assess signs that have marginal retroreflectivity. The comparison panels are fabricated at retroreflectivity levels at or above the minimum levels. When the visual inspection identifies the retroreflectivity of a sign as marginal, a comparison panel is attached to the sign and the sign/panel combination is viewed and compared by the inspector.

Consistent Parameters Procedure

Nighttime inspections are conducted under similar factors that were used in the research to develop the minimum retroreflectivity levels. These factors include:

- Using a sport utility vehicle or pick-up truck to conduct the inspection.
- Using a model year 2000 or newer vehicle for the inspection.
- Using an inspector who is at least 60 years old.

2. MEASURED SIGN RETROREFLECTIVITY

In this method the retroreflectivity of a sign is measured and directly compared to the minimum level appropriate for that sign. ASTM E1709, Standard Test Method for Measurement of Retroreflective Signs Using a Portable Retroreflectometer, provides a standard method for measuring sign retroreflectivity.

An agency can choose to use either an assessment method or a management method, or a combination of the two. Agencies may develop other methods as long as they are documented in an engineering study and correspond to the values in Table 2A.3.

MANAGEMENT METHODS

Management methods provide an agency with the ability to maintain sign retroreflectivity without having to assess individual signs. There are three basic management methods — sign replacement based on expected sign life, blanket replacement of large numbers of signs at appropriate intervals, and use of control signs.

1. EXPECTED SIGN LIFE

In this method, individual signs are replaced before they reach the end of their expected service life, which is the time anticipated for the retroreflective material to degrade to the appropriate minimum level. Expected service life can be based on sign sheeting warranties, weathering deck results, measurements of field signs, or other criteria.

This method requires a system for tracking sign age. A common approach for identifying the age of individual signs uses a label on the sign to mark the year of fabrication or installation. Sign management systems can also be used to track the age of individual signs.

2. BLANKET REPLACEMENT

With this method, an agency replaces all signs in an area, or of a given type, at specified time intervals based on the relevant expected sign life. This method typically requires that all of the designated signs within a replacement area, or of the particular sign type, be replaced even if a sign was recently installed.

3. CONTROL SIGNS

In this method, a control sample of signs is used to represent all of an agency's signs. The retroreflectivity of the control signs is monitored and sign replacement is based on the performance of the control signs.

- Agencies should develop a sampling plan to determine the appropriate number and type of control signs needed to represent the agency's signs.
- Control signs may be actual signs in the field or signs in a maintenance yard (for convenience).
- The retroreflectivity of the control signs should be monitored using an assessment method.

Safe Roads for a Safer Future
Investment in roadway safety saves lives

FOR COUNCIL: May 28, 2013

SUBJECT: Payment for participation in McLean County's Information Technologies for EJustice Support and Oracle Support

RECOMMENDATION/MOTION: That the payment to McLean County's Information Technologies in the amount of $29,564.03 for EJustice support and $8,498.41 for Oracle support for EJustice be approved for a total of $38,062.44.

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

STRATEGIC PLAN SIGNIFICANCE: Partnering with several other law enforcement entities provides a cost-effective service delivery.

BACKGROUND: On August 23, 1999, Council entered into a joint agreement with other police agencies in McLean County to use EJustice as a means to enter police reports. The EJustice System allows the Police Department staff to track evidence, review police reports from other agencies, and view other agencies' mug shots.

The EJustice System is the City's only means of electronic report submission and electronic evidence tracking. Due to a change in the ownership of the EJustice program, all users are now required to provide funds to support the EJustice program. The total price for supporting the program is $140,000 per year. The City, Town of Normal, Illinois State University, and McLean County Sheriff's Department split the $140,000 based on the number of users in each department. It should be noted McLean County Sheriff's Department pays for users in the Circuit Clerk's Office, States Attorney's Office and all rural police agencies. The County handles the processing of payments to Oracle and EJustice and is reimbursed by the City, Town of Normal, and Illinois State University.

The Oracle System is the database and all associated tools to keep it functional including the application server license and license for Discoverer which is the ad-hoc reporting tool available to the agencies. This expense has been shared by the agencies since 2006. Bloomington Police Department did not pay anything for the original development of the software. The cost this year is $8,498.41.

This agreement is renewable on a yearly basis and will be in effect from May 2013 through May 2014.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The FY 2014 Budget appropriated $30,000 for EJustice Support and Oracle Support in line item 10015110-70220. The total cost to purchase this service is $38,062.44. The funds or $8,062.44 which exceed the Budget, are expected to be offset by savings from other line items within the Police Department. Stakeholders may locate this purchase in the FY 2014 General Fund Budget Document on Page #255.

Respectfully submitted for Council consideration.

Prepared by: R. T. Finney, Interim Chief of Police

Financial & Budgetary review by: Timothy L. Ervin, CPFO, M.S., Budget Officer

Legal review by: J. Todd Greenburg, Corporation Counsel

Recommended by:

Barbara J. Adkins
Deputy City Manager

Attachments: Attachment 1. Agreement Letter

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Black				Alderman Mwilambwe			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman Lower				Alderman Stearns			
Alderman McDade							
				Mayor Renner			

McLean County

INFORMATION SERVICES
(309) 888-5100 FAX (309) 888-5124
115 E. Washington, Room 202 P.O. Box 2400 Bloomington, Illinois 61702-2400

To: Tony Canon, Metcom
Dave Warner, Town of Normal Police
Stephen Sicinski, City of Bloomington Police
Julie Shaffer, ISU Police

From: Craig Nelson, McLean County Information Technologies
Subject: Payment of Oracle Licenses and Ejustice Support Maintenance.
Date: May 1, 2013

We have issued this year's purchase order for Oracle technical support and are currently paying this year's Ejustice support contract with Interact Public Safety.

As noted in last year's letter, the invoices are now based on the percentage of users using the system. The percentages calculated below for your invoices are based solely on total active user accounts for users who have accessed the system as recently as 4/1/13.

Oracle	Active Users	Pct %	Invoice
BPD	155	21.12%	$8,498.41
NPD	88	11.99%	$4,824.90
ISU	34	4.63%	$1,864.17
E911	27	3.68%	$1,480.37
COUNTY/RURALS	430	58.58%	$23,576.22
Totals	734	100.00%	$40,244.06

EJS Support	Active Users	Pct %	Invoice
BPD	155	21.12%	$29,564.03
NPD	88	11.99%	$16,784.74
ISU	34	4.63%	$6,485.01
E911	27	3.68%	$5,149.86
COUNTY/RURALS	430	58.58%	$82,016.35
Totals	734	100.00%	$140,000.00

As usual, the County is handling the processing of payments to Oracle and Interact.

Please note that the Interact full *annual* amount is $140,000. This annual amount remains the same, though the attached contract is restructured in timing (but not in cost), pro-rated to match the County's fiscal year for easier management.

Please make checks payable to McLean County Treasurer and ***send to my attention at the address below:***

Please remit payments to:
Mclean County Information Technologies
Attn: Craig Nelson
115 E Washington
Room 202
Bloomington IL 61701

Thank you for your cooperation in this matter. Please feel free to contact me with any questions.

Craig Nelson
Director, McLean County Information Technologies
(309) 888-5101
Craig.nelson@mcleancountyil.gov

McLean County Information Technologies

McLean County

From:
McLean County Information Technologies
Attn: Craig Nelson
115 E Washington Room 202
Bloomington, IL 61701

Invoice: MCGEJSBLM

Invoice Date: 05/01/2013

Bill To:

City of Bloomington Administration
Attn: Stephen Sicinski
109 E Olive St
Bloomington, IL 61701

Ship To:

Same

Date	Your Order #	Our Order #	Sales Rep.	FOB	Ship Via	Terms	Tax ID
05/01/2013	EJustice Support	EJustice Support	Cwn			Net 30	exempt

Quantity	Item	Units	Description	Discount %	Taxable	Unit Price	Total
1	EJS Support	ea	EJS Support from EJustice Solutions		No	$29,564.03	$29,564.03

Subtotal	
Tax	n/a
Shipping	n/a
Miscellaneous	
Balance Due	$29,564.03

Make Checks Payable to : McLean County Govt. Treasurer
Please remit to:
McLean County Information Technologies
Attn: Craig Nelson
115 E Washington
Bloomington, IL 61701

McLean County Information Technologies

McLean County

From:
McLean County Information Technologies
Attn: Craig Nelson
115 E Washington Room 202
Bloomington, IL 61701

Invoice: MCGOCLBLM

Invoice Date: 05/01/2013

Oracle Support

Bill To:

City of Bloomington Administration
Attn: Stephen Sicinski
109 E Olive St
Bloomington, IL 61701

Ship To:

Same

Date	Your Order #	Our Order #	Sales Rep.	FOB	Ship Via	Terms	Tax ID
05/01/2013	Oracle Support	Oracle Support	Cwn			Net 30	exempt

Quantity	Item	Units	Description	Discount %	Taxable	Unit Price	Total
1	Oracle Support	ea	Oracle Support for Ejustice		No	$8,498.41	$8,498.41

Subtotal	
Tax	n/a
Shipping	n/a
Miscellaneous	
Balance Due	$8,498.41

Make Checks Payable to : McLean County Govt. Treasurer
Please remit to:
McLean County Information Technologies
Attn: Craig Nelson
115 E Washington
Bloomington, IL 61701

Service Details

Service Level: Software Update License & Support						End Date: 15-May-14
Product Description	**CSI #**	**Qty**	**License Metric**	**License Level / Type**	**Start Date**	**Final Price**
Internet Application Server Enterprise Edition - Processor Perpetual	14731275	2		FULL USE	16-May-13	11,821.11
Oracle Database Enterprise Edition - Named User Plus Perpetual	14731275	20		FULL USE	16-May-13	3,152.30
Diagnostics Pack - Processor Perpetual	14731275	2		FULL	16-May-13	1,623.43
Tuning Pack - Processor Perpetual	14731275	2		FULL	16-May-13	1,623.43
Oracle Database Enterprise Edition - Processor Perpetual	14731275	2		FULL	16-May-13	19,769.11
Discoverer Desktop Edition - Named User Multi Server	14731275	10		FULL USE	16-May-13	2,254.67

Subtotal: USD 40,244.06

Total Amount: USD 40,244.06

plus applicable tax

Notes:

1. If any of the fields listed above are blank, the program licenses were acquired under a separate license model in which such field(s) does not apply.

2. If a change to the Service Details provided above is required, please contact Ryan Pike at (719) 757-3300 or at ryan.pike@oracle.com and an updated ordering document will be provided to you in accordance with Oracle's technical support policies.

January 8, 2013

Letter Agreement – Annual Maintenance 03/01/2013 – 12/31/2013

Mr. Craig Nelson
Director, Information Technologies
McLean County Government
115 E. Washington
Bloomington, Illinois 61701

RE: McLean County Annual Maintenance Renewal
EJustice Software – March 1, 2013 through December 31, 2013

Dear Mr. Nelson,

As you know, on September 15, 2011 InterAct Public Safety Systems ("InterAct") acquired EJustice Solutions, LLC ("EJustice"), the provider of EJustice Software ("Software") licensed to McLean County ("County").

At the County's request, we are modifying the term of your annual maintenance from a fiscal period of March 1st to February 28th, to a calendar year of January 1st to December 31st. To accommodate that request, your maintenance term for the balance of 2013 will be March 1, 2013 through December 31, 2013. Effective January 1, 2014, your annual maintenance term will be January 1st through December 31st.

Once again InterAct is holding last year's prices. Summarized below are the key terms of our proposal for 2013:

1) Annual maintenance and support to include bug fixes for all critical and high severity issues.
2) Compliance with state statutes: Up to 67 (adjusted down by 13 hours to account for a ten (10) month term vs. twelve (12) months) hours per year toward state compliance issues included at no additional charge, to be used at the County's discretion; any additional hours would be billed at the contracted T&M rate.
3) Total Contract Amount: $116,666.67
4) Contract Dates: March 1, 2013, through December 31, 2013
5) Payment Schedule:
   i. March 1, 2013: $11,666.67
   ii. April 1, 2013: $35,000.00
   iii. July 1, 2013: $35,000.00
   iv. October 1, 2013: $35,000.00

6) Time and Material Rate: $115 per hour.

7) Mutually agreed upon travel expenses for on-site visits: Not included and will be billed at actual costs.

8) Future annual maintenance renewals: Capped at no more than 5% per year.

9) Source code: The County may retain source code already in its possession; source code for future releases to be provided to you, for use in McLean County, as long as you remain under a maintenance contract.

We trust that you will find this contract renewal arrangement to meet your satisfaction. If so, please arrange for signature below where indicated, and return to me at your convenience by faxing to 866.368.8602 or via email to legal@interact911.com. Please feel free to contact Karen Hicks, Director, Contracts & Administration, at 508.460.4012 or legal@interact911.com with any questions.

InterAct very much looks forward to serving the County this coming year.

Sincerely,

Cindy Williams

Cindy Williams
General Counsel

CW/klh

ACCEPTED:

Matt Sorensen, Chairman
McLean County Board

Date

ATTEST:

Kathy Michael, Clerk of the County Board
McLean County

Date

FOR COUNCIL: May 28, 2013

SUBJECT: Analysis of Bids for Sixty Four (64) New Golf Carts at The Den at Fox Creek

RECOMMENDATION/MOTION: That the bid golf carts at The Den at Fox Creek be awarded to EZ-GO in the amount of $224,704, and the Purchasing Agent be authorized to issue a Purchase Order for same.

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 the residents.

BACKGROUND: In order to provide the customers at The Den at Fox Creek with golf carts that match the image of the course we are looking to create, we need to provide up to date, good running golf carts. The current fleet has been in use for seven seasons. We will be purchasing 64 golf carts at this time. 64 golf carts are necessary in order for us to have enough carts available to host large outings and keep up with the demand on busy days. Golf cart rentals at The Den are budgeted to bring in $224,000 in revenue in FY 2014. The price for the new carts before trade in's is $269,504. The trade in value we are receiving is $44,800 which brings the total bid for the golf carts minus trade-in value to $224,704. We will be trading in 64 golf carts with 48 of those carts coming from Highland Park and 16 from The Den at Fox Creek. The remaining 48 carts from The Den at Fox Creek will become the fleet at Highland Park.

The EZ-GO carts are the only cart in the industry to use AC (Alternate Current) technology which makes them 30% more efficient to operate. Additionally, these carts come equipped with a single point battery watering system which we project will save us a minimum of 250 man hours over a five year period. EZ-GO has also agreed to provide us at no charge with a new beverage cart valued at $18,500, a new range picker cart valued at $7,500 and a course range cart valued at $4,500. These carts will become property of the City of Bloomington upon arrival. In addition, the EZ-GO dealer is located in Bloomington, just minutes from the course which will be advantageous for obtaining parts and service. Thanks to some good work from golf course staff, we will still be able to utilize our current GPS system on the new carts.

On Tuesday, May 7, 2011, at 11:00 am, bids were publicly opened and read for the new golf carts at The Den at Fox Creek.

The bids received were as follows:

FIRM	LOCATION	BID PRICE (Net)
EZ-GO (Prairie Land Golf Cars)	Bloomington, IL	$224,704 *
Battery Specialists	Champaign, IL	$241,280
TNT Golf Cars	Quincy, IL	$243,571

* - Low and recommended bid

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice of the bid was placed in The Pantagraph and on The City of Bloomington's website on April 19, 2013 and three (3) bids were received on May 7, 2013. City Purchasing Agent.

FINANCIAL IMPACT: The FY 2014 Capital Lease Budget appropriated $260,000 for the replacement of the Golf Cart Fleet at The Den at Fox Creek in line item 40120140-72140. The total cost to replace the fleet is $224,704, which is $35,296 below the appropriated budget or 13.5%. The Golf Operations Fund will absorb the payments for the five year capital lease into the facilities operational budget. Stakeholders may locate the initial purchase in the FY 2014 Other Funds and Capital Improvement Program Budgetary document on Page #112, while the debt service payments may be located in the Golf Operations Fund in the same budget document on Page #209.

Respectfully submitted for Council consideration.

Prepared by: Jason Wingate, Superintendent of Golf

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

Financial & Budgetary review by: Timothy L Ervin, CPFO, M.S., Budget Officer

Recommended by:

Barbara J. Adkins
Deputy City Manager

Attachments: Attachment 1. Bid Form

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Black				Alderman Mwilambwe			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman Lower				Alderman Stearns			
Alderman McDade							
				Mayor Renner			

THIS PAGE IS MANDATORY
BID FORM

BID # 2014-01

GOLF CARTS FOR THE DEN AT FOX CREEK
PARKS AND RECREATION DEPARTMENT

We, the undersigned, agree to the terms and conditions and to furnish the City of Bloomington, Illinois, sixty four (64) new, 2013 year electric golf Carts used by the City of Bloomington, Illinois, at the below bid price, and to supply all services as required in the requirements and Instructions to Bidders. We further agree to deliver the equipment or services as outlined with in this document, FOB Bloomington, Illinois, freight prepaid.

The bidder certifies by signature below that it has not been barred from contracting with a unit of State or Local government in the State of Illinois as a result of a violation of Section 33E-3 or 33E-4 of the Criminal Code of 1961, as amended.

DESCRIPTION

Sixty Four (64) Electric Golf Carts $ 269,504

Make and Model Bid E-Z-GO RXV-electric

Trade In Allowance: 64 Used Club Car DS Golf Carts $ 44,800

Total Bid for Golf Carts minus Trade-In Value **$** 224,704

Transport Assistance **$** 0.00

Delivery no later than 45 days from receipt of order

The undersigned understands that any condition above, clarification made to the above, or information submitted on or with this form other than requested may render this bid unresponsive.

E-Z-GO / A textron company
Firm

[signature]
Authorized Signature

1451 Marvin Griffin Rd
Address

Augusta GA 30906
City State Zip

847-204-8242
Phone Number

4/30/2013
Date

Email Address: khmiller@textron.com

EZGO

CITY OF BLOOMINGTON

CITY CLERK
109 EAST OLIVE STREET
BLOOMINGTON, IL 61702-3157
309.434.2240 tel
309.434.2802 fax

RECORD OF BID OPENING FOR:

BID # 2014-01

GOLF CARTS FOR THE DEN AT FOX CREEK PARKS AND RECREATION DEPARTMENT

DATE: May 7, 2013 **TIME: 11:00 a.m.**

Bidder's Name	City, State	Mandatory City Documents	Bid Signed	(64) Electric Golf Carts Amount	Make & Model	Trade In Allowance	Total Bid	Transport Assistance	Delivery
E-Z-GO	Augusta GA	✓	✓	269,504	E-Z-GO RXV-electric	44,800	224,704	0	45 days
Coker Family Inc		✓	✓	292,480	2013 club car precedent excel drive sys	51,200	241,280	no charge	30 days
TNT Speed & Sports		✓	✓	273,171	2013 yamaha ydre	29,600	243,571	400	45 days

WITNESSES:

*Disclaimer: This is a Bid tabulation for record of the Bid opening. Bids have not been reviewed and have not been presented to council. This does not represent any Award.
Prices or options/alternates will not be included on the tabulation.

FOR COUNCIL: May 28, 2013

SUBJECT: Brush Disposal Agreement between the City and T Kirk Brush, Inc.

RECOMMENDATION/MOTION: That the Brush Disposal Agreement between the City and T Kirk Brush, Inc. 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: In order to be responsive to citizen needs, adequate resources must be provided to fulfill the goal of providing quality basic services. This provides value to citizens and allows services to be delivered in a cost-effective manner.

BACKGROUND: On June 14, 2010 the City Council approved entering into an agreement with T Kirk Brush, Inc. for the disposal of brush generated by Bloomington households participating in the refuse collection program. The original contract was in effect until May 1, 2012. The contract allowed the City and T Kirk Brush, Inc. to extend the contract for one year upon mutual agreement of both parties to May 1, 2013.

This new Agreement shall remain in full force and effect for one year, unless terminated. The new agreement will begin at the expiration of the Initial Term (May 1, 2013), the Agreement will automatically renew for successive one year periods, but no more than three (3) renewal periods total, unless a party provides the other party with notice of its intent not to renew the Agreement at least ninety (90) days prior to the expiration of the then current term.

The City collects and processes approximately 30,000 cubic yards of brush at T Kirk Brush disposal site annually. At this time, T Kirk Brush, Inc. is the only local vendor that is approved by the Illinois Environmental Protection Agency (IEPA), as confirmed by Mike Mullins, Environmental Protection Specialist (Champaign Region). Mr. Mullins email is attached.

Staff has been very pleased with T Kirk Brush Inc.'s service level and facility over the last three years. T Kirk Brush, Inc. has expressed its interest in continuing brush collection and processing for the City.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Illinois Environmental Protection Agency.

The City reached out to both Twin City Wood and T Kirk Brush, Inc. as vendors. Attached is an email from Twin City Wood representative John Wollrab stating that he is not interested in the City brush contract. Due to EPA requirements, at this time, T Kirk Brush, Inc. is the only vendor available to dispose of the City brush needs.

FINANCIAL IMPACT: The FY 2014 Budget appropriated $278,280 for brush disposal in the Solid Waste Fund line item 54404400-70655. In FY 2014, the Solid Waste Fund has begun to track this expenditure separate from the landfill disposal charges. Stakeholders may locate this purchase in the FY 2014 Other Funds and Capital Improvement Program Document on Page #111.

Respectfully submitted for Council consideration.

Prepared by: Jim Karch, P.E., Director of Finance

Reviewed by: David A. Hales, City Manager

Financial & Budgetary review by: Timothy L. Ervin, CPFO, M.S., Budget Officer

Legal review by: Rosalee Dodson, Assistant Corporation Counsel

Recommended by:

Barbara J. Adkins
Deputy City Manager

Attachments: Attachment 1. Agreement
Attachment 2. Correspondence

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Black				Alderman Mwilambwe			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman Lower				Alderman Stearns			
Alderman McDade							
				Mayor Renner			

AGREEMENT

THIS AGREEMENT, made and entered into this ____ day of May, 2013, by and between the City of Bloomington, Illinois, a municipal corporation, hereinafter referred to as "City" and T.Kirk Brush, Inc., hereinafter referred to as "Kirk."

WITNESSETH:

WHEREAS, on June 14, 2010 the City approved an agreement with Kirk for the disposal of brush generated by Bloomington households which participate in the refuse collection program; and

WHEREAS, the 2010 agreement with Kirk was in effect until May 1, 2012 and was extended upon the mutual agreement of both parties for an additional year to May 1, 2013; and

WHEREAS, the City continues to collect brush from the curb throughout the City on a daily basis and processes approximately 30,000 cubic yards of brush at the Kirk disposal site on an annual basis; and

WHEREAS, currently, Kirk is the only local vendor approved by the Illinois Environmental Protection Agency for the collection and processing of brush; and

WHEREAS, the City has been very pleased with Kirk's service level and facility over the last several years.

NOW, THEREFORE, in consideration of the mutual covenants and agreements obtained herein, the City and Kirk do hereby agree as follows:

Section 1. Definitions. "Brush" shall mean tree branches, tree limbs, tree trimmings, shrubbery and other wood materials collected by the Public Service Department of the City of Bloomington through its citywide household bulk waste collection program; except, "brush" shall not include any long large diameter logs of lengths not reasonably placed on the curb by an average homeowner and such materials which contain crude oil, petroleum, creosote or other contaminants or environmentally hazardous materials.

Section 2. Scope of Work. Kirk shall take delivery of all of the City's brush, chip the brush delivered and dispose of the wood chips created. This shall be an exclusive, requirements contract for the delivery and disposal of the City's brush. The City shall deliver all brush it collects to Kirk's processing facility. The City shall not deliver any brush to any other individual or entity during the term of this Agreement.

Section 3. Price. The City shall pay Kirk $7.91 per cubic yard of brush delivered to the site. Kirk shall equally divide with the City any profits from the sale of the processed brush sold.

Section 4. Payment. Kirk shall bill the City monthly for the brush delivery to the site. Each bill shall list the dates of brush delivery and the number of truckloads of brush delivered on each date, identifying the truck making the delivery by number and/or type. The City shall pay Kirk within forty-five (45) days of receipt of the bill. The City shall pay only the amount billed and shall not guarantee a minimum monthly payment.

Section 5. Term. This Agreement shall remain in full force and effect for one year, unless terminated earlier as provided herein. At the expiration of the Initial Term, the Agreement will automatically renew for successive one year periods, but no more than three (3) renewal periods total, unless a party provides the other party with notice of its intent not to renew the Agreement at least ninety (90) days prior to the expiration of the then current term.

Section 6. Condition of Brush. The City shall deliver the brush to Kirk as the City collects it. Kirk understands and agrees that the City shall not process the brush in any manner prior to delivering it to Kirk and that the City shall have no responsibility for removing foreign materials from the brush prior to delivery. The City shall have no liability whatsoever for the presence of foreign materials in the brush it delivers. However, the City shall haul away and dispose of any foreign materials Kirk removes from the brush City delivers upon Kirk's request and on the condition that Kirk load any such foreign materials onto City's trucks. Kirk hereby releases the City and agrees to indemnify and hold the City harmless from any claim of damage or injury to persons or property related to or arising from the presence of any foreign material in the brush delivered.

Section 7. Method of Processing Brush. Kirk may process and dispose of the City's brush in any manner allowed under Federal, State, local laws, ordinances and regulations. However, the price stated herein is based on

Kirk's representation that it will chip the brush and dispose of the wood chips generated by the chipping process. Every reasonable effort will be made to process and remove wood materials from the site in a timely manner.

Section 8. Default. Either party shall be in default if it fails to perform all or any part of this Agreement. Specifically, Kirk shall be in default if it refuses to accept delivery of brush at any time and/or it does not have the site open for dumping brush during the hours agreed upon by both parties for any reason other than those permitted under the terms of this Agreement or for reasons beyond Kirk's control, including, but not limited to, Acts of God. For purposes of this Agreement, any disruption in service caused or created by Kirk's failure to obtain proper permits or financial difficulties, including insolvency, reorganization and/or voluntary and involuntary bankruptcy, shall be deemed to be within Kirk's control and shall constitute an event of default hereunder. If either party is in default, the other may:

a. terminate the Agreement upon giving written notice of such termination to the party in default and/or file a lawsuit against the defaulting party in the Circuit Court of the Eleventh Judicial Circuit, County of McLean to recover any and all damages resulting from the breach and subsequent termination which are allowed by law; or

b. continue the Agreement and/or file a lawsuit against the defaulting party in the Circuit Court of the Eleventh Judicial Circuit, County of McLean to recover any and all damages resulting from the breach which are allowed by law.

Section 9. Law. This Agreement shall be construed pursuant to Illinois law.

IN WITNESS THEREOF, the parties hereto have executed this Agreement on the date first appearing above.

CITY OF BLOOMINGTON, ILLINOIS **T. KIRK BRUSH, INC.**

By:_____ By:_____

Tari Renner, Mayor Patrick Henson, Owner

ATTEST:

_____

Tracey Covert, City Clerk

From: Jamhammer <mulchin_man@yahoo.com>
To: Karsh Jim City <jkarch@cityblm.org>

Date: Friday, March 15, 2013 03:33PM
Subject: Brush recycle

History: This message has been replied to and forwarded.

Jim, getting back to you about your last email. After much thought, I feel that there is little to be gained for my efforts of pursuing a brush contract. My site has not changed since the last time I submitted a bid. I know that it was important to the city that a site be located nearer. the east side of Bloomington, therefore I feel it would be difficult for me to offer a competitive bid at this time. Thank you Jim for your inquiry.

Sincerely
John Wollrab
Mulchin_man@yahoo.com

From: "Mullins, Michael" <Michael.Mullins@Illinois.gov>
To: Jim Karch <jkarch@cityblm.org>

Date: Wednesday, January 16, 2013 11:08AM
Subject: RE: City of Bloomington Brush Contract

History: This message has been replied to and forwarded.

Jim,

I checked with our Permit's section in Springfield and here is list they provided. Henson Disposal is permitted as a landscape waste transfer facility and these additional two are composting facilities.

1138145002	Empire Twp Compost Facility	610 W Center St	Leroy
1130805022	ISU Farm Compost Facility	25578 ISU Farm Ln	Lexington, IL. 61753-7676

Mike Mullins

Environmental Protection Specialist

Illinois EPA, Champaign Region

217/278-5819

From: Jim Karch [mailto:jkarch@cityblm.org]
Sent: Tuesday, January 15, 2013 4:45 PM
To: Mullins, Michael
Subject: RE: City of Bloomington Brush Contract

Mike,

I'm reaching back out to you as I did before because our current brush contract expires on May

1st. Do you know if anyone other than Henson has a permit as we talked about before below?

Thanks for your help,

Jim

Jim Karch, P.E. CFM
Director of Public Works
Public Works Department
City of Bloomington
P.O. Box 3157
115 East Washington Street
Bloomington, Illinois 61702-3157
(309)434-2225, Fax (309)434-2201
jkarch@cityblm.org

"Providing good stewardship of the public infrastructure and equipment safely through competitive services and excellent customer relations."

-----Jim Karch/Cityblm wrote: -----

> To: "Mike Mullins" <Michael.Mullins@illinois.gov>
> From: Jim Karch/Cityblm
> Date: 02/16/2012 10:31PM
> Subject: RE: City of Bloomington Brush Contract
>
> Michael,
>
> Thanks so much for the clarification. That helps a lot. Have a great night,
>
> Jim
>
> Jim Karch, P.E. CFM
> Director of Public Works
> Public Works Department
> City of Bloomington
> P.O. Box 3157
> 115 East Washington Street
> Bloomington, Illinois 61702-3157
> (309)434-2225, Fax (309)434-2201
> jkarch@cityblm.org

"Providing good stewardship of the public infrastructure and equipment safely through competitive services and excellent customer relations."

-----"Mullins, Michael" <Michael.Mullins@Illinois.gov> wrote: -----

To: Jim Karch <jkarch@cityblm.org>
From: "Mullins, Michael" <Michael.Mullins@Illinois.gov>
Date: 02/15/2012 02:34PM
Subject: RE: City of Bloomington Brush Contract

Jim,

I had a meeting with an Agency Manager today about this concern and the answer is:

Whoever your city uses to handle off-site generated landscape waste, they must have an IEPA Permit before accepting any landscape waste. So any company who is willing to get a permit can be a potential vendor, but they must have a permit before accepting waste.

Permitting time is approximately one year. Because the facility would be a Pollution Control Facility in Illinois, the owners would require local siting. Local siting differs from county to county and with some facilities in corporate or city boundaries, the siting authority may be city or county. The local siting process in McLean County may take up to 120 days (contact Mr. Phil Dick, at county offices) and then IEPA has up to 180 days to act upon a complete application.

At this time only the Tom Kirk facility has a permit. Twin City Wood was in the process of obtaining a permit but I do not know the status. Bacaland facility in McLean Illinois started the process for a permit but decided to change their process/operation and did not wish to continue the process of getting a permit.

Mike Mullins

Environmental Protection Specialist

Illinois EPA, Champaign Region

217/278-5800

From: Jim Karch [mailto:jkarch@cityblm.org]
Sent: Tuesday, February 14, 2012 4:31 PM
To: Mullins, Michael
Subject: City of Bloomington Brush Contract

Mike,

I was just wanting to verify the phone conversation that you had with our Solid Waste Superintendent Rob Henson today. The City of Bloomington has a brush disposal contract with Tom Kirk until April 30, 2012. At that time, the City has the option to renew the contract for one year. Mr. Kirk has expressed a desire to extend the contract for one year but the City wants to make sure that we have a competitive environment. If a contract can be competitively bid, then we want to make sure that it does get bid. My understanding is that the IEPA has new requirements that dictate that anyone who provides this service for the City must be permitted through the IEPA. The only vendor currently with a permit is Tom Kirk. The other statement that I need to verify is that it can take approximately a year for a new vendor to get permitted.

If the above information is true and our contract runs out at the end of April, I don't know how we could not recommend extending the brush disposal contract for one year.

Thank you for your help and input,

Jim

Jim Karch, P.E. CFM
Director of Public Works
Public Works Department
City of Bloomington
P.O. Box 3157
115 East Washington Street
Bloomington, Illinois 61702-3157
(309)434-2225, Fax (309)434-2201
jkarch@cityblm.org

"Providing good stewardship of the public infrastructure and equipment safely through

competitive services and excellent customer relations."

FOR COUNCIL: May 28, 2013

SUBJECT: Retention of the law firm of Hinshaw & Culbertson, LLP, to represent the City before the Illinois Commerce Commission with respect to existing and proposed grade crossings of the Norfolk Southern Railroad in and near Bloomington

RECOMMENDATION/MOTION: That the retention of the law firm of Hinshaw & Culbertson, LLP be approved pursuant to the terms of the attached retention letter dated March 18, 2013 and that the Corporation Counsel be authorized to sign such letter on behalf of the City.

STRATEGIC PLAN LINK: Goal 2. Upgrade City Infrastructure and Facilities

STRATEGIC PLAN SIGNIFICANCE: Objective a. Better Quality Roads and Sidewalks. A global settlement with Norfolk Southern Railway regarding crossing of its rail lines at several locations in the City could lead to a better street system and increased economic development.

BACKGROUND: An annexation agreement with Hershey Grove, LLC required the City to file a request with the Illinois Commerce Commission for an at-grade crossing at a point where an extension of Hershey Road will cross the existing Norfolk Southern Railroad tracks. The City did so last year, but the petition will require a great deal of specialized legal work before it proceeds to a hearing.

Railroads generally do not view requests for additional at-grade crossings of their railways with favor. In addition, the Illinois Commerce Commission has for several years requested petitioners to show why pedestrian safety would not be better served by a bridge across existing tracks. Separated crossings (i.e., bridges) are much more costly to build than at-grade crossings.

The interested parties (the City, Norfolk Southern, the Illinois Commerce Commission, and the Illinois Department of Transportation), have entered into very preliminary talks to explore the possibility of a "global settlement"- a possible agreement between the City and NS which could address not only a crossing of the railroad tracks at the extension of Hershey Road, but other places in the City where the parties know that NS tracks will need to be crossed (e.g., both ends of Hamilton Road). All parties recognize that, although a global settlement will have many details to be negotiated in order to be successful, this type of resolution could be a "win-win" situation for both the City and Norfolk Southern.

The City staff has contacted Edward Gower of the Springfield law firm of Hinshaw & Culbertson, LLP, and recommends that his firm be retained by the City to represent it in negotiations with Norfolk Southern and, if necessary, a hearing on the petition for the at-grade crossing which is currently before the ICC. Mr. Gower's resume is attached. He has the necessary background to represent the City in these types of negotiations and proceedings.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Bloomington City staff, representatives of Norfolk Southern Railroad, staff members of the Illinois Commerce Commission, and the Illinois Department of Transportation.

FINANCIAL IMPACT: The FY 2014 General Fund Budget appropriated $250,000 for outside legal fees in line item 10011710-70010. As set forth in the retention letter, Mr. Gower's hourly rate is $300.00 per hour, and that of partner Raylene DeWitte Grischow, is $210.00 per hour. The amount of fees to be actually paid is dependent upon the extent of the negotiations and whether a hearing will be required in front of the Illinois Commerce Commission. A reasonable estimate is a minimum of $30,000.00, with the maximum dependent upon circumstances which are still too soon to assess at this point in time. Stakeholders may locate this purchase in the FY 2014 General Fund Budget Document on Page #193.

Respectfully submitted for Council consideration.

Prepared by & legal review by: J. Todd Greenburg, Corporation Counsel

Financial & Budgetary review by: Timothy L. Ervin, CPFO, M.S., Budget Officer

Recommended by:

Barbara J. Adkins
Deputy City Manager

Attachments: Attachment 1. Retention Letter
Attachment 2. Profile

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Black				Alderman Mwilambwe			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman Lower				Alderman Stearns			
Alderman McDade							
				Mayor Renner			

HINSHAW

& CULBERTSON LLP

RECEIVED
MAR 21 2013
By

ATTORNEYS AT LAW
400 South Ninth Street
Suite 200
Springfield, IL 62701-1908

217-528-7375
217-528-0075 (fax)
www.hinshawlaw.com

March 18, 2013

VIA ELECTRONIC (tgreenburg@cityblm.org)
AND U.S. MAIL

J. Todd Greenburg, Esq.
Corporation Counsel
City of Bloomington
109 East Olive Street
Bloomington, Il 61701

Re: Retention of Hinshaw & Culbertson LLP

Dear Mr. Greenburg:

Thank you for retaining Hinshaw & Culbertson LLP ("Hinshaw") to provide advice concerning existing and potential new grade crossings involving the Norfolk Southern Railroad (NS) tracks in and near Bloomington. Our services may also include representation of the City of Bloomington in negotiations with NS and the Illinois Commerce Commission ("ICC") with respect to such grade crossings and representation in related pending or future ICC proceedings in which the City is seeking authority to modify an existing grade crossing or construct a new at grade crossing or grade separation. I will serve as lead counsel for this matter. My rate will be $300 per hour, plus expenses. Raylene DeWitte Grischow, a partner in our Springfield office, will provide research or other legal assistance as needed. Her rate will be $210 per hour, plus expenses. While I cannot predict whether it will be necessary to utilize the services of any other Hinshaw attorney, absent an emergency, I will secure prior approval before asking another Hinshaw lawyer to perform any services on this matter and will also secure prior agreement on a rate per hour.

Hinshaw reviews its standard hourly rates and may increase or otherwise adjust accordingly each year, but the above quoted rates will not change until at least January 1, 2014. Any changes in the rate will require mutual agreement.

Hinshaw bills in tenth of an hour increments. We do charge reasonable fees for copying charges, faxes and similar expenses. I will bill City of Bloomington to your attention on a monthly basis. All monthly invoice statements will include written summaries of the services rendered, the corresponding legal fees for those services, and any additional costs that have been incurred. Hinshaw's policy is to request payment within 30 days of receipt of the bill. If there is ever any question about the bills or Hinshaw's billing practices or procedures, please contact me immediately.

Arizona California Florida Illinois Indiana Massachusetts Minnesota Missouri New York Oregon Rhode Island Wisconsin

I very much appreciate the opportunity to serve the City of Bloomington. If you agree to the terms set forth above, I would appreciate it if you would sign below on behalf of the City of Bloomington and return the executed copy of the letter to me in the enclosed envelope.

Sincerely,

HINSHAW & CULBERTSON LLP

Edward R. Gower

Edward R. Gower
egower@hinshawlaw.com

ERG:mr
Enclosure

I have read the foregoing letter, and subject to the terms set forth above, agree on behalf of the City of Bloomington to Hinshaw's representation.

City of Bloomington

DATED: _____ By: _____

J. Todd Greenburg, Esq.
Corporation Counsel

HINSHAW
& CULBERTSON LLP

Edward R. Gower

Contact Info

Edward R. Gower
Partner
egower@hinshawlaw.com

400 South Ninth Street
Suite 200
Springfield, IL 62701
217-467-4916 Phone
217-528-0075 Fax

Practice Areas

Commercial Litigation
Insurance Services
Environmental

Industries

Transportation
Government
Construction
Insurance & Reinsurance

Education

J.D., University of Virginia School of Law, 1980

B.A., *magna cum laude*, DePauw University, 1977; Fellow, Phi Beta Kappa.

Practice Focus

Ed Gower is a trial lawyer and advisor. He concentrates his practice in the areas of construction and business litigation; governmental affairs; and transportation, utility regulation and administrative law.

Mr. Gower has represented business clients in commercial litigation; construction and transportation related litigation; constitutional and environmental challenges to governmental action; disputes arising out of the acquisition of businesses; disputes concerning the design and performance of manufacturing and other capital equipment; bid protests; rehabilitation and insolvency proceedings; reinsurance and insurance coverage disputes; and employment litigation. He has also successfully represented clients in a broad variety of state and federal administrative agency proceedings. In matters of labor and employment law, Mr. Gower has represented clients in investigations involving the Occupational Safety & Health Act (OSHA), the Fair Labor Standards Act (FLSA) and the Prevailing Wage Act.

Mr. Gower also advises and represents governmental entities in a variety of matters including advice concerning governmental powers and procurement, drafting legislation, and representation before state and federal administrative agencies in such diverse matters as construction litigation, utility regulation, environmental matters, railroad acquisition, and rail-highway grade separations and crossings. Mr. Gower's governmental representation is extensive and includes counties, municipalities, airports and mass transit agencies.
Reflecting more than a decade as Chief Counsel for the Illinois Department of Transportation, Mr. Gower has extensive experience with highway design and construction litigation; environmental litigation; constitutional challenges; and employment and civil rights litigation. He also advises business clients on all aspects of state and municipal governance and services.

Professional Background

Mr. Gower joined Hinshaw & Culbertson LLP in April 2003. He previously served as Chief Counsel for the Illinois Department of Transportation for 12 years. His tenure also included one year as Acting Director of the Illinois Division of Aeronautics. As Chief Counsel, Mr. Gower supervised all litigation involving a state agency with an annual budget in the range of $3 billion to $4 billion. He also was involved in every major legislative initiative proposed by or affecting the Department.

Prior to his time with Department of Transportation, Mr. Gower spent 11 years in a Chicago commercial litigation practice, first with the law firm of Isham, Lincoln & Beale and later as a partner at Keck, Mahin & Cate. He

Bar Admissions

1980, Illinois

Courts

U.S. District Court, Northern District of Illinois 1980
Federal Trial Bar 1983
U.S. District Court, Central District of Illinois 2003
U.S. Court of Appeals, Fourth Circuit 1984

Leading Lawyers Network
THE TOP LAWYERS

also served as Special Counsel to the Illinois House Minority Leader in 1986-87.

In January 2012, Mr. Gower was profiled in "Excelling Where Law, Government, and Policy Intersect," in *Leading Lawyers Magazine: Real Estate, Construction & Environmental Edition*. In 2010, *Leading Lawyers Magazine Business Edition* named him to its list of Top 100 Leading Downstate Business Lawyers in Illinois.

In the Fall of 2005, Mr. Gower completed intensive training in mediation from the faculty of Pepperdine University School of Law's top-ranked Straus Institute for Dispute Resolution.

Mr. Gower is a member of the Construction Law Section of the Illinois State Bar Association and the Sangamon County Bar Association.

Publications and Presentations

Mr. Gower is the author of "Recent Change in Illinois Law," published in the Construction Law Update section of *Real Estate Finance*, June 2006.

His presentations include:

- "New Ethics Laws, A Primer on the Statutory Gift Ban, and Noteworthy Revisions to the Procurement Laws," Illinois Road & Transportation Builders (IRTBA) Annual Convention, Kauai, Hawaii, February 2010.
- "Getting the Lead Out," Design Professionals Risk Control Group (DPRCG) Loss Prevention Convocation, Montreal, Canada, October 2007.
- "Appearing as an Expert Witness," Illinois Professional Land Surveyors Association (IPLSA) Annual Conference, Springfield, Illinois, February 2006.
- "The Good, The Bad and The Ugly: Insurance, Legal and Risk Management Concepts for 2005," Illinois Professional Land Surveyors Association (IPLSA) Annual Conference, Springfield, Illinois, February 2005.
- "Do You Need an Employee Handbook and, if so, What Should it Say," Illinois Society of Association Executives (ISAE) Annual Conference, Springfields, Illinois, January 2005.
- "Pay Up or Else: Fee Collection from Contract to Court." Hinshaw and Euclid Insurance Agency Seminar, "The Annual Review: A 2004 Design Firm Check-up," Chicago, Illinois and again in Oak Brook, Illinois, November 2004.
- "Getting Paid and Reducing Your Exposure," Holmes Murphy/XL Design Professional Conference, Springfield, Decatur, and Peoria, Illinois, Spring 2004.

FOR COUNCIL: May 28, 2013

SUBJECT: Professional Services Contract for the Bloomington Center for Performing Arts

RECOMMENDATION: That the contracts in the amount of $87,500 be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 4 - Grow the Local Economy; Goal 5 - Great Place – Livable, Sustainable City; Goal 6 - Prosperous Downtown Bloomington

STRATEGIC PLAN SIGNIFICANCE: Objective 4.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 contract to engage persons and/or groups represented by: Steven Barclay Agency and Opus 3 Artists to perform entertainment services in the Bloomington Center for the Performing Arts. Contract expenses for the contracts will be $87,500.00. The contract price covers the artist fees for the performances coming to the BCPA during the 2013-2014 season. 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 Bloomington Center for the Performing Arts.

FINANCIAL IMPACT: The FY 2014 Budget appropriated $511,300 in line item 10014125-70218-20000. The purpose of the $87,500 contract is to engage persons and/or groups represented by: Steven Barclay Agency and Opus 3 Artists Associates to perform entertainment services in the Bloomington Center for the Performing Arts. Note this is only a portion of the total budget appropriation. The cost of this service will be offset by revenue generated from ticket sales, grants, playbills, concessions, and corporate advertisement and sponsorships. These revenues also are designated 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 R. Kennedy, Director of Parks, Rec & Cultural Arts

Financial & Budgetary review by: Timothy L. Ervin, CPFO, M.S., Budget Officer

Legal review by: J. Todd Greenburg, Corporation Counsel

Recommended by:

Barbara J. Adkins
Deputy City Manager

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Black				Alderman Mwilambwe			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman Lower				Alderman Stearns			
Alderman McDade							
				Mayor Renner			

FOR COUNCIL: May 28, 2013

SUBJECT: Suspension of Chapter 6 Section 26(d) to Allow Possession of Open Alcohol on Public Property for the WGLT Event June 8, 2013

RECOMMENDATION/MOTION: That the Ordinance be passed.

STRATEGIC PLAN LINK: Goal 5. Great Place – Livable, Sustainable City.

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

BACKGROUND: WGLT is sponsoring an outdoor summer concert in downtown Bloomington on Saturday, June 8, 2013. This will be the tenth (10^{th}) of what has become an annual event. The organizers have had beer and wine at the previous events and would like to have both available again this year. They would like the people who attend the event to be able to purchase a drink and move about freely within the designated event area rather than have a designated "beer garden". Beer and wine would be sold only by Bill Hill, Inc., d/b/a Maguires, an existing liquor license holder, by an extension of premise for the event. Only beer and wine purchased from the event vendor can be consumed within the designated event area. Outdoor consumption would be allowed between 3:30 o'clock p.m. and 10:00 o'clock p.m.

The event organizers met with staff, including representatives from the police, legal and administrative departments to review this plan. Given the nature of the event, the type of crowd it attracts and the high degree of involvement by event staff, all concerned believe this plan could work without problems.

Staff prepared an Ordinance suspending the code as needed for this event. Council will note that the Ordinance makes the suspension effective one (1) hour before the sales begin to allow the organizers time to set up for the event and one (1) hour after the event to clean up after. Staff respectfully recommends that the Ordinance be passed.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

Reviewed by: George Boyle, Asst. Corporation Counsel

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

Recommended by:

Tari Renner
Mayor

Attachments: Attachment 1. Ordinance

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Black				Alderman Mwilambwe			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman Lower				Alderman Stearns			
Alderman McDade							
				Mayor Renner			

ORDINANCE NO. 2013 -

AN ORDINANCE SUSPENDING PORTIONS OF SECTION 26(d) OF CHAPTER 6 OF THE BLOOMINGTON CITY CODE TO ALLOW POSSESSION OF OPEN ALCOHOL ON PUBLIC PROPERTY DURING THE WGLT OUTDOOR CONCERT IN DOWNTOWN BLOOMINGTON

WHEREAS, WGLT will hold an outdoor concert in downtown Bloomington on June 8, 2013; and

WHEREAS, WGLT requested permission to allow sales and consumption of beer and wine during the concert on Jefferson Street between Main Street and the north/south alley between Center Street and Madison Street and on Center Street between Washington Street and the east/west alley between Jefferson Street and Monroe Street; and

WHEREAS, to allow possession of an open container of alcohol on a public street, Section 26(d) of Chapter 6 of the Bloomington City Code, which prohibits the possession of open containers of alcohol on public streets, must be suspended.

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

Section 1: That Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, is suspended on the following dates during the following hours: June 8, 2013 between 2:30 o'clock p.m. and 11:00 o'clock p.m. for Jefferson Street between Main Street and the north/south alley between Center Street and Madison Street and on Center Street between Washington Street and the east/west alley between Jefferson Street and Monroe Street. This suspension shall be effective only as to persons inside the designated area only and for alcohol purchased from an event vendor within the designated area. No alcohol may be taken out of licensed premises into the designated area, notwithstanding the fact that the premises are operated by the event vendor.

Section 2: Except for the dates, times and location set forth in Section 1 of this Ordinance, Section 26(d) of Chapter 6 of the Bloomington City Code, 1969, as amended, shall remain in full force and effect. Nothing in this ordinance shall be interpreted as repealing said Section 26(d).

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 28th day of May, 2013.

APPROVED this ___th day of May, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

FOR COUNCIL: May 28, 2013

SUBJECT: Suspension of Ordinances to Allow Consumption of Alcohol at Lake Bloomington's Davis Lodge on June 11, 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's Davis Lodge on June 11, 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 Patrick Sheridan and Molly Hennessy, to allow moderate consumption of alcohol at Lake Bloomington Davis Lodge for their consultant reception on June 11, 2013. Present at the hearing were Liquor Commissioner Tari Renner; Renee Gooderham, Chief Deputy City Clerk; and Patrick Sheridan, Associate Partner, and Molly Hennessy, Consultant, Applicant representatives.

Staff absent: George Boyle, Asst. Corporation Counsel and Tracey Covert, City Clerk.

Commissioner Renner questioned the purpose of this request. Patrick Sheridan, Associate Partner, and Applicant representative addressed the Commission. Mr. Sheridan stated that the consultant reception was scheduled for Tuesday, June 11, 2013. Alcohol service would be provided for the approximate 150 consultants. The reception was scheduled from 5:00 p.m. until 9:00 p.m. Alcohol service would be limited to beer and wine only. Redbird catering, located at 1507 N. Main St., would provide the food and beer and wine.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Agenda for the May 20, 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.

Prepared by: Renee Gooderham, Records Manager

Reviewed by: Craig Cummings, Director of Water

Recommended by:

Tari Renner
Mayor

Attachments: Attachment 1. Ordinance

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Black				Alderman Mwilambwe			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman Lower				Alderman Stearns			
Alderman McDade							
				Mayor Renner			

ORDINANCE NO. 2013 -

AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND SECTION 26(d) OF CHAPTER 6 OF THE BLOOMINGTON CITY CODE FOR A CONSULTANT RECEPTION AT THE LAKE BLOOMINGTON DAVIS LODGE

WHEREAS, Patrick Sheridan, Associate Partner and Molly Hennessy, Consultant, IBM representatives are planning to hold their consultant reception at the Lake Bloomington Davis Lodge from 5:00 p.m. to 9:00 p.m. on June 11, 2013; and

WHEREAS, Patrick Sheridan and Molly Hennessy, IBM representatives, have requested permission from the City to serve beer and wine during this event; and

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

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

Section 1: That Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, are suspended for the duration of the wedding reception at the Lake Bloomington Davis Lodge on June 11, 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 28th day of May, 2013.

APPROVED this __th day of May, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

FOR COUNCIL: May 28, 2013

SUBJECT: Lake Bloomington Lease Transfer Petition for Lot 2, Block 0 of Camp Peoria Pointe from Francis R. Donovan to Gregory, Michael and Roger Donovan

RECOMMENDATION/MOTION: That Council approve this transfer.

STRATEGIC PLAN LINK: Goal 1: Value for your tax dollars and fees.

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

BACKGROUND: Staff has reviewed the Lake Bloomington Lease Transfer Petition for Lot 2, Block 0 of Camp Peoria Pointe from Francis R. Donovan to Gregory, Michael and Roger Donovan. The first sewage disposal system inspection was completed in late January of 2013. The septic tank needed to be pumped for a thorough inspection to take place. This was completed in February 2013. The system was re-inspected in February and the system was functioning properly at that time. The age of the sewage disposal system is 41 years. The McLean County Health Department estimates sewage disposal systems have an average life span of approximately 20-25 years. However, this can be affected greatly by usage patterns of the premises (seasonal versus full time occupancy) and system maintenance.

The system does need a chlorinator tube and a 50 foot long rock (aeration, biological decomposition and evaporation) trench. These will be installed by July 1, 2013 and Lake Patrol will visit the property to make sure this project is complete.

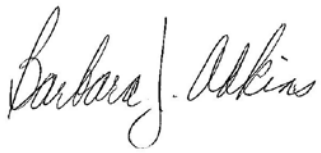
COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: There were no Community Groups contacted for this petition as it is a routine matter.

FINANCIAL IMPACT: This petition will have a neutral financial impact in that the current lease uses the current formula, ($0.40 per $100 of Equalized Assessed Value) for determining the Lake Lease Fee. With this lake lease transfer, the lake lease formula will generate approximately $345 per year in lease income. This lake lease income will be posted to Lake Lease revenue account 50100140-57590.

Respectfully submitted for Council consideration.

Prepared by:	Craig M. Cummings, Water Department Director
Reviewed by:	Barbara J. Adkins, Deputy City Manager
Financial & Budgetary review by:	Timothy L. Ervin, CPFO, M.S., Budget Officer
Legal review by:	J. Todd Greenburg, Corporation Counsel

Recommended by:



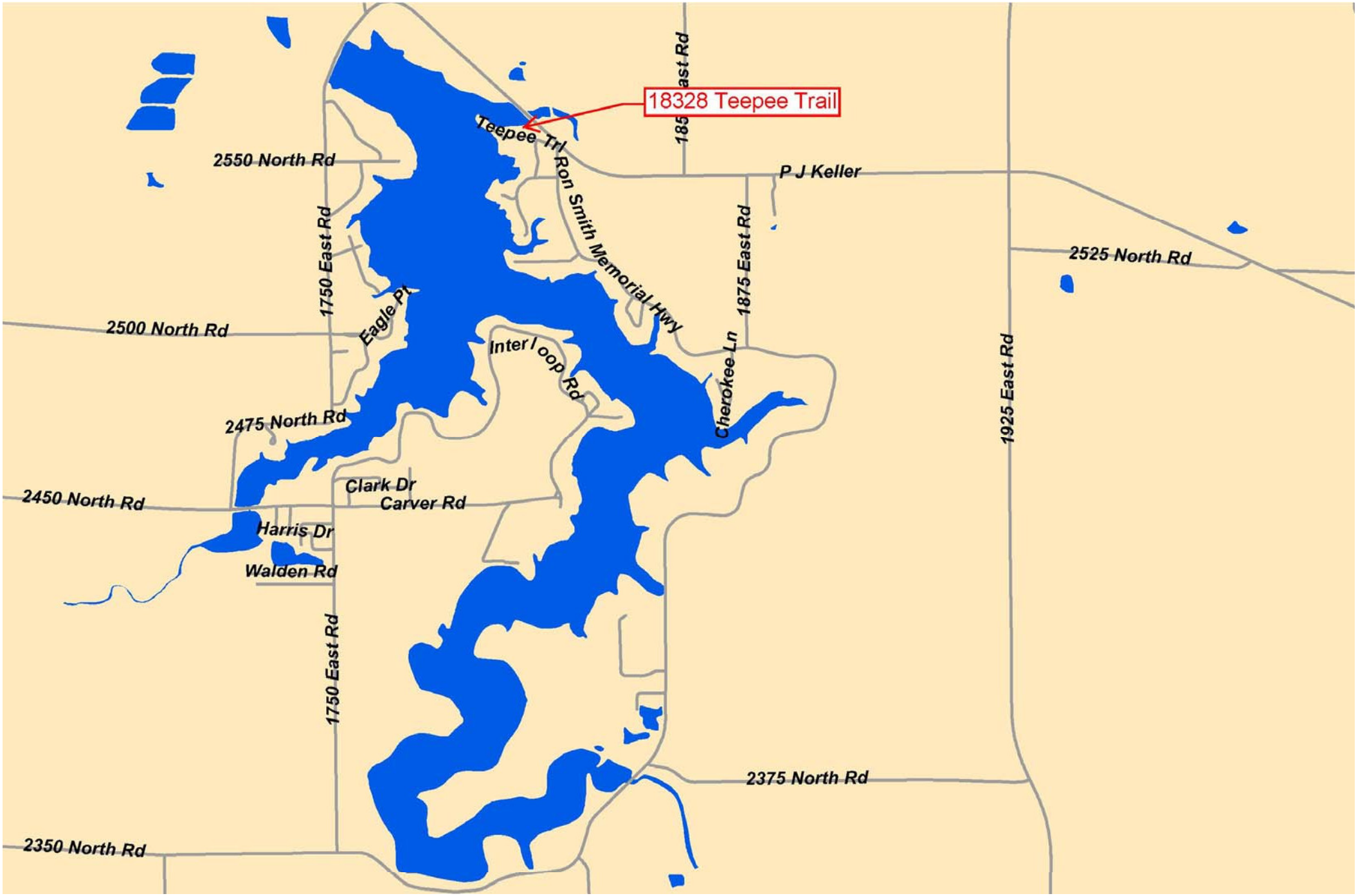
Barbara J. Adkins
Deputy City Manager

Attachments: Attachment 1. Maps

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Black				Alderman Mwilambwe			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman Lower				Alderman Stearns			
Alderman McDade							
				Mayor Renner			

18328 Teepee Trail
Lot: 2
Block: 0
Camp: Peoria Pointe
P J Keller
18340
18306
18316
18328
Teepee Trl


18328 Teepee Trail
Teepee Trl
2550 North Rd
1750 East Rd
Ron Smith Memorial Hwy
P J Keller
1875 East Rd
2525 North Rd
Eagle Pt
2500 North Rd
Inter Loop Rd
Cherokee Ln
1925 East Rd
2475 North Rd
Clark Dr
2450 North Rd
Carver Rd
Harris Dr
Walden Rd
1750 East Rd
2375 North Rd
2350 North Rd

FOR COUNCIL: May 28, 2013

SUBJECT: Petition from Eastlake, L.L.C., requesting Approval of Final Plats for The Grove on Kickapoo Creek Fourth Addition Subdivision and Grove Park Subdivision commonly located north of Ireland Grove Road and west of Township Road 2100 East

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

STRATEGIC PLAN LINK: Goal 6 – Great Place – Livable and Sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Objectives 6.a. and 6.d. - The subdivisions improve quality of life adding single family residential lots to the market and dedicating ground for a future City Park.

BACKGROUND: On March, 13, 2006, Council approved the Preliminary Plan for The Grove on Kickapoo Creek Subdivision which includes the subject sites. The Grove on Kickapoo Creek Fourth Addition includes forty-nine lots and two outlots. The Grove Park Subdivision includes one lot for a future City Park. Both subdivisions are immediately south of the Grove on Kickapoo Creek Second Addition Subdivision. Public improvements in the Fourth Addition include streets, storm sewers, sanitary sewers, water mains, sump pump drain lines and related components. There are no required public improvements in the Grove Park. The surety for these public improvements is 110% of the construction costs. Since the surety is being provided prior to the actual construction, engineering cost estimates are used. The surety can be a bond, cash, letter of credit or other financial guarantee as described in City Code and shall not have an expiration date.

Staff asks that Council accept the Petitions and pass an ordinance approving the Final Plats for The Grove on Kickapoo Creek Fourth Addition Subdivision and Grove Park Subdivision subject to the Petitioner supplying a surety for any uncompleted public improvements and paying the required tap-on fees prior to recording of the plats.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Eastlake, LLC.

FINANCIAL IMPACT: The future residential properties will generate property tax revenue and annexation fees. There are revenues and costs associated with the entire Grove on Kickapoo Creek Development that are detailed in the approved annexation agreements, and are triggered by construction of utilities or final platting. There is no requirement to develop the park within a specific timeframe in the Annexation Agreement or other agreement related to this subdivision.

Respectfully submitted for Council consideration.

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

Reviewed by: Barbara J. Adkins, Deputy City Manager

Financial & Budgetary review by: Timothy L. Ervin, CPFO, M.S., Budget Officer

Recommended by:

Barbara J. Adkins
Deputy City Manager

Attachments: Attachment 1. Ordinance
Attachment 2. Maps

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Black				Alderman Mwilambwe			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman Lower				Alderman Stearns			
Alderman McDade							
				Mayor Renner			

ORDINANCE NO. 2013-_____

AN ORDINANCE APPROVING FINAL PLAT OF THE GROVE PARK SUBDIVISION IN THE CITY OF BLOOMINGTON, McLEAN COUNTY, ILLINOIS

Whereas, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for approval of the Final Plat of Grove Park Subdivision in the City of Bloomington, McLean County, Illinois, which is legally described in Exhibit A attached hereto and incorporated herein; and

Whereas, said Petition is valid and sufficient and conforms to the requirements of the statutes in such cases made and provided and the Final Plat attached to said Petition was prepared in compliance with requirements of the Bloomington City Code.

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

1. That the Final Plat of Grove Park Subdivision in the City of Bloomington, McLean County, Illinois, be and the same is hereby approved.

2. This Ordinance shall take effect immediately upon passage and approval and shall be in full force.

PASSED this ___ day of May, 2013.

APPROVED this ___ day of May, 2013.

APPROVED:

_____
Tari Renner, Mayor

ATTEST:

_____
Tracey Covert, City Clerk

EXHIBIT A
LEGAL DESCRIPTION

A part of the Southwest Quarter and a part of the Southeast Quarter of Section 9, Township 23 North, Range 3 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Beginning at the Southwest Corner of Lot 251 in the Grove on Kickapoo Creek Second Addition in the City of Bloomington, Illinois, according to the plat recorded as Document No. 2009-18355 in the McLean County Recorder's Office. From said Point of Beginning, thence southwest 60.08 feet along a line which forms an angle to the right of 180°-00'-00" with the West Line of said Lot 251; thence southeasterly 121.60 feet along the arc of a curve concave to the northeast with a radius of 600.00 feet and the 121.39 foot chord of said arc forms an angle to the right of 81°-19'-42" with the last described course; thence southwest 96.51 feet along a line which forms an angle to the right of 278°-40'-18" with the last described chord to a Point of Curvature; thence southwesterly, westerly and northwesterly 375.25 feet along the arc of a curve concave to the northwest with a radius of 215.00 feet and the 329.40 foot chord of said arc forms an angle to the right of 230°-00'-00" with the last described course to a Point of Tangency; thence northwest 277.71 feet along a line which forms an angle to the right of 230°-00'-00" with the last described chord; thence southwest 155.00 feet along a line which forms an angle to the right of 90°-00'-00" with the last described course to a Point of Curvature; thence southwesterly, westerly and northwesterly 337.72 feet along the arc of a curve concave to the northwest with a radius of 215.00 feet and the 304.06 foot chord of said arc forms an angle to the right of 225°-00'-00" with the last described course to a Point of Tangency; thence northwest 320.00 feet along a line which forms an angle to the right of 135°-00'-00" with the last described chord to a Point of Curvature; thence northwesterly 148.92 feet along the arc of a curve concave to the northeast with a radius of 215.00 feet and the 145.96 foot chord of said arc forms an angle to the right of 199°-50'-35" with the last described course to a point on the Easterly Line of The Grove on Kickapoo Creek Stream Restoration recorded as Document No. 2012-19531 in said Recorder's Office; thence southerly 337.15 feet along said Easterly Line which forms an angle to the right of 44°-09'-44" with the last described chord; thence southwest 801.14 feet along the Southeasterly Line of said Grove on Kickapoo Creek Stream Restoration which forms an angle to the right of 235°-09'-45" with the last described chord; thence south 50.00 feet along a line which forms an angle to the right of 117°-13'-37" with the last described course to the Southeast Corner of said Grove on Kickapoo Creek Stream Restoration, said Southeast Corner also being on the South Line of said Southwest Quarter; thence east 1,007.39 feet along said South Line which forms an angle to the right of 90°-00'-00" with the last described course to the Southeast Corner of said Southwest Quarter; thence east 1,209.82 feet along the South Line of said Southeast Quarter which forms an angle to the right of 180°-01'-46" with the last described course to the Southwest Corner of Benjamin School Subdivision recorded as Document No. 2009-12863 in said Recorder's Office, said Southwest Corner also being on the West Line of Black Oak Boulevard as dedicated in said Benjamin School Subdivision; thence north 50.00 feet along said West Line which forms an angle to the right of 90°-00'-00" with the last described course; thence northeast 28.28 feet along said West Line which forms an angle to the right of 225°-00'-00" with the last described course; thence north 656.23 feet along said West Line which forms an angle to the right of 135°-00'-00" with the last described course to the Southeast Corner of Lot 252 in said Grove on Kickapoo Creek Second Addition; thence west 62.41 feet along the South Line of said Lot 252 which forms an angle to the right of 90°-00'-00" with the last described course; thence westerly 192.18 feet along the arc of a curve concave to the north with a radius of 540.00 feet and the 191.17 foot chord of said arc forms an angle to the right of 190°-11'-44" with the last described course to the Point of Beginning.

The above described premises is part of the following parcel identification numbers: 22-09-376-001; 22-09-451-001; and 22-09-451-002

ORDINANCE NO. 2013-_____

AN ORDINANCE APPROVING FINAL PLAT OF THE GROVE ON KICKAPOO CREEK FOURTH ADDITION IN THE CITY OF BLOOMINGTON, McLEAN COUNTY, ILLINOIS

Whereas, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for approval of the Final Plat of The Grove on Kickapoo Creek Fourth Addition in the City of Bloomington, McLean County, Illinois, which is legally described in Exhibit A attached hereto and incorporated herein; and

Whereas, said Petition is valid and sufficient and conforms to the requirements of the statutes in such cases made and provided and the Final Plat attached to said Petition was prepared in compliance with requirements of the Bloomington City Code.

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

1. That the Final Plat of The Grove on Kickapoo Creek Fourth Addition in the City of Bloomington, McLean County, Illinois, be and the same is hereby approved.

2. This Ordinance shall take effect immediately upon passage and approval and shall be in full force.

PASSED this ___ day of May, 2013.

APPROVED this ___ day of May, 2013.

APPROVED:

_____
Tari Renner, Mayor

ATTEST:

_____
Tracey Covert, City Clerk

EXHIBIT A
LEGAL DESCRIPTION

A part of the Southwest Quarter and a part of the Southeast Quarter of Section 9, Township 23 North, Range 3 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows:

Beginning at the Southwest Corner of Lot 251 in the Grove on Kickapoo Creek Second Addition in the City of Bloomington, Illinois, according to the plat recorded as Document No. 2009-18355 in the McLean County Recorder's Office. From said Point of Beginning, thence southwest 60.08 feet along a line which forms an angle to the left of 180°-00'-00" with the West Line of said Lot 251; thence southeasterly 121.60 feet along the arc of a curve concave to the northeast with a radius of 600.00 feet and the 121.39 foot chord of said arc forms an angle to the left of 278°-40'-18" with the last described course; thence southwest 96.51 feet along a line which forms an angle to the left of 81°-19'-42" with the last described chord to a Point of Curvature; thence southwesterly, westerly and northwesterly 375.25 feet along the arc of a curve concave to the northwest with a radius of 215.00 feet and the 329.40 foot chord of said arc forms an angle to the left of 130°-00'-00" with the last described course to a Point of Tangency; thence northwest 277.71 feet along a line which forms an angle to the left of 130°-00'-00" with the last described chord; thence southwest 155.00 feet along a line which forms an angle to the left of 270°-00'-00" with the last described course to a Point of Curvature; thence southwesterly, westerly and northwesterly 337.72 feet along the arc of a curve concave to the northwest with a radius of 215.00 feet and the 304.06 foot chord of said arc forms an angle to the left of 135°-00'-00" with the last described course to a Point of Tangency; thence northwest 320.00 feet along a line which forms an angle to the left of 135°-00'-00" with the last described chord to a Point of Curvature; thence northwesterly, northerly and northeasterly 337.72 feet along the arc of a curve concave to the northeast with a radius of 215.00 feet and the 304.06 foot chord of said arc forms an angle to the left of 135°-00'-00" with the last described course to a Point of Tangency; thence northeast 240.00 feet along a line which forms an angle to the left of 135°-00'-00" with the last described chord to a Point of Curvature; thence northeasterly, easterly and southeasterly 337.72 feet along the arc of a curve concave to the southeast with a radius of 215.00 feet and the 304.06 foot chord of said arc forms an angle to the left of 135°-00'-00" with the last described course to a Point of Tangency; thence southeast 670.71 feet along a line which forms an angle to the left of 135°-00'-00" with the last described chord; thence southeasterly 163.40 feet along the arc of a non-tangential curve concave to the northeast with a radius of 600.00 feet and the 162.90 foot chord of said arc forms an angle to the left of 179°-19'-56" with the last described course; thence northeast 60.08 feet along a line which forms an angle to the left of 280°-40'-04" with the last described chord to the Southeast Corner of Lot 250 in said Grove on Kickapoo Creek Second Addition, said Southeast Corner also being the Southwest Corner of Sugarberry Avenue as dedicated in said Grove on Kickapoo Creek Second Addition; thence southeasterly 60.03 feet along the South Line of said Sugarberry Avenue being the arc of a curve concave to the northeast with a radius of 540.00 feet and the 60.00 foot chord of said arc forms an angle to the left of 90°-00'-00" with the last described course to the Point of Beginning, containing 14.15 acres, more or less.

The above described premises is part of the following parcel identification numbers: 22-09-451-001 and 22-09-451-002

GROVE 4TH ADDITION & PARK SUBDIVISIONS

Prepared by Engineering
May 15, 2013

FOR COUNCIL: May 28, 2013

SUBJECT: This is a review of a petition submitted by Interchange City West, LLC, requesting approval of an Amended Preliminary Plan for the West Gate Plaza Subdivision.

RECOMMENDATION/MOTION: The Planning Commission and staff are recommending the City Council approve Case PS-02-13 for the Amended Preliminary Plan for the West Gate Plaza Subdivision subject to the six conditions identified by the engineering memo of April 25, 2013.

STRATEGIC PLAN LINK: Goal 4 – Grow the Local Economy. The preliminary plan will facilitate the objective of expanding retail businesses.

STRATEGIC PLAN SIGNIFICANCE: Objective 4.a. Once the plan is approved and along with final platting development of vacant land can begin. This visual investment will encourage the retention and growth of local businesses in the west Market Street area which had been hampered by the economic recession. As more businesses are located there it will encourage vacant store fronts to be occupied and improve the overall economic vitality of the area.

BACKGROUND: The petitioner is requesting to amend the preliminary plan. This is for the property located north of Illinois Route 9, west of Interstate Drive with approximately 11.81 acres. The preliminary plan is for land east and west of Interstate Drive however the area to be revised is only west of Interstate Drive. Some lot configurations will change. The location of the existing Interstate Drive will not change. There has been a low demand for commercial development in recent years however now with the recovery of the economic recession the owner is seeing a renewed interest in development and a need for reconfigured lots.

The Planning Commission reviewed the petition on May 8, 2013. The petitioner's attorney and engineer both spoke at the meeting explaining the amended preliminary plan. The Commission held a public hearing and no else one spoke in favor or against the request. The Engineering Division of Public Works provided written comments in a memo dated April 25, 2013. Item 3 of this memo discusses the need for a cul-de-sac at the north end of Interstate Drive. The City of Bloomington Legal Department has since provided direction that the cul-de-sac at this location cannot be required. The Planning Commission voted 9-0 to recommend approval of the petition subject to the six conditions identified by the engineering memo of April 25, 2013.

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 10 property owners within 500 feet. In addition, a public notice/identification signs were posted on the property.

FINANCIAL IMPACT: The financial impact on the city revenues and services should not change with the approval of the amended preliminary plan.

Respectfully submitted for Council consideration.

Prepared by: Mark Woolard, City Planner

Reviewed by: Mark R. Huber, Director, PACE

Financial & Budgetary review by: Timothy L. Ervin, CPFO, M.S., Budget Officer

Legal review by: J. Todd Greenburg, Corporation Counsel

Recommended by:

Barbara J. Adkins
Deputy City Manager

Attachments:

Attachment 1. Planning Commission Staff Report
Attachment 2. Planning Commission Minutes – May 8, 2013
Attachment 3. Internal Engineering Memo
Attachment 4. Aerial Map
Attachment 5. Mailing List for Public Meeting
Attachment 6. Mailing List Radius Map

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Black				Alderman Mwilambwe			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman Lower				Alderman Stearns			
Alderman McDade							
				Mayor Renner			

FOR PLANNING COMMISSION: May 8, 2013
Agenda item #5B
Prepared May 2, 2013

To: Bloomington Planning Commission
From: Staff

Subject: **PS-02-13**. Public hearing and review on the petition submitted by Interchange City West, LLC, requesting the approval of an Amended Preliminary Plan for the West Gate Plaza Subdivision, for the property located north of Illinois Route 9, west of Interstate Drive, consisting of approximately 11.81 acres.

BACKGROUND INFORMATION:

Adjacent Zoning	Adjacent Land Uses
North: B-1, Highway Business District	North: Vacant, Interstate Center
South: B-1, Highway Business District	South: Vacant, Gas Station
East: B-1, Highway Business District	East: Vacant, Retail Center
West: B-1, Highway Business District	West: Vacant

The Comprehensive Plan calls for Regional/Highway Commercial for the site.

The petitioner desires to amend a portion of the same preliminary plan that is being requested to be reinstated. The amendment portion is that which is west of Interstate Drive. No new roads are being planned however a shorter cul-de-sac is proposed. The proposed lot layout is different but similar to the original plan. The lot numbering is confusing with duplication of lot numbers and will be revised. Engineering staff has identified other minor issues that are being addressed by the developer.

STAFF RECOMMENDATION:
Staff recommends the Planning Commission pass a motion recommending that the City Council approve the Amended Preliminary Plan for the West Gate Plaza Subdivision, for the property located north of Illinois Route 9, west of Interstate Drive, in Case PS-02-13.

Respectfully submitted,

Mark Woolard
City Planner

MINUTES
BLOOMINGTON PLANNING COMMISSION
REGULAR MEETING,
WEDNESDAY, MAY 8, 2013, 4:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 E. OLIVE ST., BLOOMINGTON, ILLINOIS

MEMBERS PRESENT:	Mr. J Balmer, Chairperson Stan Cain, Mr. Rex Diamond, Mr. Jim Pearson, Mr. Bill Schulz, Mr. Ryan Scritchlow, Mr. David Stanczak, Mr. Charles Stuckey, Mr. Robert Wills
MEMBERS ABSENT:	Mrs. Julie Morton
OTHERS PRESENT:	Mr. Kevin Kothe, City Engineer Mr. Mark Woolard, City Planner

CALL TO ORDER: Chairperson Cain called the meeting to order at 4:00 P.M.
ROLL CALL: Mr. Woolard called the roll. A quorum was present.

PUBLIC COMMENT: None

MINUTES: The Commission reviewed the February 27, 2013 minutes. In the first sentence under new business, "secondly" is to change to "second," and a coma added after "two". Mr. Balmer moved to approve the February 27, 2013 minutes as corrected. Mr. Stanczak seconded the motion which passed by a vote of 9 to 0 with the following votes being cast on roll call: Mr. Cain--yes; Mr. Stuckey--yes; Mr. Wills--yes; Mrs. Morton--absent; Mr. Pearson--yes; Mr. Balmer--yes; Mr. Schulz--yes; Mr. Scritchlow--yes; Mr. Stanczak--yes; Mr. Diamond--yes.

REGULAR AGENDA:
PS-01-13. Public hearing and review on the petition submitted by Interchange City West, LLC, requesting the approval of a Reinstatement of a Preliminary Plan for the West Gate Plaza Subdivision, for the property located north of Illinois Route 9, east and west of Interstate Drive, consisting of approximately 22.85 acres.

Chairperson Cain introduced the petition. Mr. Woolard stated the reinstatement request is because the preliminary plan has expired. He explained there are no changes associated with this particular petition and staff is recommending approval. Chairperson Cain opened the public hearing. Mr. Robert Lenz, 202 N. Center, stated he is representing the petitioner. The preliminary plan has expired by time as a function of the market. Both petitions PS-01-13 and PS-02-13 were presented at the same time.

PS-02-13. Public hearing and review on the petition submitted by Interchange City West, LLC, requesting the approval of an Amended Preliminary Plan for the West Gate Plaza Subdivision, for the property located north of Illinois Route 9, west of Interstate Drive, consisting of approximately 11.81 acres.

Chairperson Cain asked if there were any members of the audience who wished to speak in favor or against on either of the two petitions and no one responded.

Mr. Balmer questioned if the concerns from engineering had been addressed. Mr. Lenz stated their engineers have been in communication with city engineering and thought the issues have all been resolved or are simple matters that can be adjusted. Mr. Kothe explained there are still concerns and they are not in the document reviewed by the Commission and thus the items need to be provided in any approval.

Chairperson Cain closed the public hearing for cases PS-01-13 and PS-02-13.

Mr. Stuckey moved to recommend to the City Council to pass case PS-01-13. Mr. Balmer seconded the motion which passed by a vote of 9 to 0 with the following votes being cast on roll call:
Mr. Cain--yes; Mr. Stuckey--yes; Mr. Wills--yes; Mrs. Morton--absent; Mr. Pearson--yes; Mr. Balmer--yes; Mr. Schulz--yes; Mr. Scritchlow--yes; Mr. Stanczak--yes; Mr. Diamond--yes.

Mr. Stuckey moved to recommend to the City Council to pass case PS-02-13 subject to the six conditions identified by the memo of April 25, 2013 from the city engineer. Mr. Stanczak seconded the motion which passed by a vote of 9 to 0 with the following votes being cast on roll call:
Mr. Cain--yes; Mr. Stuckey--yes; Mr. Wills--yes; Mrs. Morton--absent; Mr. Pearson--yes; Mr. Balmer--yes; Mr. Schulz--yes; Mr. Scritchlow--yes; Mr. Stanczak--yes; Mr. Diamond--yes.

CITY OF Bloomington ILLINOIS
www.cityblm.org

Public Works Department
ENGINEERING DIVISION
115 E. Washington St., PO BOX 3157
Bloomington, IL 61702-3157
Phone: 309-434-2225
Fax: 309-434-2201

MEMORANDUM

TO: Jim Karch, Director of Public Works
Kevin Kothe, City Engineer
Mark Huber, Director of PACE
Mark Woolard, City Planner

CC: David P. Brown, Lewis Yockey & Brown, Inc.

FROM: Anthony J. Meizelis, Civil Engineer I

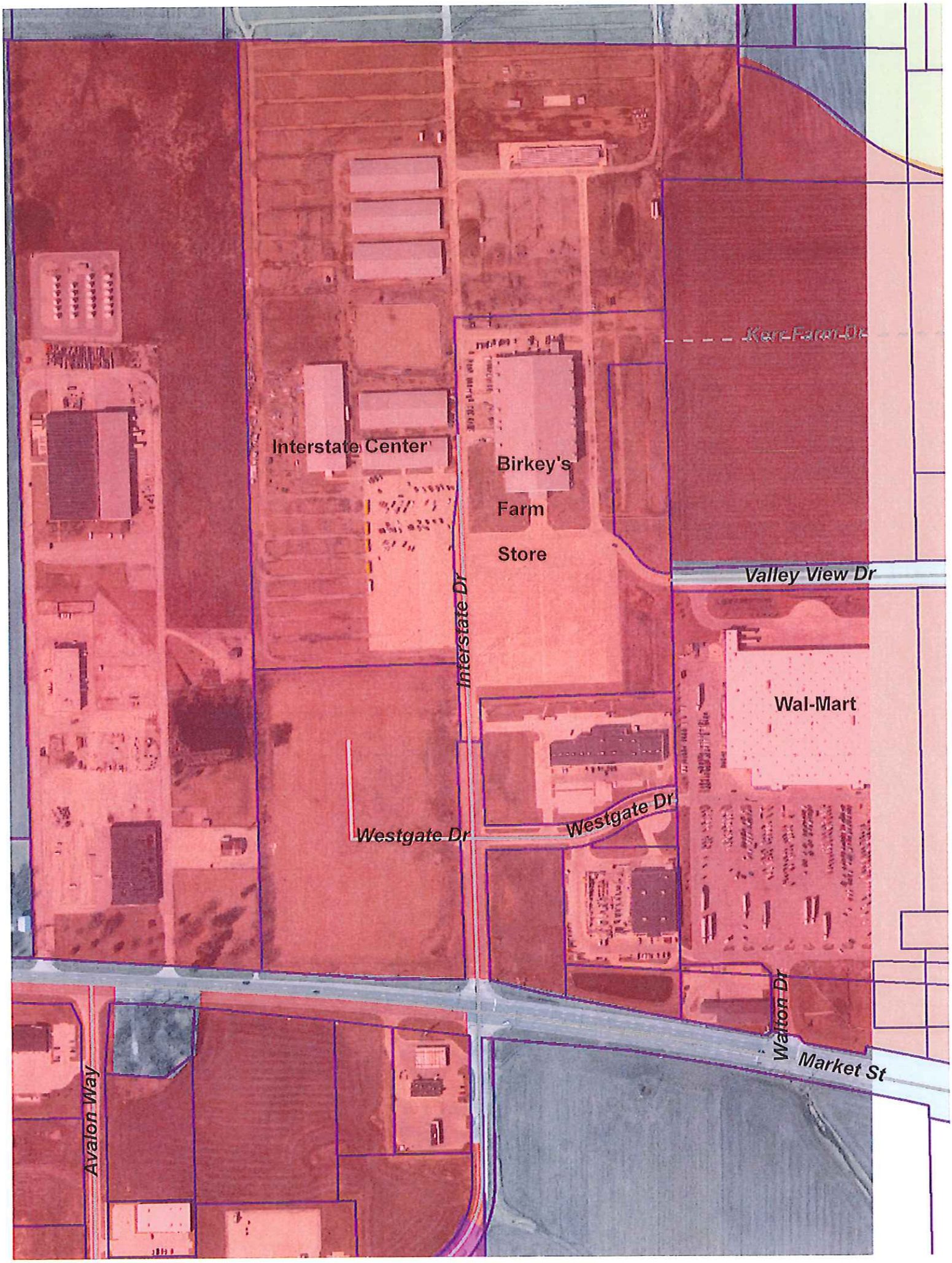
DATE: April 25, 2013

SUBJECT: Amended Preliminary Plan for a Portion of West Gate Plaza Subdivision Review Comments

---

I have reviewed the proposed preliminary plan and provide the following comments. The following comments reference the preliminary plan submittal from Lewis, Yockey, & Brown Inc. dated April 15, 2013.

1. The proposed lot numbers in the amended preliminary plan do not correspond with the lot numbers in the reinstated preliminary plan. Please revise the numbers to of lots 3-5 on the amended plan to conform to the numbering layout established by the original preliminary plan.
2. Lot 5 on the amended preliminary plan does not appear to have provisions for sanitary sewer. Please provide access to a sanitary sewer for lot 5, or show as an outlot. No services are required for outlots. If the lot is shown as an outlot on the preliminary plan, please revise the submitted final plat. If development is desired on the outlot, it can be final platted as a lot at that time.
3. Please include the rest of the cul-de-sac at the north end of Interstate Drive.
4. While Lot 5 has a 15 foot wide access, we recommend that an ingress/egress easement be obtained to the east of the lot. The ingress/egress easement that currently exists to the east of lot 5 does not appear to include access to lot 5.
5. Since the section of water main is short, it is not necessary to loop the water main.
6. Please revise the storm sewer between lots 4 and 5 to be private, in a drainage easement for the benefit of both lots.


Interstate Center
Birkey's
Farm
Store
Valley View Dr
Interstate Dr
Wal-Mart
Westgate Dr
Westgate Dr
Avalon Way
Walton Dr
Market St

2243 WESTGATE DR STE 501
BLOOMINGTON IL 617055046

1805 W WASHINGTON ST
BLOOMINGTON IL 617013703

315 THE COMMONS PO BOX 347
COLUMBUS IN 472020347

1805 W WASHINGTON ST
BLOOMINGTON IL 617013703

1120 Veterans Pkwy P.O. Box 900
Rantoul IL 618663449

1805 W WASHINGTON ST
BLOOMINGTON IL 617013703

1805 W WASHINGTON ST
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PO BOX 574
RAYMORE MO 64083

1805 W WASHINGTON ST
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5851 RIDGE BEND RD
MEMPHIS TN 381209412

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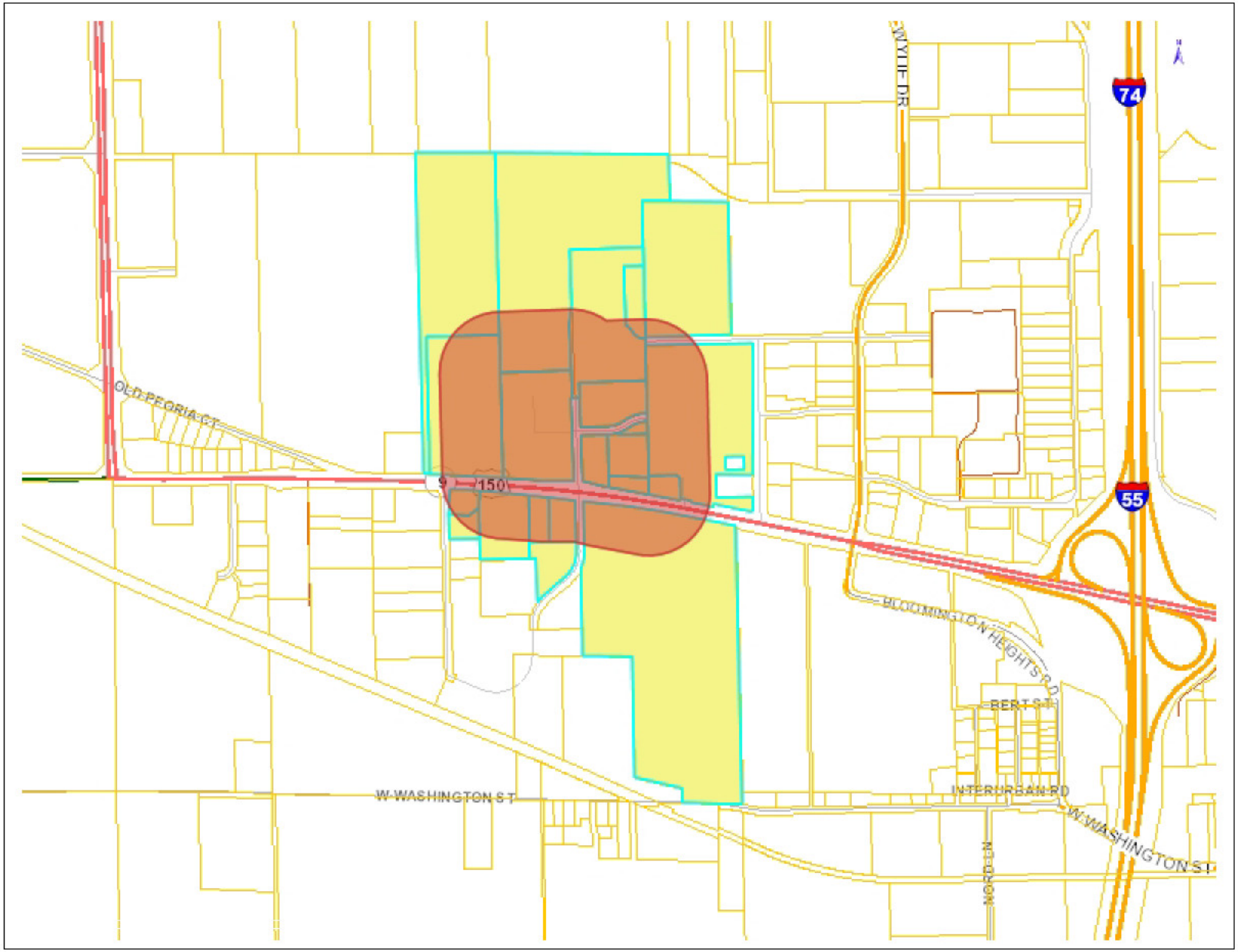
BLOOMINGTON IL 617013703

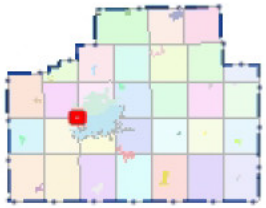
1805 W WASHINGTON ST
BLOOMINGTON IL 617013703

16252 BERRY VIEW CT
BALLWIN MO 630112077

PO BOX 8050
BENTONVILLE AR 72716

Map of Direct Mail Notices for Preliminary Plan West Gate Plaza Subdivision





Legend

- Parcels
- Condo_Improve
- Interstates
- US_Highways
- State_Highways
- County_Highways
- County_Rd
  - PAVED
  - UNPAVED
- City_Streets
  - ALLEY
  - CITY_ARTERIAL
  - CITY_COLLECTOR
  - CITY_STREET
  - PRIVATE_STREET
- Railroad
- County

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1: 19,072

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Printed: 5/15/2013 9:39:08 AM

Notes

FOR COUNCIL: May 28, 2013

SUBJECT: This is a review of a petition submitted by Interchange City West, LLC, requesting approval of a Reinstatement of a Preliminary Plan for the West Gate Plaza Subdivision.

RECOMMENDATION/MOTION: The Planning Commission and staff are recommending the City Council approve Case PS-01-13 for the Reinstatement of a Preliminary Plan for the Third Amended Interchange City West Subdivision.

STRATEGIC PLAN LINK: The preliminary plan will facilitate the objective of expanding retail businesses.

STRATEGIC PLAN SIGNIFICANCE: Once the plan is approved and along with final platting development of vacant land can begin. This visual investment will encourage the retention and growth of local businesses in the west Market Street area which had been hampered by the economic recession. As more businesses are located there it will encourage vacant store fronts to be occupied and improve the overall economic vitality of the area.

BACKGROUND: The petitioner is requesting to reinstate the preliminary plan which has expired. This is for the property located north of Illinois Route 9, east and west of Interstate Drive with approximately 22.85 acres. There are no proposed changes from what was previously approved. The plan expired because the economic recession which has seen a low demand for commercial development. The owner is now seeing interest in the subdivision but the preliminary plan must be first reinstated.

The Planning Commission reviewed the petition on May 8, 2013. The petitioner's attorney spoke at the meeting explaining the reinstatement. The Commission held a public hearing and no one spoke in favor or against the request. The Planning Commission voted 9-0 to recommend approval 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 10 property owners within 500 feet. In addition, a public notice/identification signs were posted on the property.

FINANCIAL IMPACT: The financial impact on the city revenues and services should not change with the approval of the reinstatement of the preliminary plan.

Respectfully submitted for Council consideration.

Prepared by:	Mark Woolard, City Planner
Reviewed by:	Mark R. Huber, Director, PACE
Financial & Budgetary review by:	Timothy L. Ervin, CPFO, M.S., Budget Officer
Legal review by:	J. Todd Greenburg, Corporation Counsel

Recommended by:

Barbara J. Adkins
Deputy City Manager

Attachments:

	Attachment 1.	Planning Commission Staff Report
	Attachment 2.	Planning Commission Minutes – May 8, 2013
	Attachment 3.	Internal Engineering Memo
	Attachment 4.	Aerial Map
	Attachment 5.	Mailing List for Public Meeting
	Attachment 6.	Mailing List Radius Map

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Black				Alderman Mwilambwe			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman Lower				Alderman Stearns			
Alderman McDade							
				Mayor Renner			

FOR PLANNING COMMISSION: May 8, 2013
Agenda item #5A
Prepared May 2, 2013

To: Bloomington Planning Commission
From: Staff

Subject: **PS-01-13**. Public hearing and review on the petition submitted by Interchange City West, LLC, requesting the approval of a Reinstatement of a Preliminary Plan for the West Gate Plaza Subdivision, for the property located north of Illinois Route 9, east and west of Interstate Drive, consisting of approximately 22.85 acres.

BACKGROUND INFORMATION:

Adjacent Zoning	Adjacent Land Uses
North: B-1, Highway Business District	North: Vacant, Interstate Center
South: B-1, Highway Business District	South: Vacant, Gas Station
South County M-1, Manufacturing	South: Vacant
East: B-1, Highway Business District	East: Tractor Supply Store, Retail Center
West: M-1, Restricted Manufacturing	West: Vacant

The Comprehensive Plan calls for Regional/Highway Commercial for the site.

The petitioner desires to first reinstate a preliminary plan as originally approved. The plan was first approved in 2004. Your next agenda item petitions to amend a portion of this plat if the reinstatement is approved. The lot layout is not proposed to change with this reinstatement and no additional roads are being planned.

STAFF RECOMMENDATION:
Staff recommends the Planning Commission pass a motion recommending that the City Council approve the Reinstatement of a Preliminary Plan for the West Gate Plaza Subdivision, for the property commonly located north of Illinois Route 9, east and west of Interstate Drive in Case PS-01-13.

Respectfully submitted,

Mark Woolard
City Planner

MINUTES
BLOOMINGTON PLANNING COMMISSION
REGULAR MEETING,
WEDNESDAY, MAY 8, 2013, 4:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 E. OLIVE ST., BLOOMINGTON, ILLINOIS

MEMBERS PRESENT:	Mr. J Balmer, Chairperson Stan Cain, Mr. Rex Diamond, Mr. Jim Pearson, Mr. Bill Schulz, Mr. Ryan Scritchlow, Mr. David Stanczak, Mr. Charles Stuckey, Mr. Robert Wills
MEMBERS ABSENT:	Mrs. Julie Morton
OTHERS PRESENT:	Mr. Kevin Kothe, City Engineer Mr. Mark Woolard, City Planner

CALL TO ORDER: Chairperson Cain called the meeting to order at 4:00 P.M.
ROLL CALL: Mr. Woolard called the roll. A quorum was present.

PUBLIC COMMENT: None

MINUTES: The Commission reviewed the February 27, 2013 minutes. In the first sentence under new business, "secondly" is to change to "second," and a coma added after "two". Mr. Balmer moved to approve the February 27, 2013 minutes as corrected. Mr. Stanczak seconded the motion which passed by a vote of 9 to 0 with the following votes being cast on roll call: Mr. Cain--yes; Mr. Stuckey--yes; Mr. Wills--yes; Mrs. Morton--absent; Mr. Pearson--yes; Mr. Balmer--yes; Mr. Schulz--yes; Mr. Scritchlow--yes; Mr. Stanczak--yes; Mr. Diamond--yes.

REGULAR AGENDA:
PS-01-13. Public hearing and review on the petition submitted by Interchange City West, LLC, requesting the approval of a Reinstatement of a Preliminary Plan for the West Gate Plaza Subdivision, for the property located north of Illinois Route 9, east and west of Interstate Drive, consisting of approximately 22.85 acres.

Chairperson Cain introduced the petition. Mr. Woolard stated the reinstatement request is because the preliminary plan has expired. He explained there are no changes associated with this particular petition and staff is recommending approval. Chairperson Cain opened the public hearing. Mr. Robert Lenz, 202 N. Center, stated he is representing the petitioner. The preliminary plan has expired by time as a function of the market. Both petitions PS-01-13 and PS-02-13 were presented at the same time.

PS-02-13. Public hearing and review on the petition submitted by Interchange City West, LLC, requesting the approval of an Amended Preliminary Plan for the West Gate Plaza Subdivision, for the property located north of Illinois Route 9, west of Interstate Drive, consisting of approximately 11.81 acres.

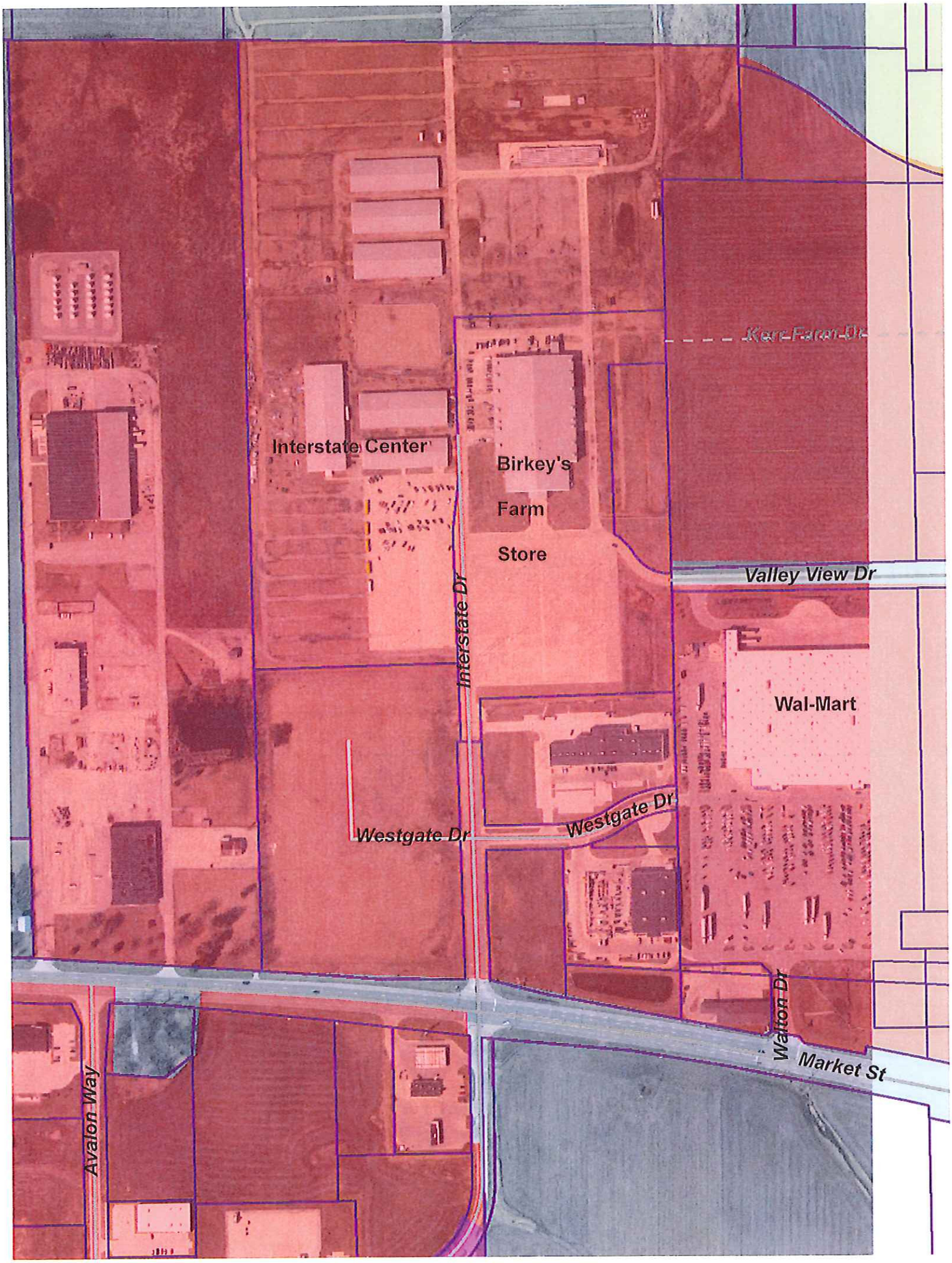
Chairperson Cain asked if there were any members of the audience who wished to speak in favor or against on either of the two petitions and no one responded.

Mr. Balmer questioned if the concerns from engineering had been addressed. Mr. Lenz stated their engineers have been in communication with city engineering and thought the issues have all been resolved or are simple matters that can be adjusted. Mr. Kothe explained there are still concerns and they are not in the document reviewed by the Commission and thus the items need to be provided in any approval.

Chairperson Cain closed the public hearing for cases PS-01-13 and PS-02-13.

Mr. Stuckey moved to recommend to the City Council to pass case PS-01-13. Mr. Balmer seconded the motion which passed by a vote of 9 to 0 with the following votes being cast on roll call:
Mr. Cain--yes; Mr. Stuckey--yes; Mr. Wills--yes; Mrs. Morton--absent; Mr. Pearson--yes; Mr. Balmer--yes; Mr. Schulz--yes; Mr. Scritchlow--yes; Mr. Stanczak--yes; Mr. Diamond--yes.

Mr. Stuckey moved to recommend to the City Council to pass case PS-02-13 subject to the six conditions identified by the memo of April 25, 2013 from the city engineer. Mr. Stanczak seconded the motion which passed by a vote of 9 to 0 with the following votes being cast on roll call:
Mr. Cain--yes; Mr. Stuckey--yes; Mr. Wills--yes; Mrs. Morton--absent; Mr. Pearson--yes; Mr. Balmer--yes; Mr. Schulz--yes; Mr. Scritchlow--yes; Mr. Stanczak--yes; Mr. Diamond--yes.


Interstate Center
Birkey's
Farm
Store
Valley View Dr
Interstate Dr
Wal-Mart
Westgate Dr
Westgate Dr
Avalon Way
Walton Dr
Market St

2243 WESTGATE DR STE 501
BLOOMINGTON IL 617055046

1805 W WASHINGTON ST
BLOOMINGTON IL 617013703

315 THE COMMONS PO BOX 347
COLUMBUS IN 472020347

1805 W WASHINGTON ST
BLOOMINGTON IL 617013703

1120 Veterans Pkwy P.O. Box 900
Rantoul IL 618663449

1805 W WASHINGTON ST
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PO BOX 574
RAYMORE MO 64083

1805 W WASHINGTON ST
BLOOMINGTON IL 617013703

5851 RIDGE BEND RD
MEMPHIS TN 381209412

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Rantoul IL 618663449

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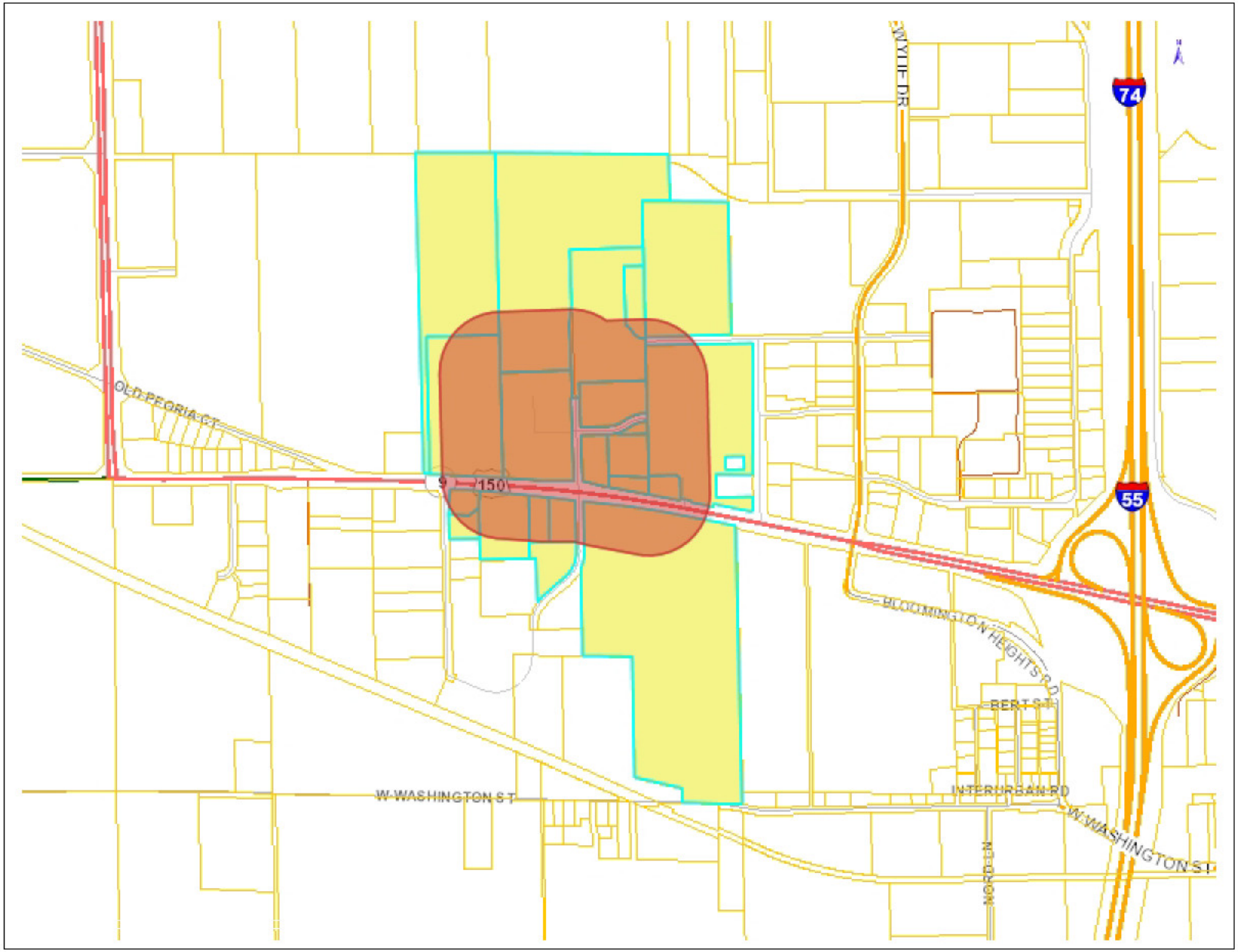
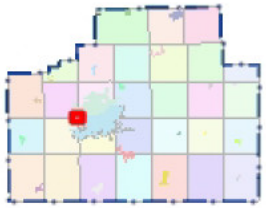
1805 W WASHINGTON ST
BLOOMINGTON IL 617013703

16252 BERRY VIEW CT
BALLWIN MO 630112077

PO BOX 8050
BENTONVILLE AR 72716

Map of Direct Mail Notices for Preliminary Plan West Gate Plaza Subdivision





Legend

- Parcels
- Condo_Improve
- Interstates
- US_Highways
- State_Highways
- County_Highways
- County_Rd
  - PAVED
  - UNPAVED
- City_Streets
  - ALLEY
  - CITY_ARTERIAL
  - CITY_COLLECTOR
  - CITY_STREET
  - PRIVATE_STREET
- Railroad
- County

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1: 19,072

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Printed: 5/15/2013 9:39:08 AM

Notes

FOR COUNCIL: May 28, 2013

SUBJECT: Petition from Interchange City West, LLC Requesting Approval of a Final Plat for West Gate Plaza, 2nd Addition, Located North of Market Street/Route 9 and East of Interstate Drive

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

STRATEGIC PLAN LINK: Goal 3: Strong Neighborhoods, Goal 4: Grow the Local Economy

STRATEGIC PLAN SIGNIFICANCE: Approval of this plat allows the property to become viable to sell and to be used in a beneficial way. This development is situated next to the fairgrounds, and will continue to provide overflow parking for events at the fairgrounds.

BACKGROUND: This final plat consists of one outlot located west of Interstate Drive and north of Market Street. The zoning in this area is B-1, Highway Business District. The subject property is being final platted in preparation to sell to the Mclean County Farm Bureau to be used for overflow parking for the fair and other events at the fairgrounds.

The lot is being platted as an outlot because there is no immediate intention for any structures to be built on this lot. Outlots are not buildable lots and as such do not require public infrastructure services to be provided. The sanitary sewer tap on fee for this lot will be deferred until such time as the lot is re-platted as a buildable lot.

On May 8, 2013, the reinstatement of the preliminary plan for this area and an amended preliminary plan were approved by the Bloomington Planning Commission. This plat conforms with the amended preliminary plan to be approved by council on May 28.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Interchange City West, LLC

FINANCIAL IMPACT: All survey, plat and recording costs are paid by the Interchange City West, LLC.

Respectfully submitted for Council consideration.

Prepared by:	Jim Karch, Director of Public Works
Reviewed by:	Barbara Adkins, Deputy City Manager
Financial & Budgetary review by:	Timothy L. Ervin, CPFO, M.S., Budget Officer
Legal review by:	J. Todd Greenburg, Corporation Counsel

Recommended by:

Barbara J. Adkins
Deputy City Manager

Attachments: Attachment 1. Ordinance
Attachment 2. Map
Attachment 3. Final Plat

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Black				Alderman Mwilambwe			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman Lower				Alderman Stearns			
Alderman McDade							
				Mayor Renner			

ORDINANCE NO. 2013 - ____

AN ORDINANCE FOR APPROVAL OF THE FINAL PLAT OF WEST GATE PLAZA SUBDIVISION 2ND ADDITION

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for Approval of the Final Plat of the West Gate Plaza Subdivision 2nd Addition, legally described on Exhibit A attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition requests the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code, 1960, as amended: NONE; and

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

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

1. That the Final Plat of West Gate Plaza Subdivision 2nd Addition, and any and all requested exemptions and/or variations be, and the same is hereby approved, and all dedications made therein are accepted.

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

PASSED this 28th day of May, 2013

APPROVED this ___th day of May, 2013

_____
Mayor

ATTEST:

_____
City Clerk

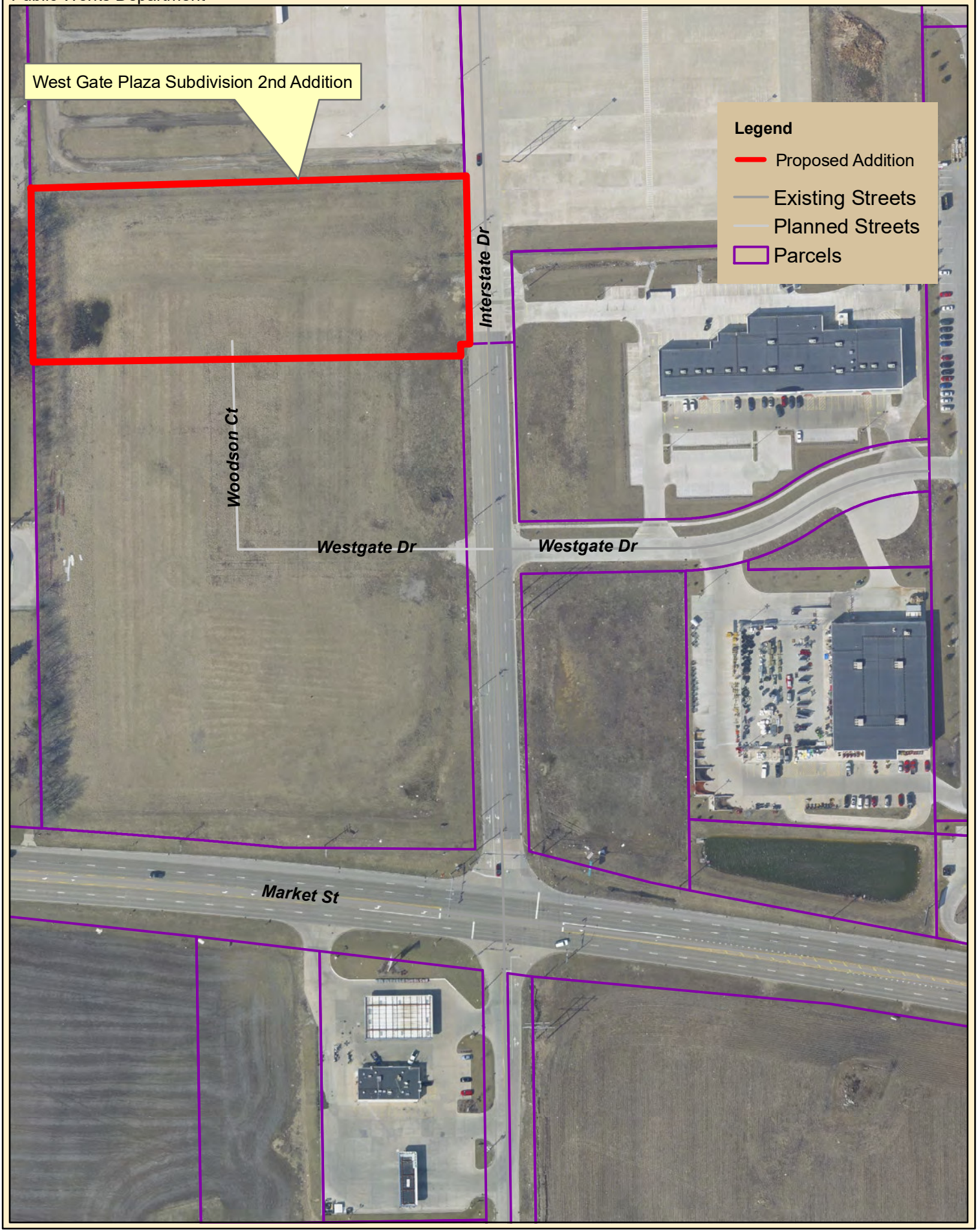
CITY OF BLOOMINGTON

DATE 05/10/2013

Public Works Department

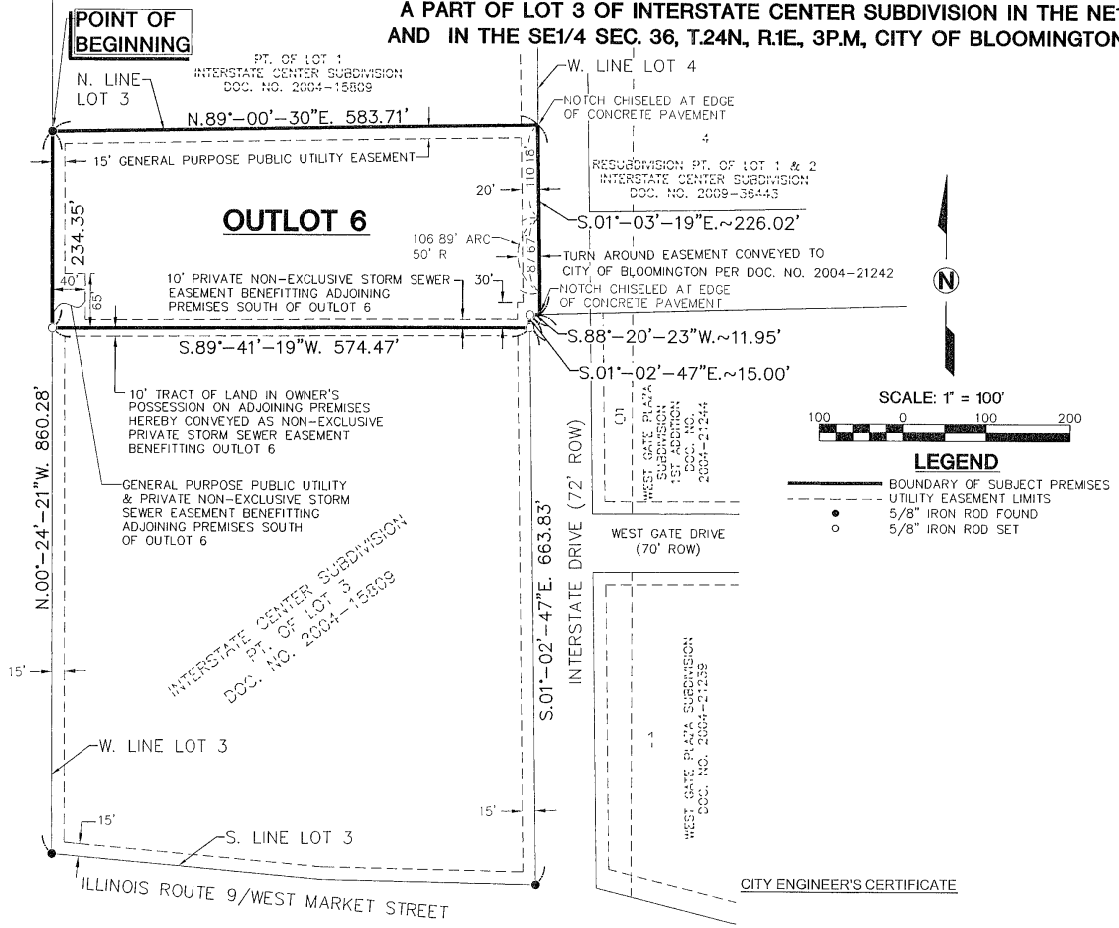
West Gate Plaza Subdivision 2nd Addition

160 80 0 Feet



WEST GATE PLAZA SUBDIVISION 2ND ADDITION

A PART OF LOT 3 OF INTERSTATE CENTER SUBDIVISION IN THE NE1/4 SEC. 1, T.23N., R.1E., 3P.M., AND IN THE SE1/4 SEC. 36, T.24N., R.1E., 3P.M., CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS



CITY CLERK'S CERTIFICATE

STATE OF ILLINOIS)
) SS
COUNTY OF MCLEAN)

I, Tracey Covert, City Clerk of said City, do hereby certify that the foregoing is a true and complete copy of an original final plat of West Gate Plaza Subdivision 2nd Addition, presented, passed and approved at a regular meeting of said City Council held on _____ day of _____, 2013, by an affirmative vote of the majority of all members selected to said Council, the vote having been taken by yeas and nays and entered on the record of the proceedings of said Council.

Witness my hand and seal of said City of Bloomington, this _____ day of _____, A D. 2013.

_____
City Clerk

CITY ENGINEER'S CERTIFICATE

STATE OF ILLINOIS)
) SS
COUNTY OF MCLEAN)

I, Kevin Kothe, City Engineer for the City of Bloomington, Illinois hereby certify that the land improvements described in the annexed plat and the plans and specifications therefore meet the minimum requirements of said City outlined in Chapter 24 of the Bloomington City Code.

Dated at Bloomington, Illinois, this _____ day of _____, 2013

_____
City Engineer
Bloomington, Illinois

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS)
) SS
COUNTY OF MCLEAN)

I, David P Brown, Illinois Professional Land Surveyor No 2725, do hereby certify that the attached plat of subdivision was surveyed and prepared under my direction, in accordance with the laws of the State of Illinois, and with the Ordinances of the City of Bloomington, for Interchange City West, LLC and represents the following described property to wit:

A par: of Lot 3 in Interstate Center Subdivision, according to the Plat thereof recorded as Document No. 2004-15809 in the McLean County Recorder of Deeds Office, being a part of the SE¼ of Section 36, Township 24 North, Range 1 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois, more particularly described as follows. Beginning at the northwest corner of Lot 3 in Interstate Center Subdivision; thence N.89°-00'-30"E. 583.71 feet on the north line of said Lot 3 to the west line of Lot 4 in Resubdivision of Part of Lots 1 and 2 in Interstate Center Subdivision, according to the Plat thereof recorded as Document No. 2009-36443 in the McLean County Recorder of Deeds Office; thence S.01°-03'-19"E. 226.02 feet on the west line of said Lot 4 to the north right of way line of Interstate Drive as dedicated in West Gate Plaza Subdivision, according to the Plat thereof recorded as Document No. 2004-21239 in the McLean County Recorder of Deeds Office; thence S.88°-20'-23"W. 11 95 feet on said north right of way line, thence S.01°-02'-47"E. 15.00 feet on the west right of way line of said Interstate Drive; thence S.89°-41'-19"W. 574.47 feet to the west line of said Lot 3 in Interstate Center Subdivision; thence N.00°-24'-21"W. 234.35 feet to the Point of Beginning, containing 138,959.58 square feet/3.19 acres, more or less, with assumed bearings given for description purposes only.

I further certify that I have subdivided the same in to one (1) lot as shown on the attached plat

Iron monuments identify all lot corners as shown on said plat and all measurements are given in feet and decimals thereof. All easements designated on said p at are dedicated for public use and for the use of community antenna television systems

Said subdivision is to be known as West Gate Plaza Subdivision 2nd Addition, Bloomington, Illinois.

I further certify that the foregoing plat accompanying this certificate accurately represents the above described property as subdivided.

I further certify that no part of said herein described subdivision is located within a special flood hazard area as identified by the Federal Emergency Management Agency as identified on FIRM Map Number 17113C0481E, Community Panel Number 170490 0481 E dated July 16, 2008.

Lewis, Yockey & Brown, Inc.
Consulting Engineers & Land Surveyors
505 N. Main St.
Bloomington, IL 61701

4/16/13
Date

David P. Brown
Illinois Professional Land Surveyor No 2725
License Expires 11/30/2014

DAVID P. BROWN 2725 PROFESSIONAL LAND SURVEYOR STATE OF ILLINOIS BLOOMINGTON, ILLINOIS

Lewis, Yockey & Brown, Inc. Consulting Engineers & Land Surveyors Professional Design Firm Registration #184.000806 505 North Main Street, Bloomington, Illinois, Ph. (309) 829-2552 222 East Center Street, LeRoy, Illinois, Ph. (309) 962-8151 155 South Elm Street, El Paso, Illinois, Ph. (309) 527-2552	Rev. 5/14/13	Bk. 602 Drn DYA Dsn DPB App. DPB	FINAL PLAT WEST GATE PLAZA SUBDIVISION 2ND ADDITION CITY OF BLOOMINGTON MCLEAN COUNTY, ILLINOIS	Sheet 1 of 1

4561.154

FOR COUNCIL: May 28, 2013

SUBJECT: Westside Churches United for Youth Program Proposal

RECOMMENDATION/MOTION: Approve the Westside Churches United for Youth Program Proposal.

STRATEGIC PLAN LINK: Goal 3 – Strong Neighborhoods.

STRATEGIC PLAN SIGNIFICANCE: Objective 3.a. Residents feeling safe in their homes and neighborhoods. Objective 3.e. Strong partnership with residents and neighborhood associations.

BACKGROUND: On April 30, 2013, several African-American Ministers in the community requested to meet with the City to discuss building a different approach to youth activity on the Westside of the community, in conjunction with the City. The African-American Ministers have been discussing the possibility of moving the YMCA out of the Downtown area, the uncertain financial future of the Boys and Girls Club and the increased number of police calls for unruly youth in the Westside area.

The first meeting was held on April 30, 2013 at Mt. Moriah Christian Church in downtown Bloomington to brainstorm and explore alternative programing for youth this summer.

Churches and Organizations that were represented at the April 30, 2013 meeting:

- Alderwoman Karen Schmidt, Bloomington Police Officers, Bloomington Parks & Recreation
- Mt. Moriah, Mt. Pisgah and City of Refuge Churches
- Jesus Coffee House
- Project Oz

On May 14, 2013 another meeting was held with the African American Ministers where a proposal for a Summer Program for "at risk" youth was presented.

The proposal as outlined will focus on youth ages 12-17:

- Must live within the corporate limits of the City of Bloomington
- Youth that are left with little or no proper adult supervision throughout the day
- Youth are referred, recruited and or placed in the daily care of a team of youth development professionals
- All programing/activities will be held in two separate Westside Churches
- The Program goal is to integrate the family of each youth to create a family-centered intervention, targeting youth and at risk for problem behaviors or substance use and their families
- Take youth and 30 juvenile offenders off the street from June through August and place them in a supervised, structured program
- Work with parents of the youth in improve family management and communication skills
- Financial assistance from the City in the amount of $21,303.96
- "In-Kind" assistance equals $34,946.02

Discussions have also been taking place with State Farm Insurance and an initiative in New Orleans, the Reconciliation Institute (www.cafereconcile.org/about/mission). State Farm Insurance has committed to assist in two (2) ways:

- A grant of $3,000-$5,000 for the summer pilot
- Bring a couple of Reconciliation Program Staff to Bloomington and help shape the efforts during this pilot year program.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: African-American Ministers in the community; State Farm Insurance; West Bloomington Redevelopment Program (WBRP), Bloomington Police, Bloomington Parks, Recreation and Cultural Arts, and the United Way of McLean County.

FINANCIAL IMPACT: The FY 2014 General Fund Budget appropriated $50,000 for contingency in line item 10019110-79990. Staff proposes to use $21,303.96 in contingency funds to fund this program. Stakeholders may locate the budget for this line item in the FY 2014 General Fund Budget Document on Page #364.

Respectfully submitted for Council consideration.

Prepared by: Barbara J. Adkins , Deputy City Manager

Financial & Budgetary review by: Timothy L. Ervin, CPFO, M.S., Budget Officer

Recommended by:

Tari Renner
Mayor

Attachments: Attachment 1. Westside Churches United for Youth Program Proposal

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Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Black				Alderman Mwilambwe			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman Lower				Alderman Stearns			
Alderman McDade							
				Mayor Renner			

Program Proposal

Westside Churches United for Youth

510 E Washington St, Bloomington, IL 61701
(309) 827-6644

May 14, 2013

Vision/Statement of Need and Goals

A. Statement of Need

Over the summer months many youth between the ages of 12 – 17 are left with little to no proper adult supervision through out the day. This opportunity has been leading to large gaps of times where the youth are left alone or in groups to find something constructive to do or accomplish.

Many summer programs focus on providing programs and activities to younger age youth 5 – 13 years of age. The majority of traditional summer programs and camps do not have the necessary resources or immediate access to services or health professionals to properly address older youth.

The vision created is one where youth are referred, recruited and or placed in the daily care of a team of youth development professionals. All activities and the overall program will be housed in two separate Westside churches. With each facility a daily schedule is created which allows juvenile offenders to complete and or participate in:

- community service hours/court mandated
- teen only sport leagues
- job skills training
- social skills improvement projects
- therapeutic referrals
- connect the parents/guardians of juvenile offenders to local services which help with problem behaviors and or substance use.

B. Goals and Objective

Program Goals/Target Population□

The summer Program will attempt to integrate the family of each youth to create a family-centered intervention, targeting youth and at risk for problem behaviors or substance use and their families.

Designed to address family dynamics related to the risk of adolescent problem behavior, the program is delivered to parents and their children in a summer program setting. Weekly meetings with the parents and guardians will be provided to create parent-focused segments of the program.

The segments will concentrate on developing family management skills such as making requests, using rewards, monitoring, making rules, providing reasonable consequences for rule violations, problem solving, and active listening. □□

The program's primary goal is to take youth and 30 juvenile offenders off the street from June through August and place them in a supervised, well planned structured program which

The program's intermediate goal is to improve parents' family management and communication skills.

Together with the youth, the facilitators will plan and organize the activities through out the 12 weeks in order to accomplish the following:

- Complete community service hours
- Monitor and track progress daily and over 12 week program
- Provide daily feedback to parents and youth on progress
- Create monitored social interactions opportunities in and outside of the program with social agencies and volunteers of the program
- Provide leadership opportunities to the youth through activities planned by the facilitators

The long-term goal is to create a new normal for adolescent social behaviors; eliminating drug experimentation and crime involvement. To accomplish these goals, the summer program will use a "tiered" strategy when working with the youth.

Tier 1:
Parent focused segment: Inform youth and family about intervention services from across McLean County available and initiate contact with agencies to begin the process.

Tier 2:
Provide daily adult supervision through planned activities focused on improving the youth's decision-making skills and improved public behavior. Activities will be planned in and outside of the facility according to the successful completion of daily behavior goals.

Tier 3:
Provide daily phone calls and or meeting with parents and family to discuss progress made while participating in the summer program. This constant communication allows for an open path for court services, BPD, county services and other intervention services to be able to reach out and help when the parents need it.

C. Keys to Success
What do you need, or must happen, for you to succeed?

- For this program to succeed we must obtain up to $25,000 in funding to operate over 12 weeks during the summer months.
- 1 full time staff and 3 part time staff are needed to operate the 2 sites.
- Parent's permission and a strong commitment to working with the program's facilitators to create a working plan to manage the youth's behaviors and decision-making.
- Recruitment of qualified dedicated staff to work one on one and or in a group setting that includes at-risk youth.
- The program facilitators must complete proper training.
- Qualified staff and or volunteers must be a significant part of the behavioral management process.
- Obtain local support of youth development agencies with a focus on housing, job skills, mental health and sports fitness and recreation.

Market Assessment

A. Examining the General Market
How is the market characterized?
The current market has several traditional summer camps offered for families with children between the ages of 5 – 13 years old. Most camps do not allow all youth depending on the crime to participate in a traditional summer camp.

What important customer need(s) is the market not currently fulfilling?
The important customer need not being fulfilled by the current market is a specialized summer program created to keep juvenile offenders involved in activities on a daily basis while school is not in session. In order to deter them from committing more crimes each juvenile offender must participate in a structured daily schedule with clear and attainable behavior goals.

What is the growth potential?
The potential for this program to grow is strong because of the high number of youth and those on probation. The overall goal of this program is to keep youth off the streets during peak times when crimes are more likely to be committed over the summer months. With less youth to tend to over the summer months the Bloomington Police Department can focus their efforts on more serious adult crimes while continuing to keep the greater community safe.

Church Summer Program Budget 2013
Monday - Friday

Expenses	Summer Cost	June	July	August	Actual Per Month
Occupancy (rent)	$3,000.00	$1,000.00	$1,000.00	$1,000.00	In-kind
Utilities	$26,250.00	$8,750.00	$8,750.00	$8,750.00	In-kind
Salaries	$14,365.98	$4,788.66	$4,788.66	$4,788.66	$4,788.66
Benefits	$1,200.00	$400.00	$400.00	$400.00	$400.00
Administrative	$1,350.00	$450.00	$450.00	$450.00	In-kind
Postage	$184.00	$46.00			$46.00
Screening fees	$140.00	$46.66	$46.66	$46.66	$46.66
Telephone/Internet	$900.00	$300.00	$300.00	$300.00	In-kind
Food	$3,600.00	$1,200.00	$1,200.00	$1,200.00	$1,200.00
Van Fuel	$960.00	$320.00	$320.00	$320.00	$320.00
Marketing	$300.00	$100.00	$100.00	$100.00	In-kind
Program Supplies	$850.00	$283.33	$283.33	$283.33	In-kind
Liabilities (Facility Ins/Van Ins.)	$2,250.00	$750.00	$750.00	$750.00	In-kind
Kick Off Event/Awards Recognition	$750.00	$250.00	$250.00	$250.00	$250.00
Parent/Guardian Orientation	$150.00	$50.00	$50.00	$50.00	$50.00
Field Trips					
	$56,249.98	$18,734.65	$18,688.65	$18,688.65	$7,101.32
				7101.32	
Total dollar request				**In-kind**	$34,946.02
				Actual cost to operate	$21,303.96

Church Summer Program Budget 2013
Monday - Friday

Occupancy Rent					
$2,400.00	$200.00 per month X 12 months				
Telephone/Internet					
$900.00 for 3 months					
Utilities					
$26,250.00	15000sq ft x $1.75				
Salaries - FT	**Per Hour**	**6 pay periods**	**Per month**		
Program Director	$18.23	$8,750.40	$2,916.66		
Activity Instructor 1	$11.00	$1,584.00	$528.00		
Activity Instructor 2	$11.00	$1,584.00	$528.00		
Behavioral Specialist 1	$17.00	$2,448.00	$816.00		
Program Supplies x 2 Sites					
Sports Equipment	$500.00	volleyball, basketball, softballs, etc			
Craft supplies	$250.00	paper, model cars, canvas, paints, etc.			
Board games	$100.00	monoply, yatzee, cards, etc			
Kick Off Event /AwardsRecognition	(Examples)				
Gift certificates for food	$250.00	25 - $10.00 gift certificates			
Hair and Nail gift certficates	$150.00	5 - $30 gifts certificates			
itunes cards	$250.00	25 - $10.00 itune cards			
Refreshments/Snacks	$100.00			In-kind	

Church Summer Program Budget 2013
Monday - Friday

Van Fuel					
1 Van per fill up = $80.00	$3,840.00	$80.00 X 4 weeks X 3 months = $320.00			
Food					
Lunch Items	$300.00 x 4 weeks = $1200.00 per month				
Hot Dogs					
Lunch meat					
Snacks					
Refreshments					
Dinner Items					
vegtebales/fruit					
Meat (burgers, chicken, pasta etc.)					
Administrative Costs					
Laptops (2)	$1,000.00				
planners	$100.00				
binders	$100.00				
office supplies	$150.00				
Field Trips					
Bowling	$3,120.00	$260.00 for 30 Teens/7 Staff to bowl 2 gms w/ bowling shoes for 12 times over the summer			
Putt Putt Golf	$1,872.00	$152.00 for 30 Teens/7 Staff to Putt Putt Golf for 12 times over the summer			
Water Slides/Swimming	$2,664.00	$222.00 for 30 Teens/7 Staff to go to Fairview Park Water Slides			

Note: Many of the above budget items can be secured through in-kind contributions of funds, supplies, or services or through matching contributions by sponsoring organizations.

PROJECTED/POTENTIAL SCHEDULE

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
11a-12p: Eat/Meeting	"	"	"	"
12-2:15p: Comm. Service	"	"	"	"
2:15-3:30p: Exercise PHYSICAL	Sports, Swimming, Workout etc PHYSICAL	Library (music) MENTAL	Library, Guest, etc MENTAL	(Opportunity for Competitions) PHYSICAL
3:30-4:15p: Snack	"	"	"	"
4:15-5:30p: Relax/Speaker	Computers, Phones, etc	Computers, Phones, etc	Guest Speaker	Computers, Phones, etc
6-8p: Off Campus				

*Competitions will include the likes of: Speed, Skill, Dance, Strength, Endurance, Talent

*Projected Guest Speakers (4-5p) will be from the likes of Instrumental/Lyrical Geniouses, a business mind, an expert in Finances, Ex-Offenders/Prison system workers, Trade Professionals, etc

*Off Campus will include Bowling, Swimming, Putt-Putt, etc

FOR COUNCIL: May 28, 2013

SUBJECT: Text Amendment to Chapter 8. Animals and Fowls, Identification and Regulation of Vicious and Dangerous Dogs

RECOMMENDATION/MOTION: That the Ordinance be passed.

STRATEGIC PLAN LINK: Goal 3: Strong Neighborhoods; Objective A: Residents feeling safe in their homes and neighborhoods

STRATEGIC PLAN SIGNIFICANCE: Proposed ordinance amendments encourage responsible pet ownership and enhance staff's ability to properly identify potentially problem animals, provide safe and equitable restrictions on declared animals, and penalize irresponsible pet owners.

BACKGROUND: In November 2012, Council directed staff to review current ordinances as they pertain to animal control due to an extremely unfortunate incident on October 25, 2012 which resulted in 2 citizens being hospitalized due to a dog attack. Since this time, staff members have invested a significant amount of time reviewing current ordinances, researching alternative policies, and reviewing Police and Animal Control Warden's workload statistics and activity reports.

The last time the City amended the Animal Control Ordinance was in April 2006. At that time, Council adopted a text amendment adding Section 85 to Chapter 8 of the Bloomington City Code, "Establishing Penalties for Failure to Register a Dog and Authorizing the Seizure of Unregistered Dogs". The language was not aimed at owners of specific breeds of animals, but at irresponsible pet owners. The general idea was that dogs who attack other animals or humans are owned by irresponsible people; if the City and County had the authority to seize dogs which did not display dog tags, the hope was that this would take more dogs off the streets, out of the hands of irresponsible owners, and cut down on the amount of attacks.

On April 11, 2013 City staff issued a detailed report of their findings to the Public Safety Committee on the City's activity pertaining to animal control issues from 2006 to present, alternative policy research, and proposed ordinance amendments (See Attachment 2- "Dangerous Vicious Dog Report"). The report and ordinance amendment recommendations are the result of a number of meetings held between Assistant Corporate Council George Boyle, Assistant Police Chief Robert Wall, Officer James Hall, Animal Control Center Director Marshell Thomson, and Assistant to the City Manager Alex McElroy.

Some brief highlights of the proposed ordinance amendments include:

- Expansion of the definition of "dangerous dog" to include any dog that has been declared dangerous by any other jurisdiction.
- Expansion of the definition of "vicious dog" to include any dog that has been declared vicious by any other jurisdiction.
- Redefined definition of "enclosure" for a vicious dog, eliminating height requirements for enclosure and focusing on the ability of the enclosure to prevent the animal from escaping.

- Adding a requirement for owners of a dog declared vicious by the City to retain liability insurance with a single limit of $200,000 to $500,000 per occurrence and show proof of obtaining insurance to the Police Department.
- Requirement for any dog declared vicious to be micro-chipped and registered with the micro-chip company in the owner's name and listing address where the dog is currently located.
- Requirement for any vicious dog owner to notify the United States Post Office and utility providers in writing of the vicious dog declaration or the disposition of any appeal of the declaration. The owner will be required to provide proof of the notification to the Police Department.
- Redefined the definition of "injury" to state any wound that is serious enough to require medical or veterinary treatment regardless of whether medical or veterinary treatment is sought.
- Redefined owner to include any firm, limited liability company or corporation, keeping, possessing or harboring a dog or cat. Staff would run into an issue with enforcement efforts when dogs were being fostered. Ownership of the fostered dogs was not clear as the animal was currently being held for the care of a potential new owner. This amendment will place clear ownership on any dogs currently being fostered.
- Clearly identifies a hearing process in which in which a hearing officer will declare an animal dangerous or vicious.
- Clearly identifies an appeal process in which dog owners may challenge a declaration issued by the City.

Staff's research into alternative policies included a review of the Town of Normal's Animal Control Ordinance, Illinois State Law, the American Bar Association's policy recommendations, and the Illinois Administrative Procedures Act. The proposed ordinance amendments reflect certain aspects of all of these policies and represent staff's recommendation to best enhance the City's ability to properly identify potentially problem animals, provide safe and equitable restrictions on declared animals, and penalize irresponsible pet owners.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: McLean County Animal Control Center; Humane Society of Central Illinois; Wishbone Canine Rescue Bloomington, IL

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by: Alex McElroy, Assistant to the City Manager

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

Legal review by: George D. Boyle, Assistant Corporation Counsel

Recommended by:

Barbara J. Adkins
Deputy City Manager

Attachments: Attachment 1. Ordinance
Attachment 2. Dangerous Vicious Dog Report

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Black				Alderman Mwilambwe			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman Lower				Alderman Stearns			
Alderman McDade							
				Mayor Renner			

ORDINANCE NO. 2013-

AN ORDINANCE AMENDING BLOOMINGTON
CITY CODE CHAPTER 8

BE IT ORDAINED by the City Council of the City of Bloomington, Illinois:

SECTION 1. That Bloomington City Code Chapter 8, Sections 50, 53, 54 and 83 shall be and the same are hereby amended to read as follows: (additions are indicated by underlining; deletions are indicated by strikeouts):

SEC. 50 DEFINITIONS.

(a) ~~Bitten.~~ "Bitten" means seized with the teeth or jaws so that the person or thing seized has been nipped or gripped or has been wounded or pierced, and includes contact of saliva with any break or abrasion of skin.

(b) ~~Cat.~~ "Cat" includes all animals, male and female, of the feline species.

(c) "Dangerous Dog" means:

1. Any dog that behaves in a manner that a reasonable person would believe poses a serious and unjustified threat of physical injury or harm to a person or a companion animal; or

2. Any dog that without justification bites a person or other animal, whether on public or private property, that does not cause injury; or

3. Any dog that has been declared a dangerous dog by any other jurisdiction.

4. No dog shall be deemed a dangerous dog if it bites, attacks or menaces a trespasser on the property of its owner, or harms or menaces anyone who has tormented or abused it, or is performing in the line of duty as a professionally trained dog for law enforcement.

~~(c)~~ (d) ~~Dog.~~ "Dog" includes all animals, male and female, of the canine species.

(e) "Dog subject to euthanasia" means:

1. Any dog which has killed or severely injured any person or dog; or

2. Any dog which has rabies; or

3. Any dog previously declared a vicious dog which subsequently bites a person or animal causing injury to that person or animal; or

4. Any dog previously declared a vicious dog, which, when unmuzzled, in an aggressive or terrorizing manner approaches any person in an apparent attitude of attack on any street, sidewalk, public or private property other than the property of the owner of the dog; or

5. Any dog previously declared a vicious dog which subsequently is found running at large; or

6. Any dog previously declared a vicious dog which is not kept in the manner required for keepers of vicious dogs.

7. Any dog previously declared a vicious dog which is found without current registration or vaccinations.

(f) "Enclosure" means a fence or structure capable of preventing the animal from escaping at any time. It shall be securely locked at all times. If the enclosure is a room within a residence, it shall not have direct access to common areas of the building or to outdoors, unless it leads directly to an outdoor enclosure, capable of preventing the animal from escaping that is securely locked. An owner or keeper of a vicious dog must have a secure fenced enclosure in which to exercise the dog.

(g) "Impounded" means taken into the custody of the Animal Control Center where City of Bloomington personnel have authority to take animals.

(h) "Injury" means any wound serious enough to require medical or veterinary treatment, regardless of whether medical or veterinary treatment is actually sought, obtained or provided.

~~(d)~~ (i) ~~Owner.~~ "Owner" means any person or persons, firm, limited liability company or corporation keeping, possessing or harboring a dog or cat or having it in their care or acting as its custodian or permitting a dog or cat to remain on or about any premises occupied by such person(s). In the event that the owner, harborer, or keeper of any dog or cat is a minor, the parent or guardian of such minor shall be responsible ~~to ensure~~ for ensuring that all provisions of this Ordinance are complied with and it shall be illegal for such parent or guardian to fail to prohibit any violation of this Code by a minor.

~~(e)~~ (j) ~~Running at Large.~~ "Running at Large" means being off the premises of the owner and not under restraint or not under physical control of the owner or an authorized person either by leash, cord or chain. Control referred to as voice control is not physical control when off the premises of the owner.

(k) "Vicious Dog" means:

1. Any dog that when unprovoked bites or attacks a human being or other animal on either public or private property; or

2. Any dog with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or

3. Any dog which has been found to be a dangerous dog on three separate occasions in this or any other jurisdiction; or

4. Any dog that has been found to be a vicious dog in any other jurisdiction.

5. No dog shall be deemed a vicious dog if it bites, attacks or menaces a trespasser on the property of its owner, or harms or menaces anyone who has tormented or abused it, or is performing in the line of duty as a professionally trained dog for law enforcement.

SEC. 53 RECLAMATION OF IMPOUNDED ANIMAL.

(a) Any impounded dog or cat may be reclaimed by:

(1) payment of a City of Bloomington release fee of $50.00 ~~30.00~~; and

(2) signing an acknowledgment of ownership of the animal; and

(3) complying with all applicable rules and regulations and by paying all charges and fees pertaining to the impoundment and care of the animal imposed by McLean County Animal Control. ~~complying with all applicable rules, regulations and fees of any involved animal shelter.~~

~~(b) If any dog or cat is impounded a second or subsequent time, the owner shall be charged with the offense which caused the impounding in addition to paying any fees referred to herein.~~

(b) ~~(c)~~ Any impounded dog or cat which has been placed in the McLean County Animal Control ~~Shelter~~ by a representative of the City of Bloomington shall be subject to all of the rules, regulations and fees that apply to other similar types of animals that are in or may be placed in the Shelter.

SEC. 54 ANIMALS NOT RECLAIMED.

(a) With the exception of animals impounded for a 10-day quarantine period as provided in sub-section (b) of this Section, any animal not reclaimed within 7 business days of impoundment shall become the property of McLean County Animal Control;

(b) For animals subject to a 10-day quarantine period, any animal not reclaimed within 5 business days from the date the quarantine ends shall become the property of McLean County Animal Control.

SEC. 83 DANGEROUS AND VICIOUS DOGS; DOGS SUBJECT TO EUTHANASIA.

(a) Procedures for Declaring a dog dangerous, vicious or subject to euthanasia:

1. Any person may file a complaint with the Police Department seeking to have a dog declared dangerous, vicious or subject to euthanasia. The Police Chief or his or her designee shall review and investigate the complaint and, if the criteria for declaring a dog dangerous, vicious or subject to euthanasia have been met, shall make the appropriate declaration and provide written notification of the declaration to the owner of the dog. Said notification shall include the basis for the declaration, the declaration, any restrictions placed on keeping the animal, and notice of the right to appeal the declaration.

2. An owner of a dog declared dangerous, vicious or subject to euthanasia shall have the right to appeal the declaration, provided that the owner files a written request to appeal said declaration with the Bloomington Police Department no later than seven days after receiving notification. If no written request for appeal is made in the time provided, the owner of the dog subject to the declaration shall have 14 days from the date of notification within which to comply with all requirements pertaining to the declaration. If a written request for an appeal is timely made, a hearing shall be held on the appeal in an expeditious manner, no later than 30 days from the date the owner requests an appeal.

3. The hearing shall be informal and strict rules of evidence shall not apply. The owner may be represented by counsel, present oral and written evidence, and may cross-examine witnesses. The hearing shall be held before an Assistant Police Chief or other hearing officer duly authorized by the Chief of Police. In making a determination on any appeal of a declaration, the hearing officer shall consider the criteria and definitions set forth in Section 50 of this Chapter. The hearing officer may also consider the following:

(i) the circumstances of the incident or incidents giving rise to the declaration;

(ii) the nature and extent of any injury caused to humans or animals as the result of the incident or incidents giving rise to the declaration;

(iii) the size of the dog subject to the declaration;

(iv) whether the dog subject to declaration was current on its registration and vaccinations at the time of the most recent incident forming the basis for the declaration;

(v) any previous history of the dog subject to the declaration involving incidents of threat, attack or injury to human beings or other animals;

(vi) the history of the owner of the dog subject to the declaration, including prior incidents involving animals owned or kept by the owner, whether said animals have been current on their registrations and vaccines, and the conditions under which they have been kept.

~~(a) Definitions.~~

~~(1) Vicious dog means:~~

~~(a) Any individual dog that when unprovoked, inflicts, bites or attacks a human being or other animal either on public or private property.~~

~~(b) Any dog with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals.~~

~~(c) Any dog which has been found to be a "dangerous dog" upon three (3) separate occasions.~~

~~(d) No dog shall be deemed "vicious" if it bites, attacks, or menaces a trespasser on the property of its owner or harms or menaces anyone who has tormented or abused it or is performing in the line of duty as a professionally trained dog for law enforcement or professional guard duties.~~

~~(2) Dangerous dog means any dog which when either unmuzzled, unleashed, unattended or otherwise unrestrained or leashed but uncontrolled by its owner or a member of the owner's family, in an aggressive or terrorizing manner approaches any person in a menacing fashion or in an apparent attitude of attack upon streets, sidewalks, or any public property or places.~~

~~(3) Enclosure means a fence or structure of at least six (6) feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of a vicious dog. Such enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom and shall prevent the animal from escaping from the enclosure in any manner.~~

~~(4) Impounded means taken into the custody of the public pound where the City of Bloomington personnel has authority to take animals.~~

(b) Disposition of Appeals.

1. The hearing officer shall inform the owner in writing of the disposition of any appeal within 5 days of the date of the hearing. If the appeal is denied and the declaration upheld, the owner shall have 14 days from receipt of the written notification of the disposition of appeal within which to comply with all requirements pertaining to the declaration.

2. Appeal of the determination of the hearing officer shall be as provided by the Illinois Administrative Procedures Act.

(c) Requirements for Keeping Dogs Declared Dangerous.

1. Any person owning or keeping a dog declared dangerous must be in compliance with the requirements of this Section within 14 days of the receipt of notification of the declaration or within 14 days of the receipt of a decision of an appeal upholding the dangerous dog declaration. Failure to comply with this Section may also result in fines, fees and court costs being assessed against the owner. Each failure to comply with a provision of this Section shall constitute a separate offense. Each day an owner fails to comply with a provision of this Section shall constitute a separate offense.

2. It is illegal for any person to create a public nuisance by permitting any dangerous dog to be kept on the owner's property in violation of Section 81(a) of this Chapter. Guide dogs for blind or hearing impaired persons, support dogs for the physically handicapped and professional guard or police owned dogs are exempt from the provisions of this Section, provided an attack or injury to a person occurs while the dog is performing duties as expected.

3. Any dog declared dangerous shall be spayed or neutered.

4. Any dog declared dangerous shall be micro-chipped and registered with the micro-chip company in the owner's name with a current address where the dog is located.

5. The owner of a dog declared dangerous shall purchase a "Dangerous Dog Tag" from McLean County Animal Control. The tag must be affixed to the dog's collar in a manner so that it can be seen. Said tag shall be worn by the dog at all times. Registration for the dangerous dog tag must be renewed annually at McLean County Animal Control.

6. The owner of a dangerous dog shall be required to immediately report any biting incidents involving the dog and a person or animal to the Bloomington Police Department or to McLean County Animal Control.

7. The owner of a dog declared dangerous shall notify the United Stated Postal Service local office and all utility providers in writing of the dangerous dog declaration within 14 days of receiving the declaration. The dog owner shall provide proof of said notification to the Bloomington Police Department.

8. If the owner of a dog declared dangerous resides at rental property, said owner shall notify the landlord or property management of the dangerous dog declaration within 14 days of receiving said declaration. The dog owner shall provide proof of said notification to the Bloomington Police Department.

9. The owner of any dog declared dangerous shall immediately notify the Bloomington Police Department of any change of address or location of the dangerous dog. If the dog is removed from the City of Bloomington, said notification shall also be provided in writing to authorities of the jurisdiction where the dog is located.

(d) Requirements for Keeping Dogs Declared Vicious.

1. Any person owning or keeping a dog declared vicious must be in compliance with the requirements of this Section within 14 days of receipt of notification of the declaration or within 14 days of the receipt of a decision of an appeal upholding the vicious dog declaration. Any failure to comply with the requirements of this Section pertaining to the keeping of dog declared vicious shall result in the impoundment of the dog and the

dog being subject to euthanasia. Failure to comply with this Section may also result in fines, fees and court costs being assessed against the owner. Each failure to comply with a provision of this Section shall constitute a separate offense. Each day an owner fails to comply with a provision of this Section shall constitute a separate offense.

2. It shall be illegal for an owner or keeper of a vicious dog to sell, foster or give away the dog.

3. The owner of a dog declared vicious shall contact the Bloomington Police Department within 14 days of receipt of the declaration, or within 14 days of the receipt of a decision of an appeal upholding the vicious dog declaration, and arrange for an inspection of the premises where the dog subject to said declaration is kept. It shall be illegal for any person to keep or maintain any dog which has been found to be a vicious dog unless such dog is at all times kept in an enclosure, as defined in Section 50 of this Chapter approved by the Bloomington Police Department. The only times that a vicious dog may be allowed out of the enclosure are:

(i) if it is necessary for the owner or keeper to obtain veterinary care for the vicious dog; or

(ii) to comply with the order of a court of competent jurisdiction.

When taken out of the enclosure, said vicious dog must be securely muzzled and restrained with a chain having a tensile strength of at least 300 pounds and not exceeding three (3) feet in length, and shall be under the direct control and supervision of the owner or keeper of the vicious dog.

Any dog which has been found to be a vicious dog and which is not confined in an enclosure shall be impounded and shall be subject to euthanasia.

4. The owner of a vicious dog shall notify the United States Post Office and utility providers in writing of the vicious dog declaration or the disposition of any appeal of said declaration. The owner shall provide proof of the notification to the Bloomington Police Department.

5. If the owner of a dog declared vicious resides at rental property, said owner shall notify the landlord or property management of the vicious dog declaration within 14 days of receiving said declaration. The dog owner shall provide proof of said notification to the Bloomington Police Department.

6. The owner of a vicious dog shall have said dog spayed or neutered.

7. The owner of any dog declared vicious shall have said dog micro-chipped and registered with the micro-chip company in the owner's name and listing an address where the dog is currently located.

8. The owner of a dog declared vicious shall purchase a "Vicious Dog Tag" from McLean County Animal Control. Said tag shall be affixed to the dog's collar and visible at all times. Registration for the vicious dog tag must be renewed annually at McLean County Animal Control.

9. The owner of a dog that has been declared vicious shall be required to purchase general liability insurance covering property and bodily injury with a combined single limit of $200,000 to $500,000 per occurrence and shall show proof of obtaining said insurance to the Bloomington Police Department. The owner shall notify the Bloomington Police Department not more than 14 days after the cancellation of said insurance policy.

10. The owner of any dog declared vicious shall immediately report to the Bloomington Police Department any incident involving the vicious dog and any bite, attack or threat to a person or animal.

11. The owner of any dog declared vicious shall immediately notify the Bloomington Police Department of any change of address or location of the vicious dog. If the dog is removed from the City of Bloomington, said notification shall also be provided in writing to authorities of the jurisdiction where the dog is located.

(e) Dogs Subject to Euthanasia. It shall be the duty of the owner of any dog declared Subject to Euthanasia by the Police Chief or his designee to immediately take the dog to an impound facility or veterinarian who shall euthanize said dog or, in the event of an appeal, shall hold such animal pending a hearing of an appeal before the Police Chief or his designee. If the appeal is denied and the declaration upheld, the animal shall be euthanized in a humane manner no sooner than 2 days after the hearing on the determination of the appeal, unless the owner consents to an earlier time. It shall be unlawful for the owner of a dog declared subject to euthanasia to sell, foster, give away or remove said dog from the jurisdiction. In the event that an owner does not deliver a dog subject to euthanasia to an impound facility or veterinarian, the City may seek a warrant from the Circuit Court of McLean County for the immediate seizure and euthanasia of the dog. The owner or keeper of a dog subject to euthanasia must provide to the Bloomington Police Department a letter or other proof signed by a licensed veterinarian that the dog has been euthanized within seven days of the declaration that the dog is subject to euthanasia. Each day upon which the owner or keeper of a dog subject to euthanasia fails to provide the notice of euthanasia shall be considered a separate violation of this Ordinance.

(f) Duty to Report Dangerous or Vicious Dogs Brought into the City. Any person keeping a dog which has been declared dangerous or vicious in another jurisdiction shall report that fact to the Bloomington Police Department within 3 days of bringing the dog into the City of Bloomington. All dogs declared dangerous or vicious in another jurisdiction shall be kept in a manner as if declared dangerous or vicious in the City of Bloomington. The Bloomington Police Department shall keep records of all such dogs. The status of a dog declared dangerous or vicious in another jurisdiction shall not be subject to appeal. It shall be unlawful to fail to report a dangerous or vicious dog within three days of bringing the dog into the City of Bloomington.

~~(b) It shall be illegal for any person to keep or maintain any dog which has been found to be a vicious dog unless such dog is at all times kept in an enclosure. The only times that a vicious dog may be allowed out of the enclosure are:~~

~~(1) if it is necessary for the owner or keeper to obtain veterinary care for the vicious dog; or~~

~~(2) to comply with the order of a court of competent jurisdiction.~~

~~When taken out of the enclosure, said vicious dog must be securely muzzled and restrained with a chain having a tensile strength of at least 300 pounds and not exceeding three (3) feet in length, and shall be under the direct control and supervision of the owner or keeper of the vicious dog.~~

~~Any dog which has been found to be a vicious dog and which is not confined in an enclosure shall be impounded by the law enforcement authority having jurisdiction in such area and shall be turned over to a licensed veterinarian for destruction by lethal injection.~~

~~It shall be illegal for any owner or keeper of a vicious dog to sell or give away any vicious dog.~~

~~(c) It is illegal for any person to create a public nuisance by permitting any dangerous dog to be kept on the owner's property in violation of Section 81(a). Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and professional guard or police owned dogs are exempt from this Section, provided an attack or injury to a person occurs while the dog is performing duties as expected.~~

(g) ~~(d)~~ The owner of all professional guard dogs shall register their animals with the Chief of Police. It shall be the duty of the owner of each such dog to notify the Chief of Police of changes of address and the owner shall keep the Chief of Police advised of the location where such dog will be stationed. The Chief of Police shall provide the Police and Fire Departments with a list of such exempted dogs and shall promptly notify such departments of any changes reported to him.

(h) ~~(e)~~ The State's Attorney, Police or any citizen may file a complaint to enjoin any person from maintaining, permitting or having a dangerous or vicious dog or nuisance dog or animal and/or to abate the same, and/or to enjoin the owner of such dog or other animal from permitting the same to leave his premises when not under control by leash or other legal control method. Upon the filing of a complaint in the Circuit Court, the Court, if satisfied that evidence for an injunction may exist, shall grant a preliminary injunction with bond in such amount as the Court may determine to be appropriate, enjoining the defendant from maintaining, permitting or having such nuisance. If the existence of evidence in support of an injunction is established, the Court shall enter an appropriate order and may assess a fine and/or may order that such dog or other animal be humanely destroyed by lethal injection.

~~(f) When a dog has been declared to be dangerous or vicious dog by the Police Department, the owner has the right to an appeal process. These appeals shall first be heard by the Chief of Police or his authorized representative and then by the Courts pursuant to the Administrative Review Act of the State of Illinois.~~

(i) ~~(g)~~ Any person who violates this Ordinance shall be fined not less than $100.00 nor more than $1,000.00 for each offense. Each day that an offense continues shall be considered a separate violation.

(j) Owners of dogs declared dangerous or vicious prior to the enactment of this Ordinance shall have 90 days from its enactment to comply with its provisions.

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

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

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

SECTION 5. This Ordinance shall take effect immediately upon passage and approval.

PASSED this ___ day of _____, 2013.

APPROVED this _____ day of _____, 2013.

APPROVED:

TARI RENNER
Mayor

ATTEST:

TRACEY COVERT
City Clerk

POLICY RESEARCH: DANGEROUS DOGS

To: Mayor & City Council
cc: David A. Hales, City Manager
Barbara J. Adkins, Deputy City Manager
From: Alex McElroy, Assistant to the City Manager
Subject: Dangerous and Vicious Dog Ordinance
Date: May 8, 2013

The recent (October 25, 2012) and extremely unfortunate incident resulting in 2 citizens being hospitalized due to a pit bull attack has rekindled some questions pertaining to the City's current policies regarding animal control and their effectiveness to date. More specifically, certain individuals are calling for the adoption of Breed Specific Language (BSL) to hinder the occurrences of harmful and potentially fatal dog attacks.

The general procedure in Bloomington, Normal, and McLean County is to declare individual dogs either "dangerous" or "vicious", depending on the nature of their behavior. The definitions, procedures, and consequences of those designations are found in Chapter 8, Section 83 of the City Code.

Under current City Ordinances, a "dangerous" dog is:

"any dog which, when either unmuzzled, unleashed, unattended or otherwise unrestrained or leashed but uncontrolled by its owner or a member of the owner's family, in an aggressive or terrorizing manner, approaches any person in a menacing fashion or in an apparent attitude of attack upon streets, sidewalks, or any public property or places." Bloomington City Code, Chapter 8, Section 83(a)(3).

Dangerous dogs must be securely enclosed inside a house or under physical control of a leash, chain, etc. which prevents it from being closer than 10 feet to the property line of the owner or to a public sidewalk or right of way.

Under current City Ordinances, a "vicious" dog is:

a. Any individual dog that when unprovoked, inflicts, bites or attacks a human being or other animal either on public or private property.
b. Any dog with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals.
c. Any dog which has been found to be a "dangerous dog" upon three (3) separate occasions.

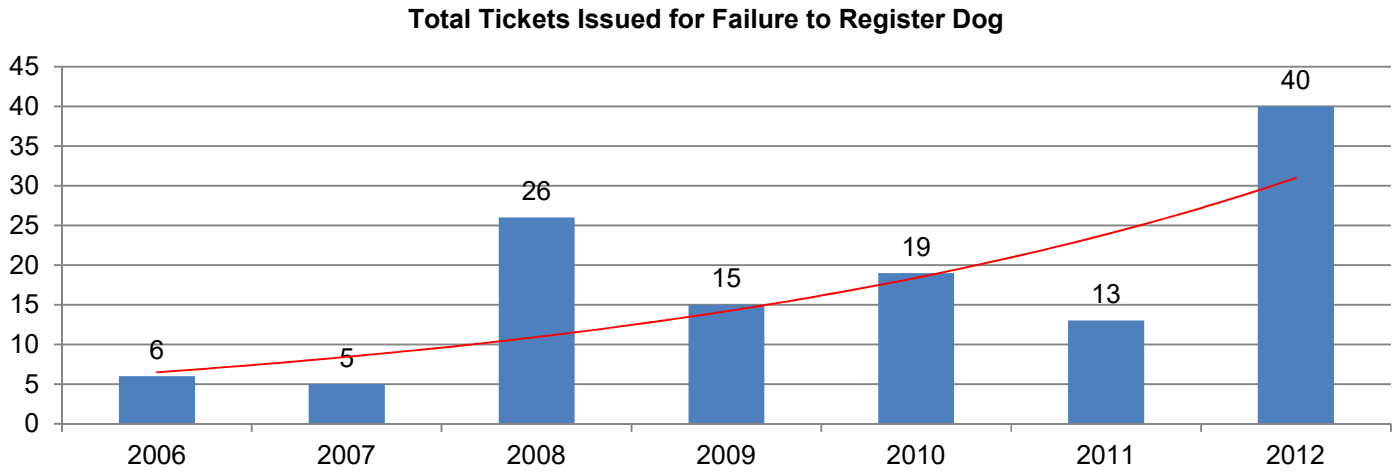
If any vicious dog is found outside the enclosure for any reason other than veterinary care or to comply with a court order, it is impounded and destroyed by lethal injection. If it must be taken out of the enclosure, it must be kept muzzled and restrained by a chain not more than 3 feet long with a tensile strength of at least 300 pounds.

The call for Breed Specific Language is not a new issue for the City of Bloomington. In 2006, the staff was requested to research the issue of breed-specific dog ordinances. In Illinois, only home-rule units may enact breed-specific dog laws. Non-home rule units are prohibited from doing so (510 ILCS 5/15, 510 ILCS 5/24). The City of Denver, Colorado enacted a pit bull ban ordinance which was upheld in court. During staff's research, former Alderman Mike Matejka held several meetings with interested parties. Owners of pit bulls objected that the problem was not with the breed, but with irresponsible owners of pit bulls. Staff learned from Peggy Gibson, Former Director of McLean County Animal Control, that out of 18,242 dogs registered in McLean County in 2004, only 360 were listed as being pit bulls. The inference was that most pit bull owners were either not vaccinating their animals, or were vaccinated but the paperwork was not completed and sent in by the owner after vaccination to complete the proper registration.

POLICY RESEARCH: DANGEROUS DOGS

To address this concern, in April 2006, Council adopted a text amendment adding Section 85 to Chapter 8 of the Bloomington City Code, "Establishing Penalties for Failure to Register a Dog and Authorizing the Seizure of Unregistered Dogs". The language was not aimed at owners of pit bulls, but at irresponsible dog owners. The general idea was that dogs who attack other animals or humans are owned by irresponsible people; if the City and County had the authority to seize dogs which did not display dog tags, the hope was that this would take more dogs off the streets, out of the hands of irresponsible owners, and cut down on the amount of attacks.

Since 2006, 124 tickets have been issued to dog owners for failure to register their animals. Between 2007 and 2012 there have been 76 dogs identified as "dangerous" and 38 dogs identified as "vicious" by the City.



For calendar year 2012, the Bloomington Police Department provided the following statistics and activity for dog declarations:

12 Dangerous Dog Declarations	15 Vicious Dog Declarations
-2 Appealed and were rescinded	-4 Appealed and were rescinded
-1 Voluntary Euthanized	-8 Voluntary Euthanized
9 Remained Declared Dangerous	**2 Remained Declared Vicious**

Of the 12 Dogs Declared Dangerous	Of the 15 Dogs Declared Vicious
3 were Pit Bull Mix Type Dogs*	10 were Pit Bull Mix Type Dogs*

96 Dog Bite Reports Made in 2012
31 of the Reports involved Pit Bull Type Dogs

40 Ordinance Violations Issued for Failure to Vaccinate/Register Dog
57 Ordinance Violations Issued for Dogs Running At Large
97 Total Ordinance Violations Issued in 2012

**The Police Department went through 96 Dog Bite Reports by hand to obtain pit bull information. This type of specific information cannot currently be digitally generated.*

The City of Bloomington shares an intergovernmental agreement with McLean County Animal Control Center for animal control services. In 2011, 677 dogs and cats were accepted at the Animal Control Center originating from within the City of Bloomington; 76% of all the dogs from McLean County entering the Animal Control Center were not vaccinated for rabies or registered. In 2012, 673 dogs and cats were accepted at the Animal Control Center originating from Bloomington with 75% of the dogs from McLean County entering the Animal Control Center not vaccinated for rabies or registered. The following information represents the Animal Control Center activity for the City of Bloomington for 2011 and 2012.

POLICY RESEARCH: DANGEROUS DOGS

Bloomington Activity Measures by Month for 2011

Code Description	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	2011 Totals
General On Call Activity	38	33	36	32	37	20	36	35	36	50	43	36	**432**
General Dog/Cat Complaint	29	40	83	48	93	67	115	148	116	86	87	45	**957**
Dead Animal Removal	5	11	26	22	24	14	35	28	29	26	11	6	**237**
Bite/Rabies Investigations Activity	34	40	53	69	70	41	207	61	48	26	27	43	**719**
Confirmed Bite/Rabies Investigations	16	16	12	24	21	26	22	38	20	14	17	14	**240**
General Phone Calls/Questions	293	341	540	689	443	437	446	559	483	359	370	378	**5,338**
Shelter Inquiries City Specific	43	47	170	65	81	96	75	85	108	81	93	78	**1,022**
Reclaim Activity Investigations	11	10	20	19	18	21	11	16	19	16	15	15	**191**
Bloomington Reclaims at the Center	9	11	18	12	14	14	12	14	19	17	18	4	**162**
Complaint Letters mailed	8	3	23	9	19	14	6	8	0	0	1	1	**92**
Animal Accepted from Bloomington at the Center	39	37	64	55	71	68	44	72	70	44	63	50	**677**
Total Activity Measures per Month	**525**	**589**	**1,045**	**1,044**	**891**	**818**	**1,009**	**1,064**	**948**	**719**	**745**	**670**	**10,067**

POLICY RESEARCH: DANGEROUS DOGS

Bloomington Activity Measures by Month for 2012

Code Description	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	2012 Totals
General On Call Activity	41	41	34	32	31	31	32	29	45	38	39	29	**414**
General Dog/Cat Complaint	70	70	155	96	140	99	123	183	102	110	80	79	**1,286**
Dead Animal Removal	10	10	23	23	26	7	13	24	34	21	11	20	**221**
Bite/Rabies Investigations Activity	49	49	66	106	64	53	54	92	35	132	82	54	**810**
Confirmed Bite/Rabies Investigations	14	14	35	14	30	31	35	43	19	22	17	14	**281**
General Phone Calls/Questions	289	289	316	422	362	302	362	387	296	332	249	179	**3,771**
Shelter Inquiries City Specific	77	77	65	62	75	58	58	79	51	75	55	43	**791**
Reclaim Activity Investigations	6	6	15	17	20	16	12	21	15	29	9	16	**186**
Bloomington Reclaims at the Center	10	10	14	24	16	11	13	13	7	20	5	12	**158**
Complaint Letters mailed	6	6	10	13	21	0	2	6	3	4	10	4	**82**
Animal Accepted from Bloomington at the Center	56	56	65	50	62	48	42	66	61	82	55	47	**673**
Total Activity Measures per Month	**628**	**628**	**798**	**859**	**847**	**656**	**746**	**943**	**668**	**855**	**612**	**497**	**8,673**

POLICY RESEARCH: DANGEROUS DOGS

Proponents of Breed Specific Language (BSL) portray it as a proactive legislative approach to public safety as opposed to a reactionary policy of designating a dog dangerous or vicious after observing a certain behavior. BSL however, has received a healthy amount of criticism from opponents and does not come without some challenges in enforcement. The American Bar Association (ABA) warns municipalities about the weaknesses of BSL and the constitutional challenges that have resulted.

Specifically, the ABA cites two basic characteristics of breed discriminatory laws relevant to constitutional challenge and the subject to successful challenges to BSL: (1) definition of the breed; (2) procedures for identifying and challenging the designation[1].

The "*definition of the breed*" brings challenges to the vagueness of the law, as the nomenclature "pit bull" is not the identification of a breed but rather a generic term used to describe the American Pit Bull Terrier, American Staffordshire Terrier, and Staffordshire Bull Terrier and/or dogs displaying various genetic mixes and traits. It can become very difficult for the average person to correctly identify a breed of pit bull or distinguish non pit bull dogs having similar traits to that of a breed of pit bull.

American Pit Bull Terrier

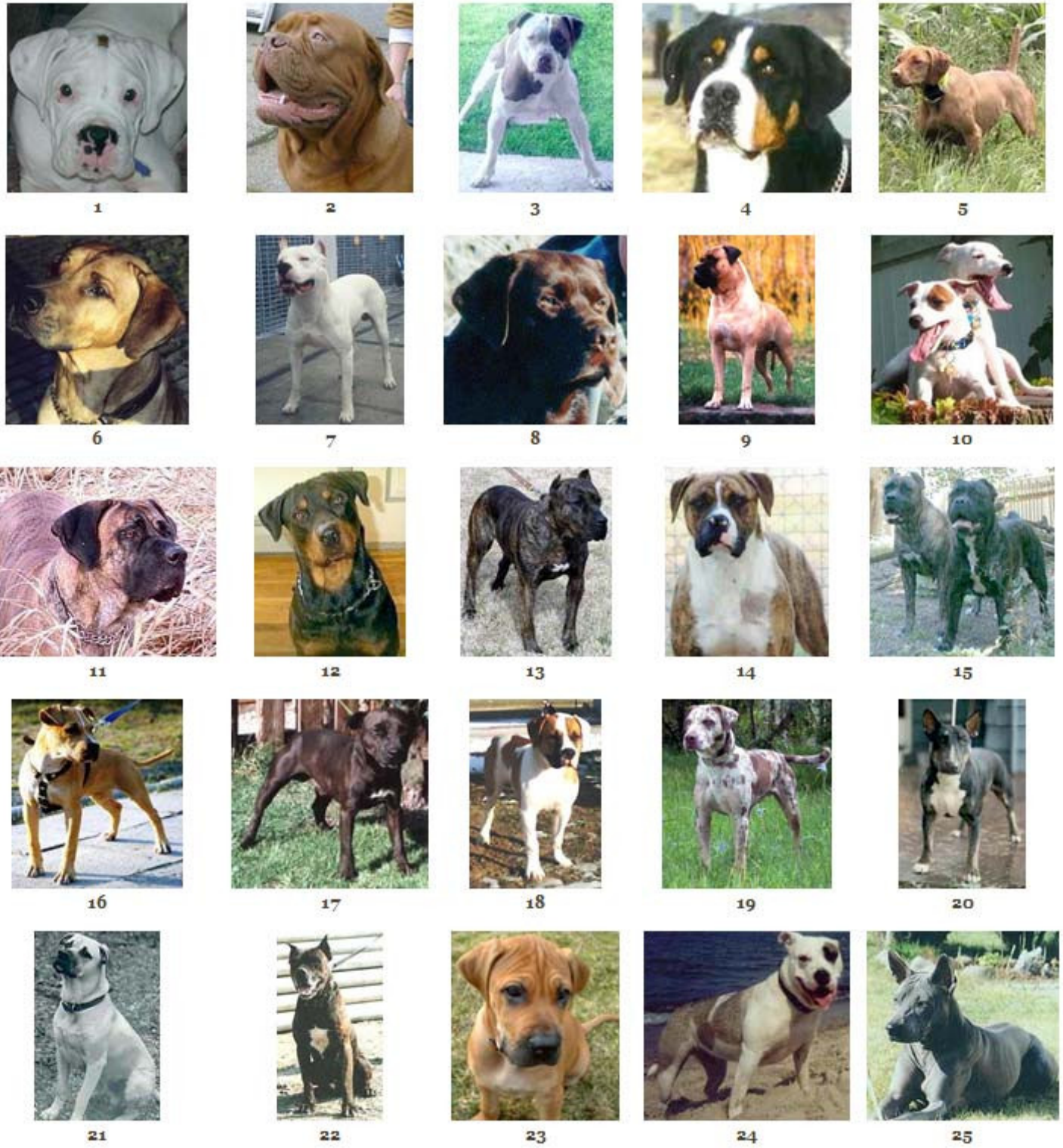
American Staffordshire Terrier

Staffordshire Bull Terrier

Below is a list of 25 unique breeds recognized by the American Kennel Club (AKC). Only one of these dogs is an American Pit Bull Terrier. All dogs pictured below hold the specific physical traits to their respective breeds, only one of which qualifies as a "pit bull". With a large number of dog breeds having similar characteristic to that of the pit bull breeds, it makes the importance of a clear definition of pit bull critical when adopting breed specific language.

[1] "A Lawyers guide to Dangerous Dog Issues", American Bar Association Publishing, Joan Schaffner, p. 26

POLICY RESEARCH: DANGEROUS DOGS



[2]

Answer: 16

[2] http://www.pitbullsontheweb.com/petbull/findpit.html

POLICY RESEARCH: DANGEROUS DOGS

BSL defines the targeted breed in various ways from fairly specific to very general with many laws utilizing a combination of both. Many municipalities adopting BSL name the specific breed in their language, such as American Pit Bull Terrier, American Staffordshire Terrier, and Staffordshire Bull Terrier. Beyond this, many include one or more of the following categories: "any dog exhibiting those distinguishing characteristics which substantially conform to the standards established by the AKC or UKC for any of the stated breeds", "any dog displaying a majority of the physical traits of any one or more of the stated breeds", and/or "any dog which has the appearance and characteristics of any breed commonly known as pit bull". The more vague the definition, the higher the potential for successful legal challenges[3].

"*Procedures for identifying and challenging the designation*". Clear procedures for identifying a specific breed must be put into place at the time of, or before the adoption of any breed specific language. The major issue of concern is affording owners the right to due process. Detailed and systematic language as to how a dog will be identified and responsibly categorized as a specific breed must be established as well as a means for a dog owner to challenge the classification. Using the example from Denver, Colorado, when the City of Denver finds a dog to be of a pit bull breed, identification either arising from animal control employees or the Denver Police Department, the dog owner may challenge this designation via written petition no later than 7 days of impoundment. A hearing will next be held which requires a 3 member evaluation team (employed by the City) to review the animal and agree upon its breed classification.

Targeting a specific breed of dog has not been the City's approach to animal control measures. City ordinances and policy focus on pet owners, specifically; irresponsible pet owners. The latest revision to the City's code pertaining to animal control policy came in 2006 where the City established penalties for failure to register dogs and authorized seizure of unregistered dogs. City staff has most recently began to review current policies as they pertain to animal control ordinances and are making recommendations to update and further tighten the language to empower City police officers and animal control in their enforcement efforts. Some brief highlights of the proposed amendments include: (included please find staff's full ordinance amendment proposal)

- Expansion of the definition of "dangerous dog" to include any dog that has been declared dangerous by any other jurisdiction.
- Expansion of the definition of "vicious dog" to include any dog that has been declared vicious by any other jurisdiction.
- Redefined definition of "enclosure" for a vicious dog, eliminating height requirements for enclosure and focusing on the ability of the enclosure to prevent the animal from escaping.
- Adding a requirement for owners of a dog declared vicious by the City to retain liability insurance with a single limit of $200,000 to $500,000 per occurrence and show proof of obtaining insurance to the Police Department.
- Requirement for any dog declared vicious to be micro-chipped and registered with the micro-chip company in the owner's name and listing address where the dog is currently located.
- Requirement for any vicious dog owner to notify the United States Post Office and utility providers in writing of the vicious dog declaration or the disposition of any appeal of the declaration. The owner will be required to provide proof of the notification to the Police Department.
- Redefined the definition of "injury" to state any wound that is serious enough to require medical or veterinary treatment regardless of whether medical or veterinary treatment is sought.
- Redefined owner to include any firm, limited liability company or corporation, keeping, possessing or harboring a dog or cat. Staff would run into an issue with enforcement efforts when dogs were being fostered. Ownership of the fostered dogs was not clear as the animal was currently being held for the care of a potential new owner. This amendment will place clear ownership on any dogs currently being fostered.

[3] "A Lawyers guide to Dangerous Dog Issues", American Bar Association Publishing, Joan Schaffner

ADDENDUM I

BLOOMINGTON CITY COUNCIL AGENDA

MAY 28, 2013

ADDITION TO CONSENT AGENDA

Item 6A. Bills and Payroll. (Recommend that the bills and payroll be allowed and orders drawn on the Treasurer for the various amounts as funds are available.) *City Council Memorandum with Attachment 1.*

FOR COUNCIL: May 28, 2013

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.

FINANCIAL IMPACT: Total disbursements to be approved $4,181,241.12, (Payroll total $2,324,866.49, Accounts Payable total $1,622,388.35, PCard total $233,986.28 and Wires $0).

Respectfully submitted for Council consideration.

Prepared by: Patti-Lynn Silva, Director of Finance

Recommended by:

David A. Hales
City Manager

(ON FILE IN CLERK'S OFFICE)

Attachment: Attachment 1. Bills and Payroll on file in the Clerk's office. Also available at www.cityblm.org.
Attachment 2. Summary Sheet Bills and Payroll Report

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Black				Alderman Mwilambwe			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman Lower				Alderman Stearns			
Alderman McDade							
				Mayor Renner			

CITY OF BLOOMINGTON FINANCE REPORT

Council of May 22, 2013

PAYROLL

Date	Gross Pay	Employer Contribution	Totals
5/16/2013	$ 1,398,512.28	$ 305,098.38	$ 1,703,610.66
5/17/2013	$ 234,620.16	$ 79,030.71	$ 313,650.87
5/21/2013	$ 228,702.85	$ 76,958.29	$ 305,661.14
			$ 303,587.68
5/16/2013-5/24/2013 Off Cycle Adjustments	$ 1,904.29	$ 59.88	$ 1,964.17
		PAYROLL GRAND TOTAL	**$ 2,324,866.49**

ACCOUNTS PAYABLE

Date	Bank	Total
5/28/2013	AP General	$ 1,550,902.92
5/28/2013	AP BCPA	$ 6,994.07
5/28/2013	AP Comm Devel	$ 23,828.64
5/28/2013	AP IHDA	
5/28/2013	AP Library	$ 27,457.95
5/28/2013	AP MFT	
5/15/2013	Off Cycle Check Runs	$ 13,204.77
	AP GRAND TOTAL	**$ 1,622,388.35**

PCARD

4/02/2013-5/01/2013		233986.28
PCARD GRAND TOTAL	**$**	**233,986.28**

WIRES

Date	Total	
	$	-
WIRE GRAND TOTAL	**$**	**-**

TOTAL DISBURSEMENTS TO BE APPROVED: $ 4,181,241.12

Respectfully,

Patti-Lynn Silva
Director of Finance

ADDENDUM 2

BLOOMINGTON CITY COUNCIL AGENDA

MAY 28, 2013

Memorandum Correction

Item 7B. Text Amendment to Chapter 8. Animals and Fowls, Identification and Regulation of Vicious and Dangerous Dogs. (Recommend that the Ordinance be passed.) *(Corrected Memorandum and Ordinance).*

FOR COUNCIL: May 28, 2013

SUBJECT: Text Amendment to Chapter 8, Draft 2. Incorporating some changes suggested by Wishbone Animal Rescue.

RECOMMENDATION/MOTION: That the Ordinance be passed.

STRATEGIC PLAN LINK: Goal 3: Strong Neighborhoods; Objective A: Residents feeling safe in their homes and neighborhoods.

STRATEGIC PLAN SIGNIFICANCE: Proposed ordinance amendments encourage responsible pet ownership and enhance staff's ability to properly identify potentially problem animals, provide safe and equitable restrictions on declared animals, and penalize irresponsible pet owners.

BACKGROUND: At the Council meeting on May 13, 2013, Council voted to delay consideration of a proposed ordinance amending Chapter 8 of the Bloomington City Code as it relates to dangerous and vicious dogs. Since the Council meeting, staff has reached out to Wishbone Animal Rescue and the McLean County Humane Society for their input regarding the proposed ordinance. A meeting was held with the Mayor, Alderman Stearns, Alderman Lower, City staff and representatives from Wishbone Animal Rescue. Also present at the meeting was Dr. Thomas Anderson, a veterinarian and board member of the McLean County Humane Society. The draft ordinance accompanying this memorandum incorporates some of the suggested changes to the ordinance made at that meeting. This amended ordinance differs from the May 13th draft in the following respects:

- Language is added to Section 50(c)(3) and 50(k)(4). Those sections had previously provided that any dog that has been found to be a dangerous or vicious dog in any other jurisdiction shall be considered as a dangerous or vicious dog in the City of Bloomington. The added language exempts dogs that are found dangerous or vicious in other jurisdictions solely because of their breed.
- Section 83(e) has been changed to provide that in the event the appeal of a declaration that a dog is subject to euthanasia is denied, the dog shall be euthanized no sooner than 5 days after denial of the appeal. This clarifies and slightly expands the time within which a dog owner who loses such an appeal may seek redress in the courts.
- Section 83(d)(9) has been changed so that the amount of liability insurance required to be purchased by the owner of a vicious dog from $200,000 to $250,000.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:

FINANCIAL IMPACT:

Respectfully submitted for Council consideration.

Prepared by: (name, title)

Reviewed by: (name, title)

Financial & Budgetary review by: (finance fill in once reviewed – name, title)

Legal review by: (legal fill in once reviewed – name, title)

Recommended by:

David A. Hales
City Manager

Attachments: Attachment 1.

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Black				Alderman Mwilambwe			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman Lower				Alderman Stearns			
Alderman McDade							
				Mayor Renner			

ORDINANCE NO. 2013-

AN ORDINANCE AMENDING BLOOMINGTON
CITY CODE CHAPTER 8

BE IT ORDAINED by the City Council of the City of Bloomington, Illinois:

SECTION 1. That Bloomington City Code Chapter 8, Sections 50, 53, 54 and 83 shall be and the same are hereby amended to read as follows: (additions are indicated by underlining; deletions are indicated by strikeouts):

SEC. 50 DEFINITIONS.

(a) ~~Bitten.~~ "Bitten" means seized with the teeth or jaws so that the person or thing seized has been nipped or gripped or has been wounded or pierced, and includes contact of saliva with any break or abrasion of skin.

(b) ~~Cat.~~ "Cat" includes all animals, male and female, of the feline species.

(c) "Dangerous Dog" means:

1. Any dog that behaves in a manner that a reasonable person would believe poses a serious and unjustified threat of physical injury or harm to a person or a companion animal; or

2. Any dog that without justification bites a person or other animal, whether on public or private property, that does not cause injury; or

3. Any dog that has been declared a dangerous dog by any other jurisdiction provided that such finding was not based solely upon the breed of the dog.

4. No dog shall be deemed a dangerous dog if it bites, attacks or menaces a trespasser on the property of its owner, or harms or menaces anyone who has tormented or abused it, or is performing in the line of duty as a professionally trained dog for law enforcement.

~~(c)~~ (d) ~~Dog.~~ "Dog" includes all animals, male and female, of the canine species.

(e) "Dog subject to euthanasia" means:

1. Any dog which has killed or severely injured any person or dog; or

2. Any dog which has rabies; or

3. Any dog previously declared a vicious dog which subsequently bites a person or animal causing injury to that person or animal; or

4. Any dog previously declared a vicious dog, which, when unmuzzled, in an aggressive or terrorizing manner approaches any person in an apparent

attitude of attack on any street, sidewalk, public or private property other than the property of the owner of the dog; or

5. Any dog previously declared a vicious dog which subsequently is found running at large; or

6. Any dog previously declared a vicious dog which is not kept in the manner required for keepers of vicious dogs.

7. Any dog previously declared a vicious dog which is found without current registration or vaccinations.

(f) "Enclosure" means a fence or structure capable of preventing the animal from escaping at any time. It shall be securely locked at all times. If the enclosure is a room within a residence, it shall not have direct access to common areas of the building or to outdoors, unless it leads directly to an outdoor enclosure, capable of preventing the animal from escaping that is securely locked. An owner or keeper of a vicious dog must have a secure fenced enclosure in which to exercise the dog.

(g) "Impounded" means taken into the custody of the Animal Control Center where City of Bloomington personnel have authority to take animals.

(h) "Injury" means any wound serious enough to require medical or veterinary treatment, regardless of whether medical or veterinary treatment is actually sought, obtained or provided.

~~(d)~~ (i) ~~Owner.~~ "Owner" means any person or persons, firm, limited liability company or corporation keeping, possessing or harboring a dog or cat or having it in their care or acting as its custodian or permitting a dog or cat to remain on or about any premises occupied by such person(s). In the event that the owner, harborer, or keeper of any dog or cat is a minor, the parent or guardian of such minor shall be responsible ~~to ensure~~ for ensuring that all provisions of this Ordinance are complied with and it shall be illegal for such parent or guardian to fail to prohibit any violation of this Code by a minor.

~~(e)~~ (j) ~~Running at Large.~~ "Running at Large" means being off the premises of the owner and not under restraint or not under physical control of the owner or an authorized person either by leash, cord or chain. Control referred to as voice control is not physical control when off the premises of the owner.

(k) "Vicious Dog" means:

1. Any dog that when unprovoked bites or attacks a human being or other animal on either public or private property; or

2. Any dog with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or

3. Any dog which has been found to be a dangerous dog on three separate occasions in this or any other jurisdiction provided that such finding was not based solely upon the breed of the dog; or

4. Any dog that has been found to be a vicious dog in any other jurisdiction.

5. No dog shall be deemed a vicious dog if it bites, attacks or menaces a trespasser on the property of its owner, or harms or menaces anyone who has tormented or abused it, or is performing in the line of duty as a professionally trained dog for law enforcement.

SEC. 53 RECLAMATION OF IMPOUNDED ANIMAL.

(a) Any impounded dog or cat may be reclaimed by:

(1) payment of a City of Bloomington release fee of $50.00 ~~30.00~~; and

(2) signing an acknowledgment of ownership of the animal; and

(3) complying with all applicable rules and regulations and by paying all charges and fees pertaining to the impoundment and care of the animal imposed by McLean County Animal Control. ~~complying with all applicable rules, regulations and fees of any involved animal shelter.~~

~~(b) If any dog or cat is impounded a second or subsequent time, the owner shall be charged with the offense which caused the impounding in addition to paying any fees referred to herein.~~

(b) ~~(c)~~ Any impounded dog or cat which has been placed in the McLean County Animal Control ~~Shelter~~ by a representative of the City of Bloomington shall be subject to all of the rules, regulations and fees that apply to other similar types of animals that are in or may be placed in the Shelter.

SEC. 54 ANIMALS NOT RECLAIMED.

(a) With the exception of animals impounded for a 10-day quarantine period as provided in sub-section (b) of this Section, any animal not reclaimed within 7 business days of impoundment shall become the property of McLean County Animal Control;

(b) For animals subject to a 10-day quarantine period, any animal not reclaimed within 5 business days from the date the quarantine ends shall become the property of McLean County Animal Control.

SEC. 83 DANGEROUS AND VICIOUS DOGS; DOGS SUBJECT TO EUTHANASIA.

(a) Procedures for Declaring a dog dangerous, vicious or subject to euthanasia:

1. Any person may file a complaint with the Police Department seeking to have a dog declared dangerous, vicious or subject to euthanasia. The

Police Chief or his or her designee shall review and investigate the complaint and, if the criteria for declaring a dog dangerous, vicious or subject to euthanasia have been met, shall make the appropriate declaration and provide written notification of the declaration to the owner of the dog. Said notification shall include the basis for the declaration, the declaration, any restrictions placed on keeping the animal, and notice of the right to appeal the declaration.

2. An owner of a dog declared dangerous, vicious or subject to euthanasia shall have the right to appeal the declaration, provided that the owner files a written request to appeal said declaration with the Bloomington Police Department no later than seven days after receiving notification. If no written request for appeal is made in the time provided, the owner of the dog subject to the declaration shall have 14 days from the date of notification within which to comply with all requirements pertaining to the declaration. If a written request for an appeal is timely made, a hearing shall be held on the appeal in an expeditious manner, no later than 30 days from the date the owner requests an appeal.

3. The hearing shall be informal and strict rules of evidence shall not apply. The owner may be represented by counsel, present oral and written evidence, and may cross-examine witnesses. The hearing shall be held before an Assistant Police Chief or other hearing officer duly authorized by the Chief of Police. In making a determination on any appeal of a declaration, the hearing officer shall consider the criteria and definitions set forth in Section 50 of this Chapter. The hearing officer may also consider the following:

(i) the circumstances of the incident or incidents giving rise to the declaration;

(ii) the nature and extent of any injury caused to humans or animals as the result of the incident or incidents giving rise to the declaration;

(iii) the size of the dog subject to the declaration;

(iv) whether the dog subject to declaration was current on its registration and vaccinations at the time of the most recent incident forming the basis for the declaration;

(v) any previous history of the dog subject to the declaration involving incidents of threat, attack or injury to human beings or other animals;

(vi) the history of the owner of the dog subject to the declaration, including prior incidents involving animals owned or kept by the owner, whether said animals have been current on their registrations and vaccines, and the conditions under which they have been kept.

~~(a) Definitions.~~

~~(1) Vicious dog means:~~

~~(a) Any individual dog that when unprovoked, inflicts, bites or attacks a human being or other animal either on public or private property.~~

~~(b) Any dog with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals.~~

~~(c) Any dog which has been found to be a "dangerous dog" upon three (3) separate occasions.~~

~~(d) No dog shall be deemed "vicious" if it bites, attacks, or menaces a trespasser on the property of its owner or harms or menaces anyone who has tormented or abused it or is performing in the line of duty as a professionally trained dog for law enforcement or professional guard duties.~~

~~(2) Dangerous dog means any dog which when either unmuzzled, unleashed, unattended or otherwise unrestrained or leashed but uncontrolled by its owner or a member of the owner's family, in an aggressive or terrorizing manner approaches any person in a menacing fashion or in an apparent attitude of attack upon streets, sidewalks, or any public property or places.~~

~~(3) Enclosure means a fence or structure of at least six (6) feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of a vicious dog. Such enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom and shall prevent the animal from escaping from the enclosure in any manner.~~

~~(4) Impounded means taken into the custody of the public pound where the City of Bloomington personnel has authority to take animals.~~

(b) Disposition of Appeals.

1. The hearing officer shall inform the owner in writing of the disposition of any appeal within 5 days of the date of the hearing. If the appeal is denied and the declaration upheld, the owner shall have 14 days from receipt of the written notification of the disposition of appeal within which to comply with all requirements pertaining to the declaration.

2. Appeal of the determination of the hearing officer shall be as provided by the Illinois Administrative Procedures Act.

(c) Requirements for Keeping Dogs Declared Dangerous.

1. Any person owning or keeping a dog declared dangerous must be in compliance with the requirements of this Section within 14 days of the receipt of notification of the declaration or within 14 days of the receipt of a decision of an appeal upholding the dangerous dog declaration. Failure to comply with this Section may also result in fines, fees and court costs being assessed against the owner. Each failure to comply with a provision of this Section shall constitute a separate offense. Each day an owner fails to comply with a provision of this Section shall constitute a separate offense.

2. It is illegal for any person to create a public nuisance by permitting any dangerous dog to be kept on the owner's property in violation of Section 81(a) of this Chapter. Guide dogs for blind or hearing impaired persons, support dogs for the physically handicapped and professional guard or police owned dogs are exempt from the provisions of this Section, provided an attack or injury to a person occurs while the dog is performing duties as expected.

3. Any dog declared dangerous shall be spayed or neutered.

4. Any dog declared dangerous shall be micro-chipped and registered with the micro-chip company in the owner's name with a current address where the dog is located.

5. The owner of a dog declared dangerous shall purchase a "Dangerous Dog Tag" from McLean County Animal Control. The tag must be affixed to the dog's collar in a manner so that it can be seen. Said tag shall be worn by the dog at all times. Registration for the dangerous dog tag must be renewed annually at McLean County Animal Control.

6. The owner of a dangerous dog shall be required to immediately report any biting incidents involving the dog and a person or animal to the Bloomington Police Department or to McLean County Animal Control.

7. The owner of a dog declared dangerous shall notify the United Stated Postal Service local office and all utility providers in writing of the dangerous dog declaration within 14 days of receiving the declaration. The dog owner shall provide proof of said notification to the Bloomington Police Department.

8. If the owner of a dog declared dangerous resides at rental property, said owner shall notify the landlord or property management of the dangerous dog declaration within 14 days of receiving said declaration. The dog owner shall provide proof of said notification to the Bloomington Police Department.

9. The owner of any dog declared dangerous shall immediately notify the Bloomington Police Department of any change of address or location of

the dangerous dog. If the dog is removed from the City of Bloomington, said notification shall also be provided in writing to authorities of the jurisdiction where the dog is located.

(d) Requirements for Keeping Dogs Declared Vicious.

1. Any person owning or keeping a dog declared vicious must be in compliance with the requirements of this Section within 14 days of receipt of notification of the declaration or within 14 days of the receipt of a decision of an appeal upholding the vicious dog declaration. Any failure to comply with the requirements of this Section pertaining to the keeping of dog declared vicious shall result in the impoundment of the dog and the dog being subject to euthanasia. Failure to comply with this Section may also result in fines, fees and court costs being assessed against the owner. Each failure to comply with a provision of this Section shall constitute a separate offense. Each day an owner fails to comply with a provision of this Section shall constitute a separate offense.

2. It shall be illegal for an owner or keeper of a vicious dog to sell, foster or give away the dog.

3. The owner of a dog declared vicious shall contact the Bloomington Police Department within 14 days of receipt of the declaration, or within 14 days of the receipt of a decision of an appeal upholding the vicious dog declaration, and arrange for an inspection of the premises where the dog subject to said declaration is kept. It shall be illegal for any person to keep or maintain any dog which has been found to be a vicious dog unless such dog is at all times kept in an enclosure, as defined in Section 50 of this Chapter approved by the Bloomington Police Department. The only times that a vicious dog may be allowed out of the enclosure are:

(i) if it is necessary for the owner or keeper to obtain veterinary care for the vicious dog; or

(ii) to comply with the order of a court of competent jurisdiction.

When taken out of the enclosure, said vicious dog must be securely muzzled and restrained with a chain having a tensile strength of at least 300 pounds and not exceeding three (3) feet in length, and shall be under the direct control and supervision of the owner or keeper of the vicious dog.

Any dog which has been found to be a vicious dog and which is not confined in an enclosure shall be impounded and shall be subject to euthanasia.

4. The owner of a vicious dog shall notify the United States Post Office and utility providers in writing of the vicious dog declaration or the disposition

of any appeal of said declaration. The owner shall provide proof of the notification to the Bloomington Police Department.

5. If the owner of a dog declared vicious resides at rental property, said owner shall notify the landlord or property management of the vicious dog declaration within 14 days of receiving said declaration. The dog owner shall provide proof of said notification to the Bloomington Police Department.

6. The owner of a vicious dog shall have said dog spayed or neutered.

7. The owner of any dog declared vicious shall have said dog micro-chipped and registered with the micro-chip company in the owner's name and listing an address where the dog is currently located.

8. The owner of a dog declared vicious shall purchase a "Vicious Dog Tag" from McLean County Animal Control. Said tag shall be affixed to the dog's collar and visible at all times. Registration for the vicious dog tag must be renewed annually at McLean County Animal Control.

9. The owner of a dog that has been declared vicious shall be required to purchase general liability insurance covering property and bodily injury with a combined single limit of at least $250,000 per occurrence and shall show proof of obtaining said insurance to the Bloomington Police Department. The owner shall notify the Bloomington Police Department not more than 14 days after the cancellation of said insurance policy.

10. The owner of any dog declared vicious shall immediately report to the Bloomington Police Department any incident involving the vicious dog and any bite, attack or threat to a person or animal.

11. The owner of any dog declared vicious shall immediately notify the Bloomington Police Department of any change of address or location of the vicious dog. If the dog is removed from the City of Bloomington, said notification shall also be provided in writing to authorities of the jurisdiction where the dog is located.

(e) Dogs Subject to Euthanasia. It shall be the duty of the owner of any dog declared Subject to Euthanasia by the Police Chief or his designee to immediately take the dog to an impound facility or veterinarian who shall euthanize said dog or, in the event of an appeal, shall hold such animal pending a hearing of an appeal before the Police Chief or his designee. If the appeal is denied and the declaration upheld, the animal shall be euthanized in a humane manner no sooner than 5 days after the decision denying the appeal, unless the owner consents to an earlier time. It shall be unlawful for the owner of a dog declared subject to euthanasia to sell, foster, give away or remove said dog from the jurisdiction. In the event that an owner does not deliver a dog subject to euthanasia to an impound facility or veterinarian, the City may seek a warrant from the Circuit Court of McLean County for the immediate seizure and euthanasia of the dog. The owner or keeper of a dog subject to euthanasia must provide to the Bloomington Police Department a letter or other proof signed by a licensed veterinarian that the dog has been

euthanized within seven days of the declaration that the dog is subject to euthanasia. Each day upon which the owner or keeper of a dog subject to euthanasia fails to provide the notice of euthanasia shall be considered a separate violation of this Ordinance.

(f) Duty to Report Dangerous or Vicious Dogs Brought into the City. Any person keeping a dog which has been declared dangerous or vicious in another jurisdiction shall report that fact to the Bloomington Police Department within 3 days of bringing the dog into the City of Bloomington. All dogs declared dangerous or vicious in another jurisdiction shall be kept in a manner as if declared dangerous or vicious in the City of Bloomington. The Bloomington Police Department shall keep records of all such dogs. The status of a dog declared dangerous or vicious in another jurisdiction shall not be subject to appeal. It shall be unlawful to fail to report a dangerous or vicious dog within three days of bringing the dog into the City of Bloomington.

~~(b) It shall be illegal for any person to keep or maintain any dog which has been found to be a vicious dog unless such dog is at all times kept in an enclosure. The only times that a vicious dog may be allowed out of the enclosure are:~~

~~(1) if it is necessary for the owner or keeper to obtain veterinary care for the vicious dog; or~~

~~(2) to comply with the order of a court of competent jurisdiction.~~

~~When taken out of the enclosure, said vicious dog must be securely muzzled and restrained with a chain having a tensile strength of at least 300 pounds and not exceeding three (3) feet in length, and shall be under the direct control and supervision of the owner or keeper of the vicious dog.~~

~~Any dog which has been found to be a vicious dog and which is not confined in an enclosure shall be impounded by the law enforcement authority having jurisdiction in such area and shall be turned over to a licensed veterinarian for destruction by lethal injection.~~

~~It shall be illegal for any owner or keeper of a vicious dog to sell or give away any vicious dog.~~

~~(c) It is illegal for any person to create a public nuisance by permitting any dangerous dog to be kept on the owner's property in violation of Section 81(a). Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and professional guard or police-owned dogs are exempt from this Section, provided an attack or injury to a person occurs while the dog is performing duties as expected.~~

(g) ~~(d)~~ The owner of all professional guard dogs shall register their animals with the Chief of Police. It shall be the duty of the owner of each such dog to notify the Chief of Police of changes of address and the owner shall keep the Chief of Police advised of the location where such dog will be stationed. The Chief of Police shall provide the Police and Fire Departments with a list of such exempted dogs and shall promptly notify such departments of any changes reported to him.

(h) ~~(e)~~ The State's Attorney, Police or any citizen may file a complaint to enjoin any person from maintaining, permitting or having a dangerous or vicious dog or nuisance dog or animal and/or to abate the same, and/or to enjoin the owner of such dog or other animal from permitting the same to leave his premises when not under control by leash or other legal control

method. Upon the filing of a complaint in the Circuit Court, the Court, if satisfied that evidence for an injunction may exist, shall grant a preliminary injunction with bond in such amount as the Court may determine to be appropriate, enjoining the defendant from maintaining, permitting or having such nuisance. If the existence of evidence in support of an injunction is established, the Court shall enter an appropriate order and may assess a fine and/or may order that such dog or other animal be humanely destroyed by lethal injection.

~~(f) When a dog has been declared to be dangerous or vicious dog by the Police Department, the owner has the right to an appeal process. These appeals shall first be heard by the Chief of Police or his authorized representative and then by the Courts pursuant to the Administrative Review Act of the State of Illinois.~~

(i) ~~(g)~~ Any person who violates this Ordinance shall be fined not less than $100.00 nor more than $1,000.00 for each offense. Each day that an offense continues shall be considered a separate violation.

(j) Owners of dogs declared dangerous or vicious prior to the enactment of this Ordinance shall have 90 days from its enactment to comply with its provisions.

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

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

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

SECTION 5. This Ordinance shall take effect immediately upon passage and approval.

PASSED this ___ day of _____, 2013.

APPROVED this _____ day of _____, 2013.

APPROVED:

STEPHEN F. STOCKTON
Mayor

ATTEST:

TRACEY COVERT
City Clerk