

CITY OF BLOOMINGTON
CITY COUNCIL MEETING AGENDA
109 E. OLIVE
MONDAY, MAY 13, 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. Public Comment**
- 6. Recognition/Appointments**
 - A. Oath of Office – Stuart Blade, Kyle Klinefelter, Paul Sullivan and Tony Salvator, Firefighters.**
 - B. Introduction of Appointments and Reappointments by Mayor Renner**
 - i) Connect Transit (1 Reappointment)**
 - ii) Cultural District (4 Reappointments)**
 - iii) Library Board (2 Appointments, 1 Reappointment)**
 - iv) Police Pension Board (1 Reappointment)**
 - v) Regional Planning Commission (2 Appointments)**
 - vi) Zoning Board of Appeals (2 Appointments, 2 Reappointments)**
- 7. “Consent Agenda”**
 - A. Council Proceedings of April 22, 2013. (Recommend that the reading of the minutes of the previous Council Proceedings of April 22, 2013 be dispensed with and the minutes approved as printed.)**

- B. 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.)**
- C. Appointments and Reappointments. (Recommend that they be approved.)**
- D. Purchase Four (4) Police Pursuit Vehicles Utilizing the State of Illinois Joint Purchasing Contract. (Recommend that the purchase of Four (4) Police Interceptor Utility Vehicles utilizing the State of Illinois Joint Purchasing Contract #4017160, from Marrow Brothers Ford, Greenfield, IL, in the amount of \$111,932, and Equipment in the amount of \$15,607 for a total cost of \$127,539, be approved and the Purchasing Agent be authorized to issue a Purchase Order for same.)**
- E. Purchase One (1) Dump Truck for the Public Works Department's Storm Water Management Division utilizing the State of Illinois Joint Purchasing Contract. (Recommend that the purchase one (1) 7400 Dump Truck utilizing the State of Illinois Joint Purchasing Contract #PSD4016932, from Prairie International, Normal, IL, in the amount of \$146,275, be approved and the Purchasing Agent be authorized to issue a Purchase Order for the same.)**
- F. Intergovernmental Agreement for Animal Control Warden Services. (Recommend that the agreement with McLean County Board of Health for Animal Warden Services be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.)**
- G. Intergovernmental Agreement for McLean County Animal Control Center Agreement. (Recommend that the agreement with McLean County Board of Health for use of the McLean County Animal Control Center be approved and the Mayor and City Clerk be authorized to execute the necessary documents.)**
- H. Suspension of Ordinances to Allow Consumption of Alcohol at Lake Bloomington's Davis Lodge on August 17, 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 August 17, 2013 be passed.)**
- I. Suspension of Ordinances to Allow Consumption of Alcohol at Lake Bloomington's Davis Lodge on August 31, 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 August 31, 2013 be passed.)**
- J. Suspension of Ordinances to Allow Consumption of Alcohol at Miller Park Pavilion on November 16, 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 Miller Park Pavilion on November 16, 2013 be passed.)**

- K. Request of American Drug Stores, LLC, d/b/a Osco Drug #3116, located at 2201 E. Oakland Ave., currently holding a PAS liquor license which allows the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week with the following conditions: 1.) only employees who are over twenty-one (21) years of age may complete liquor sales and check ID's of customers; 2.) the liquor display area must be attended at all times by an employee; 3.) there must be gates which can be closed across all entrances to the liquor display area when such products cannot legally be sold; 4.) at each entrance to the liquor display area there must be a sign which identifies it as an entrance into the liquor area; 5.) there may be no display of liquor products outside of the existing liquor area; 6.) the sale of nonalcoholic products in the liquor area must be minimized; 7.) no permanent sign which is visible from outside of the building may advertise an alcoholic beverage brand or manufacturer. There may be one (1) permanent general sign outside of the building which indicates that liquor is sold therein.; 8.) subsequent violations of the Bloomington Liquor Code or of any other liquor law could result in the reimposition of the current access restrictions; to remove said conditions. (Recommend that the request by American Drug Stores, LLC d/b/a Osco Drug #3116, located at 2201 E. Oakland Ave., currently holding a PAS liquor license which allows the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week by removing conditions two through eight, (2 - 8), be approved.)**
- L. Request of the City of Bloomington, d/b/a the Bloomington Center for the Performing Arts, located at 600 N. East St., currently holding an RBS liquor license which allows the sale of beer and wine only for consumption on the premises seven (7) days a week to remove the following condition: alcoholic beverages will not be allowed in the auditorium. (Recommend that the request of the City of Bloomington d/b/a the Bloomington Center for the Performing Arts, located at 600 N. East St., currently holding an RBS liquor license which allows the sale of beer and wine only for consumption on the premises seven (7) days a week to remove the following condition: alcoholic beverages will not be allowed in the auditorium, be approved.)**

8. "Regular Agenda"

- A. An Ordinance Authorizing Aggregation of Electrical Load and Approving a Plan of Operation and Governance for Municipal Opt-Out Electricity Aggregation and Designating the Mayor and Deputy City Manager to have the authority to approve Electrical Supplier on May 15, 2013. (Recommend that the Resolution be adopted and the Ordinance be passed.) (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)**

- C. Illinois Commerce Commission - Crossing Safety Improvement Program Funding for Fox Creek Road Bridge over the Union Pacific Railroad. (Recommend that the bridge funding offer from the Illinois Commerce Commission be acknowledged and staff be authorized to proceed with project planning activities and negotiations with the Union Pacific Railroad.) (15 minutes)**

- 9. City Manager's Reports and Discussion**
- 10. Mayor's Discussion**
- 11. Aldermen's Discussion**
- 12. Executive Session - cite section**
- 13. Adjournment**
- 14. Notes**



FOR COUNCIL: May 13, 2013

SUBJECT: Council Proceedings of April 22, 2013

RECOMMENDATION/MOTION: That the reading of the minutes of the previous Council Proceedings of April 22, 2013 be dispensed with and the minutes approved as printed.

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

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

BACKGROUND: The Council Proceedings of April 22, 2013 have been reviewed and certified as correct and complete by the City Clerk.

In compliance with the Open Meetings Act, Council Proceedings must be approved within thirty (30) days after the meeting or at the Council's second subsequent regular meeting whichever is later.

In accordance with the Open Meetings Act, Council Proceedings are made available for public inspection and posted to the City's web site within ten (10) days after Council approval.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

Recommended by:

David A. Hales
City Manager

Attachments: Attachment 1. Draft Council Proceedings for April 22, 2013

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 13, 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: N/A

STRATEGIC PLAN SIGNIFICANCE: N/A

BACKGROUND: The list of bills and payrolls will be posted on the City's website on Thursday, May 9, 2013 by posting via the City's web site.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

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

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

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

Recommended by:

David A. Hales
City Manager

Motion: _____ 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 13, 2013

SUBJECT: Reappointment to Blm-Nml Public Transit Board, Reappointments to Cultural District, Appointments and Reappointment to the Library Board, Reappointment to Police Pension Board, Appointments to Regional Planning Commission, Appointments and Reappointments to the Zoning Board of Appeals

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 reappointment of Judy Buchanan of 1206 E. Jefferson, Bloomington 61701 to the Blm-Nml Public Transit Board. Her second three (3) year term will expire April 30, 2016.

I ask your concurrence in the reappointment of Mike Kerber of 406 N. Linden, Bloomington 61701 to the Cultural District Commission. His second three (3) year term will expire April 30, 2016.

I ask your concurrence in the reappointment of Alex Cardona of 9697 Windgate Dr, Bloomington 61705 to the Cultural District Commission. His second three (3) year term will expire on April 30, 2016.

I ask your concurrence in the reappointment of Carole Ringer of 110 Hawthorne Lake Dr, Bloomington 61704 to the Cultural District Commission. Her second three (3) year term will expire on April 30, 2016.

I ask your concurrence in the reappointment of Roger Elliott of 212 Doud Dr, Normal 61761 to the Cultural District Commission. His third three (3) year term will expire on April 30, 2016.

I ask your concurrence in the reappointment of Don Wilkey of 107 Ruth Rd, Bloomington 61701 to the Police Pension Board. His second two (2) year term will expire on April 30, 2015.

I ask your concurrence in the reappointment of Richard Briggs of 3 Sable Oaks Ct, Bloomington 61704 to the Zoning Board of Appeals. His third four (4) year term will expire on April 30, 2017.

I ask your concurrence in the reappointment of Rob Kearney of 514 S. Moore, Bloomington 61701 to the Zoning Board of Appeals. His third four (4) year term will expire on April 30, 2017.

I ask your concurrence in the appointment of Amelia Buragas of 23 White Place, Bloomington 61701 to the Zoning Board of Appeals. Her first four (4) year term will expire on April 30, 2017.

I ask your concurrence in the appointment of James Simeone of 1923 E Taylor, Bloomington 61701 to the Zoning Board of Appeals. His first four (4) year term will expire on April 30, 2017.

I ask your concurrence in the reappointment of Narendra Jaggi of 1312 Park St, Bloomington 61701 to the Library Board. His third three (3) year term will expire on April 30, 2016.

I ask your concurrence in the appointment of Joni Painter of 1903 Hedgewood Dr, Bloomington 61704 to the Library Board. Her first three (3) year term will expire on April 30, 2016.

I ask your concurrence in the appointment of Emily Kelahan of 401 E. Grove St, Bloomington 61701 to the Library Board. Her first three (3) year term will expire on April 30, 2016.

I ask your concurrence in the appointment of Michael Buragas of 23 Whites Place, Bloomington 61701 to the Regional Planning Commission. His first two (2) year term will expire on April 30, 2015.

I ask your concurrence in the appointment of Mary Kramp of 903 Durham Dr, Bloomington 61704 to the Regional Planning Commission. Her first two (2) year term will expire on April 30, 2015.

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

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-Normal Public Transit Board

Category	Staff/Chair	Title	First Name	Last Name	Street	City	Zip	Expiration	Appointment Date	Mayor Appointed
Public Transit Board	Chair/Blm		Judy	Buchanan	1206 E Jefferson	Bloomington	61701	02/28/12	07/13/09	x
Public Transit Board	Blm		John	Bowman	3611 Pamela Dr	Bloomington	61704	07/31/14	08/08/11	x
Public Transit Board	Blm		Ryan	Whitehouse	1806 Cottage Ave	Bloomington	61701	04/30/15	04/23/12	x
Public Transit Board	Blm		Bill	Wilson	3 Gulf Pointe Ct	Bloomington	61704	07/01/14	07/01/11	x
Public Transit Board	Nml		John	Thomas				03/13/12		
Public Transit Board	Nml		Mary	Caisley				07/01/14	07/01/14	
Public Transit Board	Nml		Mike	McCurdy		Normal	61761	04/30/15	04/16/12	

Number of Vacancies	0
Number of Applications on file	1
Number of Expired Board Members	1

Notes
3 year terms 7 members Number Mayor Appoints: 4 Type: Independent, Intergovernmental Agreement City Code: Required by code - State or City: No Meets the 4th Tues of each month at 4:30pm - BNPTS 351 Wylie Dr, Normal

Cultural District Commission

5/8/2013 9:51 AM KB

Category	Staff/Chair	Title	First Name	Last Name	Street	City	Zip	Expiration	Appointment Date	Year First Appt	Attendance Last 12 Meetings
Cultural District Commission			Matthew	Giordano	511 S. Mercer Ave	Bloomington	61701	04/30/15	02/13/12	2012	3 (of 5)
Cultural District Commission			Dr. Curtis	Trout	1104 S Fell	Normal	61761	04/30/15	05/11/09	2009	9
Cultural District Commission			Mike	Kerber	406 N Linden	Bloomington	61701	04/30/13	12/14/09	2009	7
Cultural District Commission			Alex	Cardona	9697 Windgate Dr	Bloomington	61705	04/30/13	04/30/10	2010	8
Cultural District Commission			Sherry	Galbreath	3 Mallard Ct	Bloomington	61704	04/30/15	10/22/12	2012	
Cultural District Commission			Vicki Lynn	Tilton	200 W. Monroe, #501	Bloomington	61701	04/30/15	06/25/12	2012	1 (of 2)
Cultural District Commission	Chair		Jim	Waldorf	1603 E. Washington St	Bloomington	61701	04/30/14	04/30/08	2005	11
Cultural District Commission			Anne	Boyden	7 Country Club Place	Bloomington	61701	04/30/15	05/11/09	2008	10
Cultural District Commission			Carole	Ringer	110 Hawthorne Lake Dr	Bloomington	61704	04/30/13	04/30/10	2010	6
Cultural District Commission			Karen	Schmidt	409 E. Grove	Bloomington	61701	04/30/14	05/01/08	2008	10
Cultural District Commission			Carol	Baker	1515 N. Linden	Bloomington	61701	04/30/15	04/27/09	2003	10
Cultural District Commission			Bruce	Bergethon	13 Brookshire Dr	Bloomington	61704	04/30/14	04/30/08	2008	9
Cultural District Commission			Judy	Markowitz	326 Vista Dr	Bloomington	61701	04/30/15	05/11/09	2006	9
Cultural District Commission			Roger	Elliott	212 Doud Dr.	Normal	61761	04/30/13	04/30/10	2007	10
Cultural District Commission	Staff		John	Kennedy							
Cultural District Commission	Staff		Joel	Aalberts							

Attendance last updated: 10/12/12

Number of Vacancies 0	Notes 3 year terms 14 members Number Mayor Appoints: 14 Type: Internal City Code: Chapter 2: Section 81 Required by code - State or City: No Meets the 2nd Thurs of each month at 7:30am at the Creativity Center
Number of Applications on file 1	
Number of Expired Board Members 4	
Request for reappointments:	

Bloomington Public Library Board

5/8/2013 9:54 AM KB

Category	Staff/Chair	Title	First Name	Last Name	Street	City	Zip	Expiration	Appointment Date	Year First Appt	Attendance Last 12 Meetings
Library Board			Janet	Kibler	2208 Berrywood Ln	Bloomington	61704	04/30/14	02/27/12	2012	
Library Board			Patsy	Bowles	1208 Elmwood Rd.	Bloomington	61701	04/30/14	04/25/11	1998	
Library Board	Secretary		K.	Jaggi	1312 Park Street	Bloomington	61701	04/30/13	04/26/10	2007	
Library Board	Vice President		Blake	Mier	9 Pendleton Way	Bloomington	61704	04/30/13	04/26/10	2007	
Library Board			William	Wetzel	4 Prairie Vista Ct	Bloomington	61704	04/30/15	01/28/13	1972	
Library Board			Carol	Koos	305 Woodland	Bloomington	61701	04/30/14	04/25/11	1997	
Library Board	Treasurer		Wilma	Bates	3402 Stephanie Rd	Bloomington	61704	04/30/13	04/26/10	2007	
Library Board			Catherine	Pratt	415 N Center St	Bloomington	61701	04/30/15	01/28/13	2009	
Library Board	President		Peggy	Burton	34 Chiswick Circle	Bloomington	61704	04/30/15	01/28/13	2004	

Library Board	Staff		Georgia	Bouda							
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Number of Vacancies

0

Number of Applications on file

9

Number of Expired Board Members

3

Request for reappointments:

Notes

3 year terms

9 members

Number Mayor Appoints: 9

Type: Internal

City Code: Chapter 25 : Section 3, Section 7

Required by code - State or City: Yes

Meets the 3rd Tues of each month at 4:30pm - Library Conf Room

Police Pension Board

Category	Staff/Chair	Title	First Name	Last Name	Street	City	Zip	Expiration	Appointment Date	Mayor Appointed
Police Pension Board	Trustee		Patti-Lynn	Silva	1106 Lockenvitz Lane, #2	Bloomington	61704	04/30/14	06/11/12	X
Police Pension Board	President		Dan	Donath	109 E. Olive, PO Box 3157	Bloomington	61702	04/30/14	05/01/10	
Police Pension Board	Vice President		Karen	Baker Calvert	12 Brookridge Ct	Bloomington	61704	04/30/13	05/01/09	
Police Pension Board	Secretary		Timothy	Stanasa	109 E. Olive	Bloomington	61701	04/30/13	05/01/11	
Police Pension Board	Assistant Secretary		Don	Wilkey	107 Ruth Rd	Bloomington	61701	04/30/13	05/01/11	X

Police Pension Board	Contact Person/Staff	Dan	Donath							
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Number of Vacancies	0
Number of Applications on file	0
Number of Expired Board Members	1

Notes
2 year terms 5 members Number Mayor Appoints: 2 Type: Internal State Statute: Chapter 40 ILCS5 Required by code - State or City: Yes Meets the 3rd Tues of each month at 3:00pm - Police Dept 2 mayor 2 active union employees 1 beneficiaries

Regional Planning Commission

Category	Staff/Chair	Title	First Name	Last Name	Street	City	Zip	Expiration	Appointment Date	Mayor Appointed
Regional Planning Commission	COB Rep		Jhun	Medina	2517 Fox Trox Trail	Bloomington	61705	12/31/12	03/08/10	x
Regional Planning Commission	COB Rep		Tari	Renner	2 Sable Oaks Ct	Bloomington	61704	12/31/12	03/08/10	x
Regional Planning Commission	School Dist#5 Rep		Jay	Reece						
Regional Planning Commission	School Dist#87 Rep		Joseph	Butcher						
Regional Planning Commission	Normal Rep/Chairman		Carl	Teichman						
Regional Planning Commission	County of McLean Rep		Linda	Olson						
Regional Planning Commission	County of McLean Rep		Tim	Strader						
Regional Planning Commission	Airport Rep		Neale	McCormick						
Regional Planning Commission			VACANT??							
Regional Planning Commission	County of McLean Rep/Vice Chairman		George	Benjamin						
Regional Planning Commission	Normal Rep		Mary	Jefferson						
Regional Planning Commission	Water Reclamation Dist Rep		William	Doud						
Regional Planning Commission	COB Staff Person - Contact		Mark	Woodard	109 E Olive St	Bloomington	61701			

Number of Vacancies

0

Number of Applications on file

1

Number of Expired Board Members

2

Notes

2 year terms

12 members

Number Mayor Appoints: 2

Type: Independent

City Code:

Required by code - State or City: Yes

Bloomington Zoning Board of Appeals

5/8/2013 9:56 AM KB

Category	Staff/Chair	Title	First Name	Last Name	Street	City	Zip	Expiration	Appointment Date	Year First Appt
Zoning Appeals Board			Richard	Briggs	3 Sable Oaks Ct.	Bloomington	61704	04/30/07		2003
Zoning Appeals Board			Barbara	Meek	1914 Hackberry Rd.	Bloomington	61704	04/30/14		
Zoning Appeals Board			William	Zimmerman	1413 Mill Creek Rd	Bloomington	61704	04/30/16	01/09/12	2012
Zoning Appeals Board			Robert	Kearney	514 S. Moore	Bloomington	61701	04/30/10		2006
Zoning Appeals Board	Chair		Mike	Ireland	816 S. Mercer	Bloomington	61701	04/30/07		
Zoning Appeals Board			Steve	Parker	1314 N. Clinton Rd	Bloomington	61701	04/30/12		
Zoning Appeals Board			VACANT							

Zoning Appeals Board	Staff		Mark	Woolard	109 E Olive	Bloomington	61701			
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Number of Vacancies

1

Number of Applications on file

6

Number of Expired Board Members

4

Notes

4 year terms

7 members

Number Mayor Appoints: 7

Type: Internal

City Code:

Required by code - State or City: No

Meets Regularly - 3rd Wednesday of each month at 3:00pm in the Council Chambers



FOR COUNCIL: May 13, 2013

SUBJECT: Purchase Four (4) Police Pursuit Vehicles Utilizing the State of Illinois Joint Purchasing Contract

RECOMMENDATION/MOTION: that the purchase of Four (4) Police Interceptor Utility Vehicles utilizing the State of Illinois Joint Purchasing Contract #4017160, from Marrow Brothers Ford, Greenfield, IL, in the amount of \$111,932, and Equipment in the amount of \$15,607 for a total cost of \$127,539, be approved and the Purchasing Agent be authorized to issue a Purchase Order for same.

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 employees to fulfill the goal of providing quality basic services.

BACKGROUND: Two (2) of these units will be upfitted with equipment to replace K9 units and Two (2) will be upfitted and used for patrol use. These units were selected for K9 use because of interior room, low entry height for the dogs, and are pursuit rated. They were selected for patrol use because of the increased driver interior space and all-wheel drive capability for use in snow and ice events and are pursuit rated.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:

FINANCIAL IMPACT: The FY 2014 Police Administrative Budget appropriated \$129,780 for the replacement of Four (4) Police Interceptor Utility vehicles in line 10015110-72130. The total cost to purchase the unit is \$127,539, which is \$2,241 or 1.7% below the budget. Stakeholders may locate this purchase in the preliminary FY 2014 General Fund Budget Book on page #209.

Respectfully submitted for Council consideration.

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

Reviewed by: Barbara J. Adkins, Deputy City manager

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

Recommended by:

David A. Hales
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			

Police Department Summary of Vehicles

5/7/2013
Katie Stamp

Description	Year (of vehicle)	Make	Number of Units
MARKED PATROL CAR	2002	CHEVROLET	25
UNDERCOVER VEHICLES	N/A	N/A	17
DETECTIVE CARS	2004	CHEVROLET	14
K9 UNIT	2000	FORD	5
ADMINISTRATION EMPLOYEE CARS	2004	CHEVROLET	4
CRIMINAL INVESTIGATION DIVISION VEHICLE	2000	FORD	4
CRIME SCENE UNIT VEHICLES	2012	CHEVROLET	3
SCHOOL RESOURCES OFFICER MARKED	2005	CHEVROLET	3
4 WHEEL DRIVE MULE	1996	KAWASAKI	2
PARKING ENFORCEMENT RH DRIVE JEEP	2005	JEEP	2
PUBLIC AFFAIRS	2005	CHEVROLET	2
STREET CRIME	2012	CHEVROLET	4
TRAILER FOR 4 RUNNER	1996	DOUBLE L	2
CRISIS RESPONSE TEAM BOX VAN	2002	GMC	1
EMERGENCY RESPONSE UNIT VAN	2006	GMC	1
MAINTENANCE PICKUP	2004	FORD	1
OPERATIONS LEIUTENANT CAR (VACANT)	2005	CHEVROLET	1
PARKING ENFORCEMENT	1999	FORD	1
PARKING ENFORCEMENT PICK UP	1998	GMC	1
POLICE BUILDING STAND BY GENERATOR	1997	ONAN	1
PRISONER TRANSPORT VAN	2004	GMC	1
SHIFT COMMANDER	2007	GMC	1
SPEED MONITOR TRAILER	1998	SPEED MONITOR	1
TRAINING CAR	2005	CHEVROLET	1
UNMARKED TRAFFIC CAR	2006	CHEVROLET	1



FOR COUNCIL: May 13, 2013

SUBJECT: Purchase One (1) Dump Truck for the Public Works Department's Storm Water Management Division utilizing the State of Illinois Joint Purchasing Contract

RECOMMENDATION/MOTION: that the purchase one (1) 7400 Dump Truck utilizing the State of Illinois Joint Purchasing Contract #PSD4016932, from Prairie International, Normal, IL, in the amount of \$146,275, be approved and the Purchasing Agent be authorized to issue a Purchase Order for the same.

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 employees to fulfill the goal of providing quality basic services.

BACKGROUND: The Public Works Storm Water Management Division has a 2006 International 7400 Dump Truck that is scheduled for replacement in Fiscal Year 2014. This unit has 89,000 miles and 10,298 hours. It is used in the day to day repair, maintenance, and cleaning of the city's storm water system. During snow and ice events this unit is used to plow snow and distribute anti-icing agents. This 7400 Dump Truck will be equipped with a 12 foot stainless steel dump body, 11 foot power reversing snow plow, stainless steel salt distributor and will have electric and hydraulic systems to operate all equipment. Normal replacement cycle of dump trucks is at 100,000 miles or 10,000 hours. This 2006 International Dump Truck will then be moved to a different area in the fleet where it will see less usage. A 2001 International Dump Truck that has 94,244 miles and 12,299 hours will be taken out of service and declared surplus. The surplus unit will be sold on public auction and is expected to be worth \$8,500.00.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: None.

FINANCIAL IMPACT: The FY 2014 Capital Lease Budget appropriated \$127,320 for the purchase of one (1) 7400 Dump Truck in the amount of \$146,275 in line 40110130-72130. Although the cost to purchase this unit surpasses the budget appropriation by \$18,955, the difference is expected to be offset by other expenditures within the Sewer Fund. Stakeholders may locate this purchase in the preliminary FY 2014 Capital, Enterprise, and Other Fund Budget Document on Page #73.

Respectfully submitted for Council consideration.

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

Reviewed by: Barbara J. Adkins, Deputy City Manager

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

Recommended by:

David A. Hales
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 13, 2013

SUBJECT: Intergovernmental Agreement for Animal Control Warden Services

RECOMMENDATION/MOTION: that the agreement with McLean County Board of Health for Animal Warden Services 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: A partnership with Animal Control will provide cost effective service delivery to the citizens.

BACKGROUND: For the past several years, an intergovernmental agreement has been in effect between the City of Bloomington and McLean County Board of Health whereby the Board of Health assumes all responsibilities for the duties of animal control on a 24-hour a day basis within the corporate limits of the City of Bloomington and will enforce all Illinois animal control laws and City ordinances relating to animals. The Town of Normal has a similar agreement for these services. Specific services and conditions are outlined in the attached intergovernmental agreement. The agreement reflects a 2% increase from \$97,476 to \$99,426.

This intergovernmental agreement is renewable on a year to year basis and will be in effect from May 1, 2013 through April 30, 2014, and renewable on May 1 of each additional year.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: None.

FINANCIAL IMPACT: The FY 2014 General Fund Budget appropriated \$99,300 for a partnership with Animal Control in line item 10015210-70690 (Other Purchased Services). The total cost for the City to receive this service is \$99,426. The difference of \$126 will be offset by savings from other expenditures within this line item. Stakeholders may locate this purchase in the FY 2014 General Fund Proposed Budget Document on page 208.

Respectfully submitted for Council consideration.

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

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

Legal review by: Rosalee Dodson, Assistant Corporation Counsel

Recommended by:

David A. Hales
City Manager

Attachments: Attachment 1. Agreement

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
FOR
ANIMAL CONTROL WARDEN SERVICES**

This AGREEMENT for Animal Control Warden Service made this 1st day of May, 2013 by and between the McLEAN COUNTY BOARD OF HEALTH, the governing body of the McLean County Health Department located in the City of Bloomington, Illinois (hereinafter called "BOARD OF HEALTH"), and the City of Bloomington, a Municipal Corporation, located in the State of Illinois, County of McLean (hereafter called "MUNICIPALITY").

WHEREAS, there is a need to respond to citizen and police requests for animal control services twenty-four hours (24) per day within the corporate limits of the MUNICIPALITY; and,

WHEREAS, there is a need to remove stray or straying dogs and cats, and dogs and cats otherwise subject to impoundment, from within the corporate limits of the MUNICIPALITY upon the request of the MUNICIPALITY; and,

WHEREAS, there is a need to remove dead animals from within public areas of the corporate limits of the MUNICIPALITY upon the request of the MUNICIPALITY; and,

WHEREAS, there is a need to remove wild animals from residential areas in situations where there is a potential rabies hazard, upon request from the MUNICIPALITY during these time periods; and,

WHEREAS, the BOARD OF HEALTH has the capacity to provide such services through its Animal Control Wardens; and,

WHEREAS, the BOARD OF HEALTH, by and through the McLean County Health Department, has been designated as the supervising and administrative agent to administer and oversee animal control functions as defined in the Illinois Animal Control Act and County ordinances enacted attendant thereto by the County of McLean; and,

WHEREAS, the BOARD OF HEALTH wishes to provide such services to the MUNICIPALITY through its Animal Control Wardens;

IT IS THEREFORE AGREED AS FOLLOWS:

1. That parties enter this AGREEMENT for the period May 1, 2013 through April 30, 2014.
2. That the BOARD OF HEALTH agrees as follows:
 - A. To provide contracted animal control services, twenty-four (24) hours per day within the corporate limits of the MUNICIPALITY, within a reasonable period of time;
 - B. To remove stray or straying dogs and cats, and dogs and cats otherwise subject to impoundment, from within the corporate limits of the MUNICIPALITY upon the request of the MUNICIPALITY twenty-four (24) hours per day within a reasonable period of time;
 - C. To remove dead animals from public right of way within the corporate limits of the

MUNICIPALITY upon the request of the MUNICIPALITY, and removal of dead dogs and cats from private property within the corporate limits of the MUNICIPALITY when an owner is unknown, twenty-four (24) hours per day within a reasonable period of time providing the MUNICIPALITY provides a disposal site for said carcasses. When any dead animal, except a dog or cat with no known owner, shall be found on any private land in the MUNICIPALITY it shall be the responsibility of the person owning or occupying such land to remove or arrange for the removal of said dead animal. The MUNICIPALITY may request removal of a dead animal found on private property in the event a property owner does not comply with removing the dead animal within a reasonable amount of time, providing the Animal Control Program has the wherewithal to provide services for the removal request.

- D. To assist the MUNICIPALITY to take custody of dogs and cats authorized to be impounded pursuant to an arrest of the owners or person having custody of such dog(s) or cat(s) for enforcement of MUNICIPAL and CRIMINAL codes, other than Section 2 paragraph E and Section 3 paragraph B, providing the Animal Control Program has the wherewithal to provide services for the removal request. Dogs and cats impounded pursuant to an arrest shall be held 7 business days pending reclaim by an owner. Animals impounded for a 10-day bite quarantine must be reclaimed within 5 business days from the date the quarantine ends. If not reclaimed, the animal(s) shall become the property of McLean County Animal Control.
- E. To assist the MUNICIPALITY to take custody of dogs and cats authorized to be seized pursuant to warrants issued for enforcement of MUNICIPAL and or CRIMINAL CODES, and dogs and cats seized in the course of executing warrants for the arrest of the owners or persons having custody of such dogs and cats, which assistance shall be subject to the terms of Section 3 paragraph B. Dogs and cats impounded pursuant to an arrest shall be held 7 business days pending reclaim by an owner. Animals impounded for a 10-day bite quarantine must be reclaimed within 5 business days from the date the quarantine ends. If not reclaimed, the animal(s) shall become the property of McLean County Animal Control.
- F. To remove nuisance wild animals from residential areas only when said animal has entered an actual living space of a dwelling or if the potential of exposure to rabies is increased due to high levels of interaction with said animal, upon request from the MUNICIPALITY twenty-four (24) hours day within the corporate limits of the MUNICIPALITY within a reasonable period of time. Notwithstanding the foregoing, nuisance wildlife identified in Section 525 of the Illinois Administrative Code, not posing an eminent potential of rabies exposure, shall be removed by a licensed trapper or referred to the Department of Natural Resources for wildlife removal;
- G. To continue to collect and remit to the MUNICIPALITY all release fees associated with owner reclamation of impounded animals in accordance with Chapter 8, Section 53 of the MUNICIPALITY'S ordinance governing animal and fowls;
- H. To provide the MUNICIPALITY written evidence, in a manner acceptable to the MUNICIPALITY, detailing the hours expended by its Animal Control Wardens pursuant to this Agreement;

- I. To indemnify and hold the MUNICIPALITY harmless from all causes of action, whether judicial or administrative, and the costs of defending any such actions resulting from any intentional or negligent act performed by the BOARD OF HEALTH, its employees and/or its agents which arise out of the performance of this agreement. Such actions shall include, but are not limited to, civil rights actions, property damage actions, personal injury actions, or any actions seeking recovery of money or other remedies.

3. That the MUNICIPALITY agrees as follows:

- A. To pay the BOARD OF HEALTH for such services ninety-nine thousand four-hundred and twenty-six dollars (\$99,426), payable as follows: Eight-thousand two-hundred and eighty-five dollars (\$8,285) monthly beginning May 1, 2013, and continuing throughout the term of this agreement for the services described in paragraphs A, B, C, E, F, G, H and I of Section 2;
- B. To pay the BOARD OF HEALTH forty-five (\$45.00) dollars per hour per Warden for the services specified in paragraph E in Section 2, The MUNICIPALITY understands and agrees that the BOARD OF HEALTH shall not be obligated to provide such services and that any agreement to do so shall be dependent on the availability of staff and capacity at the Animal Control Center. The MUNICIPALITY shall be responsible for notifying the owners or persons who had custody of any dog or cat taken to the Animal Control Center after the execution of a warrant as provided in Section 2 paragraph E that the dog or cat has been taken to the Animal Control Center, the procedures and cost for reclaiming such dog or cat and the consequences for failing to do so. The MUNICIPALITY shall give the notice in writing at the time of the arrest, execution of the warrant or within twenty-four (24) hours of the dog or cat being taken to the Animal Control Center and shall be on forms approved by the BOARD OF HEALTH;
- C. The MUNICIPALITY shall be responsible for notifying the owners or persons who had custody of any dog or cat taken to the Animal Control Center after their arrest as provided in Section 2 paragraph D and E that the dog or cat has been taken to the Animal Control Center, the procedures and cost for reclaiming such dog or cat and the consequences for failing to do so. Notice shall be given in writing at the time of the arrest or within twenty-four (24) hours of the dog or cat being taken to the Animal Control Center and shall be on forms approved by the BOARD OF HEALTH;
- D. To indemnify and hold harmless the BOARD OF HEALTH from all causes of action, whether judicial or administrative, and the costs of defending any such actions resulting from any intentional or negligent acts performed by the MUNICIPALITY, its employees and/or its agents which arise out of the performance of this agreement. Such actions shall include but are not limited to civil rights actions, property damage actions, personal injury actions, or any actions seeking recovery of money or other remedies;
- E. To have the right to assign tasks to Animal Control Wardens pursuant to this agreement; however, supervision and the means by which tasks are accomplished shall be the responsibility of the BOARD OF HEALTH.

4. That the BOARD OF HEALTH and the MUNICIPALITY agree as follows:

- A. That this agreement may be terminated for any of the following reasons:
- i. At the request of the MUNICIPALITY upon ninety (90) days written notice.
 - ii. At the request of the BOARD OF HEALTH upon ninety (90) days written notice.
- B. That in the event this Agreement is terminated prior to its expiration, then the MUNICIPALITY agrees to pay the BOARD OF HEALTH for any services outstanding rendered by the BOARD OF HEALTH.
- C. That this Agreement includes all of the agreements made by the BOARD OF HEALTH and the MUNICIPALITY without regard to any oral conversations which may have taken place prior to execution or subsequent thereto and that any changes shall be made in writing and agreed to by both parties.
- D. That if any provision of this Agreement shall be held invalid or unenforceable, the remainder of this Agreement shall nevertheless remain in full force and effect. If any provision is held invalid or unenforceable with respect to a particular circumstance, it shall nevertheless remain in full force and effect in all other circumstances.
- E. That any issues pertaining to the sheltering of animals shall come under the Inter-Governmental Agreement for Animal Control Center Services.

CITY OF BLOOMINGTON
a Municipal Corporation,

By _____

Date: _____

Mayor Renner

ATTEST:

By _____

Date: _____

Tracy Covert
Bloomington City Clerk

McLEAN COUNTY BOARD OF HEALTH

By _____

Date: _____

Walter P. Howe
Director

BLM 14 WARDEN SERVICES-MT



FOR COUNCIL: May 13, 2013

SUBJECT: Intergovernmental Agreement for McLean County Animal Control Center Agreement

RECOMMENDATION/MOTION: That the agreement with McLean County Board of Health for use of the McLean County Animal Control Center 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: A partnership with McLean County Animal Control Center will provide cost effective service delivery to the citizens.

BACKGROUND: For the past several years the city of Bloomington and the McLean County Health Department have had an agreement wherein the County Board of Health provides shelter for stray animals. The Town of Normal has a similar agreement. The present contract expired April 30, 2013.

For the period May 1, 2013 through April 30, 2014, the proposed contract by the McLean County Board of Health reflects an increase of less than 1% from \$34,164 a year to \$34,847 a year.

This agreement is renewable on a year to year basis and will be in effect from May 1, 2013 through April 30, 2014, and renewable on May 1 of each additional year.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: None.

FINANCIAL IMPACT: The FY 2014 General Fund Budget appropriated \$34,800 for an intergovernmental agreement with the McLean County Board of Health for the use of the McLean County Animal Control Center in line item 10015210-70690 (Other Purchased Services). The total cost for the City to receive this service is \$34,847. The difference of \$47 will be offset by savings from other expenditures within this line item. Stakeholders may locate this purchase in the FY 2014 General Fund Proposed Budget Document on page 208.

Respectfully submitted for Council consideration.

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

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

Legal review by: Rosalee Dodson, Assistant Corporation Counsel

Recommended by:

David A. Hales
City Manager

Attachments: Attachment 1. Agreement

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			

ANIMAL CONTROL CENTER AGREEMENT

This AGREEMENT for Animal Control Center Services is made this 1st day of May, 2013 by and between the McLEAN COUNTY BOARD OF HEALTH, the governing body of the McLean County Health Department located in the City of Bloomington, Illinois (hereinafter called "BOARD OF HEALTH"), and the City of Bloomington, a Municipal Corporation located in the State of Illinois, County of McLean (hereafter called "MUNICIPALITY").

WHEREAS there is a need to provide prompt and quality shelter for stray or straying dogs and cats, and dogs and cats otherwise subject to impoundment that are picked up by a McLean County Animal Control Warden or any other authorized representative of the MUNICIPALITY; and,

WHEREAS the MUNICIPALITY wishes to contract for prompt and quality shelter for stray or straying dogs and dogs and cats subject to impoundment that are picked up within its jurisdictional boundaries; and,

WHEREAS the BOARD OF HEALTH has the capacity to provide such services and will permit 24-hour, seven days per week access to the McLean County Animal Control Center; and,

WHEREAS the BOARD OF HEALTH wishes to provide such services to the MUNICIPALITY through this AGREEMENT,

IT IS, THEREFORE, AGREED by and between the BOARD OF HEALTH and the MUNICIPALITY as follows:

1. The parties enter into this AGREEMENT for the period May 1, 2013 through April 30, 2014.
2. The BOARD OF HEALTH agrees to provide shelter to: a) stray or straying dogs and cats, and dogs and cats otherwise subject to impoundment placed in the Animal Control Center by any authorized representative of the MUNICIPALITY; b) dogs and cats seized by MUNICIPALITY law enforcement officers in the course of executing warrants for the arrest of the owners or persons having custody of any such dogs and cats; c) dogs and cats seized pursuant to warrants issued for the enforcement of MUNICIPALITY and CRIMINAL CODES; and, d) dogs and cats summarily seized by MUNICIPALITY law enforcement officers for failure to vaccinate for rabies and/or failure to register a dog or cat.
3. The BOARD OF HEALTH agrees to assist the MUNICIPALITY in enforcing its municipal ordinances through any or all of the following: collecting reclamation/release fees, reporting the names and addresses of persons reclaiming animals placed in the Animal Control Center by an authorized representative of the MUNICIPALITY and providing within the Animal Control Center information and education materials to residents of the MUNICIPALITY concerning ordinances prohibiting dogs and cats from running at large.

4. The MUNICIPALITY agrees to pay to the BOARD OF HEALTH for such services thirty-four thousand eight-hundred forty-seven dollars (\$34,847) per year, payable as follows:
 - A. The monthly payment will be two-thousand nine-hundred four dollars (\$2,904), beginning May 1, 2013 and continuing throughout the term of this AGREEMENT.
5. Payments for services rendered pursuant to this AGREEMENT will be made by the MUNICIPALITY to the BOARD OF HEALTH (payable to the McLean County Health Department) monthly no later than the 15th day of each month.
6. The BOARD OF HEALTH shall indemnify and hold the MUNICIPALITY harmless from all causes of action, whether judicial or administrative, and the costs of defending any such actions resulting from any intentional or negligent act performed by the BOARD OF HEALTH, its employees and/or its agents which arise out of the performance of this agreement. Such actions shall include, but are not limited to, civil rights actions, property damage actions, personal injury actions, or any actions seeking recovery of money or other remedies.
7. The MUNICIPALITY shall indemnify and hold harmless the BOARD OF HEALTH from all causes of action, whether judicial or administrative, and the costs of defending any such actions resulting from any intentional or negligent acts performed by the MUNICIPALITY, its employees and/or its agents which arise out of the performance of this agreement. Such actions shall include but are not limited to civil rights actions, property damage actions, personal injury actions, or any actions seeking recovery of money or other remedies.
8. All stray or straying dogs and cats, and all dogs and cats subject to impoundment placed in the Animal Control Center by a representative of the MUNICIPALITY pursuant to the terms of this Agreement shall be subject to all of the ordinances, rules and regulations of the BOARD OF HEALTH and County of McLean, including but not limited to any and all statutes, ordinances and regulations relating to the release, quarantine, adoption and disposal of animals. The MUNICIPALITY agrees that the BOARD OF HEALTH shall have no obligation to hold animals any longer than required by law; provided however the BOARD OF HEALTH will hold an animal longer at the request of the MUNICIPALITY on the condition that there is sufficient space available to house the animal and that the MUNICIPALITY agrees to pay all fees for boarding the animal for any additional days. The persons reclaiming such dog(s) or cat(s) shall be required to first pay all such reclaim, boarding, registration, veterinarian costs and all applicable fees associated with such ordinances, rules and regulations due to the BOARD OF HEALTH in addition to the reclamation/release fee of the MUNICIPALITY.
9. This AGREEMENT may be terminated at the request of the MUNICIPALITY or of the BOARD OF HEALTH upon ninety days written notice being provided by either party to the other.

10. It is understood that the terms of this AGREEMENT include all of the agreements made by the BOARD OF HEALTH and the MUNICIPALITY without regard to any oral conversations which may have taken place prior to its execution or subsequent thereto, and that any changes must be agreed to by both parties in writing.
11. If any provision of this AGREEMENT shall be held invalid or unenforceable the remainder of the AGREEMENT shall nevertheless remain in full force and effect. If any provision is held invalid or unenforceable with respect to particular situations or circumstances, it shall nevertheless remain in full force and effect in all other situations or circumstances.

CITY OF BLOOMINGTON
a Municipal Corporation,

By _____
Teri Renner, Mayor

Date: _____

ATTEST:

By _____
Tracy Covert, Bloomington City Clerk

Date: _____

McLEAN COUNTY BOARD OF HEALTH

By _____
Walter P. Howe, Director

Date: _____

BLM14 SHELTER-MT



FOR COUNCIL: May 13, 2013

SUBJECT: Suspension of Ordinances to Allow Consumption of Alcohol at Lake Bloomington's Davis Lodge on August 17, 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 August 17, 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 Stephen Stockton called the Liquor Hearing to order to hear the request of Rory Polk and Molly McGuigan to allow moderate consumption of alcohol at Lake Bloomington Davis Lodge for their wedding reception on August 17, 2013. Present at the hearing were Liquor Commissioners Steve Stockton, Marabeth Clapp, Steven Petersen, Mark Gibson, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel; Bob Wall, Asst. Police Chief; and Tracey Covert, City Clerk; and Rory Polk, groom.

Commissioner Stockton opened the liquor hearing and requested that Rory Polk, groom, address the Commission regarding this request. Mr. Polk addressed the Commission. He informed them that the wedding ceremony and reception were scheduled for Saturday, August 17, 2013. Alcohol service would be provided for the approximate 100 wedding guests. Alcohol service would be limited to beer and wine only. The reception was scheduled from 5:30 until 10:00 p.m.

Commissioner Thompson questioned the caterers for this event. Mr. Polk informed the Commission that Destihl, 318 S. Towanda Ave., Normal, would provide the food. Entourage located at 909 N. Hershey Rd., would provide the beer and wine.

Motion by Commissioner Tompkins, seconded by Commissioner Gibson that the request of Rory Polk and Molly McGuigan to allow moderate consumption of alcohol at Lake Bloomington Davis Lodge for their wedding reception on August 17, 2013 be approved.

Motion carried, (unanimously).

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

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Recommended by:

Tari Renner
Mayor

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 WEDDING RECEPTION AT THE LAKE BLOOMINGTON DAVIS LODGE

WHEREAS, Rory Polk and Molly McGuigan are planning to hold their wedding reception at the Lake Bloomington Davis Lodge from 5:30 p.m. to 10:00 p.m. on August 17, 2013; and

WHEREAS, Rory Polk and Molly McGuigan 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 August 17, 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 13th day of May, 2013.

APPROVED this ___th day of May, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk



FOR COUNCIL: May 13, 2013

SUBJECT: Suspension of Ordinances to Allow Consumption of Alcohol at Lake Bloomington's Davis Lodge on August 31, 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 August 31, 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 Stephen Stockton called the Liquor Hearing to order to hear the request of Melvin Schneider and Lindsay Zehr to allow moderate consumption of alcohol at Lake Bloomington Davis Lodge for their wedding reception on August 31, 2013. Present at the hearing were Liquor Commissioners Steve Stockton, Marabeth Clapp, Steven Petersen, Mark Gibson, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel; Bob Wall, Asst. Police Chief; and Tracey Covert, City Clerk; and Andy & Angie Zehr, bride's parents.

Commissioner Stockton opened the liquor hearing and requested that Andy and Angie Zehr, bride's parents, address the Commission regarding this request. The Zehrs addressed the Commission. They informed the Commission that the wedding reception was scheduled for Saturday, August 31, 2013. Alcohol service would be provided to wedding guests. Alcohol service would be limited to beer only. The reception was scheduled from 4:00 until 11:00 p.m. Famous Dave's located at 1603 Morrissey Dr. would caterer the event, (food and beverage service).

Motion by Commissioner Tompkins, seconded by Commissioner Petersen that the request of Melvin Schneider and Lindsay Zehr to allow moderate consumption of alcohol at Lake Bloomington Davis Lodge for their wedding reception on August 31, 2013 be approved.

Motion carried, (unanimously).

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

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Recommended by:

Tari Renner
Mayor

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 WEDDING RECEPTION AT THE LAKE BLOOMINGTON DAVIS LODGE

WHEREAS, Melvin Schneider and Lindsay Zehr are planning to hold their wedding reception at the Lake Bloomington Davis Lodge from 4:00 p.m. to 11:00 p.m. on August 31, 2013; and

WHEREAS, Melvin Schneider and Lindsay Zehr 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 August 31, 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 13th day of May, 2013.

APPROVED this ___th day of May, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk



FOR COUNCIL: May 13, 2013

SUBJECT: Suspension of Ordinances to Allow Consumption of Alcohol at Miller Park Pavilion on November 16, 2013

RECOMMENDATION/MOTION: That the Ordinance suspending Section 26(d) of Chapter 6 and Section 701 of Chapter 31 to allow the suspension and consumption of alcohol at the Miller Park Pavilion on November 16, 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 Stephen Stockton called the Liquor Hearing to order to hear the request of Shawn Latta and Katie Phillips to allow moderate consumption of alcohol at Miller Park Pavilion for their wedding reception on November 16, 2013. Present at the hearing were Liquor Commissioners Steve Stockton, Marabeth Clapp, Steven Petersen, Mark Gibson, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel; Bob Wall, Asst. Police Chief; and Tracey Covert, City Clerk; and Katie Phillips and Shawn Latta, bride and groom..

Commissioner Stockton opened the liquor hearing and requested that Katie Phillips and Shawn Latta, bride and groom, address the Commission regarding their request. Ms. Phillips addressed the Commission. She informed the Commission that the wedding ceremony was scheduled for 1:00 p.m. at St. Mary's Church located at 527 W. Jackson St. on Saturday, November 16, 2013. The reception was scheduled for 4:00/5:00 p.m. at the Miller Park Pavilion. Alcohol service would be provided to the approximate 175 wedding guests. Alcohol service would be limited to beer and wine only. The reception would end at 11:00 p.m. Redbird Catering located at 1003 S. Morris Ave. would caterer the event, (food and beverage service).

Commissioner Clapp cautioned Ms. Phillips and Mr. Latta to be mindful that children might be present in the park.

Motion by Commissioner Tompkins, seconded by Commissioner Petersen that the request of Shawn Latta and Katie Phillips to allow moderate consumption of alcohol at Miller Park Pavilion for their wedding reception on November 16, 2013 be approved.

Motion carried, (unanimously).

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

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Recommended by:

Tari Renner
Mayor

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
WEDDING RECEPTION AT THE MILLER PARK PAVILION**

WHEREAS, and Shawn Latta and Katie Phillips are planning to hold their wedding reception at the Miller Park Pavilion from 4:00 p.m. to 10:00 p.m. on November 16, 2013; and

WHEREAS, Shawn Latta and Katie Phillips have requested permission from the City to serve beer and wine during this event; and

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

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

Section 1: That Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, are suspended for the duration of the wedding reception at the Miller Park Pavilion on November 16, 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 13th day of May, 2013.

APPROVED this ____th day of April, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

FOR COUNCIL: May 13, 2013

SUBJECT: Request of American Drug Stores, LLC, d/b/a Osco Drug #3116, located at 2201 E. Oakland Ave., currently holding a PAS liquor license which allows the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week with the following conditions: 1.) only employees who are over twenty-one (21) years of age may complete liquor sales and check ID's of customers; 2.) the liquor display area must be attended at all times by an employee; 3.) there must be gates which can be closed across all entrances to the liquor display area when such products cannot legally be sold; 4.) at each entrance to the liquor display area there must be a sign which identifies it as an entrance into the liquor area; 5.) there may be no display of liquor products outside of the existing liquor area; 6.) the sale of nonalcoholic products in the liquor area must be minimized; 7.) no permanent sign which is visible from outside of the building may advertise an alcoholic beverage brand or manufacturer. There may be one (1) permanent general sign outside of the building which indicates that liquor is sold therein.; 8.) subsequent violations of the Bloomington Liquor Code or of any other liquor law could result in the reimposition of the current access restrictions; to remove said conditions

RECOMMENDATION/MOTION: That the request by American Drug Stores, LLC d/b/a Osco Drug #3116, located at 2201 E. Oakland Ave., currently holding a PAS liquor license which allows the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week by removing conditions two through eight, (2 - 8), be approved.

STRATEGIC PLAN LINK: Goal 4. Grow the Local Economy.

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

BACKGROUND: The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request American Drug Stores, LLC d/b/a Osco Drug #3116, located at 2201 E. Oakland Ave., currently holding a PAS liquor license which allows the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week with the following conditions: 1.) only employees who are over twenty-one (21) years of age may complete liquor sales and check ID's of customers; 2.) the liquor display area must be attended at all times by an employee; 3.) there must be gates which can be closed across all entrances to the liquor display area when such products cannot legally be sold; 4.) at each entrance to the liquor display area there must be a sign which identifies it as an entrance into the liquor area; 5.) there may be no display of liquor products outside of the existing liquor area; 6.) the sale of nonalcoholic products in the liquor area must be minimized; 7.) no permanent sign which is visible from outside of the building may advertise an alcoholic beverage brand or manufacturer. There may be one (1) permanent general sign outside of the building which indicates that liquor is sold therein.; 8.) subsequent violations of the Bloomington Liquor Code or of any other liquor law could result in the reimposition of the current access restrictions; to remove said conditions. Present at the hearing were Liquor Commissioners Steve Stockton, Marabeth Clapp, Steve Petersen, Mark Gibson, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel; Bob Wall, Asst. Police Chief; and Tracey Covert, City Clerk.

Commissioner Stockton opened the liquor hearing. He added that the Osco located on Oakland Ave. was requesting removal of all conditions placed upon the liquor license.

Tracey Covert, City Clerk, provided background information to the Commission. These conditions were discovered during a conditions review of all liquor license files. She had informed the license holder that the City would probably retain the first condition.

Commissioner Stockton directed the Commission to review the conditions.

Commissioner Tompkins requested that condition 7, (no permanent sign which is visible from outside of the building may advertise an alcoholic beverage brand or manufacturer. There may be one (1) permanent general sign outside of the building which indicates that liquor is sold therein.), be retained.

Commissioner Gibson questioned if other grocery stores had similar conditions placed upon their liquor licenses. Ms. Covert noted that this was the only one.

Commissioner Tompkins believed that the City Code contained signage limitations. Ms. Covert addressed the Commission. She believed that the signage limitations were directed at "G", Gasoline, liquor licenses.

Commissioner Petersen addressed condition 5. there may be no display of liquor products outside of the existing liquor area. Commissioner Clapp noted past discussions regarding liquor product placement in grocery stores. Commissioner Gibson recalled efforts made by the BNCCC, (Bloomington Normal Community Campus Committee), to address same.

Commissioner Gibson expressed his opinion that the City needed to level the playing field for all license holders. He described these conditions as overreaching.

Commissioner Tompkins expressed his opinion that they had worked well for Osco. He added his belief that generally liquor was stocked in one area of the store. He believed that conditions 5 and 7 served the neighborhood's character.

Commissioner Petersen restated that this was the only grocery store with liquor license conditions.

Motion by Commissioner Gibson, seconded by Commissioner Clapp to approve the request by American Drug Stores, LLC d/b/a Osco Drug #3116, located at 2201 E. Oakland Ave., currently holding a PAS liquor license which allows the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week by removing conditions two through eight, (2 - 8).

Ayes: Commissioners Stockton, Clapp, Petersen, Gibson and Jordan.

Nays: Commissioner Tompkins.

Motion carried.

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

FINANCIAL IMPACT: None. Request is to remove conditions placed upon the liquor license.

Respectfully submitted for Council consideration.

Recommended by:

Tari Renner
Mayor

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 13, 2013

SUBJECT: Request of the City of Bloomington, d/b/a the Bloomington Center for the Performing Arts, located at 600 N. East St., currently holding an RBS liquor license which allows the sale of beer and wine only for consumption on the premises seven (7) days a week to remove the following condition: alcoholic beverages will not be allowed in the auditorium

RECOMMENDATION/MOTION: That the request of the City of Bloomington d/b/a the Bloomington Center for the Performing Arts, (BCPA), located at 600 N. East St., currently holding an RBS liquor license which allows the sale of beer and wine only for consumption on the premises seven (7) days a week to remove the following condition: alcoholic beverages will not be allowed in the auditorium, be approved.

STRATEGIC PLAN LINK: Goal 4. Grow the Local Economy.

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

BACKGROUND: The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of the City of Bloomington d/b/a the Bloomington Center for the Performing Arts, (BCPA), located at 600 N. East St., currently holding an RBS liquor license which allows the sale of beer and wine only for consumption on the premises seven (7) days a week to remove the following condition: alcoholic beverages will not be allowed in the auditorium. Present at the hearing were Liquor Commissioners Steve Stockton, Marabeth Clapp, Steve Petersen, Mark Gibson, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel; Bob Wall, Asst. Police Chief; and Tracey Covert, City Clerk; and Joel Aalberts, Performing Arts Manager.

Commissioner Stockton opened the liquor hearing. He added that the BCPA was requesting that a condition be removed which would redefine the premises to include the auditorium. He noted the challenge due to the limited time allowed for liquor service and consumption. In the past, City staff had expressed their concern regarding the auditorium's upholstery and carpet. He believed that a key question would be how to differentiate this request from the Wehrenberg Theater's liquor license application. A key concern with this application was drink sharing. The movies were viewed as family entertainment.

Commissioner Clapp cited her experience as a BCPA volunteer.

Commissioner Stockton added that the US Cellular Coliseum, (USCC), had a liquor license and consumption was allowed inside the arena area. In addition, the Shakespeare Festival also held a liquor license.

Commissioner Petersen cited the lack of drink holders inside the BCPA. He also questioned the demand for same.

Commissioner Gibson questioned the BCPA's budget for housekeeping.

Commissioner Stockton cited his personal experience at the BCPA.

Commissioner Tompkins expressed his concern regarding the following: 1.) attendance of children; 2.) narrow seats and aisles; and 3.) the lack of cup holders. He had been in favor of Wehrenberg's application for a liquor license.

Commissioner Gibson made a quick comment regarding his experience at the USCC.

Joel Aalberts, Performing Arts Manager, addressed the Commission. There had been a number of requests to allow consumption inside of the auditorium. He described it as a regular complaint. The BCPA was not providing good service. City staff was challenged by the Council to generate revenue. The BCPA had a policy of no liquor service at family events. In an effort to reduce spillage, Mr. Aalberts provided a sample of the only glass that would be allowed in the auditorium. The lid could be closed. This type of glass was being used by other theaters. He noted its modest size. Identification was checked prior to the sale of an alcoholic beverage. The benefits included an enhanced patron experience and additional revenue from the sale of alcoholic/nonalcoholic beverages.

Commissioner Tompkins questioned the BCPA's usher staff. An alcoholic beverage could be passed to an underage individual. Mr. Aalberts stated that the BCPA's volunteer ushers and staff were present to watch patrons. Commissioner Tompkins acknowledged City staff's abilities.

Commissioner Petersen stated that his concerns had been addressed by the glass presented. He questioned the possibility of installing a cup holder. Mr. Aalberts noted that the seats were over sixty (60) years old. City staff would research same.

Commissioner Tompkins stated his only concern addressed the Wehrenberg Theater and the fact that its application for a liquor license had been denied.

Commissioner Clapp believed that Wehrenberg could reapply for a liquor license at a future date.

Wayne Schultz, 211 S. Florence, addressed the Commission. He supported the BCPA. He did not believe that alcoholic beverages needed to be brought inside the auditorium. He cited his personal experience at the USCC. He described the BCPA as a step above. If the BCPA needed to generate additional revenue, it needed to provide good programming. He believed that additional programs were needed.

Commissioner Jordan questioned if the City would be opening the door to other theaters by comparison with the BCPA. He added that there would be events at the BCPA when there would be no liquor served.

Commissioner Stockton expressed his opinion that Wehrenberg Theater was different. He reviewed the BCPA's history and did not view the Commission's action as setting a precedent. This request went beyond revenue generation.

Mr. Aalberts believed that this type of glass was seen in theaters nationwide. Allowing beverage consumption in the auditorium would add to the quality of the evening. He added that these glasses could also be used for events held in the BCPA ballroom. He restated that there would not be liquor service at all programs.

Commissioner Petersen questioned the timing for bar service. Mr. Aalberts stated that typically the bar was closed after intermission. Generally, there was a no open door policy. He added that the BCPA's demographic was an older audience.

Commissioner Stockton added that if this condition was removed and complaints were heard, then the Commission could reinstate same. He expressed his willingness to try.

Motion by Commissioner Clapp, seconded by Commissioner Petersen to approve the request of the City of Bloomington d/b/a the Bloomington Center for the Performing Arts, (BCPA), located at 600 N. East St., currently holding an RBS liquor license which allows the sale of beer and wine only for consumption on the premises seven (7) days a week to remove the following condition: alcoholic beverages will not be allowed in the auditorium.

Motion carried, (unanimously).

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

FINANCIAL IMPACT: None. Request is to remove conditions placed upon the liquor license.

Respectfully submitted for Council consideration.

Recommended by:

Tari Renner
Mayor

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 13, 2013

SUBJECT: An Ordinance Authorizing Aggregation of Electrical Load and Approving a Plan of Operation and Governance for Municipal Opt-Out Electricity Aggregation and Designating the Mayor and Deputy City Manager to have the authority to approve Electrical Supplier on May 15, 2013

RECOMMENDATION/MOTION: That the Resolution be adopted and the Ordinance be passed.

STRATEGIC PLAN LINK: Goal 1: City services responsive to citizen's needs.

STRATEGIC PLAN SIGNIFICANCE: Electrical Aggregation will allow the citizens of Bloomington to save in energy cost.

BACKGROUND: Municipal aggregation of electricity was approved by the Illinois General Assembly effective January 1, 2010. Aggregation allows a municipality to negotiate the purchase of the combined electric supply of its residents and eligible small businesses. The goal of aggregation is to reduce the cost of electricity for residents through a competitive bidding process.

Aggregation must be approved by the majority of voters through a referendum. Bloomington voters approved aggregation in the April 6, 2013 Consolidated Election by 4,517 or 53.73% to 3,890 or 46.27% as of April 23, 2013. By joining more than 460 Illinois municipalities, townships and counties who have approved electricity aggregation, its citizens will enjoy the savings.

Illinois law requires municipalities to adopt an ordinance authorizing aggregation and approving a Plan of Operation and Governance prior to soliciting bids from electrical suppliers.

The Ordinance authorizing aggregation and the draft Plan of Operation and Governance are attached. The Plan was posted on the City's website on May 2, 2013, and comments on the plan will be taken before and during two public hearings at 12:30p.m. and 6:45p.m. on Thursday, May 9, 2013. Based on public comment the Plan may be altered by staff prior to or after the hearings. If there are suggested modifications proposed at the hearings which the City Council wishes to incorporate into the Plan, the Plan may be amended by the Council prior to its adoption.

The attached draft Plan of Operation and Governance includes assurances that:

- All eligible customers will have access to aggregation
- Corn Belt Energy customers are not eligible to participate in the aggregation program as outlined by state statute
- Residents will receive two "opt out" notices, one from the chosen power supplier and a second from Ameren. A sample notice is included in the Plan.

- Residents will be allowed to “opt out” at no charge within 19 days of receiving the first notice and five days from receiving a second notice.
- Customers who can receive services after the contract period begins will not be charged a fee. The City will negotiate this fee with the new energy supplier.
- Bloomington will not be responsible for late or non-payment of electrical bills on the part of its residents.
- New residents who move into Bloomington, if eligible during the life of the contract will be eligible for aggregation unless they choose to “opt out” (at no charge).
- Residents to move to a different residence within Bloomington/Ameren Illinois will be eligible for aggregation as long as they inform the chosen supplier of the move.
- Bloomington’s intent is to acquire electric power from renewable sources.
- The chosen supplier and the City will develop an education program to explain aggregation to eligible residents.
- Bloomington will work with the chosen supplier to develop an energy efficiency program encouraging use of energy saving initiatives and products such as Compact Fluorescent Lights.
- Bloomington will modify its website to include information on energy conservation techniques and other “green” initiatives.

The City Council has two options in adopting the Plan: (1) whether to impose a civic contribution at the rate of up to 1/10 of one cent (i.e., one penny) per kilowatt hour which is paid by customers, which could generate an estimated \$200,000 to \$250,000 in annual revenue to the City (this has been adopted by Normal, Decatur, Peoria, Champaign and Urbana); and (2) whether to purchase energy from renewable energy sources in amounts exceeding the minimums required by state law (sometimes referred to as the “green” plan). If the City Council chooses this option, the added cost to customers for the 100% renewable energy option would be .0008 per kilowatt hour or approximately \$8.00 per year. This option has been adopted by Normal, Decatur, Peoria, Champaign and Urbana.

Following adoption of the Ordinance and Plan, Good Energy, the City’s aggregation broker, will solicit bids from electricity suppliers. In order to obtain the lowest rate, Bloomington’s estimated electrical use will be combined with the electrical usage of 41 aggregation communities, counties and townships represented by Good Energy. Supplier’s written responses and final bids will be due May 15, 2013. At which time, if approved the Mayor and Deputy City Manager will be authorized to accept the bid that meets the “Plan of Operation and Governance.” The fees for the services provided by Good Energy, L.P. will be paid by electric customers at the rate of $\frac{3}{4}$ of 1/10 of one cent per kilowatt hour (\$0.00075/kWh).

The “opt out” period is expected to begin May 27, 2013 and end in on or about June 10, 2013. Service with the chosen supplier will begin at the end of June or early July with the new rate reflected on the following month’s bills for the previous month’s service.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public Hearing Notices published in the Pantagraph on May 2, 2013 through May 9, 2013; public hearings conducted on May 9, 2013.

FINANCIAL IMPACT: The City has the option and may receive some revenue (civic revenue) to offset the cost of implementing the program at 1/10 of a cent per kilowatt hour. If the City chooses to assess at the maximum amount, this could generate approximately \$200,000 to \$250,000 in revenue to the City of Bloomington. Other municipalities who have required a civic contribution are Normal, Champaign, Urbana, Peoria and Decatur.

Respectfully submitted for Council consideration.

Prepared by: Barbara J. Adkins, Deputy City Manager

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

Legal review by: J. Todd Greenburg, Corporation Counsel

Recommended by:

David A. Hales
City Manager

Attachments: Attachment 1. Resolution
Attachment 2. Ordinance
Attachment 3. Draft Plan of Operation and Governance

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			

RESOLUTION NO. 2013-_____

**A RESOLUTION AUTHORIZING THE MAYOR AND THE DEPUTY CITY
MANAGER TO ACCEPT A BID FROM AN ALTERNATIVE RETAIL ELECTRIC
SUPPLIER TO PROVIDE ELECTRICITY TO CERTAIN RESIDENTS AND SMALL
BUSINESSES IN THE CITY OF BLOOMINGTON**

WHEREAS, on April 9, 2013, the electors of the City of Bloomington approved a referendum allowing the City of Bloomington to form a Municipal Opt-Out Electricity Aggregation; and

WHEREAS, on May 13, 2013, the corporate authorities of the City of Bloomington adopted an Aggregation Plan of Operation and Governance; and

WHEREAS, the City of Bloomington, through its authorized agents, has solicited Requests for Proposals (RFPs) for Power Supply Agreements from Alternative Retail Electric Suppliers (ARES); and

WHEREAS, said RFPs are scheduled to be received on May 15, 2013; and

WHEREAS, because of nature of such RFP's time is of the essence and the prices quoted in the RFPs are guaranteed for only a brief period of time (less than one day), it is necessary for the corporate authorities to designate a City official or City officials who are authorized, on behalf of the City, to accept the RFP which, in the opinion of such official or officials, is the lowest responsible bidder; and

WHEREAS, to better insure against the possibility that an official may not be available on a certain day because of illness or injury to perform the actions set forth in the preceding paragraph, the corporate authorities of the City of Bloomington are designating two officials who are authorized to accept RFPs and to execute an agreement with the successful ARES,

**NOW BE IT RESOLVED BY THE
CITY COUNCIL OF THE CITY OF BLOOMINGTON:**

That Mayor Tari Renner and Deputy City Manager Barb Adkins are authorized to accept, on May 15, 2013, the Request for Proposal submitted by an Alternative Retail Electric Supplier which is the lowest responsible bid, for a term which, in the opinion of the Mayor and the Deputy City Manager, is in the best interests of the citizens of the City of Bloomington, and to execute the acceptance of such Request for Proposal on behalf of the City of Bloomington; and

BE IT FURTHER RESOLVED

That in the event either the Mayor or the Deputy City Manager is unable to take the actions set forth in the preceding paragraph because of injury or illness, the other is fully authorized to take the actions set forth in the preceding paragraph.

PASSED this 13th day of May, 2013.

APPROVED this ____th day of May, 2013.

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

ORDINANCE NO. 2012 -

AN ORDINANCE AUTHORIZING AGGREGATION OF ELECTRICAL LOAD AND APPROVING A PLAN OF OPERATION AND GOVERNANCE FOR MUNICIPAL OPT-OUT ELECTRICITY AGGREGATION

WHEREAS, the City of Bloomington is a home rule unit of local government with authority to legislate in matters concerning its local government and affairs; and

WHEREAS, the City of Bloomington has authority pursuant to Illinois law (Section 1-92 of the Illinois Power Agency Act, 20 ILCS 3855/1-92) to aggregate the electrical load of residents and small businesses within the City of Bloomington, provided such authority is approved by referendum; and

WHEREAS, the Mayor and City Council for the City of Bloomington authorized the placement on the ballot of a question authorizing the City to participate in an opt-out electric aggregation program as allowed by state law; and

WHEREAS, at the consolidated election held on April 9, 2013, the electors in the City of Bloomington affirmatively authorized the City of Bloomington to arrange for the supply of electricity for its residential and small commercial retail customers who have not opted out of such program; and

WHEREAS, pursuant to Illinois law, the Mayor and the City Council held two public hearings on the proposed Plan of Operation and Governance for the city of Bloomington Municipal Opt-Out Electricity Aggregation program; and

WHEREAS, notice of said public hearings was published as required by law; and

WHEREAS, it is in the best interests of the health, safety and welfare of the citizens of Bloomington to approve Municipal Aggregation of Electrical Load and a Plan of Operation and Governance for the City of Bloomington Municipal Opt-Out Electricity Aggregation Program.

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

SECTION ONE: That a Municipal Aggregation of Electrical Load Program is hereby approved for the City of Bloomington and the Plan of Operation and governance for Bloomington Municipal Opt-Out Electricity Aggregation program, a copy of which is marked Exhibit A and attached hereto, by reference, be and the same is hereby approved. A civic contribution of 1/10 of one cent per kilowatt hour payable by customers is approved as part of said Plan. The Plan shall provide for the purchase of renewable power to the maximum extent possible.

SECTION TWO: That the City Clerk be and she is hereby authorized and directed to file said Plan with the Illinois Power Agency and the City Manager be and he is hereby authorized and directed to take any and all necessary action in order to implement the City of Bloomington

Municipal Opt-Out Electricity Aggregation program and the attached Plan of Operation and Governance.

SECTION THREE: That the City Manager is hereby authorized to exercise the City's Municipal Aggregation Program jointly with any other municipality, county or other authorized governmental unit and in combination with two or more municipalities or counties or other authorized governmental units to initiate a process jointly to authorized aggregation by majority vote of each particular municipality of county or other authorized governmental unit as required by Illinois Law.

SECTION FOUR: That the City Clerk be and she is hereby directed and authorized to publish this ordinance in pamphlet form as provided by law.

SECTION FIVE: That this ordinance shall take effect immediately upon passage and approval.

SECTION SIX: That is ordinance is adopted pursuant to Home Rule Authority granted the City of Bloomington by Article 7, Section 6, of the Illinois Constitution, 1970 and pursuant to the authority granted to the City of Bloomington by Section 1-92 of the Illinois Power Agency Act (20 ILCS 3855/1-92) .

ADOPTED this 13th day of May, 2013.

APPROVED this ____th day of May, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

CITY OF BLOOMINGTON

Committee for
Municipal Electricity
Choice

Table of Contents

1. Purpose of Municipal Electricity Aggregation
2. Background - Illinois Power Agency Act
3. Opt-Out Process
4. Request for Proposal - Summary
5. Consolidated Billing Procedures
6. Credit Requirement and Default Procedures
7. Program Move-Ins and Move-Outs
8. Opt-In Program
9. Green Power - Renewable Energy
10. Program Education Initiative
11. Demand Management and Energy Efficiency Program
12. Power Supply Agreement
13. Pricing Methodology
14. Eligible Customer Service Classes
15. Supplier Selection Criteria
16. Selected Supplier Responsibilities
17. Liability
18. Miscellaneous

1) Purpose of Municipal Opt-Out Aggregation

In compliance with Illinois statute 20 ILCS 3855/1-92 of the Illinois Power Agency Act (“Act”) regarding aggregation of electrical loads by municipalities, the City of Bloomington (“Municipality”) has developed this Plan of Operation and Governance (“Plan”) explaining the process and procedures of Municipality’s Electricity Aggregation Program (“Program”). According to the Act, Municipality will serve as governmental aggregator (GA) authorized to collect all residential and small business electricity loads within Municipality’s municipal boundaries and seek bids from Alternative Retail Electric Suppliers (ARES). Residences and small businesses located within the service area of an electric co-operative such as Corn Belt are not eligible under state law to participate.

This Plan has been prepared in cooperation with Good Energy, L.P., the “Consultant”, to provide an understanding of structure, governance, operations, management, and policies of the Program to be utilized for residents and small businesses participating in the Program. The purpose in developing this Plan is to describe the uniform approach to the Program undertaken by municipal officials and Pursuant to 20 ILCS 3855/1-92. The load aggregation plan shall:

- Provide for universal access to all applicable residential customers and equitable treatment of applicable residential customers.
- Describe demand management and energy efficiency services to be provided to each class of customers.
- Meet any requirements established by law concerning aggregated service offered pursuant to statute 20 ILCS 3855/1-92.

The Program is designed to reduce the amount eligible residents and small businesses pay for electricity, and to gain favorable economic and non-economic terms in power supply contracts with ARES. Municipality shall seek fixed electricity prices for each eligible class of customers that may be lower than the comparable price available from the local distribution company, in this case Ameren (“Ameren”). Individual residential and small business retail consumers are unable to obtain significant price discounts since they lack the bargaining power, expertise and economies of scale enjoyed by larger industrial consumers. The Program will band together numerous electric accounts, providing the benefits of competitive energy markets that work to benefit the smaller consumer.

Municipality does not own electric generation assets and will not purchase and resell electricity, but represents consumer interests as a GA to set the terms for electricity supply and service from competing ARES licensed with the State. Through a competitive bid process operated and managed by Consultant, Municipality will enter into a contract with an ARES for full-requirements retail electricity supply service. The contract is expected to be for a fixed price for a specified term. Municipality may contract with one or more ARES if necessary to meet the needs of participating residents and small businesses.

2) Background – Illinois Power Agency Act

On August 10, 2009, Public Act 96-0176 amended the Illinois Power Agency Act authorizing municipalities and counties to form electrical aggregations of residents and small businesses. The Act allows for authorization to be given to municipalities only after the passage of a referendum, after which the utilization of an Opt-Out form of aggregation would comply with the statute. Once the referendum is passed, the municipality can develop an aggregation program for the procurement of electricity supply to residential and small business customers.

Since the Act was amended, over 500 communities in both Ameren and Commonwealth Edison utility territories have passed referenda and will be going out to bid for electricity in this government purchasing arrangement. Municipalities are combining the electrical loads of their residents and small businesses in a Request for Proposal to ARES.

On April 9, 2013, in accordance with the requirements of the Act, the corporate authorities of Municipality approved an ordinance or resolution allowing a referendum question to be placed on the consolidated election ballot to operate an Aggregation Program as an "Opt-Out" program. Under the Opt-Out program, all Ameren residential and small commercial retail customers in Municipality are automatically included as participants in the Program unless they are receiving electric supply through Power Smart Pricing, Hourly Supply Service, Real Time Pricing, ARES service, and/or net metering programs, nor will it include All Electric accounts. Those that opt-out of the Program by providing notice of their intention not to participate in the Municipal Aggregation buying group will also not be included in the program. On April 9, 2013, a majority of citizens voted YES to the referendum question, allowing corporate authorities to form a Municipal Opt-Out Electricity Aggregation. Residences and small businesses located within the service area of an electric co-operative such as Corn Belt are not eligible under state law to participate.

In addition to passing the required ordinances by the Corporate Authorities, Municipality may also be required to comply with various rules and regulations established by authorized agencies of the State of Illinois. Municipality will promptly file any application and comply with any applicable rules and regulations required by Illinois law for certification as a Municipal Aggregator and to operate the Aggregation Program under the Act. As required by the Act, the Corporate Authorities developed and approved this Aggregation Plan of Operation and Governance ("Plan").

Before adopting this Plan and as required by the Act, the Corporate Authorities duly published a notice in a local newspaper(s) of general circulation, informing the public of two public hearings to raise questions or concerns about this Plan. The public hearings were held by the Corporate

Authorities at Municipality and provided the residents with a meaningful opportunity for comment regarding the Program and this Plan. According to the Opt-Out disclosure program, the Opt-Out notice for the Program shall be provided in advance to all eligible electric customers in Municipality upon approval of this Plan and once a winning ARES has been selected. The Opt-Out notice and disclosures shall comply with the Act and all rules and regulations of the State of Illinois, and shall fully inform such electric customers in advance that they have the right to Opt-Out of the Program. The Opt-Out notice shall disclose all required information including, but not limited to, rates, terms and conditions of the Program, and the specific method of how to Opt-Out of the Program.

Municipality has retained Good Energy, LP (“Consultant”) to assist with administering the Program, the Opt-Out process, managing the competitive bidding process, and writing the Request for Proposal (“RFP”) to help officials select the most suitable ARES and commodity product for participating residents and small businesses wanting to participate in the Program.

3) Opt-Out Process

Eligible residential and small business accounts (non-residential accounts consuming <15,000 kWh/year) shall have the opportunity to Opt-Out of the Program in accordance with statute 20 ILCS 3855/1-92. Any resident or small business that follows the specified procedures to Opt-Out of the Program will remain on Ameren’s standard service offer listed on the Ameren website. A listing of the Ameren customer rates may be found for homes

at <http://www.ameren.com/sites/aiu/Rates/Pages/ResidentialRates.aspx>

and <http://www.ameren.com/sites/aiu/Rates/Pages/NonResidentialRates.aspx> for businesses.

Following completion of the RFP and after the ARES is selected and a fixed supply rate has been successfully locked in, the eligible customer list will be sent to the selected ARES. The winning ARES will have thirty (30) days from receipt of the data to mail the opt-out notices to all eligible residential and small businesses included in the Program. As mentioned above, this list will include all residential, and small commercial accounts that will realize savings through the accepted bid price. Furthermore, the Program will not include residential customers receiving electric supply through Power Smart Pricing, Hourly Supply Service, Real Time Pricing, ARES service, and/or net metering programs, nor will it include All Electric accounts. Those that opt-out of the Program by providing notice of their intention not to participate in the Municipal Aggregation buying group will also not be included in the program. This will ensure maximum participation for all eligible customers under the program.

Opt-Out Notices: A notice will be sent to all residential and small business accounts that are deemed eligible per the terms of this Plan (see “Eligible Customer Service Classes” section). A

sample of the notice is provided in Schedule A of this Plan. The contents of the notice will be on Municipality's municipal letterhead to avoid confusion with any other ARES offers in the state.

Distribution of Opt-Out Notices: The selected ARES will be required to pay for the cost of printing and mailing of Opt-Out notices. The notices will be mailed to the owner or occupant residing at the electric account mailing address shown on Ameren's customer list. The selected ARES and Municipality will agree upon the format of the Opt-Out notice prior to mailing it to the eligible service classes. The selected ARES will mail Opt-Out notices to eligible residential and small business accounts.

Opt-Out Period: After the mailing, there will be an Opt-Out Period of at least 15 days from the postmark date on the notice to return the Opt-Out notice if they do not wish to participate in the Program. The Opt-Out notice will clearly notify the Resident and Small Business of the rates to be charged for electricity and other terms of the contract with the selected supplier.

Customer support during Opt-Out Period: The selected ARES will have a toll-free phone number and website explaining the steps for Opting-Out of the Program. If necessary, the selected ARES will provide bilingual or multilingual customer support to explain the Opt-Out procedure to non-English speaking residents. During this period and through the initial procurement term, the Consultant will provide customer support for any and all issues not satisfied by ARES customer support.

Enrollment: Once the Opt-Out Period has concluded, the selected ARES will not enroll those Ameren customers Opting-Out from the Program. In the event that an eligible resident or small business is inadvertently omitted from the Program, the selected ARES shall use its best efforts to enroll that customer at the Program rate for the remaining term.

No Early Cancellation Charges: Residents leaving the program shall not be assessed any fee.

Opt-Out Steps Overview:

- 1-The selected ARES and Municipality will agree upon the format of the Opt-Out notice prior to mailing residential and small business customers.
- 2-The selected ARES will mail Opt-Out notices to all eligible customer service classes.
- 3-Recipients will have at least **fifteen (15)** days from the postmark on the notice to return notice to selected ARES if they want to be removed from the Program.
- 4-Recipients will be able to Opt-Out by returning an Opt-Out card via U.S. Mail to the selected ARES.
- 5-The ARES will offer a toll-free phone number and website to aid recipients with the notice

and the Opt-Out procedure. Further support will be provided by the Consultant through a link on the website <http://www.munienergychoice.com>.

6-Additionally, residential and small businesses that do not Opt-Out, per step 4 above, will receive written notification from Ameren stating that they are about to be switched. Ameren defines this as a “Letter of Rescission”.

7-The Letter of Rescission will inform the participant that they have approximately **ten (10)** days to rescind the contract by contacting Ameren. The selected ARES will not enroll those accounts Opting-Out of Program.

4) Request for Proposal-Summary

With the assistance of the Consultant, Municipality will issue a Request for Proposals (“RFP”), utilizing predetermined criteria based on technical specifications, bidder requirements, bidding processes, and contract documents, to select a single Alternative Retail Electric Supplier (ARES). The Consultant will evaluate the bids received and will recommend a single ARES to serve as the electricity supplier to all eligible residents and small businesses within the municipal limits.

5) Consolidated Billing Procedures

On January 20, 2010, Ameren filed a revised tariff with the Illinois Commerce Commission in order to implement a purchase of receivables (“POR”) with consolidated billing (“CB”) service (“POR-CB Program”) for the benefit of retail customers and ARES, pursuant to Section 16-118 of the Illinois Public Utilities Act. This allows for a single bill, administered solely by Ameren, where Ameren will invoice the Ameren regulated delivery charges and supply rate provided by the selected ARES contained in the Power Supply Agreement. _____ will utilize the POR-CB Program with its Municipal Aggregation to permit billing services of Ameren and the selected Supplier. Customers participating in the Program will receive a single bill from Ameren that itemizes among other things, the cost of generation provided by the Supplier.

6) Credit Requirement and Default Procedures

Credit policies and procedures continue to be the responsibility of Ameren. Municipality will not be responsible for late or non-payments on the parts of any of its residents or small businesses. Municipality will have no separate policy with regard to Collection, Security Deposits, Application of Late Charges, Default, and Bankruptcy. Ameren follows the requirements of Title 83 of the Illinois Administrative Code Part 280. If there is a delinquent account, Ameren will send collection notices to the customer’s mailing address of record for service charges rendered by Ameren, following established collection policies regardless of whether the customer participates in the Program or not. In the case of a POR-CB Program, the billing method the Program will utilize, the ARES’

receivable becomes Ameren's receivable and Ameren will be responsible for those collection efforts under Ameren's policy and requirements.

CUSTOMER INQUIRIES: Ameren operates a call center to assist customers with inquiries and resolve billing issues. Ameren has toll-free numbers to contact the call centers printed on electric account holders' bills. For residential customers, the toll-free number is 1-800-755-5000. For business customers, the toll-free number is 1-800-232-2477.

7) Program Move-Ins and Move-Outs

Moving to Municipality from another jurisdiction: Residents and businesses that move into Municipality will be automatically included in the Program. Consultant will periodically request updated account lists from Ameren and the winning ARES. Using a comparative scrubbing process, Consultant will then send a list of newly eligible, but currently not enrolled accounts, to ARES, whereupon ARES will promptly send Opt-Out notices so that so that these account holders may be given the option to participate. These accounts will be given fifteen (15) days from the postmark date on the notice to return the Opt-Out notice if they do not wish to participate in the Program.

Moving within Municipality: The Program and contract with selected ARES shall require continued eligibility at the same rate and under the same terms and conditions for residents and small businesses that are in the Program, but move within the jurisdiction, providing the electric customer notifies the ARES of their new account number and service address. Customers may be required to be on Ameren tariff service for one or two bill cycles after notifying the ARES of the new account information.

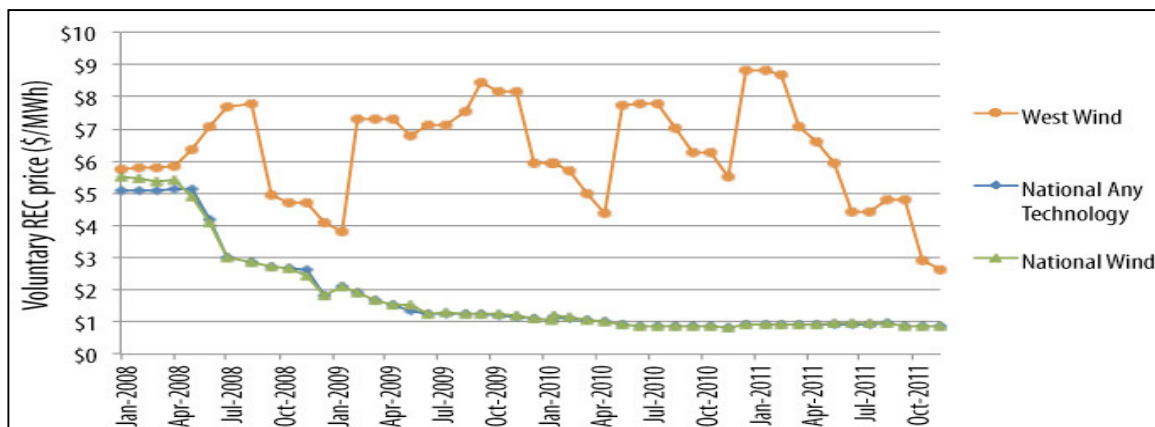
8) Enrollment and Opt-Out During Program

After the initial Opt-Out Process is completed, Municipality and the ARES may establish protocols and procedures as described in #7 above, to hold additional Opt-Out processes for eligible new residential and small commercial accounts that were not mailed Opt-Out notices in earlier Opt-Out rounds within the term of the ongoing aggregation. Any new accounts shall be able to enroll in the aggregation program under the same terms, conditions, and pricing as accounts that were initially enrolled during the previous Opt-Out round. However, newly enrolled accounts will only have the ability to participate in the ongoing aggregation program for the time remaining in the term of the agreement with the Supplier. Costs (for example for printing and mailing) associated with subsequent Opt-Out rounds will be paid in the same manner as for the initial Opt-Out round. Customers who decide to opt-out at a later time will not be required to pay a fee or penalty for the decision to opt-out.

9) Green Power – Renewable Energy

All retail electricity supply in Illinois is subject to Illinois Renewable Portfolio Standard (RPS). The ARES shall include renewable power in the quantities specified by the RPS. Renewable electricity will come from 100% renewable resources and will be provided in the form of a fully-bundled electricity product, presumably satisfied by using Renewable Energy Certificates (RECs). Any amount exceeding the required RPS quantity (Voluntary RECs) shall be generated by renewable generating technologies meeting the U.S. Environmental Protection Agency's Green Power Partnership's definition of eligible green power resources, vintage requirements, and "new" requirements as

detailed [here](http://www.epa.gov/greenpower/documents/gpp_partnership_reqs.pdf) (http://www.epa.gov/greenpower/documents/gpp_partnership_reqs.pdf). Both the RECs and the winning supplier will be Green-e certified and/or the RECs will be sourced through MISO-registered renewable sources in order to satisfy the precise mix of green power necessary to achieve the goal of environmental steward in the community. The City Council has the option to require the ARES to purchase renewable power in amounts which exceed the minimums required by RPS. Other municipalities who have done so include Normal, Champaign, Urbana, Peoria and Decatur. The added cost to customers for the 100% renewable energy option would be .0008 per kilowatt hour or approximately \$8.00 per year.



Though there is a preference for Illinois-generated renewable electricity, this electricity may come from other U.S. States. The annual cost of renewable power in the voluntary market has tumbled by more than 500% for National Wind RECs since 2008 (see graph below), providing enormous value and buying opportunity.

U.S. Department of Energy
Voluntary REC prices, January 2008 to December 2011
Sources: [Spectron Group](#) (2012)

Additional benefits of requiring renewable power include the following:

- Incentive for local business development;
- Foundation for new/enhanced curricula for Illinois students:
 - <http://www1.eere.energy.gov/education/lessonplans/default.aspx>
 - <http://www.eia.gov/kids/>
 - <http://www.epa.gov/students/>
 - <http://www.fsec.ucf.edu/en/education/index.htm>
 - <http://www.nesea.org/k-12/cleanenergyforacleanenvironment/>
 - <http://www.nrel.gov/learning/>
 - <http://www.need.org/>
- Potential to add to economic development for the State with regard to new renewable generation investment.

10) Program Education Initiative

The ARES shall develop the educational program in conjunction with Municipality officials. Its purpose will be to explain the Program to eligible residents and small businesses, provide updates, offer customer support during the term of the agreement, and provide the opportunity for participants to Opt-Out of the Program.

Each eligible residential and small business customer of Ameren within the jurisdiction of this Program will receive a notification by mail explaining the Program, the procedure which must be followed in order to Opt-Out of the Program, the fixed electricity rate the municipality contracted for on behalves of participants in the Program, termination policies, and the deadline to return the Opt-Out letter.

An education initiative will inform residents of the specifics of the program. The education initiative may contain, but is not limited to the following:

- Mailings
- Community Meetings
- Advertisements
- Program Website
- Toll-Free Information Line
- Informational Videos

11) Demand Management and Energy Efficiency Initiative

Reduced energy costs should in no way be considered a license for increased usage. For that reason, no energy plan is complete without balancing reduced supply cost for end-users with some method(s) for demand side management and reduction. Ameren offers an online calculator which determines each customer's price-to-compare ("PTC").

Utilities very often provide incentives to customers in the form of rebates for making lighting and/or other appliance improvements. These efficiency rebates are published [here](#) for Ameren: <http://www.actonenergy.com/for-my-home/residential-incentive-programs>.

Lighting is often considered the "low-hanging fruit" for demand reduction. It represents approximately 14% of all residential electricity consumption in the U.S. Switching from incandescent light bulbs to Compact Fluorescent Lights (CFLs) or Light Emitting Diodes (LEDs) can lower usage in the average home by 75%, to as much as 85% respectively.

The municipality may work with the selected ARES and Consultant to develop an Energy Efficiency Program. This initiative will provide a resource where residential consumers can find information about home energy efficiency measures. Education about demand management can be provided to homeowners such as identifying the newest lighting technology or the latest efficiency rebate information. A call center can be established to answer questions on retrofitting home heating and lighting systems. A web resource may be offered. Customers will be able to access information concerning utility rebate programs. Ameren programs include:

- Lighting Discounts
- Refrigerator Recycling
- Clothes Washer Rebates
- Central AC Cycling
- System Replacement

-
- Home Energy Assessment
 - Multi-Family Efficiency

12) Power Supply Agreement – General Terms

After the RFP process, Municipality will have the option to execute a Power Supply Agreement (“Agreement”) with the selected ARES.

Bids by prospective ARES shall provide fixed-price offers for multiple term lengths. Consultant will conduct an analysis of future market trends, forecast utility default prices and a regulatory overview, and ultimately make a recommendation for term length. Municipality will select the length of term that offers the most protection against future increases in energy prices. At its discretion, Municipality will set the time duration of any subsequent contract term.

- The agreement shall specify the approved rates and the power mix for the Program, and shall disclose all additional or ancillary fees.
- The agreement shall require the ARES to maintain all required licenses and qualifications, and to provide all services required by the RFP.
- The agreement shall require the ARES to provide all services in compliance with this Plan, as may be amended.
- The ARES must agree not to solicit or contract directly with eligible residents or small businesses in the Program for service or rates outside the aggregation, and agrees not to use the customer data and information for any other marketing purposes.
- The ARES must agree to indemnify and hold Municipality harmless from any claims, causes of action, damages, judgments, and financial obligations arising from the Program.
- The ARES shall obtain and maintain, for the duration of the Power Supply Agreement, such proof of insurance and performance security as the municipality deems necessary.
- The Agreement may provide that the ARES will assist in developing a Program Education Initiative.

Termination of Service

End of Term: the Power Supply Agreement with the ARES will terminate upon its expiration.

Early Termination: Municipality will have the right to terminate the Power Supply Agreement prior to the expiration of the term in the event the ARES commits any act of default. Acts of default include, but are not limited to the following:

- Breach of confidentiality regarding customer information;

-
- The disqualification of the ARES to perform the services due to the lapse or revocation of any required license or certification;
 - The Utility's (Ameren) termination of its relationship with the ARES;
 - Any act or omission that constitutes deception by affirmative statement or practice, omission, fraud, misrepresentation, or bad faith practice;
 - Billing in excess of the approved rates and charges;
 - Billing or attempting to collect any charge other than the approved kWh rates and contractually approved charges;
 - Failure to perform at a minimum level of customer service.

Upon termination for any reason, Municipality shall notify Ameren to return the residents and small business accounts to the Default Tariff Service. Upon termination, each account holder participating in the Program will receive written notice of the termination of the Program.

13) Pricing Methodology

The Program shall offer residents a fixed-price for the purchase of electricity for a specified Term. This will be the Program Rate measured in price per kilowatt-hour (kWh). The rate will include traditionally bundled renewable power components in the form of Renewable Energy Certificates (RECs) as defined in #9 above, and will reflect various lengths of terms, contractual benefits, and possible hold premiums. The City Council has the option to require the ARES to include a civic contribution which could be up to 1/10 of a cent per kilowatt hour. If assessed at the maximum amount, this could generate approximately \$200,000 to \$250,000 in revenue to the City of Bloomington. Other municipalities who have required a civic contribution are Normal, Champaign, Urbana, Peoria and Decatur.

Commodity Price: Consultant will request and receive from the selected ARES consistent market price quotes. The market price quotes will be reviewed by the Consultant to establish that the specific pricing details are consistent with market prices and tariffs and are consistent with the terms of the Power Supply Agreement. If the daily market price quote is deemed acceptable by the Consultant, the Consultant will inform Municipality officials of the price and pricing components and recommend acceptance. If accepted, Municipality will affirm acceptance of the commodity price verbally and in writing to the selected ARES.

The ARES invited to bid will quote rates for the following energy mixes and terms:

- **Lowest Traditional Power Price** – The lowest priced electricity supply available from an ARES using, at a minimum, renewable energy conforming to requirements of the Illinois Renewable Portfolio Standard (RPS).

-
- Price Match – The lowest price that supports a “Utility Price Match” meaning the ARES will be required to match future annual average Ameren tariff rates in the event the Ameren tariff rates decrease in price below the Program price per kilowatt-hour.
 - 100% Renewable – Electricity where 100% of the energy used by the aggregated accounts will be offset by Renewable Energy Credits that meet the U.S. Environmental Protection Agency's Green Power Partnership's definition of eligible green power resources, vintage requirements, and "new" requirements as detailed [here \(http://www.epa.gov/greenpower/documents/gpp_partnership_reqs.pdf\)](http://www.epa.gov/greenpower/documents/gpp_partnership_reqs.pdf). Renewable Energy Credits shall also be Green-e certified and/or the RECs will be sourced through MISO-registered renewable sources.

Consultant Fees: The fees for the services provided by the Consultant shall be paid by electric customers at the rate of $\frac{3}{4}$ of 1/10 of one cent per kilowatt hour (\$0.00075/kWh).

14) Eligible Customer Service Classes

After selecting and contracting with an ARES, any customers determined to be ineligible due to one or more of the following shall be removed from the eligible account list:

- Customer is not located within the municipal territory limits;
- Customers is locked into a power supply agreement with an ARES;
- Customer receiving Ameren “FREE” service;
- Customer has hourly rate (real time pricing);
- Customer is on Ameren’s All Electric rate;
- Customer on Ameren bundled hold;
- Non-residential accounts using more than 15,000 kWh.

The Retail Customer Identification Information will remain the property of the municipality, and the ARES will comply with the confidentiality and non-compete provisions in the Supply Agreement.

After the Retail Customer identification Information is reviewed, the ARES will mail the Opt-Out Notices described below to all eligible account holders within the boundaries of the municipality.

The ARES shall treat all customers equally and shall not deny service to any customer in the Program, or alter rates for different classes of customers unless authorized by Illinois State law or administrative code.

15) Supplier (ARES) Selection Criteria

ARES responding to the RFP will be measured on the basis of Illinois licensing and certification standards, Price, Program marketing, experience, and quality of the response. The ARES will also hold Municipality harmless of any financial obligations or liability that may arise as a result of the Program.

ARES Selection Criteria

- Price per kWh and corresponding terms;
- Power Supply Contract flexibility;
- Proof of financial solvency and investment grade credit rating;
- Quality of response to Request for Proposal;
- Program Marketing Plan and Informational outreach;
- Municipal Aggregation Experience;
- Municipal Opt-Out Experience;
- Certified as an Alternative Retail Electricity Supplier in the State of Illinois;
- Compliant to Purchase of Receivables-Consolidated Billing (“POR-CB Program”) facilitating Ameren single-billing to participants in the Program.

16) Selected Supplier Responsibilities

The Program requires a competent entity as an ARES to perform and manage electric supply aggregation services for the Program. The ARES shall provide adequate, accurate, and understandable pricing, terms and conditions of service, including, but not limited to, no switching fees and the conditions under which Program participant may Opt-Out without penalty.

The ARES must provide, upon request, an electronic file containing the Program participant’s usage, charges for retail supply service, and such other information reasonably requested by the Consultant.

The ARES shall create and maintain a secure database of all Program participants. The database will include the name, address, Ameren account number, and the ARES’s account number of each active Program participant, and other pertinent information such as rate code, rider code (if applicable), most recent 12 months of usage and demand, and meter reading cycle. The database will be updated at least quarterly. Accordingly, the Supplier will develop and implement a program to accommodate participants who (i) leave the Program due to relocation, Opting-Out, etc. (ii) decide to join the Program; (iii) relocate anywhere within the corporate limits of the municipality, or (iv) move into the municipality and elect to join the Program. **(See Appendix A of this Plan)**

Education: The ARES shall develop and implement an educational program that generally explains the Program to all residential and small business customers.

ARES will provide updates and disclosures mandated by Illinois law and applicable rules and regulations, and implement a process to allow any participant the opportunity to Opt-Out of the Program according to the terms of the Power Supply Agreement.

Customer Service: Supplier shall hire and maintain an adequate customer service staff and develop and administer a written customer service process that will accommodate participant inquiries and complaints about billing and answer questions regarding the Program in general. This process will include a description of how telephone inquiries will be handled, either internally or externally, how invoices will be prepared, how participants may remit payment, and how collection of delinquent accounts will be addressed. The ARES and Municipality will enter into a separate customer service plan agreement or the terms shall be included in the Power Supply Agreement.

Billing: Ameren will provide a monthly billing statement to each Program participant which shall include ARES charges. The ARES will not charge any additional administrative fee(s).

Compliance Process: The ARES shall develop internal controls and processes to ensure that Municipality remain in good standing as a Governmental Aggregator and ensure that the Program complies with the Act and all applicable laws, and rules and regulations, as they may be amended periodically. It will be the ARES responsibility to deliver reports at the request of the municipality in a timely manner that will include (i) the number of participants in the Program; (ii) a savings estimate or increase from the previous year's baseline; (iii) such other information reasonably requested by the municipality; (iv) comparison of the participants charge for the supply of electricity from one designated period to another identified by the municipality. The ARES shall also develop a process to monitor, and shall promptly notify in writing, any changes or amendments to the Act, laws, rules or regulations applicable to the Program.

Notification to Ameren: The residential and small business customers that do not Opt-Out of the Aggregation Program will be enrolled automatically in the Program by the ARES. Eligible residents and small businesses included in the Program will not be asked to take affirmative steps to be included in the aggregation group. To the extent that Ameren requires notification of participation, the ARES shall provide such notice to Ameren. Periodically, the ARES will inform Ameren through electronic means, of any new members that it is enrolling into the Aggregation Group.

17) Liability

Municipality shall not be liable to residents or participants for any claims, however styled, arising out of the Program or the provision of aggregation services by the municipality or the ARES. Participants or members in the aggregation group shall assert any such claims solely against the ARES pursuant to the power supply agreement.

18) Miscellaneous

The operation of this Aggregation Program may be impacted by any of the following:

- Amendments to the Act;
- Federal Energy Regulatory Commission (FERC) tariffs that may be enacted or amended;
- Illinois Commerce Commission (ICC) rules and regulation as may be enacted or amended;
- Ameren tariffs as approved or amended periodically by the ICC;
- Federal, state, and local laws;
- Rules, regulations, and orders approved or enacted by federal, state, or local regulatory agencies.

A copy of this Plan of Operation and Governance will remain on file at the administrative office. This Plan will be kept available for public inspection. It will, upon request, be copied for any potential or existing Program participants in accordance with the municipal rules for copying public documents.

Appendix A: Sample Opt-Out Notice

MUNICIPAL LETTERHEAD & LOGO

_____, ____ 2013

Dear (City, County, Village, Town) resident,

On April 9, 2013, a majority of citizens voted yes on a referendum question allowing corporate authorities to form a Municipal Opt-Out Electricity Aggregation. _____ officials are happy to offer eligible residents and small businesses SAVINGS over Ameren Illinois ("Ameren") rates by banding together all eligible electric service classes.

The (City, County, Village, Town) of _____ ran a competitive bid to select a licensed Alternative Electricity Supplier to provide savings to residents and small businesses with electric service in the (City, County, Village, Town). After researching competitive electricity pricing options, we have chosen _____ to provide you with savings on your electric generation through (Month) 201_. There is no cost to join and you will not be charged a fee for partaking in this program. You will be automatically enrolled and there is no need to do anything to participate.

As a participant of this Municipal Electricity Aggregation, you are expected to save ____ percent off your Price-to-Compare. Your Price-to-Compare is the price you pay for electric generation from the utility.

Your account will be transitioned to the Municipal Electricity Aggregation Program approximately within 30 - 45 days, depending upon the meter read date for your accounts. You are not obligated to participate in the (City, County, Village, Town) aggregation program and you may remain with the utility without penalty or fees. If you wish to be removed from the program and remain a full-service customer of (Ameren), you have a deadline date of _____, ____ 2013 to return the attached "opt-out" card. If you leave the program after the deadline, you could be subject to a cancellation fee from the Alternative Electricity Supplier.

After you become a participant in this governmental aggregation program, (Ameren) will send you a letter confirming _____ as your Alternative Electricity Supplier (ARES). As required by law, this letter will inform you of your option to rescind your enrollment with adequate notice prior to the scheduled switch.

To remain in the Municipal Electricity Aggregation Program, you do NOT have to take any action when you receive this letter.

Ameren will continue to maintain the system that delivers power to your home and/or business. You will continue to receive a one bill from Ameren. You will continue to receive the same quality service from Ameren. After enrollment is complete your bill will show your new supply rate from _____.

If you have any questions, please call the information line at _____, Monday through Friday, 8 a.m. to 5 p.m. Please do not call the (City, County, City) of _____ with aggregation program questions.

Sincerely, (City, County, Village, Town) of _____

[THIS SECTION MAY BE A SEPARATE PRE-PAID POSTCARD]

Opt out by returning this form before the deadline date of _____, ____ 2013.

☐ I do NOT want to participate in this Municipal Electricity Aggregation Program.

Service Address _____

City _____, Zip Code _____

Phone Number _____

Account Number _____

Account Holder Signature _____ Date _____



FOR COUNCIL: May 13, 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 Marshall 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.

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.

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:

David A. Hales
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.

~~(e) (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, harbinger, 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)~~ (e) 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 States 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.

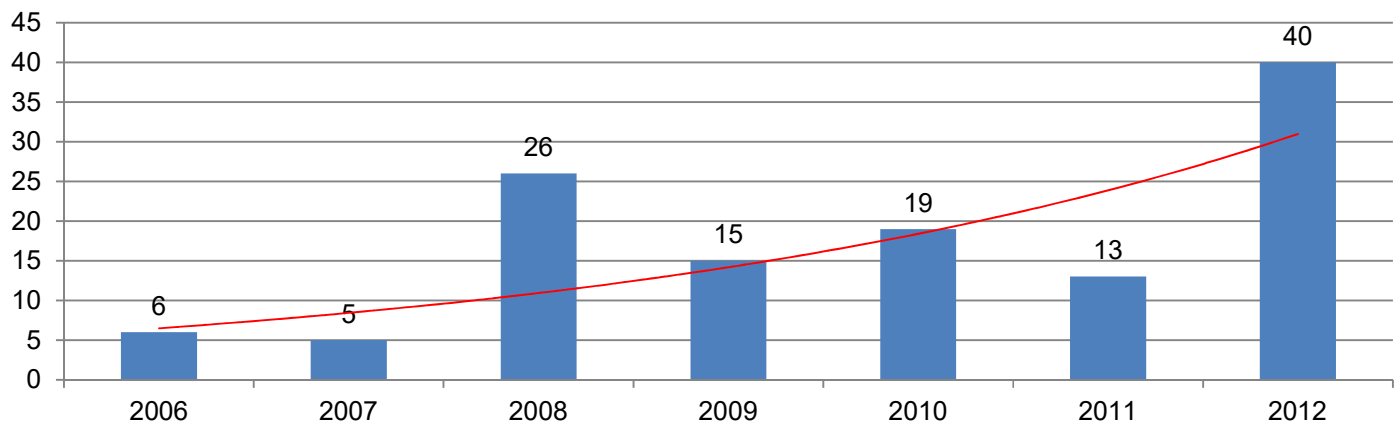
The call for Breed Specific Language is not a new issue for the City of Bloomington. In 2006, the staff was requested to research the issue of breed-specific dog ordinances. In Illinois, only home-rule units may enact breed-specific dog laws. Non-home rule units are prohibited from doing so (510 ILCS 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.

Total Tickets Issued for Failure to Register Dog



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 designation¹.

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



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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 challenges³.

"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



FOR COUNCIL: May 13, 2013

SUBJECT: Illinois Commerce Commission - Crossing Safety Improvement Program Funding for Fox Creek Road Bridge over the Union Pacific Railroad

RECOMMENDATION/MOTION: That the bridge funding offer from the Illinois Commerce Commission be acknowledged and that staff be authorized to proceed with project planning activities and negotiations with the Union Pacific Railroad.

STRATEGIC PLAN LINK: Goal 2 - Upgrade City Infrastructure and Facilities and Goal 5 – Great Place - Livable, Sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Objectives 2.a. and 5.a. - The proposed project will replace an existing two-lane bridge over the Union Pacific Railroad with a new four-lane facility including sidewalk on the south side and a bike trail on the north side.

BACKGROUND: The City of Bloomington submitted an application to the Illinois Commerce Commission (ICC) for Grade Crossing Protection funding for the Fox Creek Road Bridge over the Union Pacific Railroad (UPRR) in 2001. At the time, the project was not selected for funding in the ICC's 5-Year Plan and the application was subsequently renewed in 2006 and again in January of 2013. The ICC recently notified the City that the Fox Creek Road Bridge over the UPRR was selected for inclusion in the Commission's Crossing Safety Improvement Program 5-Year Plan (Plan) for Fiscal Years 2014-2018. Projects selected for the Plan typically qualify for 60% funding from the Grade Crossing Protection Fund. The bridge is programmed in the ICC's Fiscal Year 2018.

The existing 30-year-old bridge and adjacent roadway sections are the last remaining two-lane sections on the west end of Bloomington's Hamilton / Fox Creek Road southern corridor. Because of the existing bridge configuration, the railroad tracks are currently a barrier to pedestrians wishing to access local schools and parks in the area. The lack of a safe pedestrian and bicycle crossing at this location presents a noted safety concern with students crossing on the narrow bridge shoulders. There are no other railroad-pedestrian crossing options available in the vicinity. Three elementary schools in the vicinity of this project will be served by the addition of bike trail and sidewalk to the new bridge including Fox Creek Elementary, Pepper Ridge Elementary and Trinity Lutheran School.

When completed, this corridor will provide a direct vehicular and pedestrian travel route linking west-side residential areas to major employer locations and the state highway system. Recent Illinois Department of Transportation (IDOT) and City investments in upgrading bridges and roadways adjacent to this project include expansion and realignment of the Hamilton Road/ Fox Creek Road/ Veterans Parkway (BUS 55) intersection, replacement of the Fox Creek Bridge over I-55/I-74 with a new four-lane facility, and completion of a two-phase, four-lane connection extending Fox Creek/ Hamilton Road from Veterans Parkway (BUS 55) to Main Street (US 51). The City plans to upgrade Fox Creek Road from Danbury Drive to the UPRR Bridge to a four-lane facility in conjunction with the bridge replacement project.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Illinois Commerce Commission – Rail Safety Section, Union Pacific Railroad, Unit 5, State Farm, Snyder Development

FINANCIAL IMPACT: The FY 2014 Budget appropriates \$250,000 for design of the Fox Creek Road Bridge over the UPRR in line item 20300300-70050 and \$130,000 for design of Fox Creek Road from Danbury to the UPRR Bridge in line item 20300300-70050. Stakeholders may locate these items in the FY 2014 Capital, Enterprise, and Other Fund Budget Document on Page #191. Staff anticipates bringing a proposed engineering consultant contract for these services to Council for consideration in July of 2013.

The total anticipated cost to replace the Fox Creek Road Bridge over the UPRR, including design and construction, is \$4,020,000. It is anticipated that 60% (\$2,412,000) of the bridge costs will qualify for reimbursement from the Grade Crossing Protection Fund. The estimated cost to the City for rebuilding Fox Creek Road from Danbury Drive east to the UPRR Bridge is \$2,030,000. The current ICC Crossing Safety Improvement Program 5-Year Plan shows project construction beginning in FY 2018. The projects are shown in the City's 5-year capital budget for design in FY 2014, land purchase in FY 2015 and construction in FY 2016; however, the project timeline will be adjusted to match the ICC's funding availability.

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, MS, Budget Officer

Recommended by:

David A. Hales
City Manager

Attachments: Attachment 1. Letter from ICC – April 2, 2013
Attachment 2. ICC Crossing Safety Improvement Program FY 2014-2018
Attachment 3. ICC Crossing Safety Improvement Program FY 2014-2018 details

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			

STATE OF ILLINOIS



ILLINOIS COMMERCE COMMISSION TRANSPORTATION BUREAU / RAIL SAFETY SECTION

Michael E. Stead

Rail Safety Program Administrator

April 2, 2013

Mayor
City of Bloomington
109 East Olive Street
Bloomington, IL 61701-5219

Dear Sir/Madam:

The Illinois Commerce Commission recently approved the FY 2014-2018 Crossing Safety Improvement Program 5-Year Plan (Plan). The FY 2014-2018 Plan includes proposed safety improvement projects at highway-rail grade crossings and bridges for local roads and streets located throughout the state over the next 5 years. It is anticipated that nearly \$201 million in assistance from the Grade Crossing Protection Fund (GCPF), administered by the Commission, will be made available to local highway agencies and railroads for these projects.

In order to conserve resources, we are not able to provide every local highway agency with a copy of the FY 2014-2018 Plan this year. The document may be viewed, or a copy downloaded, from the document library on the Commission's web site (www.icc.illinois.gov). If you do not have access to the Internet, please notify this office in writing and we will be happy to mail a copy of the FY 2014-2018 Plan to you.

If you would like to submit a project for consideration as part of the Crossing Safety Improvement Program (CSIP), please download a project application from the Commission's website (www.icc.illinois.gov¹), or contact this office for a copy. Separate applications are available for highway-rail grade crossings, highway-rail bridges, or pedestrian-rail bridge projects. Please prepare a separate application for each project you wish to have considered for the Plan. (Note: A new application should be submitted for each project that has not yet been included in the FY 2014-2018 Plan or previous 5-Year Plans.)

If you have any questions, or need additional information, please contact this office at (217) 782-7660.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael E. Stead".

Michael E. Stead
Rail Safety Program Administrator

¹Note: On the ICC website click on the "Transportation" tab (Top of Page); scroll down to and then click on "Railroad Safety"; scroll down to "Programs and Services" and then click on "Crossing Safety Improvement Program"; scroll down to "Forms" (Right Hand Column), and then select either "Public Grade Crossing Application", "Public Bridge Project Application", or "Pedestrian Bridge Project Application"]



CROSSING SAFETY IMPROVEMENT PROGRAM

FY 2014-2018 Plan

**PROPOSED GRADE CROSSING PROTECTION FUND
PROJECTS FOR LOCAL ROADS AND STREETS**

ILLINOIS COMMERCE COMMISSION
APRIL 2013

INTRODUCTION

The Illinois Commerce Commission (ICC) has the statutory responsibility to improve safety at public highway-rail crossings in the State of Illinois. Currently, there are 7,781 highway-rail grade crossings in Illinois, of which 764 are on state roads, and 7,017 are on local roads. There are 2,690 highway-rail grade-separated crossings (bridges) in the state. Another 4,536 grade crossings are on private property, which are not under the jurisdiction of the state, and there are also 153 private bridge structures. There are also 354 pedestrian grade crossings and 95 pedestrian grade separated crossings (bridges) in Illinois. Nationally, Illinois is second only to Texas in the total number of highway-rail crossings. Table A summarizes the distribution of highway-rail crossings by type and position.

Table A
Illinois Highway-Rail Crossings

Crossing Type	Crossing Position	Crossings
Public Roadway	At-Grade	7,781
	RR Over	1,750
	RR Under	940
Pedestrian Pathway	At-Grade	354
	RR Over	64
	RR Under	31
Total		10,920

The ICC orders safety improvements at public highway-rail crossings with the cost of such improvements paid by the state, the railroads, and local governments. On state roads, the Illinois Department of Transportation (IDOT) pays the majority of the costs through the State Road Fund. For local roads, the Grade Crossing Protection Fund (GCPF) was created to pay the majority of the costs of improvements.

RAILROAD CROSSING SAFETY — THE THREE E's

Illinois is one of the key transportation hubs in the nation. With approximately 7,400 miles of railroad track, its rail system is the country's second largest, including the largest rail freight hub in Chicago. Illinois has the nation's third largest highway system, with 140,744 miles of highways, streets and roads and over 26,400 bridges.

Both the rail and highway systems are among the most heavily used in the nation in terms of volume of traffic, with much of the traffic concentrated in the Chicago metropolitan region. There, the urban mass transit system serves an average of nearly 641 million passengers a year over an extensive network of bus and rail routes.

Keeping the grade crossing portion of this transportation network operating safely and efficiently involves local, state and federal governments as well as the private sector. These safety efforts can be summarized as the Three E's - **Education, Engineering and Enforcement.**

Education: The ICC is actively involved in developing programs to educate the public about the danger at highway-rail grade crossings. One example of this public education program is the ICC's participation in Operation Lifesaver. The Operation Lifesaver program is a public-private partnership designed to increase public awareness of grade crossing hazards. It also strives to improve driver and pedestrian behavior at railroad crossings by encouraging compliance with traffic laws relating to crossing signs and signals.

Enforcement: Enforcement of existing traffic and trespass laws is key, especially the issuance of fines (up to \$500) or community service to persons crossing railroad tracks after the warning signals have activated.

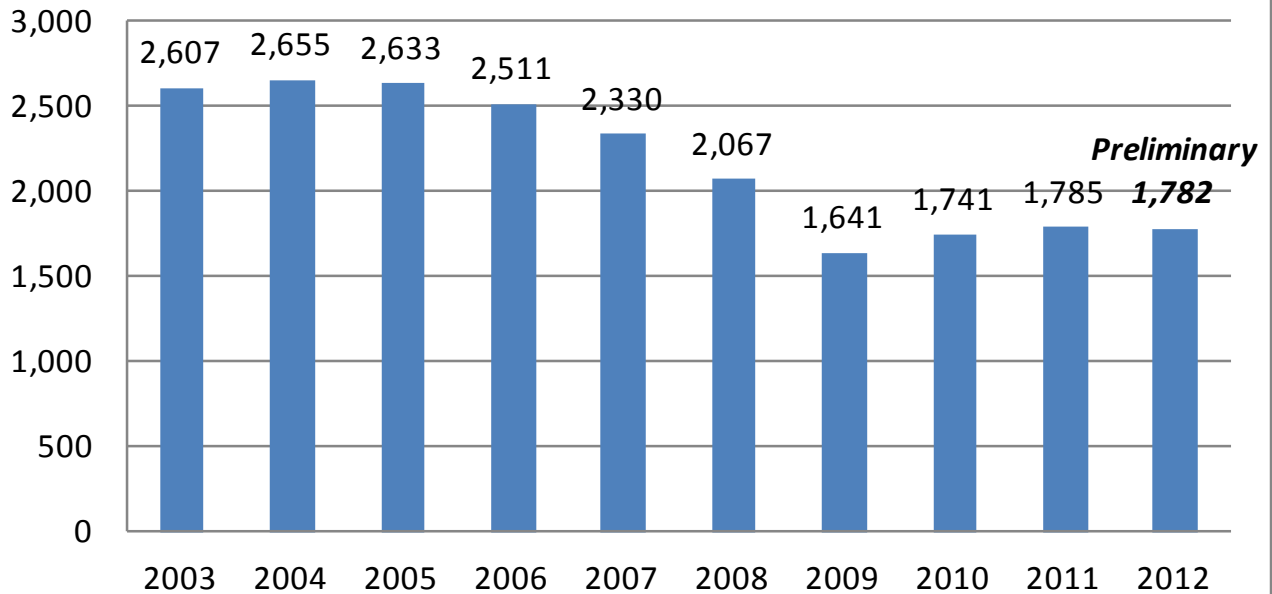
Engineering: Grade crossing safety improvements are also critical to reducing collisions. The ICC orders physical and system improvements, including the installation and upgrading of grade crossing warning signs and signals and, where warranted, grade separations. While education and enforcement are absolutely essential, the focus of this report is the engineering of capital improvements to further railroad crossing safety on local roads.

2012 IN REVIEW - Collision and Casualty Rates

In 2012, preliminary statistics indicate there were 87 collisions at public crossings in Illinois, which is the same as in 2011. National preliminary figures for 2012 indicate 1,782 collisions occurred, compared to 1,785 in 2011, which is a 0.20% decrease. As can be seen from the following charts, the trend both nationally and in Illinois is a steady decrease in collisions (except between 2009 and 2010, when there was a marked increase in collisions).

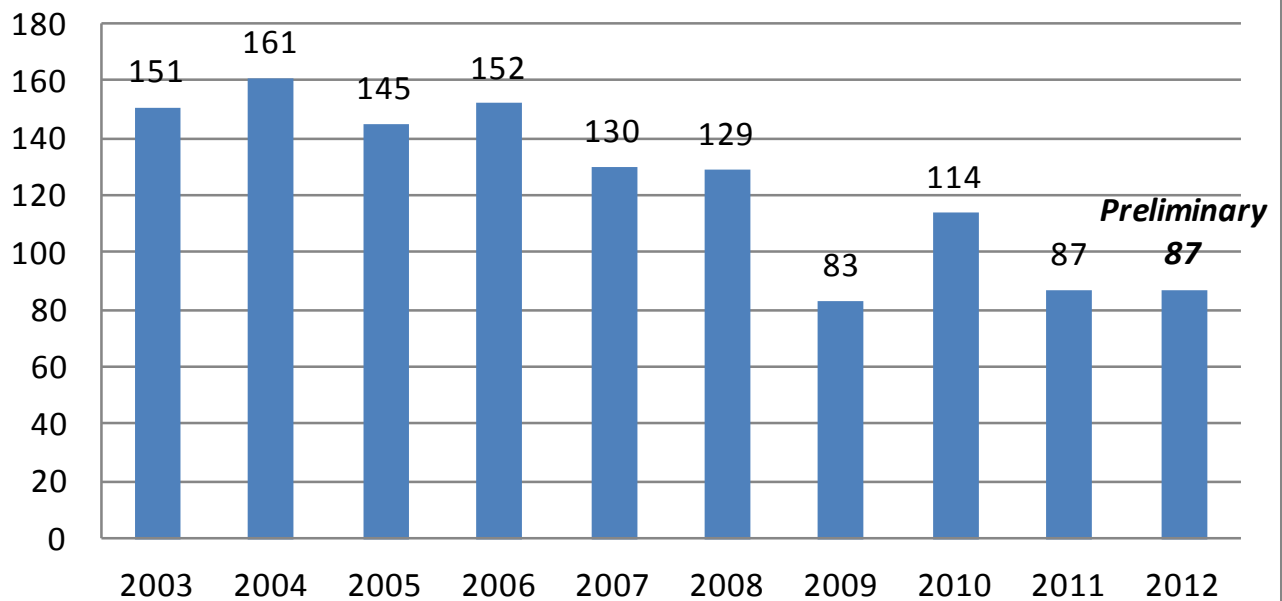
10 Year Trend in Collisions at Public Crossings: USA

(Note: Data Provided by the Federal Railroad Administration)



10 Year Trend in Collisions at Public Crossings: Illinois

(Note: Data Provided by the Federal Railroad Administration)



The general public commonly thinks of grade crossing collisions as involving trains colliding with cars, and in a majority of incidents that is the case; however, each year a substantial number of collisions involve motor vehicles driving into the sides of trains. In 2012, 26% (23 out of 87 collisions) of all collisions involved cars driving into the sides of trains, a percentage which has remained fairly constant over the years. The 23 vehicle-train collisions in 2012 resulted in 1 fatality and 13 injuries.

Total fatalities resulting from collisions at highway-rail crossings in Illinois increased from 19 in 2011 to 26 in 2012. Fatality statistics, however, are not a particularly good measure of safety. Fatalities are a function of random events, such as how many occupants were riding in a car involved in a collision, or multiple fatalities involved in the same incident (as in the death of eleven passengers involved in the Amtrak/steel truck collision that occurred near Bourbonnais, in 1999). Table B illustrates the distribution of fatalities by collision type in 2012.

Table B
Illinois Highway-Rail Grade Crossing Collisions

Type of Collision	Total Collisions	Fatal Collisions	Total Fatalities
Train Struck Vehicle	51	10	13
Vehicle Struck Train	23	1	1
Pedestrian	13	12	12
Total	87	23	26

Note: There was one fatal collision in 2012 that resulted in four fatalities.

RAILROAD CROSSING SAFETY FUNDING

The Grade Crossing Protection Fund (GCPF), appropriated to the Illinois Department of Transportation but administered by the ICC, was created by state law to assist local jurisdictions (counties, townships and municipalities) in paying for safety improvements at highway-railroad crossings on local roads and streets only. Assistance from the GCPF cannot be used for safety improvements at highway-rail crossings located on the state road or highway system. Those improvements are paid for by the Illinois Department of Transportation. Beginning with Fiscal Year 2010, each month \$3.25 million in state motor fuel tax receipts is transferred from the Motor Fuel Tax (MFT) fund to the Grade Crossing Protection Fund. This amount provides the GCPF with \$39 million annually to be used for safety improvements at highway-rail crossings on local roads and streets. The GCPF is typically used to help pay for the following types of projects:

- **Warning Device Upgrades:** Installation of automatic flashing light signals and gates at public grade crossings currently not equipped with automatic warning devices; installation of automatic flashing light signals and gates at public grade crossings currently equipped only with automatic flashing light signals; signal circuitry improvements at public grade crossings currently equipped only with automatic warning devices;
- **Grade Separations - New and Reconstructed:** Construction, reconstruction, or repair of bridges carrying a local road or street over railroad tracks (overpass); construction, reconstruction, or repair of bridges carrying railroad tracks over a local road or street (subway);
- **Grade Separations - Vertical Clearance Improvements:** Lowering the existing highway pavement surface under a railroad bridge to improve vertical clearance for motor vehicles;
- **Pedestrian Grade Separations:** Construction of a bridge to carry pedestrian/bicycle traffic over or under railroad tracks;
- **Interconnects:** Upgrading the circuitry at grade crossings where warning signals are connected to the adjacent traffic signals so that the two systems operate in a synchronized manner;
- **Highway Approaches:** Improvements to the portion of the public roadway directly adjacent to the crossing surface;
- **Connecting Roads:** Construction of a roadway between a closed crossing and an adjacent open, improved crossing;
- **Remote Monitoring Devices:** Sensor devices in the circuitry of grade crossing warning devices which immediately alert the railroad to any failures in warning device operations;
- **Crossing Closures:** Provide an incentive payment to local agencies for the voluntarily closure of public highway-rail grade crossings; and
- **Crossing Surface Renewals:** Up to \$2 million in assistance annually can be allocated for crossing surface improvements.

The cost of railroad crossing safety improvements varies substantially depending on the nature of the work undertaken. A standard installation of gates with automatic flashing light signals on a two-lane road typically costs approximately \$180,000-\$200,000. Additional costs for road improvements could typically range from \$2,000 to \$100,000 depending on the road type and location. Grade separation structures are very costly. The GCPF has made contributions to pavement lowering (vertical clearance improvements) projects costing between \$35,000 - \$3 million, and new underpass structures costing more than \$50 million. Bridges over railroads can cost from \$600,000 for a rural structure to \$40 million for a multi-lane multi-railroad urban structure. Typically, the ICC authorizes contributions from GCPF that pay up to 60% of the cost for grade separation projects and 85% to 95% for grade crossing improvements, although ICC policy is to allocate no more than \$12 million from the GCPF to any individual project unless unusual circumstances warrant otherwise. When the numbers of crossing locations needing improvement are multiplied by project costs, the problem of allocating sufficient assistance from the GCPF becomes apparent.

CROSSING SAFETY IMPROVEMENT PROJECTS

This report presents the railroad crossing safety capital improvements that ICC staff proposes to implement during FY 2014 and also looks ahead to the projects contemplated for FY 2015-FY 2018. In all cases it is assumed that any required local funding match will be available. In some cases local funding may not be available during the same fiscal year in which a crossing improvement has been programmed. In those circumstances the Rail Safety Section staff will recommend to the ICC that assistance from the GCPF for the project be reallocated to another fiscal year to accommodate the local agency.

The ICC receives numerous requests from local communities and railroads for assistance from the Grade Crossing Protection Fund for safety improvements at public highway-rail crossings. During development of each multi-year crossing safety improvement program plan, the large number of potential projects requires the ICC to prioritize projects based upon several criteria, including the relative safety of the existing crossing and the volume and types of existing train and highway traffic. After each potential project is prioritized based on engineering requirements, geographic location is also taken into account so that safety improvements throughout the state can be addressed as equitably as possible. Projects not selected for the Plan are considered again as part of future 5-Year Plans.

The project list for Fiscal Year 2014 (July 1, 2013 through June 30, 2014) includes capital improvement projects that local governments or railroads have previously submitted to the ICC for evaluation and approval, as well as projects based on established priorities. The project list for FY 2014-2017 (out-year list) includes projects based on a continued effort to meet those established priorities:

- **High Collision History** - Each year the ICC places a high priority on upgrading public highway-rail grade crossings which have a pronounced history of train/vehicle collisions, or which have a high predictive value for future collisions. The FY 2014-2018 Plan will address safety improvements at as many of these crossing locations as possible.
- **Rail Corridors** - The ICC has identified as a priority the need to improve public highway-rail grade crossings in rail corridors where conventional speed passenger trains operate.
- **Highway and Pedestrian Grade Separations (Bridges)** - The ICC is continually seeking locations where grade crossing blockages cause substantial motorist or emergency vehicle delay, or where heavy vehicular traffic represents a heightened threat of train/vehicle collisions. This Plan includes funding assistance for numerous highway/rail bridge projects on local roads and streets throughout the state.

Recently, the ICC was given authority to utilize the GCPF to assist local communities with the cost of constructing pedestrian grade separations in areas where it is necessary to improve safety. This Plan includes funding assistance for several pedway/rail bridge projects throughout the state.

- **Interconnected Crossings** - The ICC and IDOT are continuing a program to identify and improve highway-rail grade crossings that require the interconnection of crossing warning signals with traffic control signals at adjacent highway intersections.

FY 2014 PLAN

Projects programmed for submittal to the ICC in FY 2014 are listed in Appendix 1. In FY 2014 it is anticipated the ICC will consider projects requiring commitments from the GCPF totaling \$41.2 million, including \$26.3 million for bridge projects.

In FY 2014, the ICC will also set aside \$3 million from the GCPF in contingency funds to address emergency projects which may require rapid resolution; experimental crossing safety projects; low-cost safety improvements at multiple crossings; and incentive payments to local agencies for the voluntary closure of public highway-rail grade crossings. It is anticipated that in the next three years the contingency funds will be used to help pay for low-cost improvements [replacement of incandescent lights with light emitting diode (LED) lights , for example] involving approximately 100 crossings not currently equipped with LED flashing light signals. These projects are summarized in Table C.

TABLE C**FY 2014 Projects by Project Type
Total Estimated Assistance from the GCPF**

<u>PROJECT TYPE</u>	<u>CROSSINGS</u>	<u>\$MILLIONS</u>
Bridge Projects	4	26.3
Grade Crossing Improvement Projects	37	9.9
Low-Cost Emergency Projects; Experimental Projects; Voluntary Crossing Closure Incentive Payments; Surface Renewal	160 (Est) ¹	5.0
¹ (Exact number of crossings in this category yet to be determined)		
Total	201 (Est)¹	41.2

NOTE: At the time the FY 2014 portion of the Plan was prepared, assistance from the GCPF was available for each project noted in Appendix 1. However GCPF contributions may cease for certain projects should the General Assembly fail to appropriate, or otherwise not make available, sufficient funds.

FY 2015 - 2018 PLAN

Projects programmed for submittal to the ICC in FY 2015-2018 are listed in Appendix 2. For those four years, it is anticipated the ICC will consider projects requiring commitments from the GCPF totaling over \$159 million, affecting approximately 840 crossings in over 57 counties. In addition, \$20 million from the GCPF will be set aside in contingency funds during FY 2015-2018. These projects are summarized in Table D.

TABLE D**FY 2015-18 Projects by Project Type
Total Estimated Assistance from the GCPF**

<u>PROJECT TYPE</u>	<u>CROSSINGS</u>	<u>\$MILLIONS</u>
Bridge Projects	20	88.0
Grade Crossing Improvement Projects	182	51.6
Low-Cost Emergency Projects; Experimental Projects; Voluntary Crossing Closure Incentive Payments; Surface Renewal	640 (Est) ¹	20.0
¹ (Exact number of crossings in this category yet to be determined)		
Totals	842 (Est)¹	159.6

NOTE: At the time the FY 2015-2018 portion of the Plan was prepared, assistance from the GCPF was available for each project noted in Appendix 2. However GCPF contributions may cease for certain projects should the General Assembly fail to appropriate, or otherwise not make available, sufficient funds.

ACTIVE PROJECTS

The ICC has previously issued Orders that authorize over 134 safety improvement projects, involving almost 170 crossings in over 45 counties throughout the state. These projects are summarized in Table E below. Appendix 3 lists each individual project with specific location and cost information.

TABLE E

Active Projects by Project Type
Amount of GCPF Assistance Approved by the ICC

<u>PROJECT TYPE</u>	<u>CROSSINGS</u>	<u>\$MILLIONS</u>
Bridge Projects	19	49.0
Grade Crossing Improvement Projects	101	24.9
Low-Cost Emergency Projects; Experimental Projects; Voluntary Crossing Closure Incentive Payments; Surface Renewal	49	4.1
Totals	169	78.0

PENDING PROJECTS

The Rail Safety Section anticipates that a number of crossing safety improvement projects will be submitted to the Commission for approval before the end of FY 2013. The projects are summarized in Table E below. Appendix 4 lists these pending projects with location and cost information.

TABLE F

Pending Projects by Project Type
Total Estimated Assistance from the GCPF

<u>PROJECT TYPE</u>	<u>CROSSINGS</u>	<u>\$MILLIONS</u>
Bridge Projects	6	23.6
Grade Crossing Improvement Projects	17	3.6
Progress Payment	1	6.4
High Speed Rail Crossing improvements	32	14.3
Low-Cost Emergency Projects; Experimental Projects; Voluntary Crossing Closure Incentive Payments; Surface Renewal	51	1.9
Totals	107	49.8

DOT#	RR Code	County	City	Location	Description of Improvement	Total Estimated Cost
072428G	BNSF	Adams	Camp Point	2200E (TR 374)	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$335,000
072621T	BNSF	Adams	Camp Point	TR 187	Automatic Flashing Light Signals and Gates Install	\$355,000
372398V	DME	Carroll	Lanark	Gold Mine Road	Automatic Flashing Light Signals and Gates Install	\$230,000
372403P	DME	Carroll	Lanark	Maple Grove Road	Automatic Flashing Light Signals and Gates Install	\$230,000
479237A	NS	Christian	Stonington	1700E (TR 210)	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$375,000
480022X	NS	Christian	Morrisonville	300E (TR 18)	Automatic Flashing Light Signals and Gates Install	\$230,000
480023E	NS	Christian	Morrisonville	300N (TR 321)	Automatic Flashing Light Signals and Gates Install	\$330,000
152893C	CSX	Clay	Clay City	Heather Lane	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$340,000
152895R	CSX	Clay	Clay City	Dewberry Road	Automatic Flashing Light Signals and Gates Install	\$260,000
173945A	UP	Cook	Chicago	Damen Avenue at 400 North	Grade Separation: Vertical Clearance	\$3,400,000
174010L	UP	Cook	Bellwood / Melrose Pk	25th Street	Grade Separation: Construct	\$44,000,000
154543S	CSX	Douglas	Camargo	Vine Street	Automatic Flashing Light Signals and Gates Install	\$240,000
154544Y	CSX	Douglas	Camargo	White Oak Street	Automatic Flashing Light Signals and Gates Install	\$240,000
289368D	IC	Ford	Gibson City	300N	Automatic Flashing Light Signals and Gates Install	\$260,000
072617D	BNSF	Hancock	Augusta	370N (TR 387)	Automatic Flashing Light Signals and Gates Install	\$260,000
065638E	BNSF	Henry	Lynn Center	1100N	Automatic Flashing Light Signals and Gates Install	\$230,000
065641M	BNSF	Henry	Lynn Center	1200N	Automatic Flashing Light Signals and Gates Install	\$260,000
079750G	BNSF	Henry	Galva	2150E Road	Automatic Flashing Light Signals and Gates Install	\$260,000
606957U	IAIS	Henry	Geneseo	1700E	Automatic Flashing Light Signals and Gates Install	\$230,000
606976Y	IAIS	Henry	Colona	Broadway Street	Automatic Flashing Light Signals and Gates Install	\$250,000
724751T	NS	Jefferson	Bluford	Dove Lane	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$320,000
306881M	CC	Jo Daviess	Apple River	Hodgin Road	Automatic Flashing Light Signals and Gates Install	\$230,000

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Wisconsin Central, Ltd. (WC), successor to the EJE as of January 1, 2013.

DOT#	RR Code	County	City	Location	Description of Improvement	Total Estimated Cost
534364B	NS	Kankakee	Momence	Market Street	Automatic Flashing Light Signals and Gates Install	\$230,000
534412N	NS	Kankakee	Union Hill	TR 50	Automatic Flashing Light Signals and Gates Install	\$240,000
689728D	WC	Lake	Round Lake Beach	Rollins Road	Grade Separation: Construct	\$48,000,000
152828W	CSX	Lawrence	Lawrenceville	TR 260	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$465,000
480072B	NS	Macoupin	Mt. Olive	St. Johns Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$255,000
152938G	CSX	Marion	Salem	Robin Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$350,000
152935L	CSX	Marion	Salem	Peach Tree Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$375,000
167894D	UP	Marion	Kinmundy	Shanghai Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$360,000
063784D	BNSF	McDonough	Bardolph	1700E	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$350,000
480031W	NS	Montgomery	Harvel	24th Avenue (MUN 1090)	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$310,000
480069T	NS	Montgomery	Litchfield	Grosenheider Lane	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$250,000
372334J	DME	Ogle	Davis Junction	Blackwood Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$380,000
166982K	UP	Shelby	Findlay	1950N	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$410,000
166992R	UP	Shelby	Westevelt	1950N	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$430,000
167854F	UP	Shelby	Mode	350N	Automatic Flashing Light Signals and Gates Install	\$260,000
Unknown	STATE	Statewide	Statewide		Emergency Projects Experimental Projects	\$3,300,000
290142N	CC	Stephenson	Freeport	Cherry Hill Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$350,000
445832X	UP	Union	Mill Creek	Davis Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$295,000
Multiple	Various	Various	Various	Multiple Streets	Crossing Surface: Reconstruct	\$4,000,000
724714R	NS	Wayne	Fairfield	2150E Road	Automatic Flashing Light Signals and Gates Install	\$230,000
174658R	UP	Winnebago	Cherry Valley	Perryville Road	Grade Separation: Reconstruct	\$2,357,200

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Wisconsin Central, Ltd. (WC), successor to the EJE as of January 1, 2013.

DOT#	RR	County	City	Location	Description of Improvement	Total Est. Cost
072427A	BNSF	Adams	Camp Point	TR 362 (2100E)	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$365,000
069134T	BNSF	Bond	Smithboro	Ripson Bridge Avenue	Automatic Flashing Light Signals and Gates Install	\$230,000
069140W	BNSF	Bond	Sorento	Ayers Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$300,000
069146M	BNSF	Bond	Smithboro	Ski Club Road	Automatic Flashing Light Signals and Gates Install	\$260,000
079714L	BNSF	Bureau	Neponset	550E	Automatic Flashing Light Signals and Gates Install	\$300,000
079724S	BNSF	Bureau	Neponset	100E	Automatic Flashing Light Signals and Gates Install	\$300,000
069873R	BNSF	Carroll	Milledgeville	Ideal Road	Grade Separation: Reconstruct	\$3,300,000
372400U	DME	Carroll	Lanark	Grange Road	Automatic Flashing Light Signals and Gates Install	\$270,000
166885B	UP	Champaign	Villa Grove	100N	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$355,000
479915G	NS	Champaign	Philo	1800E	Automatic Flashing Light Signals and Gates Install	\$300,000
480029V	NS	Christian	Harvel	Tulpin Street	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$465,000
542130T	UP	Christian	Rosamond	TR 254 (2100E)	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$335,000
069325D	BNSF	Clinton	Centralia	Sand Ridge Road	Automatic Flashing Light Signals and Gates Install	\$250,000
069344H	BNSF	Clinton	Centralia	Felton Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$325,000
163525T	CSX	Cook	Chicago	Kostner Avenue	Grade Separation: Vertical Clearance	\$3,400,000
174253N & 079461F	UP & BNSF	Cook	Chicago	Damen at 1500 South	Grade Separation: Vertical Clearance	\$5,000,000
289800M	IC	Cook	Chicago	Short at Fuller	Grade Separation: Vertical Clearance	\$3,400,000
326900U	IHB	Cook	Dixmoor	Thornton Road	Grade Separation: Reconstruct	\$10,735,000
326901B	IHB	Cook	Dixmoor	Thornton Road	Grade Separation: Construct	\$8,796,000
522459A	NS	Cook	Chicago	134th Street	Automatic Flashing Light Signals and Gates Upgrade Reconstruct Approaches	\$290,000
522957J	NS	Cook	Chicago	Cottage Grove Avenue	Grade Separation: Vertical Clearance	\$5,000,000
N/A	IHB, CSX, NS	Cook	Burnham	Greenway Trail	Pedestrian Grade Separation: Construct	\$3,685,000
292558K	INRD	Crawford	Palestine	Lincoln Street	Automatic Flashing Light Signals and Gates Install	\$240,000
069760K	BNSF	DeKalb	Shabbona	Kane Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$380,000

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Wisconsin Central, Ltd. (WC), successor to the EJE as of January 1, 2013.

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069763F	BNSF	DeKalb	Shabbona	Indian Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$380,000
069768P	BNSF	DeKalb	Shabbona	Challand Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$370,000
289453T	IC	DeWitt	Clinton	Kleeman Road	Automatic Flashing Light Signals and Gates Install	\$260,000
154524M	CSX	Douglas	Newman	City Line Road	Automatic Flashing Light Signals and Gates Install	\$250,000
260557P	WC	DuPage	Aurora	North Aurora Road	Grade Separation: Reconstruct	\$32,200,000
260805L	WC	DuPage	Naperville	Illinois Prairie Path	Pedestrian Grade Separation: Construct	\$5,200,000
079520F	BNSF	DuPage	Hinsdale	Oak Street	Grade Separation: Reconstruct	\$17,050,000
167937U	UP	Effingham	Altamont	TR 25	Automatic Flashing Light Signals and Gates Install	\$270,000
424039B	UP	Effingham	Altamont	Jackson Avenue	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$255,000
424042J	UP	Effingham	Altamont	TR 105	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$360,000
424043R	UP	Effingham	Altamont	1400th Avenue (TR 85)	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$275,000
293709B	IC	Franklin	Benton	Eakingrove Church Road	Automatic Flashing Light Signals and Gates Install	\$240,000
063810R	BNSF	Fulton	Vermont	Quarter Road	Automatic Flashing Light Signals and Gates Install	\$240,000
078455Y	BNSF	Fulton	Table Grove	FAS 451	Automatic Flashing Light Signals and Gates Upgrade	\$240,000
078463R	BNSF	Fulton	Table Grove	Main Street	Automatic Flashing Light Signals and Gates Upgrade	\$230,000
078468A	BNSF	Fulton	Table Grove	Laurel Street	Automatic Flashing Light Signals and Gates Install	\$230,000
294614W	KCS	Greene	White Hall	Cinderella Lane	Automatic Flashing Light Signals and Gates Install	\$260,000
294618Y	KCS	Greene	Roodhouse	Grand Avenue	Automatic Flashing Light Signals and Gates Install	\$260,000
294619F	KCS	Greene	Roodhouse	Briggs Street	Automatic Flashing Light Signals and Gates Install	\$260,000
004436P	BNSF	Grundy	Kinsman	Gonnam Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$490,000
261023B	WC	Grundy	Minooka	Ridge Road	Grade Separation: Reconstruct	\$7,250,000
603741D	CSX	Grundy	Minooka	Ridge Road	Cantilever Automatic Flashing Light Signals and Gates Upgrade	\$300,000
603766Y	CSX	Grundy	Morris	Nettle School Road	Automatic Flashing Light Signals and Gates Install	\$300,000
065637X	BNSF	Henry	Lynn Center	McKillop Street	Automatic Flashing Light Signals and Gates Install	\$260,000

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Wisconsin Central, Ltd. (WC), successor to the EJE as of January 1, 2013.

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167219P	UP	Iroquois	Woodland	TR 275A (1100N)	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$450,000
167220J	UP	Iroquois	Woodland	FAS 326 (2000E)	Automatic Flashing Light Signals and Gates Upgrade	\$250,000
167221R	UP	Iroquois	Woodland	FAS 334 (1000N)	Automatic Flashing Light Signals and Gates Upgrade	\$250,000
167579M	UP	Iroquois	Woodland	CR 1500N	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$405,000
288979P	IC	Iroquois	Danforth	TR 95	Automatic Flashing Light Signals and Gates Install	\$270,000
288984L	IC	Iroquois	Danforth	TR 551	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$315,000
289001H	IC	Iroquois	Delray	TR 50	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$260,000
289012V	IC	Iroquois	Buckley	TR 565	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$290,000
289014J	IC	Iroquois	Buckley	TR 609	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$320,000
289016X	IC	Iroquois	Loda	TR 357	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$270,000
353637S	CSX	Iroquois	Milford	TR 275A	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$320,000
801731T	TPW	Iroquois	Gliman	600E Road	Automatic Flashing Light Signals and Gates Install	\$300,000
167601X	UP	Jefferson	Bonnie	East Lang Lane	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$360,000
167608V	UP	Jefferson	Ina	E. Wheaton Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$290,000
167710B	UP	Jefferson	Mt. Vernon	Brownsville Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$370,000
431022P	UP	Jefferson	Mt. Vernon	E. Freesia Road	Automatic Flashing Light Signals and Gates Install	\$270,000
431024D	UP	Jefferson	Mt. Vernon	E. Bakerville Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$310,000
724786U	NS	Jefferson	Dix/Rome	No. Old Centralia Lane	Automatic Flashing Light Signals and Gates Upgrade Reconstruct Approaches	\$280,000
069922K	BNSF	Jo Daviess	Galena	River Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$290,000
306856E	CC	Jo Daviess	Nora	E. Canyon Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$305,000
306858T	CC	Jo Daviess	Nora	Oak Street	Automatic Flashing Light Signals and Gates Upgrade	\$325,000
306863P	CC	Jo Daviess	Warren	Winslow Road	Automatic Flashing Light Signals and Gates Upgrade	\$225,000
306865D	CC	Jo Daviess	Warren	Johnson Street	Automatic Flashing Light Signals and Gates Upgrade Reconstruct Approaches	\$265,000
306867S	CC	Jo Daviess	Warren	Center Street	Automatic Flashing Light Signals and Gates Upgrade Reconstruct Approaches	\$265,000

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Wisconsin Central, Ltd. (WC), successor to the EJE as of January 1, 2013.

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306872N	CC	Jo Daviess	Apple River	Canyon Park Road	Automatic Flashing Light Signals and Gates Upgrade	\$250,000
306877X	CC	Jo Daviess	Apple River	Chestnut Street	Automatic Flashing Light Signals and Gates Upgrade Reconstruct Approaches	\$275,000
306886W	CC	Jo Daviess	Scales Mound	Watson Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$245,000
306890L	CC	Jo Daviess	Scales Mound	North Street	Automatic Flashing Light Signals and Gates Upgrade Reconstruct Approaches	\$265,000
306896C	CC	Jo Daviess	Scales Mound	Council Hill Road	Automatic Flashing Light Signals and Gates Upgrade	\$225,000
306897J	CC	Jo Daviess	Scales Mound	Hill Road	Automatic Flashing Light Signals and Gates Upgrade	\$250,000
306904S	CC	Jo Daviess	Galena	Buckhill Road	Automatic Flashing Light Signals and Gates Upgrade	\$225,000
306909B	CC	Jo Daviess	Galena	Bouthiller Street	Automatic Flashing Light Signals and Gates Upgrade	\$225,000
306910V	CC	Jo Daviess	Galena	Water Street	Automatic Flashing Light Signals and Gates Upgrade	\$225,000
306917T	CC	Jo Daviess	East Dubuque	Frentress Lake Road	Automatic Flashing Light Signals and Gates Upgrade	\$250,000
306918A	CC	Jo Daviess	East Dubuque	Frentress Lake Road	Automatic Flashing Light Signals and Gates Upgrade Reconstruct Approaches	\$270,000
174498E	UP	Kane	Elgin	Lawrence Avenue	Automatic Flashing Light Signals and Gates Upgrade	\$260,000
288943G	IC	Kankakee	Kankakee	Brookmont Blvd	Grade Separation: Reconstruct Construction (1 of 2)	\$22,910,000
534407S	NS	Kankakee	Kankakee	Lehigh Road	Automatic Flashing Light Signals and Gates Upgrade	\$260,000
534410A	NS	Kankakee	Union Hill	TR 60	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$330,000
534419L	NS	Kankakee	Union Hill	17000W	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$265,000
063049H	BNSF	Knox	Galesburg	TR 18A	Automatic Flashing Light Signals and Gates Install	\$275,000
079766D	BNSF	Knox	Galva	TR 266	Automatic Flashing Light Signals and Gates Install	\$400,000
004453F	BNSF	La Salle	Kinsman	LaSalle Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$610,000
175842G	UP	La Salle	Troy Grove	Vermillion Street	Automatic Flashing Light Signals and Gates Install	\$270,000
689726P	WC	Lake	Grayslake	Washington Street	Grade Separation: Construct	\$26,300,000
152842S	CSX	Lawrence	Bridgeport	750E	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$600,000
175159D	UP	Lee	Dixon	Harmon Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$330,000
175739U	UP	Lee	Normandy	Arch Road	Automatic Flashing Light Signals and Gates Install	\$250,000

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Wisconsin Central, Ltd. (WC), successor to the EJE as of January 1, 2013.

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534454A	NS	Livingston	Dwight	TR 156	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$340,000
292743E	IC	Logan	Hartsburg	800th Avenue (TR 59B)	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$280,000
292817U	IC	Logan	Latham	TR 239C	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$285,000
154634X	CSX	Macon	Decatur	Ocean Trail Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$260,000
154642P	CSX	Macon	Decatur	27th Street	Automatic Flashing Light Signals and Gates Upgrade	\$260,000
291241P	IC	Macon	Decatur	M.L.King Drive	Automatic Flashing Light Signals and Gates Upgrade Reconstruct Approaches	\$670,000
292858Y	IC	Macon	Decatur	M.L.King Drive	Automatic Flashing Light Signals and Gates Upgrade Reconstruct Approaches	\$330,000
292862N	IC	Macon	Decatur	Division Street	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$325,000
294511W	UP	Madison	Alton	Chessen Lane	Automatic Flashing Light Signals and Gates Install	\$310,000
328028B	NS	Madison	Hartford	Canal Road	Automatic Flashing Light Signals and Gates Install	\$240,000
328052C	NS	Madison	Madison	Grand Avenue	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$290,000
542215V	UP	Madison	Worden	Green Hedge Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$260,000
546570X, 546569D	CSX	Madison	Collinsville	Lebanon Road and Lockmann Road	Grade Separation: Abolish Realign Roadway Grade Separation: Construct	\$16,575,000
546572L	CSX	Madison	Collinsville	Rolek Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$335,000
152930C	CSX	Marion	Iuka	Duis Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$420,000
152959A	CSX	Marion	Sandoval	Norton Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$510,000
167891H	UP	Marion	Kinmundy	Case Street	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$310,000
175669G	UP	Marshall	Camp Grove	800N/1150N	Automatic Flashing Light Signals and Gates Install	\$270,000
387891P	WSOR	McHenry	Solon Mills	Kuhn Road	Automatic Flashing Light Signals and Gates Install	\$250,000
290952F	UP	McLean	Bloomington	Fox Creek Road	Grade Separation: Reconstruct	\$3,744,000
175477P	UP	Menard	Sweet Water	Shanghi Avenue	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$430,000
542162Y	UP	Montgomery	Schram City	Broadway Street	Automatic Flashing Light Signals and Gates Install	\$230,000
542151L	UP	Montgomery	Witt	Ford Avenue	Automatic Flashing Light Signals and Gates Upgrade Reconstruct Approaches	\$580,000
542152T	UP	Montgomery	Witt	Main Street	Automatic Flashing Light Signals and Gates Upgrade Reconstruct Approaches	\$375,000

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Wisconsin Central, Ltd. (WC), successor to the EJE as of January 1, 2013.

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542160K	UP	Montgomery	Irving	Garold Trail	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$520,000
542168P	UP	Montgomery	Hillsboro	Miller Branch Trail	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$390,000
542169W	UP	Montgomery	Hillsboro	Red Bridge Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$500,000
175123V, N/A	UP	Ogle	Rochelle	First Avenue & Jack Dame Road	Close Crossing Grade Separation: Construct	\$17,444,000
094076P	BNSF	Peoria	Edwards	Kramm Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$280,000
175636U	UP	Peoria	Dunlap	Legion Hall Road	Automatic Flashing Light Signals and Gates Install	\$230,000
801647K	KJRY	Peoria	Glasford	Kingston Mines Road	Automatic Flashing Light Signals and Gates Install	\$270,000
004589T	BNSF	Peoria	Edelstein	Centerville Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$335,000
296155K	IC	Perry	Winkle	Morning Glory Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$440,000
430957D	UP	Perry	Tamaroa	Maple Street	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$355,000
430969X	UP	Perry	Tamaroa	Valier Carpet Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$310,000
293200S	KCS	Pike	Pearl	Street 8	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$410,000
293211E	KCS	Pike	Nebo	Spring Creek Road (TR 471)	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$260,000
294782C	IC	Randolph	Sparta	Ridge Road	Automatic Flashing Light Signals and Gates Install	\$270,000
431109F	UP	Randolph	Chester	County Farm Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$280,000
431145B	UP	Randolph	Steeleville	Substation Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$470,000
436245X	UP	Randolph	Chester	Klondike Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$305,000
294328R	UP	Sangamon	Chatham	Woodside Road	Grade Separation: Construct Construction (1 of 2)	\$38,510,000
479284H	NS	Sangamon	Buffalo	TR 619	Automatic Flashing Light Signals and Gates Install	\$270,000
479291T	NS	Sangamon	Dawson	Scully Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$275,000
N/A	UP	Sangamon	Williamsville	South Oak Street	Grade Separation: Construct	\$7,860,000
479447P	NS	Scott	Naples	Butterfly Lane	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$430,000
166861M	UP	Shelby	Pana	1100E	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$285,000
166867D	UP	Shelby	Pana	700E	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$395,000

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Wisconsin Central, Ltd. (WC), successor to the EJE as of January 1, 2013.

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166868K	UP	Shelby	Pana	1475N	Close Crossing Construct Access Road	\$150,000
167280T	UP	Shelby	Findlay	2250N	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$560,000
167866A	UP	Shelby	Shelbyville	875N	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$330,000
167870P	UP	Shelby	Shelbyville	2100E	Automatic Flashing Light Signals and Gates Install	\$325,000
296038P	IC	St Clair	Belleville	North 20th Street	Automatic Flashing Light Signals and Gates Upgrade	\$260,000
724549H	NS	St Clair	East St Louis	Broadway Avenue	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$405,000
803113A	TRRA	St. Clair	East St Louis	Market Street	Automatic Flashing Light Signals and Gates Upgrade Reconstruct Approaches	\$290,000
296103T	IC	St. Clair	New Athens	Black Quarter Road	Automatic Flashing Light Signals and Gates Install	\$270,000
328064W	NS	St. Clair	Brooklyn	Canal Street	Automatic Flashing Light Signals and Gates Install	\$300,000
724610J	NS	St. Clair	Belleville	Machine Shop Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$420,000
Unknown	STATE	Statewide	Statewide		Emergency Projects Experimental Projects	\$3,300,000
Unknown	STATE	Statewide	Statewide		Emergency Projects Experimental Projects	\$3,300,000
Unknown	STATE	Statewide	Statewide		Emergency Projects Experimental Projects	\$3,300,000
Unknown	STATE	Statewide	Statewide		Emergency Projects Experimental Projects	\$3,300,000
290129A	CC	Stephenson	Freeport	S. Farwell Bridge Road	Automatic Flashing Light Signals and Gates Upgrade	\$225,000
290133P	CC	Stephenson	Freeport	Holland Church Road	Automatic Flashing Light Signals and Gates Upgrade	\$225,000
290148E	CC	Stephenson	Freeport	Springfield Road	Automatic Flashing Light Signals and Gates Upgrade	\$225,000
306823S	CC	Stephenson	Freeport	Harlem Center Road	Automatic Flashing Light Signals and Gates Upgrade	\$225,000
306831J	CC	Stephenson	Lena	Bridge Street	Automatic Flashing Light Signals and Gates Upgrade	\$250,000
306846Y	CC	Stephenson	Lena	Five Corners Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$300,000
306848M	CC	Stephenson	Lena	Crossroads Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$255,000
306850N	CC	Stephenson	Lena	Waddams Grove Road	Automatic Flashing Light Signals and Gates Upgrade Reconstruct Approaches	\$345,000
306851V	CC	Stephenson	Lena	W. Galena Road	Automatic Flashing Light Signals and Gates Upgrade	\$225,000
306852C	CC	Stephenson	Lena	N. Baker Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$280,000

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Wisconsin Central, Ltd. (WC), successor to the EJE as of January 1, 2013.

DOT#	RR	County	City	Location	Description of Improvement	Total Est. Cost
292679H	IC	Tazewell	Pekin	Koch Street	Automatic Flashing Light Signals and Gates Upgrade	\$260,000
299021W	IC	Union	Cobden	Pinetree Lane	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$650,000
299023K	IC	Union	Cobden	Anna Nursery Lane	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$560,000
445846F	UP	Union	Wolf Lake	Rumfelt Lane	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$555,000
Multiple	Various	Various	Various	Multiple Streets	Crossing Surface: Reconstruct	\$4,000,000
Multiple	Various	Various	Various	Multiple Streets	Crossing Surface: Reconstruct	\$4,000,000
Multiple	Various	Various	Various	Multiple Streets	Crossing Surface: Reconstruct	\$4,000,000
Multiple	Various	Various	Various	Multiple Streets	Crossing Surface: Reconstruct	\$4,000,000
166938X	UP	Vermilion	Rankin	TR 4	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$375,000
166939E	UP	Vermilion	Rankin	TR 20	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$330,000
166941F	UP	Vermilion	Rankin	TR 77	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$355,000
166944B	UP	Vermilion	Rankin	370E	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$285,000
166950E	UP	Vermilion	Rankin	3850N	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$355,000
166951L	UP	Vermilion	Rankin	3900N	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$325,000
479883D	NS	Vermilion	Fairmont	TR 108A	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$590,000
479884K	NS	Vermilion	Fairmont	TR 84A	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$530,000
724825H	NS	Wabash	Bellmont	TR 4	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$335,000
724750L	NS	Wayne	Keenes	TR 4	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$315,000
167644R	UP	Williamson	Johnston City	Binkley Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$285,000
167645X	UP	Williamson	Johnston City	New Virginia Road	Automatic Flashing Light Signals and Gates Install	\$260,000
167812U	UP	Williamson	Johnston City	Union Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$505,000
296629T	IC	Williamson	Pittsburg	Whipporwill Road	Automatic Flashing Light Signals and Gates Install	\$260,000
080042E	IR	Winnebago	Rockford	Airport Drive	Automatic Flashing Light Signals and Gates Upgrade	\$250,000
289985W	CC	Winnebago	Rockford	River Road	Automatic Flashing Light Signals and Gates Upgrade	\$225,000

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Wisconsin Central, Ltd. (WC), successor to the EJE as of January 1, 2013.

DOT#	RR	County	City	Location	Description of Improvement	Total Est. Cost
290026A	CC	Winnebago	Rockford	8th Street	Automatic Flashing Light Signals and Gates Upgrade	\$225,000
290027G	CC	Winnebago	Rockford	7th Street	Cantilever Automatic Flashing Light Signals and Gates Upgrade	\$255,000
290028N	CC	Winnebago	Rockford	6th Street	Cantilever Automatic Flashing Light Signals and Gates Upgrade	\$245,000
290074P	CC	Winnebago	Rockford	Loomis Street	Automatic Flashing Light Signals and Gates Upgrade Reconstruct Approaches	\$365,000
290083N	CC	Winnebago	Rockford	Pierpont Avenue	Cantilever Automatic Flashing Light Signals and Gates Upgrade	\$240,000
290086J	CC	Winnebago	Rockford	Centerville Road	Automatic Flashing Light Signals and Gates Upgrade	\$225,000
290093U	CC	Winnebago	Winnebago	Weldon Road	Automatic Flashing Light Signals and Gates Upgrade	\$280,000
290099K	CC	Winnebago	Winnebago	Westfield Road	Automatic Flashing Light Signals and Gates Upgrade	\$225,000
290100C	CC	Winnebago	Winnebago	Winnebago Road	Automatic Flashing Light Signals and Gates Upgrade	\$250,000
290104E	CC	Winnebago	Winnebago	Osborne Road	Automatic Flashing Light Signals and Gates Upgrade	\$225,000
290106T	CC	Winnebago	Winnebago	Kendall Road	Automatic Flashing Light Signals and Gates Install	\$225,000
290108G	CC	Winnebago	Winnebago	Hoisington Road	Automatic Flashing Light Signals and Gates Upgrade	\$325,000
290117F	CC	Winnebago	Winnebago	Markham Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$275,000
290120N	CC	Winnebago	Winnebago	Spielman Road	Automatic Flashing Light Signals and Gates Upgrade	\$225,000
290123J	CC	Winnebago	Freeport	Klinger Road	Automatic Flashing Light Signals and Gates Upgrade	\$280,000
475097L	NS	Woodford	Goodfield	Harrison Street	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$315,000
475099A	NS	Woodford	Goodfield	Birkey Street	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$300,000

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Wisconsin Central, Ltd. (WC), successor to the EJE as of January 1, 2013.

DOT#	RR	County	City	Location	Description of Improvement	GCPF Amount
072405A	BNSF	Adams	Quincy	Cannonball Trail	Grade Separation: Reconstruct	\$1,084,483
175688L	UP	Bureau	Buda	900N	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$291,705
175730H	UP	Bureau	Normandy	County Line Road	Automatic Flashing Light Signals and Gates Install	\$198,000
069861W	BNSF	Carroll	Milledgeville	Sunshine Road	Grade Separation: Reconstruct	\$1,062,891
546327H	CSX	Clark	Marshall	Fern Lake Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$645,689
546328P	CSX	Clark	Marshall	Clear Creek Road	Automatic Flashing Light Signals and Gates Install	\$239,476
546335A	CSX	Clark	Marshall	Kibler Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$371,242
546356T	CSX	Clark	Casey	450th Street	Automatic Flashing Light Signals and Gates Upgrade	\$188,699
546357A	CSX	Clark	Casey	430th Street	Automatic Flashing Light Signals and Gates Install	\$205,826
152913L	CSX	Clay	Xenia	Ironwood Road	Automatic Flashing Light Signals and Gates Install	\$190,904
295122U	IC	Clay	Xenia	450N	Grade Separation: Abolish Improve Access Road	\$219,900
163445A	CSX	Cook	Chicago	79th Street at Leavitt	Grade Separation: Vertical Clearance	\$1,818,252
163462R	CSX	Cook	Chicago	35th St at 2500W	Grade Separation: Vertical Clearance	\$1,495,714
163527G	CSX	Cook	Chicago	Laramie Avenue	Grade Separation: Reconstruct	\$2,000,000
326829M, 283128B	CTA, IHB, GTW	Cook	Chicago	Kedzie Avenue (4900 So.)	Grade Separation: Vertical Clearance	\$2,000,287
843811C	BRC	Cook	Chicago	Marquette Road	Automatic Flashing Light Signals and 4-Quadrant Gates with Pedestrian Gates Crossing Surface Renewal	\$903,936
Multiple	UP	Cook	Chicago	8 crossings	Modification of Track Circuits	\$2,370,035
289946F	CC	DeKalb	Genoa	Lukens Road	Automatic Flashing Light Signals and Gates Install	\$193,772
289947M	CC	DeKalb	Genoa	Moose Range Road	Automatic Flashing Light Signals and Gates Upgrade	\$162,841
289948U	CC	DeKalb	Genoa	Base Line Road	Automatic Flashing Light Signals and Gates Upgrade	\$165,416
289971N	CC	DeKalb	Kingston	Snake Road	Automatic Flashing Light Signals and Gates Install	\$178,299
289973C	CC	DeKalb	Kingston	Myelle Road	Automatic Flashing Light Signals and Gates Install	\$163,413
079526W	BNSF	DuPage	Hinsdale	Monroe Street	Automatic Flashing Light Signals and Gates Renew Experimental Projects	\$807,809
174536L	UP	DuPage	West Chicago	Powis(Smith) Road	Automatic Flashing Light Signals and Gates Upgrade	\$169,415
174925S	UP	DuPage	Wheaton	Wesley Street	Grade Separation: Reconstruct	\$9,704,000

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Wisconsin Central, Ltd. (WC), successor to the EJE as of January 1, 2013.

DOT#	RR	County	City	Location	Description of Improvement	GCPF Amount
174954C	UP	DuPage	Wheaton	Chase Street	Close Crossing Pedestrian Grade Separation: Construct	\$1,814,728
289890N	CC	DuPage	Carol Stream	Gary Avenue	Install Interconnect circuitry Modify track circuits	\$17,023
289903M	CC	DuPage	Bartlett	Powis Road	Automatic Flashing Light Signals and Gates Upgrade	\$180,089
N/A	UP	DuPage	Lombard	Grace Street/St. Charles Road	Construct Pedestrian Grade Separation	\$1,982,367
167928V, 507896H	UP, CSX	Effingham	Altamont	TR 4	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$553,429
424040V	UP	Effingham	Altamont	1100th Avenue (TR 133)	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$342,637
546437T	CSX	Effingham	Effingham	John Deere Street	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$237,981
004432M	BNSF	Grundy	Verona	Buffalo Road	Automatic Flashing Light Signals and Gates Install	\$481,360
079765W	BNSF	Henry	Galva	E 1850th Road	Grade Separation: Reconstruct	\$1,100,000
292620T	IC	Jasper	Newton	850E	Close Crossing	\$50,000
921690W	INRD	Jasper	Newton	850E	Close Crossing	\$50,000
724808S	NS	Jefferson	Dix/Rome	Ebenezer Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$263,045
069921D	BNSF	Jo Daviess	Galena	River Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$258,298
174541H	UP	Kane	South Elgin	Center Street	Automatic Flashing Light Signals and Gates Upgrade	\$168,522
174542P	UP	Kane	South Elgin	Plum Street	Automatic Flashing Light Signals and Gates Upgrade	\$170,051
174543W	UP	Kane	South Elgin	State Street	Automatic Flashing Light Signals and Gates Upgrade	\$171,567
174544D	UP	Kane	South Elgin	Mill Street	Automatic Flashing Light Signals and Gates Upgrade Reconstruct Approaches Install Crossing Surface(s)	\$203,081
174547Y	UP	Kane	South Elgin	Robertson Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$172,047
289911E	CC	Kane	South Elgin	Hopps Road	Automatic Flashing Light Signals and Gates Upgrade	\$163,696
289923Y	CC	Kane	Burlington	Rohrsen Road	Automatic Flashing Light Signals and Gates Upgrade	\$192,495
289930J	CC	Kane	Burlington	Romke Road	Automatic Flashing Light Signals and Gates Upgrade	\$192,785
167524A	UP	Kankakee	Grant Park	CH 19	Grade Separation: Reconstruct	\$1,572,000
079574L	BNSF	Kendall	Montgomery	Light Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$480,134
004639U	BNSF	Knox	East Galesburg	1250E	Grade Separation: Reconstruct	\$1,908,000

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Wisconsin Central, Ltd. (WC), successor to the EJE as of January 1, 2013.

DOT#	RR	County	City	Location	Description of Improvement	GCPF Amount
004647L	BNSF	Knox	Galesburg	Soangetaha Road	Grade Separation: Reconstruct	\$2,490,480
004651B	BNSF	Knox	Galesburg	Whitesboro Street	Modification of Track Circuits	\$124,902
004652H	BNSF	Knox	Galesburg	Lincoln Street	Modification of Track Circuits	\$0
004653P	BNSF	Knox	Galesburg	N. Pearl Street	Close Crossing	\$70,000
004655D	BNSF	Knox	Galesburg	N. Chambers Street	Modification of Track Circuits	\$119,285
004656K	BNSF	Knox	Galesburg	Seminary Street	Grade Separation: Construct Preliminary Engineering Land Acquisition	\$1,963,800
004657S	BNSF	Knox	Galesburg	North Street	Close Crossing	\$70,000
004658Y	BNSF	Knox	Galesburg	N. Kellogg Street	Close Crossing	\$70,000
004659F	BNSF	Knox	Galesburg	N. Prairie Street	Modification of Track Circuits	\$115,189
004660A	BNSF	Knox	Galesburg	N. Cherry Street	Close Crossing	\$70,000
004661G	BNSF	Knox	Galesburg	N. Broad Street	Modification of Track Circuits	\$226,962
004662N	BNSF	Knox	Galesburg	N. West Street	Close Crossing	\$70,000
004663V	BNSF	Knox	Galesburg	N. Academy Street	Modification of Track Circuits	\$112,364
004665J	BNSF	Knox	Galesburg	S. Henderson Street	Modification of Track Circuits	\$201,870
062980G	BNSF	Knox	Galesburg	N. Pearl Street	Close Crossing	\$60,000
062982V	BNSF	Knox	Galesburg	Mulberry Street	Close Crossing	\$70,000
072647V	BNSF	Knox	Galesburg	TR 271	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$255,425
603823K	IAIS	La Salle	La Salle	First Street	Crossing Surface: Reconstruct	\$57,663
689746B	WC	Lake	Antioch	Depot Street	Crossing Surface: Reconstruct	\$69,163
175138K	UP	Lee	Franklin Grove	Track Road	Close Crossing Construct Access Road	\$215,131
289480P	IC	Logan	Mt. Pulaski	2000 Avenue (TR 288)	Automatic Flashing Light Signals and Gates Install	\$273,600
294379B	UP	Macoupin	Carlinville	Schale Rd	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$98,343
480082G	NS	Macoupin	Mt. Olive	Wolf Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$355,542
294453D, 327949G	UP, NS	Madison	Wood River	Evans Street	Close Crossing	\$140,000
480098D	NS	Madison	Staunton	Spangel Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$198,687

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Wisconsin Central, Ltd. (WC), successor to the EJE as of January 1, 2013.

DOT#	RR	County	City	Location	Description of Improvement	GCPF Amount
480113D	NS	Madison	Edwardsville	Green Hedge Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$246,948
542218R	UP	Madison	Worden	Legion Drive	Automatic Flashing Light Signals and Gates Install	\$328,972
846961V	ALS	Madison	Madison	Big Bend Road	Automatic Flashing Light Signals and Gates Upgrade Reconstruct Approaches	\$257,953
546575G, 541969E	CSX	Madison & Edgar	Collinsville & Paris	Mill Street & Springfield Street	Crossing Surface: Reconstruct	\$165,046
152923S	CSX	Marion	Iuka	Waggoner Road	Automatic Flashing Light Signals and Gates Install	\$244,242
152926M	CSX	Marion	Iuka	Landmark Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$259,783
167765N	UP	Marion	Salem	C J Heck Road (TR 277)	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$304,533
167896S	UP	Marion	Kinmundy	Shepherds Lane	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$390,024
296677H	IC	Massac	Metropolis	Sielbeck Road	Grade Separation: Reconstruct	\$338,592
542136J	UP	Montgomery	Ohlman	E 26th Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$360,961
542159R	UP	Montgomery	Irving	Pine Street	Automatic Flashing Light Signals and Gates Upgrade Reconstruct Approaches	\$280,145
167050S	UP	Moultrie	Sullivan	1800N	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$294,754
167051Y	UP	Moultrie	Sullivan	1400E	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$512,955
167052F	UP	Moultrie	Sullivan	1750N	Close Crossing	\$50,000
167257Y	UP	Moultrie	Sullivan	1600N	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$326,045
Multiple	UP	Moultrie	Sullivan	3 crossings	Crossing Surface: Reconstruct	\$4,843
Multiple	BNSF	Multiple	Various	4 crossings	Crossing Surface: Reconstruct	\$265,916
Multiple	UP	Multiple	Various	8 crossings	Crossing Surface: Reconstruct	\$401,929
Multiple	UP	Multiple	Multiple	8 crossings	Crossing Surface: Reconstruct	\$434,966
Multiple	IC	Multiple	Various	6 crossings	Crossing Surface: Reconstruct	\$194,437
069851R	BNSF	Ogle	Polo	Wilson Mill Road	Automatic Flashing Light Signals and Gates Install	\$383,476
070049A	IR	Ogle	Holcomb	Hemstock Road	Automatic Flashing Light Signals and Gates Install	\$196,520
070061G	IR	Ogle	Holcomb	Junction Road	Automatic Flashing Light Signals and Gates Install	\$212,454
372324D	DME	Ogle	Monroe Center	Bennett Road	Automatic Flashing Light Signals and Gates Install	\$112,912
372331N	DME	Ogle	Davis Junction	Royster Road	Automatic Flashing Light Signals and Gates Install	\$113,608

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Wisconsin Central, Ltd. (WC), successor to the EJE as of January 1, 2013.

DOT#	RR	County	City	Location	Description of Improvement	GCPF Amount
479523F	NS	Pike	New Salem	3000E (TR 304)	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$393,976
479618N	NS	Pike	Hull	200th Street (TR 50)	Automatic Flashing Light Signals and Gates Install	\$208,339
479622D	NS	Pike	Hull	Walnut Street	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$332,701
479625Y	NS	Pike	Hull	170th Street (MUN 5090)	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$345,671
605903K	IAIS	Rock Island	Rock Island	6th Avenue	Automatic Flashing Light Signals and Gates Install	\$164,308
169953K	IMRR	Sangamon	Springfield	Taintor Road	Automatic Flashing Light Signals and Gates Install Crossing Surface(s) Reconstruct Approaches	\$97,750
294342L	UP	Sangamon	Auburn	Narmont Road	Close Crossing Construct Access Road	\$307,200
479285P	NS	Sangamon	Buffalo	Old Leka Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$237,296
479357R	NS	Sangamon	Curran	So. Farmingdale Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$187,401
479439X	NS	Scott	Bluffs	TR 84	Automatic Flashing Light Signals and Gates Install	\$290,009
479441Y	NS	Scott	Bluffs	Cropmate Road	Automatic Flashing Light Signals and Gates Install	\$208,932
167860J	UP	Shelby	Shelbyville	700N (TR 313)	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$312,600
167874S	UP	Shelby	Shelbyville	1150N	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$592,068
153043R	CSX	St. Clair	O'Fallon	Venita Drive	Grade Separation: Construct	\$4,095,941
175683C	UP	Stark	Buda	TR 9	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$205,128
175684J	UP	Stark	Buda	TR 3	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$229,750
292712F	IC	Tazewell	Delavan	Locust Street	Automatic Flashing Light Signals and Gates Upgrade Reconstruct Approaches	\$195,120
292713M	IC	Tazewell	Delavan	Pine Street	Automatic Flashing Light Signals and Gates Install	\$190,746
292716H	IC	Tazewell	Delavan	Elm Street	Automatic Flashing Light Signals and Gates Install	\$189,279
292718W	IC	Tazewell	Delavan	Linden Street	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$205,290
292719D	IC	Tazewell	Delavan	8th Street	Automatic Flashing Light Signals and Gates Install	\$86,886
292727V	IC	Tazewell	Delavan	Armington Road	Automatic Flashing Light Signals and Gates Install	\$194,705
475125M	NS	Tazewell	East Peoria	Farmdale Rd	Close Crossing Construct Access Road	\$646,449
445853R	UP	Union	Alto Pass	Muddy Levee Road	Automatic Flashing Light Signals and Gates Install	\$319,213
353688C	CSX	Vermilion	Alvin	3200N	Automatic Flashing Light Signals and Gates Upgrade	\$189,000

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Wisconsin Central, Ltd. (WC), successor to the EJE as of January 1, 2013.

DOT#	RR	County	City	Location	Description of Improvement	GCPF Amount
353689J	CSX	Vermilion	Alvin	Gilbert Street	Automatic Flashing Light Signals and Gates Upgrade	\$189,000
353695M	CSX	Vermilion	Bismarck	Chicago Avenue	Automatic Flashing Light Signals and Gates Install	\$220,050
484412Y, 353713H	NS, CSX	Vermilion	Danville	Fairchild Avenue	Grade Separation: Reconstruct	\$12,000,000
724725D	NS	Wayne	Fairfield	1625E Road (TR 394)	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$227,481
069386U	BNSF	Whiteside	Fenton	Rock Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$234,536
260580J, 260583E	WC	Will	Plainfield	Plainfield-Naperville Rd & Eastern Ave	Crossing Surface: Reconstruct	\$68,495
261006K	WC	Will	Joliet	Caton Farm Rd	Cantilever Automatic Flashing Light Signals and Gates Upgrade	\$207,077
289680Y	IC	Will	University Pk	Stuenkel Rd	Interconnect Warn Dev & Hwy Signal Cantilever Automatic Flashing Light Signals and Gates Widen Crossing Surface(s)	\$197,862
068979H	BNSF	Williamson	Marion	Limb Branch Road	Grade Separation: Reconstruct	\$318,397
801875X	TPW	Woodford	El Paso	TR 230	Automatic Flashing Light Signals and Gates Install	\$190,480

DOT#	RR	County	City	Location	Description of Improvement	Est. Total Cost
078679W	BNSF	Cass	Beardstown	Stock Lane	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$280,000
N/A	IC	Champaign	Champaign	Olympian Drive	Grade Separation: Construct	\$16,000,000
724631C	NS	Clinton	New Baden	Winter Road	Additional GCPF	\$79,354
724669Y	NS	Clinton	Bartelso	Pelican Road	Additional GCPF	\$32,413
476154B	EIRC	Coles	Rardin	2000E	Crossing Surface: Reconstruct	\$42,614
Multiple	CSX	Cook	Various	11 crossings	Additional GCPF	\$52,955
292578W, 292156D	INRD	Crawford	Robinson & Stoy	CH 10 & FAS 698	Crossing Surface: Reconstruct	\$112,840
289449D, 289441Y	IC	DeWitt	Clinton	Walnut Street, Center Street	Crossing Surface: Reconstruct	\$142,017
167007L	UP	Douglas	Villa Grove	1450E	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$250,000
167008T	UP	Douglas	Villa Grove	1250N	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$230,000
260542A	WC	DuPage	West Chicago	Aurora Street	Automatic Flashing Light Signals and Gates Install	\$220,000
260544N	WC	DuPage	West Chicago	George Street	Construct Pedestrian Grade Separation	\$807,360
295276E	IC	Effingham	Edgewood	TR 303A	Crossing Surface: Reconstruct	\$72,565
546460M	CSX	Effingham	Altamont	Conner Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$305,000
546461U	CSX	Effingham	Altamont	Berkheimer Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$310,000
293715E	IC	Franklin	Benton	DuQuoin Street	Grade Separation: Reconstruct	\$3,151,248
801520W	KJRY	Hancock	La Harpe	Fountain Creek Road	Crossing Surface: Reconstruct	\$52,894
353649L	CSX	Iroquois	Wellington	600N (TR 343)	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$249,289
295065H, 295079R	IC	Jackson	Elkville, Hallidayboro	Main Street, Truax Traer Road	Crossing Surface: Reconstruct	\$131,848
069225Y	BNSF	Jefferson	Woodlawn	Burbank Road	Automatic Flashing Light Signals and Gates Install Reconstruct Approaches	\$330,000
295151E	IC	Jefferson	Stratton	East Stratton Road	Grade Separation: Abolish Construct Access Road	\$310,000
N/A	UP	Kane	Elburn	Anderson Road	Grade Separation: Construct	\$27,500,000
288944N	IC	Kankakee	Kankakee	Chesnut Street	Crossing Surface: Reconstruct	\$78,739

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Wisconsin Central, Ltd. (WC), successor to the EJE as of January 1, 2013.

DOT#	RR	County	City	Location	Description of Improvement	Est. Total Cost
004656K	BNSF	Knox	Galesburg	Seminary Street	Grade Separation: Construct	\$13,970,000
065084D	IR	La Salle	Wedron	E 2153rd Road	Automatic Flashing Light Signals and Gates Upgrade	\$290,000
175138K	UP	Lee	Franklin Grove	Track Road	Additional GCPF	\$52,958
291378J	IC	Macon	Decatur	Brush College Road	Cantilever Automatic Flashing Light Signals and Gates Upgrade	\$280,000
N/A	CSX	Madison	Highland	Iberg Road Extension	Grade Separation: Construct	\$5,745,639
846968T	ALS	Madison	Granite City	Cargill Road	Automatic Flashing Light Signals and Gates Upgrade Reconstruct Approaches	\$225,000
295294C	IC	Marion	Farina	Sullivan Road	Crossing Surface: Reconstruct	\$76,449
387891P	WSOR	McHenry	Solon Mills	Kuhn Road	Crossing Surface: Reconstruct	\$63,475
169909X	IMRR	Menard	Atterberry	Oakford Street	Close Crossing	\$50,000
169910S	IMRR	Menard	Atterberry	High Street	Close Crossing	\$50,000
079578N, 079579V, 080105G, 079595E	BNSF	Multiple	Various	4 crossings	Crossing Surface: Reconstruct	\$511,321
169803C, 169935M	IMRR	Multiple	Pekin & Athens	Winter Street & Main Street	Crossing Surface: Reconstruct	\$94,344
174603D, 175779S, 175807T, 167517P	UP	Multiple	Various	4 crossings	Crossing Surface: Reconstruct	\$619,007
534398V, 534490V, 534522Y	NS	Multiple	Various	3 crossings	Crossing Surface: Reconstruct	\$173,671
372383F	DME	Ogle	Forreston	Hollywood Road	Automatic Flashing Light Signals and Gates Install	\$253,574
372391X	DME	Ogle	Forreston	Mt. Vernon Road	Automatic Flashing Light Signals and Gates Install	\$237,669
862815F	TZPR	Peoria	Peoria	Sanger Street	Crossing Surface: Reconstruct	\$64,546
371064J, 371065R	UP	Randolph	Sparta	Main Street & Church Street	Crossing Surface: Reconstruct	\$24,267
371066X	UP	Randolph	Sparta	Osborn Street	Close Crossing	\$60,000
371068L	UP	Randolph	Sparta	Jefferson Street	Close Crossing	\$50,000
069600W	BNSF	Rock Island	Rock Island	20th Street	Automatic Flashing Light Signals and Gates Upgrade	\$210,000
069601D	BNSF	Rock Island	Rock Island	19th Street	Automatic Flashing Light Signals and Gates Upgrade	\$210,000
295021H	IC	St. Clair	Marissa	S. Main Street	Crossing Surface: Reconstruct	\$73,647

Note: Total Estimated Costs are shown, since Commission approval has not yet been granted for these projects.
Wisconsin Central, Ltd. (WC), successor to the EJE as of January 1, 2013.

DOT#	RR	County	City	Location	Description of Improvement	Est. Total Cost
Multiple	UP	Various	Various	Multiple Streets	High Speed Rail Crossing Improvements	\$16,000,000
724836V	NS	Wabash	Mt. Carmel	1250N (TR 133)	Close Crossing	\$77,500
295021H	IC	Washington	Radom	W. Main Street	Crossing Surface: Reconstruct	\$67,450
260597M	WC	Will	Joliet	Woodruff Road	Close Crossing	\$70,000
260616P	WC	Will	New Lenox	Spencer Rd	Automatic Flashing Light Signals and Gates Renew	\$185,000
261012N	WC	Will	Shorewood	West Beith Road	Automatic Flashing Light Signals and Gates Upgrade	\$210,000
288917S	IC	Will	Peotone	Kennedy Road	Crossing Surface: Reconstruct	\$96,337

Note: Total Estimated Costs are shown, since Commission approval has not yet been granted for these projects.
Wisconsin Central, Ltd. (WC), successor to the EJE as of January 1, 2013.

 CITY OF BLOOMINGTON

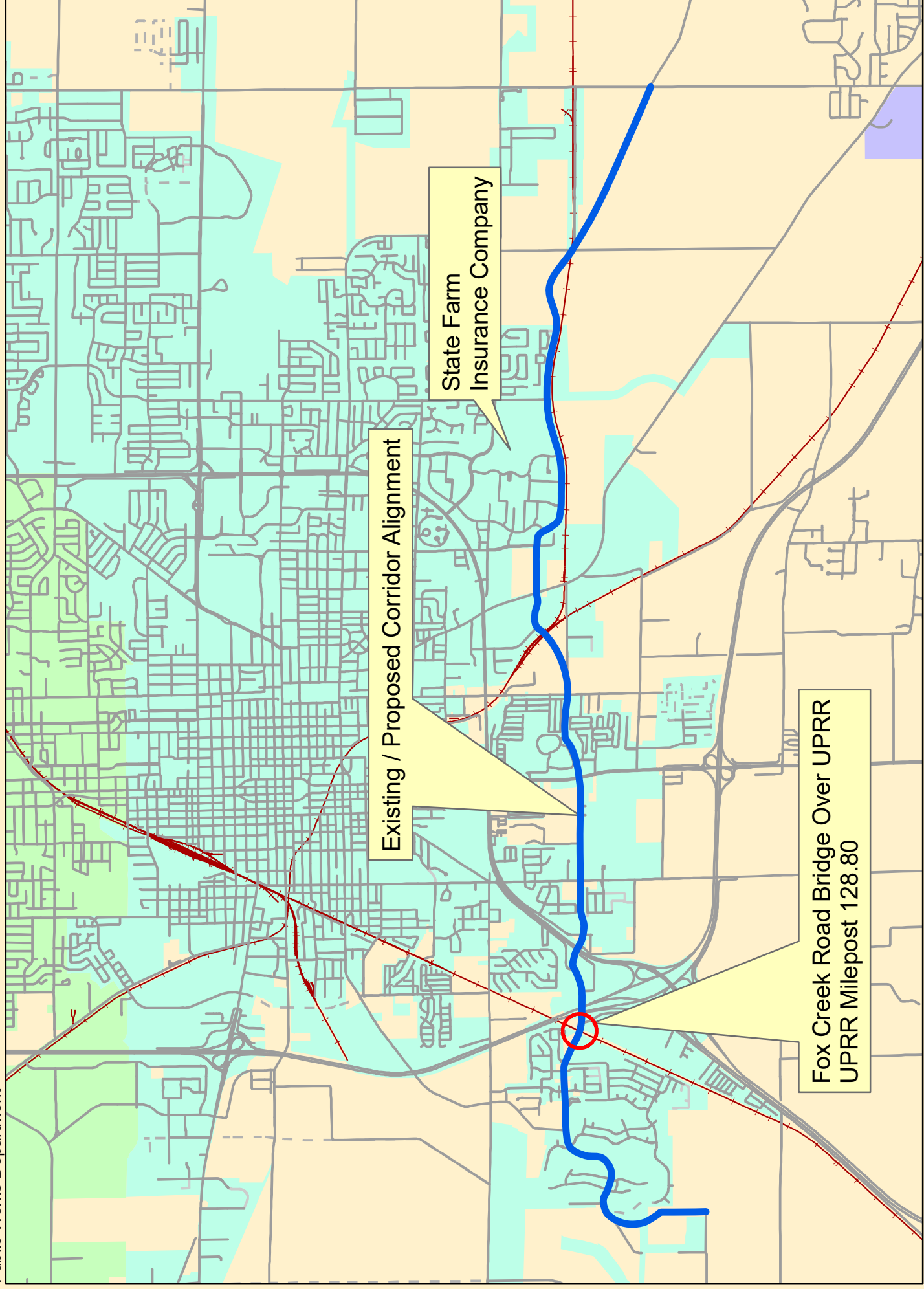
Public Works Department



Fox Creek/ Hamilton Road Corridor



0 2,200 4,400 8,800 Feet



City of Bloomington - Crossing No. 290952F



FOX CREEK ROAD BRIDGE
Looking West from East Approach

09/21/2012 08:30 AM

City of Bloomington - Crossing No. 290952F

Dangerous
Crossing for
Pedestrians

FOX CREEK ROAD BRIDGE
Looking East from West Approach

09/21/2012 08:35 AM



City of Bloomington - Crossing No. 290952F

FOX CREEK ROAD BRIDGE
Looking West from Center of Bridge

09/21/2012 08:37 AM



ILLINOIS COMMERCE COMMISSION
CROSSING SAFETY IMPROVEMENT PROGRAM
GRADE CROSSING PROTECTION FUND PROJECT INFORMATION
Public Highway - Rail Bridge Projects

I. General Information

Applicant Type: ☒ City ☐ Village ☐ Town ☐ County ☐ Township ☐ Railroad
Resubmission: ☒ Yes ☐ No Company Name: City Of Bloomington
Applicant Name: City of Bloomington Population: 76,610
Chief Elected Official: Stephen F. Stockton Title: Mayor
Business Address: 109 E. Olive Street
City: Bloomington State: IL Zip: 61702
Business Phone: (309) 434-2210 Business Fax: (309) 434-2201
Email Address (if applicable): _____
State Legislative District: 44th - Bill Brady

II. Project Administrator

Contact Person: Kevin A. Kothe, P.E. Title: City Engineer
Company: City of Bloomington
Address: 109 E. Olive Street
City: Bloomington State: IL Zip: 61702
Business Phone: (309) 434-2225 Business Fax: (309) 434-2201
Email Address (if applicable): kkothe@cityblm.org

III. General Project Information

(Note: Attach separate sheet listing all crossings if applying for more than one crossing improvement)

County: McLean ☐ In City ☒ Near City City: Bloomington
Street/Roadway Name: Fox Creek Rd. (FAU 6429) (FAU Classification Map shows Cabin Town Rd)
Railroad: Union Pacific Crossing Number: 290952F Railroad Milepost 128.80
Average Daily Traffic (ADT): 6,600 Daily Train Traffic: 10
(Number of Cars per Day over the Crossing) (Number of Trains per Day)
Number of School Buses over Crossing per Day: 40
Do vehicles carrying hazardous materials use crossing? ☐ Yes ☒ No
If yes, list the type and approximate number of hazardous material vehicles using the crossing per day:

Number of tracks through crossing: 1
Distance to, and street name of, the two nearest existing grade separations from location being applied for:
9,400' North to Oakland Ave. - FAU 6363, 8,100' South to Stringtown Road (County Highway 32)
Crossing is currently: ☒ Grade Separation ☐ An At-Grade Crossing ☐ No Crossing
If crossing is currently a grade crossing, identify the existing warning device type:
☐ None ☐ Center Median or Median Barriers ☐ Automatic Flashing Light Signals and Gates
☐ Automatic Flashing Light Signals ☐ STOP Signs Only ☐ Crossbucks Only
☐ Other (please specify) _____

Are railroad signals interconnected with traffic signals at this location: ☐ Yes ☐ No ☒ N/A

If nearest roadway crossing is currently a grade separation, provide the following information:

☐ Highway Over Railroad ☒ Highway Under Railroad
Number of Traffic Lanes 2 Width of Pavement 19'
Vertical Clearance 13' - 7"

IV. Project Location Map and/or Photographs

A project location map must be included with the application. The project location map must show the crossing(s) for which application is being submitted, as well as any other improvements that are being submitted in conjunction with this application. If project is a part of a "corridor" project, indicate the limits of the entire "corridor" on the map. Paper size shall not exceed 11 x 17 inches. **If the bridge will replace a grade crossing, provide a minimum of 4 digital photographs of the existing crossing (photos should show the existing warning devices, the existing crossing surface, and the existing highway approaches). If the new structure will replace an existing bridge, provide a minimum of 3 digital photographs of the existing structure (photos should show the width of the existing roadway surface on the bridge, the existing bridge spanning the railroad track, and the existing highway approaches.)**

V. Project Summary.

Application to (check all that apply):

- ☒ Reconstruct Existing Grade Separation ☐ Construct New Grade Separation
☐ Close Adjacent Crossing ☐ Increase Vertical Clearance at Highway Underpass
☐ Other (please specify) _____

Is application for: ☐ Design Only ☐ Construction only ☒ Design and Construction

Is application part of a larger "corridor" project: ☒ Yes ☐ No

Use the space below to provide a narrative of the proposed project. Items to include in this section are extenuating circumstances unique to this crossing, such as heavier seasonal traffic, visibility restrictions caused by trees, buildings, etc., proximity of schools and public buildings, etc., which explain why this crossing should be funded. Explain any work to be done by the local agency, such as roadway improvements in the immediate vicinity of the grade separation project. Approximate costs must be listed for each item of work to be done.

Please see the attached Exhibits A & B.

VI. Evidence of Community Effort and Support

Any preliminary engineering or planning studies, along with cost estimates, that have been prepared for this project must be included with your application. List any past efforts to improve safety at railroad crossings within applicant's jurisdiction. Any studies that have been conducted, regarding railroad crossing elimination or consolidation, must also be included.

Please see the attached Exhibits A & C.

VII. Financial Need

0000 This narrative must justify the local government's need for assistance from the GCPF. One copy of the applicant's most recent financial audit must be included with your application (local government agencies only).

0000 Please see the attached Exhibits A & D. The most recent fiscal year audit, 2010-2011, is also attached.

VIII. Project Schedule

Provide information on when this project is anticipated to commence, or when improvements must be implemented. Provide an approximate timeline listing key milestones concerning the design and/or construction phases of the project.

July 2013 – Begin Design of New Bridge
March 2014 – Complete Design
May 2014 – Begin ROW Acquisition
May 2015 – Bid and Award Project
November 2015 – Complete Construction

Print Form

Reset Form

ILLINOIS COMMERCE COMMISSION
CROSSING SAFETY IMPROVEMENT PROGRAM

GRADE CROSSING PROTECTION FUND PROJECT INFORMATION

EXHIBIT A

FOX CREEK ROAD BRIDGE OVER THE UPRR

City of Bloomington

Crossing Number: 290 952F

V. Project Summary

The proposed project will replace an existing two-lane bridge over the Union Pacific Railroad with a new four-lane facility including sidewalk on the south side and a bike trail on the north side.

The existing 30-year old bridge and adjacent roadway sections are the last remaining two-lane sections on the west end of Bloomington's Hamilton / Fox Creek Road southern corridor. When completed, this corridor will provide a direct vehicular and pedestrian travel route linking west-side residential areas to major employer locations and the state highway system. Recent Illinois Department of Transportation (IDOT) and City investments in upgrading bridges and roadways adjacent to this project include expansion and realignment of the Hamilton Road/ Fox Creek Road/ Veterans Parkway (BUS 55) intersection, replacement of the Fox Creek Bridge over I-55/I-74 with a new four-lane facility, and completion of a two-phase, four-lane connection extending Fox Creek/ Hamilton Road from Veterans Parkway (BUS 55) to Main Street (US 51). The City plans to upgrade Fox Creek Road from Danbury Drive to the UPRR bridge to a four-lane facility in conjunction with the bridge replacement project.

Because of the existing bridge configuration, the railroad tracks are currently a barrier to pedestrians wishing to access local schools and parks in the area. The lack of a safe pedestrian and bicycle crossing at this location presents a noted safety concern with students crossing on the narrow bridge shoulders. There are no other railroad-pedestrian crossing options available in the vicinity. Three elementary schools in the vicinity of this project will be served by the addition of bike trail and sidewalk to the new bridge including Fox Creek Elementary, Pepper Ridge Elementary and Trinity Lutheran School.

The total anticipated cost to replace the Fox Creek Road bridge over the UPRR, including design and construction, is \$3,744,000 (Exhibit B). The estimated cost to the

City for rebuilding Fox Creek Road from Danbury Drive east to the UPRR bridge is \$2,030,000.

VI. Evidence of Community Effort and Support

Attached as Exhibit C, please find a project planning study completed by Farnsworth Group, Inc. at the City's request. The study evaluated several options for improving the Fox Creek/ UPRR bridge, including widening, replacement, and widening with deck replacement. The study concluded that the most cost-effective option is replacement. The study report includes comparison of the various improvement options, preliminary typical bridge sections, and cost estimates.

The City has made an effort in other areas of the City as well to improve the safety of railroad crossings. In 2008, the City closed two at-grade crossings within the City. The Norfolk Southern at-grade crossings, Howard Street (Crossing No. 475053L) and Low Street (Crossing No. 475049W), were closed in an effort to improve safety. The Dr. Martin Luther King Jr. Drive and White Oak Road traffic signal was improved in 2007 with a pre-signal setup that is coordinated with the adjacent Norfolk Southern railroad crossing.

The City of Bloomington has citizen support for this project and a proven record of working to increase the safety of its transportation facilities for its residents.

VII. Financial Need

The City of Bloomington has worked diligently to plan and complete the Fox Creek/ Hamilton Road transportation corridor. While large investments by the City and IDOT have completed a substantial section, the UPRR bridge remains a major project awaiting funding. With the close proximity of Pepper Ridge Elementary School, Fox Creek Elementary School, Pepper Ridge Park, and Trinity Lutheran School, the need is very high to provide a safe railroad crossing to children and their families. GCPF money would provide the vehicle to make this project a reality. Should this project be chosen, the City will be able to provide any required matching funds using the Motor Fuel Tax Fund for both design and construction. Please refer to Exhibit D for a copy of the most recent City of Bloomington Comprehensive Annual Financial Report.

The City of Bloomington has the financial stability and desire to provide the needed resources to complete this project.

City of Bloomington
Fox Creek Road Bridge over the Union Pacific Railroad
January 13, 2012

Exhibit B - Cost Estimate

Pay Item	Unit	Quantity	Unit Price	Cost
FURNISHED EXCAVATION	CU YD	5,150	\$ 30.00	\$ 154,500.00
BRIDGE APPROACH PAVEMENT	SQ YD	470	\$ 250.00	\$ 117,500.00
PAVEMENT REMOVAL	SQ YD	200	\$ 20.00	\$ 4,000.00
REMOVAL OF EXISTING STRUCTURES	EACH	1	\$ 200,000.00	\$ 200,000.00
STRUCTURE EXCAVATION	CU YD	600	\$ 30.00	\$ 18,000.00
CONCRETE STRUCTURES	CU YD	370	\$ 700.00	\$ 259,000.00
CONCRETE SUPERSTRUCTURE	CU YD	400	\$ 900.00	\$ 360,000.00
BRIDGE DECK GROOVING	SQ YD	1,230	\$ 15.00	\$ 18,450.00
PROTECTIVE COAT	SQ YD	2,120	\$ 3.00	\$ 6,360.00
FURNISHING AND ERECTING STRUCTURAL STEEL	POUND	220,000	\$ 3.00	\$ 660,000.00
STUD SHEAR CONNECTORS	EACH	6,850	\$ 3.00	\$ 20,550.00
REINFORCEMENT BARS, EPOXY COATED	POUND	156,700	\$ 2.00	\$ 313,400.00
BAR SPLICERS	EACH	1,000	\$ 30.00	\$ 30,000.00
BRIDGE FENCE RAILING	FOOT	322	\$ 200.00	\$ 64,400.00
PARAPET RAILING	FOOT	382	\$ 80.00	\$ 30,560.00
SLOPE WALL 6 INCH	SQ YD	1,000	\$ 140.00	\$ 140,000.00
FURNISHING METAL SHELL PILES	FOOT	1,300	\$ 50.00	\$ 65,000.00
DRIVING PILES	FOOT	1,300	\$ 1.00	\$ 1,300.00
TEST PILE METAL SHELLS	EACH	2	\$ 10,000.00	\$ 20,000.00
NAME PLATES	EACH	1	\$ 500.00	\$ 500.00
ANCHOR BOLTS, 1"	EACH	80	\$ 70.00	\$ 5,600.00
REMOVE AND RELOCATE WATER MAIN 16"	FOOT	250	\$ 200.00	\$ 50,000.00
WATER VALVES TO BE MOVED	EACH	2	\$ 1,000.00	\$ 2,000.00
GEOCOMPOSITE WALL DRAIN	SQ YD	80	\$ 20.00	\$ 1,600.00
TRAFFIC BARRIER TERMINAL, TYPE 2	EACH	4	\$ 1,000.00	\$ 4,000.00
TRAFFIC BARRIER TERMINAL, TYPE 5	EACH	4	\$ 1,000.00	\$ 4,000.00
GUARDRAIL REMOVAL	FOOT	90	\$ 10.00	\$ 900.00
TEMPORARY SHEET PILING	SQ FT	5,520	\$ 35.00	\$ 193,200.00
PIPE UNDERDRAINS FOR STRUCTURES 4"	FOOT	220	\$ 30.00	\$ 6,600.00
RAILROAD PROTECTIVE LIABILITY INSURANCE	L SUM	1	\$ 10,000.00	\$ 10,000.00
CONCRETE RETAINING WALL REMOVAL	CU YD	100	\$ 1,500.00	\$ 150,000.00
POROUS GRANULAR EMBANKMENT, SPECIAL	CU YD	200	\$ 40.00	\$ 8,000.00
DUCTILE IRON WATER MAIN PIPE INSULATION	FOOT	155	\$ 90.00	\$ 13,950.00
UTILITY RELOCATION	L SUM	1	\$ 10,000.00	\$ 10,000.00
SUBTOTAL				\$ 2,943,000.00

STAGING AND TRAFFIC CONTROL, +/- 10%	\$ 294,500.00
CONTINGENCY, +/- 10%	\$ 294,500.00
TOTAL CONSTRUCTION COST ESTIMATE	\$ 3,532,000.00

PHASE II ENGINEERING, +/- 6%	\$ 212,000.00
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TOTAL BUDGETARY PROJECT COST ESTIMATE	\$ 3,744,000.00
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Exhibit C



2709 McGraw Drive
Bloomington, Illinois 61704
p 309.663.8435 f 309.663.1571

www.f-w.com | www.greennavigation.com

February 24, 2012

Mr. Ryan Otto, P.E.
Project Engineer
Public Works Department
City of Bloomington
PO Box 3157
Bloomington, IL 61702-3157

Subject: Fox Creek Road over UP Railroad, Structure No. 057-3420
Comparison of Bridge Widening, Bridge Replacement,
and Widening with Deck Replacement

Dear Mr. Otto:

On January 13, 2012, we submitted budgetary project cost estimates to compare widening the existing structure with replacing the structure entirely. Following your request at our meeting on February 3, 2012, we have added a third option: widening the existing substructure and replacing the entire reinforced concrete deck. This submittal includes the original enclosures for the widening and replacement options, along with the cost estimate and drawing for the additional widening with deck replacement option.

The existing, 30-year-old bridge appears to be in good condition, including the concrete deck. However, only widening the bridge places a new concrete deck next to a 30-year-old concrete deck. Generally, due to the corrosive action of salt, concrete decks are the first bridge elements to degrade and require replacement. Considering the good condition of the steel beams and the substructure elements, replacing the deck should significantly extend the service life of the rehabilitated bridge. The widening with deck replacement option will increase the bridge width to 69'-10", as with the other options (see the enclosed drawings). The estimated minimum vertical clearance from the top of the rail on the UP track to the lowest point on the widened bridge will be 23'-10", and this will meet the requirement of 23'-0" vertical clearance for rail traffic. The total budgetary cost estimate for the widening with deck replacement option is \$3.1 million, including all anticipated construction and Phase II engineering costs along the length of the bridge (152'-2" end to end of deck) and the 30'-0" approach pavements on each end. For more information, see an itemized cost estimate and a discussion of select pay items, enclosed.

The total budgetary project cost estimate for widening with deck replacement is approximately \$400,000 more than that for widening alone. As stated in our January 13, 2012 letter, we recommend the replacement option as the most economical option, due to its longer service life. However, if funding is not available for the \$3.7 million replacement option, we recommend pursuing widening with deck replacement as the next best alternative.

Sincerely,

FARNSWORTH GROUP, INC.

A handwritten signature in black ink, appearing to read "Robert Yehl".

Robert Yehl, P.E.

jcز

enclosures

City of Bloomington
Fox Creek Road over UP Railroad
Structure No. 057-3420

General:

- The following additional major pay items were included due to characteristics specific to this site, and they add significant costs over typical bridge costs per square foot of deck:
 - Furnished Excavation – the approach roadway embankment and the embankment around the abutments will need to be built up for the widened road.
 - Slope Wall 6 Inch – the existing embankment in front of the abutments is bare, and the soil shows significant erosion in some locations. To protect the embankment from erosion and ensure its long-term adequacy, we recommend constructing concrete slope wall across the full width of the embankment.
 - Remove and Relocated Water Main 16" – a 16" water main is currently attached to the southernmost beam. This main will be removed and attached to the southernmost beam of either option. It is our understanding that this water main can be shut off during construction, and the Fox Creek area can be temporarily serviced from Oakland and Six Points Road.
 - Temporary Sheet Piling – either extending the existing piers or constructing new piers will require temporary shoring of the embankment to prevent excessive earthwork and to protect the adjacent railroad track from undermining.
 - Concrete Retaining Wall Removal – the original 1981 plans for the existing bridge show a concrete retaining wall was partially removed to construct the existing east pier. The remaining portions of this concrete retaining wall will need to be removed for the wider piers proposed.
 - Utility Relocation – it appears that a power pole in the northwest quadrant will have to be relocated for construction.

Option 1 – Widening:

- The deck area of the widening is 6,366 square feet (excluding the existing deck to remain). For the \$2.7 million budgetary estimate cost, this yields a widening cost of \$430 per square foot.
- In general, the cost of rehabilitation work, such as widening, is more costly per unit than new construction since the widening elements have to fit with the existing elements.

Option 2 – Replacement:

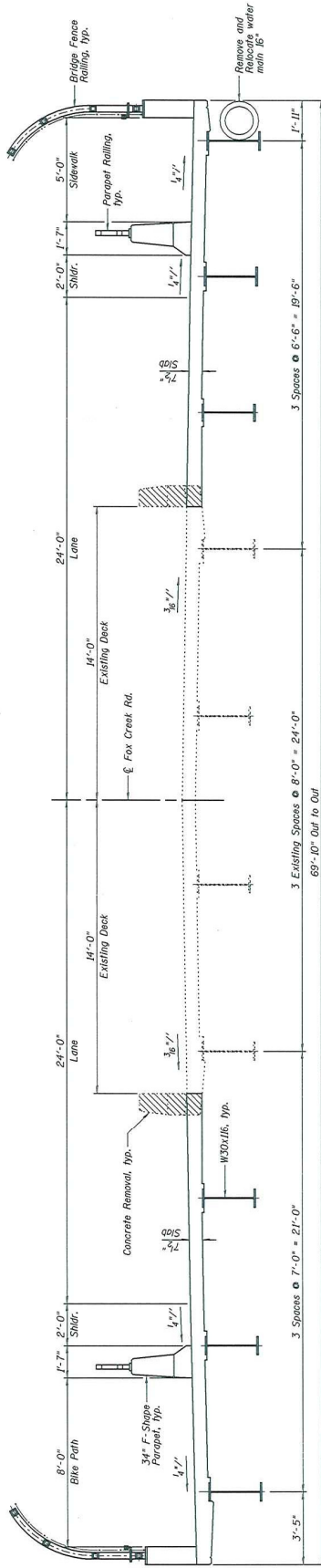
- The deck area of the new bridge is 11,261 square feet. For the \$3.7 million budgetary estimated cost, this yields a replacement cost of \$330 per square foot.

Option 3 – Widening with Deck Replacement:

- The new deck area for the widened bridge is 10,626 square feet. For the \$3.1 million budgetary estimated cost, this yields a widening cost of \$300 per square foot.

City of Bloomington
 Fox Creek Road over UP Railroad
 Structure No. 057-3420

	<u>Widening</u>	<u>Replacement</u>	<u>Widening with Deck Replacement</u>
<u>Advantages:</u>	• Lowest project cost • Shortest construction time	• Full service life of new structure • Cost of Widening is over 60% the Cost of Replacement, so Replacement may be more economical in the long term	• Lower project cost • Less construction time • Extended service life over Widening option
<u>Disadvantages:</u>	• Service life of widened bridge limited by 30-year-old existing structure	• Highest project cost • Longest construction time	• Service life of widened bridge will likely be less than the full service of a new structure



CROSS SECTION - WIDENING OPTION
(Looking East)

NOTE:
Bridge length is 152'-2" end to end of Deck.

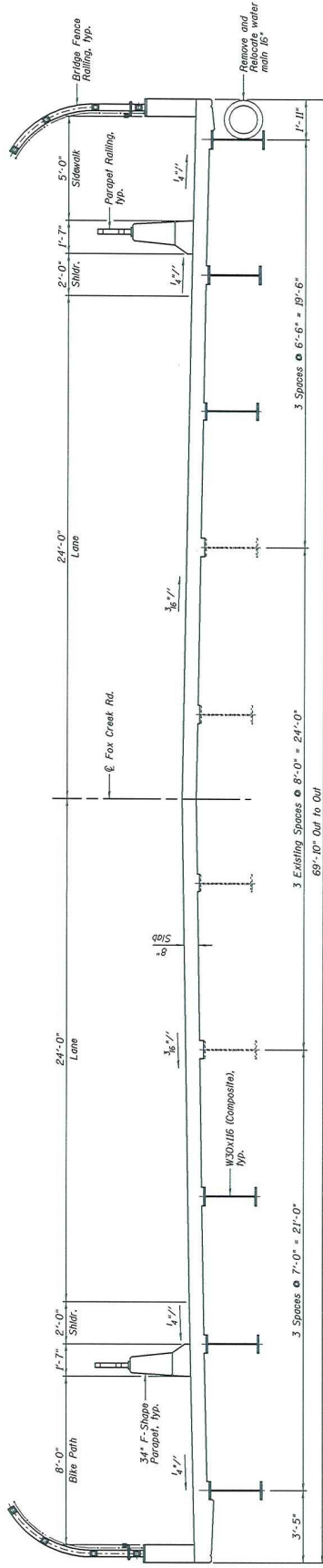
 Farnsworth Group, Inc. 2700 Belmont Drive Bloomington, Indiana 47403-1011 Phone: 317.344.1100 Fax: 317.344.1170	DESIGNED - JGZ	REVISED	CITY OF BLOOMINGTON	FOX CREEK ROAD OVER UP RAILROAD OPTION 1 - WIDENING	SECTION	E.A.P. REC.	TOTAL SHEETS
	CHECKED - MSW	REVISED					
	DRAWN - JMS	REVISED					
	CHECKED - JMSW	REVISED					
	DATE - 02-24-12	REVISED					
		SHEET NO. 1 OF 3 SHEETS		ILLINOIS FED. AID PROJECT		CONTRACT NO.	



NOTES:

- 1.) Bridge length is 161'-3" end to end of Deck.
- 2.) Beam section to be determined during Phase II design.

 Farnsworth GROUP INC. 200000433, 300000-371 fax Birmingham, Bham 35204	DESIGNED - JGZ	REVISED	CITY OF BLOOMINGTON FOX CREEK ROAD OVER UP RAILROAD OPTION 2 - REPLACEMENT	F.A.P. RITE.	SECTION	COUNTY	TOTAL SHEET NO.
	CHECKED - MSW	REVISED					
	DRAWN - JMK	REVISED					
	CHECKED - MSW	REVISED					
DATE - 02-24-12				SHEET NO. 2 OF 3 SHEETS			
				ILLINOIS FED. AID PROJECT			
				CONTRACT NO.			



CROSS SECTION - WIDENING WITH DECK REPLACEMENT OPTION
(Looking East)

NOTE:
Bridge length is 152'-2" end to end of Deck.

Fainsworth GROUP, INC. 2700 McGraw-Hill Denver, CO 80202 303693-5433, 303693-5771 fax	DESIGNED - JCE	REVISED	FOX CREEK ROAD OVER UP RAILROAD OPTION 3 - WIDENING WITH DECK REPLACEMENT	CITY OF BLOOMINGTON	SECTION	COUNTY MCLEAN	TOTAL SHEET NO.
	CHECKED - MSW	REVISED					
	DRAWN - JMC	REVISED					
	CHECKED - MSW	REVISED					
	DATE - 02-24-12						
		SHEET NO. 3 OF 3 SHEETS		CONTRACT NO.			
			ILLUMINATED AND PROJECT				

City of Bloomington
Fox Creek Road over UP Railroad
January 13, 2012

Budgetary Project Cost Estimate: Option 1 - Widening

Pay Item	Unit	Quantity	Unit Price	Cost
FURNISHED EXCAVATION	CU YD	5,150	\$ 30.00	\$ 154,500.00
BRIDGE APPROACH PAVEMENT	SQ YD	470	\$ 250.00	\$ 117,500.00
PAVEMENT REMOVAL	SQ YD	200	\$ 20.00	\$ 4,000.00
CONCRETE REMOVAL	CU YD	40	\$ 2,000.00	\$ 80,000.00
STRUCTURE EXCAVATION	CU YD	500	\$ 30.00	\$ 15,000.00
CONCRETE STRUCTURES	CU YD	310	\$ 800.00	\$ 248,000.00
CONCRETE SUPERSTRUCTURE	CU YD	220	\$ 1,000.00	\$ 220,000.00
BRIDGE DECK GROOVING	SQ YD	710	\$ 15.00	\$ 10,650.00
PROTECTIVE COAT	SQ YD	2,100	\$ 3.00	\$ 6,300.00
FURNISHING AND ERECTING STRUCTURAL STEEL	POUND	130,000	\$ 3.00	\$ 390,000.00
REINFORCEMENT BARS, EPOXY COATED	POUND	106,000	\$ 2.00	\$ 212,000.00
BRIDGE FENCE RAILING	FOOT	204	\$ 200.00	\$ 40,800.00
PARAPET RAILING	FOOT	364	\$ 80.00	\$ 29,120.00
SLOPE WALL 6 INCH	SQ YD	1,000	\$ 140.00	\$ 140,000.00
FURNISHING METAL SHELL PILES	FOOT	660	\$ 50.00	\$ 33,000.00
DRIVING PILES	FOOT	660	\$ 1.00	\$ 660.00
TEST PILE METAL SHELLS	EACH	2	\$ 10,000.00	\$ 20,000.00
NAME PLATES	EACH	1	\$ 500.00	\$ 500.00
REMOVE AND RELOCATE WATER MAIN 16"	FOOT	250	\$ 200.00	\$ 50,000.00
WATER VALVES TO BE MOVED	EACH	2	\$ 1,000.00	\$ 2,000.00
TRAFFIC BARRIER TERMINAL, TYPE 2	EACH	4	\$ 1,000.00	\$ 4,000.00
TRAFFIC BARRIER TERMINAL, TYPE 5	EACH	4	\$ 1,000.00	\$ 4,000.00
GUARDRAIL REMOVAL	FOOT	90	\$ 10.00	\$ 900.00
TEMPORARY SHEET PILING	SQ FT	4,900	\$ 35.00	\$ 171,500.00
RAILROAD PROTECTIVE LIABILITY INSURANCE	L SUM	1	\$ 10,000.00	\$ 10,000.00
CONCRETE RETAINING WALL REMOVAL	CU YD	100	\$ 1,500.00	\$ 150,000.00
DUCTILE IRON WATER MAIN PIPE INSULATION	FOOT	155	\$ 90.00	\$ 13,950.00
UTILITY RELOCATION	L SUM	1	\$ 10,000.00	\$ 10,000.00
SUBTOTAL				\$ 2,138,000.00

STAGING AND TRAFFIC CONTROL, +/- 10%	\$ 214,000.00
CONTINGENCY, +/- 10%	\$ 214,000.00
TOTAL CONSTRUCTION COST ESTIMATE	\$ 2,566,000.00

PHASE II ENGINEERING, +/- 6%	\$ 154,000.00
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TOTAL BUDGETARY PROJECT COST ESTIMATE	\$ 2,720,000.00
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City of Bloomington
Fox Creek Road over UP Railroad
January 13, 2012

Budgetary Project Cost Estimate: Option 2 - Replacement

Pay Item	Unit	Quantity	Unit Price	Cost
FURNISHED EXCAVATION	CU YD	5,150	\$ 30.00	\$ 154,500.00
BRIDGE APPROACH PAVEMENT	SQ YD	470	\$ 250.00	\$ 117,500.00
PAVEMENT REMOVAL	SQ YD	200	\$ 20.00	\$ 4,000.00
REMOVAL OF EXISTING STRUCTURES	EACH	1	\$ 200,000.00	\$ 200,000.00
STRUCTURE EXCAVATION	CU YD	600	\$ 30.00	\$ 18,000.00
CONCRETE STRUCTURES	CU YD	370	\$ 700.00	\$ 259,000.00
CONCRETE SUPERSTRUCTURE	CU YD	400	\$ 900.00	\$ 360,000.00
BRIDGE DECK GROOVING	SQ YD	1,230	\$ 15.00	\$ 18,450.00
PROTECTIVE COAT	SQ YD	2,120	\$ 3.00	\$ 6,360.00
FURNISHING AND ERECTING STRUCTURAL STEEL	POUND	220,000	\$ 3.00	\$ 660,000.00
STUD SHEAR CONNECTORS	EACH	6,850	\$ 3.00	\$ 20,550.00
REINFORCEMENT BARS, EPOXY COATED	POUND	156,700	\$ 2.00	\$ 313,400.00
BAR SPLICERS	EACH	1,000	\$ 30.00	\$ 30,000.00
BRIDGE FENCE RAILING	FOOT	322	\$ 200.00	\$ 64,400.00
PARAPET RAILING	FOOT	382	\$ 80.00	\$ 30,560.00
SLOPE WALL 6 INCH	SQ YD	1,000	\$ 140.00	\$ 140,000.00
FURNISHING METAL SHELL PILES	FOOT	1,300	\$ 50.00	\$ 65,000.00
DRIVING PILES	FOOT	1,300	\$ 1.00	\$ 1,300.00
TEST PILE METAL SHELLS	EACH	2	\$ 10,000.00	\$ 20,000.00
NAME PLATES	EACH	1	\$ 500.00	\$ 500.00
ANCHOR BOLTS, 1"	EACH	80	\$ 70.00	\$ 5,600.00
REMOVE AND RELOCATE WATER MAIN 16"	FOOT	250	\$ 200.00	\$ 50,000.00
WATER VALVES TO BE MOVED	EACH	2	\$ 1,000.00	\$ 2,000.00
GEOCOMPOSITE WALL DRAIN	SQ YD	80	\$ 20.00	\$ 1,600.00
TRAFFIC BARRIER TERMINAL, TYPE 2	EACH	4	\$ 1,000.00	\$ 4,000.00
TRAFFIC BARRIER TERMINAL, TYPE 5	EACH	4	\$ 1,000.00	\$ 4,000.00
GUARDRAIL REMOVAL	FOOT	90	\$ 10.00	\$ 900.00
TEMPORARY SHEET PILING	SQ FT	5,520	\$ 35.00	\$ 193,200.00
PIPE UNDERDRAINS FOR STRUCTURES 4"	FOOT	220	\$ 30.00	\$ 6,600.00
RAILROAD PROTECTIVE LIABILITY INSURANCE	L SUM	1	\$ 10,000.00	\$ 10,000.00
CONCRETE RETAINING WALL REMOVAL	CU YD	100	\$ 1,500.00	\$ 150,000.00
POROUS GRANULAR EMBANKMENT, SPECIAL	CU YD	200	\$ 40.00	\$ 8,000.00
DUCTILE IRON WATER MAIN PIPE INSULATION	FOOT	155	\$ 90.00	\$ 13,950.00
UTILITY RELOCATION	L SUM	1	\$ 10,000.00	\$ 10,000.00
SUBTOTAL				\$ 2,943,000.00

STAGING AND TRAFFIC CONTROL, +/- 10%	\$ 294,500.00
CONTINGENCY, +/- 10%	\$ 294,500.00
TOTAL CONSTRUCTION COST ESTIMATE	\$ 3,532,000.00

PHASE II ENGINEERING, +/- 6%	\$ 212,000.00
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TOTAL BUDGETARY PROJECT COST ESTIMATE	\$ 3,744,000.00
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City of Bloomington
Fox Creek Road over UP Railroad
February 22, 2012

Budgetary Project Cost Estimate: Option 3 - Widening with Deck Replacement

Pay Item	Unit	Quantity	Unit Price	Cost
FURNISHED EXCAVATION	CU YD	5,150	\$ 30.00	\$ 154,500.00
BRIDGE APPROACH PAVEMENT	SQ YD	470	\$ 250.00	\$ 117,500.00
PAVEMENT REMOVAL	SQ YD	200	\$ 20.00	\$ 4,000.00
CONCRETE REMOVAL	CU YD	150	\$ 1,500.00	\$ 225,000.00
STRUCTURE EXCAVATION	CU YD	500	\$ 30.00	\$ 15,000.00
CONCRETE STRUCTURES	CU YD	310	\$ 800.00	\$ 248,000.00
CONCRETE SUPERSTRUCTURE	CU YD	330	\$ 900.00	\$ 297,000.00
BRIDGE DECK GROOVING	SQ YD	1,180	\$ 15.00	\$ 17,700.00
PROTECTIVE COAT	SQ YD	2,100	\$ 3.00	\$ 6,300.00
FURNISHING AND ERECTING STRUCTURAL STEEL	POUND	130,000	\$ 3.00	\$ 390,000.00
STUD SHEAR CONNECTORS	EACH	7,110	\$ 3.00	\$ 21,330.00
REINFORCEMENT BARS, EPOXY COATED	POUND	128,000	\$ 2.00	\$ 256,000.00
BAR SPLICERS	EACH	810	\$ 30.00	\$ 24,300.00
BRIDGE FENCE RAILING	FOOT	204	\$ 200.00	\$ 40,800.00
PARAPET RAILING	FOOT	364	\$ 80.00	\$ 29,120.00
SLOPE WALL 6 INCH	SQ YD	1,000	\$ 140.00	\$ 140,000.00
FURNISHING METAL SHELL PILES	FOOT	660	\$ 50.00	\$ 33,000.00
DRIVING PILES	FOOT	660	\$ 1.00	\$ 660.00
TEST PILE METAL SHELLS	EACH	2	\$ 10,000.00	\$ 20,000.00
NAME PLATES	EACH	1	\$ 500.00	\$ 500.00
REMOVE AND RELOCATE WATER MAIN 16"	FOOT	250	\$ 200.00	\$ 50,000.00
WATER VALVES TO BE MOVED	EACH	2	\$ 1,000.00	\$ 2,000.00
TRAFFIC BARRIER TERMINAL, TYPE 2	EACH	4	\$ 1,000.00	\$ 4,000.00
TRAFFIC BARRIER TERMINAL, TYPE 5	EACH	4	\$ 1,000.00	\$ 4,000.00
GUARDRAIL REMOVAL	FOOT	90	\$ 10.00	\$ 900.00
TEMPORARY SHEET PILING	SQ FT	4,900	\$ 35.00	\$ 171,500.00
RAILROAD PROTECTIVE LIABILITY INSURANCE	L SUM	1	\$ 10,000.00	\$ 10,000.00
CONCRETE RETAINING WALL REMOVAL	CU YD	100	\$ 1,500.00	\$ 150,000.00
DUCTILE IRON WATER MAIN PIPE INSULATION	FOOT	155	\$ 90.00	\$ 13,950.00
UTILITY RELOCATION	L SUM	1	\$ 10,000.00	\$ 10,000.00
SUBTOTAL				\$ 2,457,000.00

STAGING AND TRAFFIC CONTROL, +/- 10%	\$ 246,000.00
CONTINGENCY, +/- 10%	\$ 246,000.00
TOTAL CONSTRUCTION COST ESTIMATE	\$ 2,949,000.00

PHASE II ENGINEERING, +/- 6%	\$ 177,000.00
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TOTAL BUDGETARY PROJECT COST ESTIMATE	\$ 3,126,000.00
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ADDENDUM I

BLOOMINGTON CITY COUNCIL AGENDA

MAY 13, 2013

ADDITION TO CONSENT AGENDA

- Item 7B. 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.*

ADDITION TO REGULAR AGENDA

- Item 8A. An Ordinance Authorizing Aggregation of Electrical Load and Approving a Plan of Operation and Governance for Municipal Opt-Out Electricity Aggregation and Designating the Mayor and Deputy City Manager to have the Authority to Approve Electrical Supplier on May 15, 2013. (Recommend that the Resolution be adopted and the Ordinance passed.) *Minutes from Public Hearings held on May 9, 2013 – two (2) hearings; handout provided by William Rau at the first Public Hearing; and additional written comments submitted by William Rau and Barbara Heyl.*

FOR COUNCIL: May 13, 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 \$6,559,188, (Payroll total \$2,494,356.75 and Accounts Payable total \$4,064,831.25).

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

ITEM 8A. AN ORDINANCE AUTHORIZING AGGREGATION OF ELECTRICAL LOAD AND APPROVING A PLAN OF OPERATION AND GOVERNANCE FOR MUNICIPAL OPT-OUT ELECTRICITY AGGREGATION AND DESIGNATING THE MAYOR AND DEPUTY CITY MANAGER TO HAVE THE AUTHORITY TO APPROVE ELECTRICAL SUPPLIER ON MAY 15, 2013.

A listing of additional documents:

Minutes of Public Hearing – 12:30 p.m.

Minutes of Public Hearing – 6:45 p.m.

Handout from William Rau entitled Reducing the Carbon Footprint of Buildings: A Case Study, by William C. Rau from 12:30 Public Hearing

Memorandum from William Rau regarding Choice of “Green Energy” (Renewable Energy Credits or RECs) under electric aggregation)

Letter from Barbara Heyl

PUBLIC HEARING
CORPORATE AUTHORITIES
City Hall Council Chambers
May 9, 2013

Council present: Aldermen Mboka Mwilambwe, Rob Fazzini and Karen Schmidt, and Mayor Tari Renner.

Council absent: Alderman Kevin Lower, David Sage, Judy Stearns, Jennifer McDade, Scott Black and Jim Fruin.

Staff present: David Hales, City Manager and Tracey Covert, City Clerk.

Others present: Charles de Casteja, Managing Partner and Jerod McMorris, Energy Consultant, GoodEnergy.

Mayor Renner called the Public Hearing to order at 12:30 p.m.

David Hales, City Manager, addressed the Council. He stated that two (2) Public Hearings would be held this date: 1.) at 12:30 p.m. and 2.) at 6:45 p.m. He noted that the referendum on Municipal Aggregation was approved on April 6, 2013. He cited City staff's efforts on this issue. The Public Hearing would address the Municipal Aggregation Plan of Operation and Governance, (APOG). He informed the Council that Charles de Casteja, Managing Partner and Jerod McMorris, Energy Consultant, GoodEnergy, were present.

Charles de Casteja, Good Energy's Managing Partner, addressed the Council. In his role as Managing Partner, he oversaw municipal aggregation in the state of Illinois. The City retained GoodEnergy in December 2011 to assist with municipal aggregation. He noted that municipal aggregation had appeared on the ballot twice. It was successful on the second attempt. The Plan of Operation and Governance stated how the program would operate in the City. It addressed eligibility, participation, opt- out, program operation and energy mix, (traditional, renewable). The plan was amendable. GoodEnergy represented 170 communities or over 400,000 households in Ameren's service area. This would be the third round of municipal aggregation in Central Illinois. Thirty-nine (39) communities were involved. The City was the largest.

Mayor Renner opened the Public Hearing. An individual's comments would be limited to three (3) minutes. Comments should address the agreement/plan. The referendum has passed. Comments should be focused and effective. Written comments may be submitted to the City Clerk's Office by noon on Friday, May 10, 2013.

William Rau, 313 Vista Dr., addressed the Council. He encouraged the Council to consider renewable energy. He cited wind as an example. Renewal energy was cost competitive. The carbon foot print of a home could be reduced by forty to sixty percent, (40 – 60%). He cited his personal experience. There were real advantages. The Council needed to do the right thing.

Renewal energy provided a stable power supply. He planned to provide written comments. He again encouraged the Council to select renewable energy. He presented Tracey Covert, City Clerk, with a document entitled Reducing the Carbon Footprint of Buildings: A Case Study, by William C. Rau.

Richard Heiser, 810 W. Jefferson, addressed the Council. He also encouraged the City to select renewable energy. Renewable energy was cost competitive. He expressed his concern regarding climate change. This was a good opportunity for the City to be of assistance to the residents. Sustainable energy was a part of the future. No infrastructure change was needed. The City needed to keep all options open. He cited recent telephone calls and being solicited to purchase energy. The City needed to work with the media and tell citizens to take a wait and see approach. The City should assist the residents to avoid being victimized.

Gary Lambert, 3018 E. Oakland Ave., addressed the Council. He expressed his concern regarding granting three (3) people only three (3) minutes to speak. He cited the notice in the Pantagraph. He noted the civic contribution – one tenth of one percent (1%). He addressed the current municipal charge on his monthly electric bill. He believed that municipal aggregation would be a tax increase that would bring the total municipal tax to 7²/₃%.

He also noted that at the City's option it could require up to 100% renewable energy. He noted statements that renewable energy was price competitive. He questioned if this claim was due to direct subsidies from the federal and/or state government.

He addressed the phrase demand size managed reduction. He questioned what this meant. He believed that there should have been better advertisement regarding this issue before the election. He informed the Council that he had resided in Woodford County. The Woodford County Board had expressed its concern that local government would make a profit off potential consumer savings.

Mr. de Casteja readdressed the Council in response to the comments made. He directed the Council to *APOG Item 9) Green Power – Renewal Energy*. Retail electricity was subject to IL Renewal Portfolio Standard (RPS). The Request for Proposal will specify the quantity of renewable power. It would be satisfied by using Renewal Energy Certificates.

Mr. de Casteja directed the Council to *APOG Item 13) Pricing Methodology*. The Council would have the option to require a civic contribution up to one tenth of a cent per kilowatt hour. He added that other Central Illinois cities had taken this action. He noted City staff time spent on municipal aggregation. These funds could be used to hire staff to provide energy programs.

Mr. de Casteja directed the Council to *APOG Item 11) Demand Management and Energy Efficiency Initiative*. This item addressed energy efficiency programs. This item is contained in state statute. Municipal aggregation was a commodity contract. The electric service would be supplied by Ameren. Generally, direct mail offers could not compete with aggregation. These programs were also opt- in. GoodEnergy could assist the City with press releases. It was important for citizens to know what they have.

Alderman Fazzini questioned if the electricity could be shut off based upon usage. Mr. de Casteja responded negatively. There were not any demand meters in the state of Illinois.

Mr. Hales questioned the civic formula. Mr. de Casteja stated that eighty-five percent (85%) of communities adopt the one tenth of a cent per kilowatt hour. Mayor Renner compared civic contribution to an administrative fee to cover costs. Mr. de Casteja restated that staff time would be involved. He restated the civic contribution maximum was one tenth of a cent per kilowatt hour. Mr. Hales noted that these dollars could be directed towards the education initiative, (*see APOG Item 10) Program Education Initiative*). Mr. de Casteja added that the goal of the educational program was to reduce the usage of electricity. City staff would be responsible for the educational component. There were Central Illinois cities which already have educational programs.

Alderman Fazzini questioned the typical annual household savings in Central Illinois. Mr. de Casteja estimated the savings at \$100 per year in what would be round three. Annual savings were higher in the first two (2) rounds.

Mr. de Casteja addressed opting out of municipal aggregation. Citizens would have two (2) opportunities. There would be two (2) opt-out periods. The second option would be called a "Letter of Rescission". He directed the Council to *APOG Item 3) Opt-Out Process*. He added that there were no exit fees. He directed the Council to *APOG Item 8) Enrollment and Opt-Out During Program*.

Alderman Schmidt questioned the impact upon landlords, (i.e. turn over in tenants, tenants' abilities to make decisions). Mr. de Casteja stated that there was a perpetual opt-out. There were no penalties to leave. He directed the Council to *APOG Item 7) Program Move-Ins and Move-Outs*. Ameren data would be received monthly. New accounts would be contacted.

Mayor Renner restated that revised/extended remarks could be submitted to the City Clerk's Office by noon on Friday, May 10, 2013.

Mayor Renner closed the Public Hearing. Time 12:55 p.m.

Respectfully submitted,

Tracey Covert
City Clerk

PUBLIC HEARING
CORPORATE AUTHORITIES
City Hall Council Chambers
May 9, 2013

Council present: Aldermen Kevin Lower, Jennifer McDade, Karen Schmidt, Scott Black, and Jim Fruin and Mayor Tari Renner.

Council absent: Alderman David Sage, Mboka Mwilambwe, Judy Stearns, and Rob Fazzini.

Staff present: David Hales, City Manager and Tracey Covert, City Clerk.

Others present: Charles de Casteja, Managing Partner and Jerod McMorris, Energy Consultant, GoodEnergy.

Mayor Renner called the Public Hearing to order at 6:45 p.m.

David Hales, City Manager, addressed the Council. This was the second Public Hearing regarding the Municipal Aggregation Plan of Operation and Governance, (APOG) which would be held this date. This first Public Hearing was held at 12:30 p.m. The draft plan had been placed on the City's web site. The Council would take comments. The Council would vote on this item at their May 13, 2013 meeting. He noted that the referendum on Municipal Aggregation was approved on April 6, 2013. Municipal aggregation allowed energy to be purchased in bulk which would result in lower electric rates. He informed the Council that Charles de Casteja, Managing Partner and Jerod McMorris, Energy Consultant, GoodEnergy, were present. Mr. de Casteja would address the plan's highlights.

Charles de Casteja, Good Energy's Managing Partner, addressed the Council. Good Energy was a national energy consulting firm. In his role as Managing Partner, he oversaw municipal aggregation in the state of Illinois. The City retained GoodEnergy to assist with municipal aggregation. The City's first attempt had failed. Municipal aggregation was approved on April 6, 2013. The APOG was an operating document. This document covered bidding, types of energy, eligibility, opt-out process, and exit fees. At the first hearing, there were questions regarding renewal energy. There was a state mandate that seven percent (7%) of the energy must be renewable. GoodEnergy represented a number of Central Illinois cities. The majority had chosen 100% renewable. The civic contribution was generally used to cover a city's administrative costs.

Alderman McDade arrived at 6:51 p.m.

He added that eighty-three percent, (83%) of households in Ameren territory had selected aggregation. The maximum civic contribution was one tenth of one percent (1%). There

were no exit fees due to the fact that there were no financial risks. People do not leave municipal aggregation. Relocations would not be an issue.

Mayor Renner opened the Public Hearing.

Barbara Heyl, 313 Vista Dr., addressed the Council. She requested that the Council consider 100% renewable energy. In 2009, she had changed suppliers. She might join aggregation. Renewable energy was important to her. She added her concern regarding fracking. Natural Gas was being used to produce electricity. Fracking used and contaminated water. She noted that wind power did not produce carbon.

Mayor Renner stated that revised/extended remarks could be submitted to the City Clerk's Office by noon on Friday, May 10, 2013.

Sid Smart, 323 Vista Dr., addressed the Council. He was present at the hearing to learn. He had questions after reading the plan document. He cited references to the consultant. He questioned how the consultant would be paid, by whom and in what amount. He believed that the consultant would have an ongoing role. He also cited the opt-in/opt-out and educational programs.

His second question addressed the placement of municipal aggregation on the April 6, 2013 ballot. Municipal aggregation was voted down the first time that it appeared before the voters. The City stood to gain \$250,000 from this program. He cited openness. He restated that the taxpayers had voted municipal aggregation down.

He had other concerns. He believed that the Council would be open to criticism. He believed that aggregation would extend Ameren's monopoly. A number of communities had contracted with Homefield Energy. This was an alias/assumed name for Ameren Energy Marketing. Ameren was using aggregation and appeared to be the low bidder. Ameren was financially able to withstand aggregation. Ameren was competing with itself. He restated his opinion that Ameren was extending its monopoly. Corn Belt Energy published Illinois Country Living. He cited a recent article, "Importance of Being Prudent". The article questioned long term considerations regarding the benefits of aggregation. These benefits might be temporary. He had done some research on this issue.

Mayor Renner stated that the civic contribution would help the City to recover the administrative costs. The maximum allowed was one tenth of a cent per kilowatt hour. He could not address the question of motivation as he was not Mayor at that time.

Mr. Hales directed the Council to the *APOG Item 13) Pricing Methodology*. The consultant fees would be paid by the electric customers at the rate of $\frac{3}{4}$ of one tenth of one cent per kilowatt hour or .00075/kWh.

Alderman Black left the meeting at 7:05 p.m.

Mr. de Casteja acknowledged that Ameren was d/b/a Homefield Energy. Businesses have been able to purchase from Ameren Energy Marketing since 2007. Homefield Energy addressed residential customers. In state rates were set in three (3) year increments. Homefield Energy has been purchased and will be an independent company. He noted that Ameren/Homefield had been awarded two thirds ($\frac{2}{3}$) or 120 communities under municipal aggregation.

Mr. Hales questioned if there were other bidders. Mr. de Casteja noted that there had been four to five (4 – 5) bidders. An Alternative Retail Electric Suppliers (ARES) must have a track record and be a substantial operator.

Mr. Hales questioned why the program would not be opt-in. Mr. de Casteja stated that this program would offer no fees to opt-out or opt-in. ARES believed that account holders would remain in the program.

Mayor Renner restated that revised/extended remarks could be submitted to the City Clerk's Office by noon on Friday, May 10, 2013.

Mayor Renner closed the Public Hearing. Time 7:09 p.m.

Respectfully submitted,

Tracey Covert
City Clerk

Reducing the Carbon Footprint of Buildings: A Case Study, by William C. Rau (werau@ilstu.edu - 5/4/2013)

Cut the CO₂ output of your home, apartment, or church by: (1) improving air sealing, insulation & HVAC units; (2) eliminating waste [negawatts]; (3) swapping wind power for coal-generated electricity.

I strongly support efficiency & negawatts strategies, but the quickest & easiest way to **immediately** cut a home's CO₂ footprint by 40% to 60% (depending on your therm-KWh mix) is to stop buying dirty, coal-fired electricity and purchase wind power instead. Note below that we dropped our CO₂ footprint **by 85%** from 2009

to 2010 (7.6 to 1.1 metric tons of CO₂) by purchasing of wind power - and **88%** for same year comparisons. The CO₂ drop since 1993 is ~93%.

We use a ground-source heat pump ("geothermal") for heating & cooling.

Geothermal + 100% renewable energy credits = a carbon killing combo.

We cook with electricity (no radon from gas) and use a close line.

In the past we bought our 100% RECs from BlueStar Energy. With 10 RESs now in the area, there are more choices; RECs via electric aggregation is the best choice.

Effects of Efficiency Upgrades, Negawatts Campaigns & Renewable Energy on Greenhouse Gas at 313 Vista Drive, Bloomington IL

Year	Nat. gas Therms	Therms as: kWh	Electric kWh	Total kWh	Energy Measures			Partial List of Insulation, Efficiency, Negawatts & Renewable Energy Actions
					EI ¹	ES YS ²	Mt. GHG ³	
1993	<u>~1,300</u>	<u>38,090</u>	~6,500	<u>44,590</u>	<u>16.6</u>	<u>~3.1</u>	<u>~13.0</u>	<i>Note: Below, a number of things in the "wrong order" -- An energy audit is "Job #1"</i>
1994	1,046	30,648	5,899	36,547	13.6	6.0	9.9	Therms & kWh = Ballpark estimates; Home purchased 8/93
1996	822	24,085	6,950	31,035	11.6	6.7	9.5	From 50-55% efficient to >90% eff. Furnace: 12/93, 4.5 yr payback <i>(Do Manual J sizing!.)</i>
2001	661	19,367	8,278	27,645	10.3	6.7	9.7	Fiberglass attic insulation here? <i>(Mistake! Air seal first, then blow in lots of cellulose.)</i>
2002	672	19,690	10,809	30,499	11.4	5.1	11.6	1 st floor: from single-pane wood to double-pane windows (1997?)
2004 ⁴	323	9,464	12,751	22,215	8.3	5.2	11.2	Basement: from single to double-pane windows, 6/10/03 (So-so windows - do homework!)
2006	200	5,860	<u>12,816</u>	18,676	7.0	6.4	10.6	Geothermal Installed, 7/30/03; Energy audit, 10/27/05 (1993 would have been much smarter.)
2008	195	5,714	10,588	16,302	6.1	8.1	8.9	New siding + cellulose dense pack, 4/06 (Improving insulation = continuing kWh drop)
2009	164	4,805	9,056	13,861	5.2	8.9	7.6	15" cellulose blown into attic, 12/15/08; new doors; So. basement wall, R-10; So. rim joist, R-15
2009	164		<u>9,056</u>				1.0⁵	Liv.Rm 3-pane window, 3/11/09; New H ₂ O Tank, 6/25/09; Garage closet insulation, 7/14/09.
2010	192	5,626	9,392	15,018	5.6	9.1	1.1	<i>⁵ Carbon footprint IF electricity had been purchased from Blue Star in 2009</i>
2011	161	4,727	8,548	13,275	5.0	9.4	0.9	Blue Star wind power begins 12/21/09
2012	146	4,290	7,473	11,763	4.4	9.7	0.8	3-pane French door & kitchen window; DC motor for HVAC; clothes lines; (1/2 N. rim joist, R-25)
2013	Close to maxed out w. diminishing returns							So. Basement wall: R-20, rim joist, R-31; Bsmnt BR: R-15, rim joist, R-31
								<i>Might squeeze out ~500-800 kWh w. same degree days; time to move to rainwater harvesting</i>

¹ EI = Energy Intensity Index = kWh / ft² (or BTU / ft²) - Includes both natural gas and electricity: a key metric used by energy audit professionals.

1 therm = 29.3 kWh. 164 * 29.3 = 4805 kWh + 9,056 kWh = 13,861 total / 2,680 ft² = 5.2 kWh / ft² per year; Energy Star standard = 9.62 kWh / ft² per year.

² ES YS = Energy Star Yardstick: 5.0 = Average Home, same size; 10=Highest Score (http://www.energystar.gov/index.cfm?fuseaction=HOME_ENERGY_YARDSTICK.showGetStarted)

³ Mt. GHG = Metric tons of greenhouse gases which are mostly (~80%) CO₂. A metric ton = 2,205 pounds.

⁴ Geothermal estimated at ~4,000 kWh / Yr for 2006 to 2008 (4,000 kWh = 137 Therms). This is for both heating & cooling.

⁵ Land-based wind power has a life cycle carbon cost of ~10 grams per kWh* (1 metric ton = 1,000,000 grams). 1 therm = .005 metric tons of GHG.

2009 estimate: (9,056 kWh * 10 / 1,000,000 = 0.09056 Mt). + (164 therms * .005 = 0.82 + .82); .09056 + 0.82 = .91 metric ton

* Source: Gore, Al. 2009. *Our Choice: A Plan to Solve the Climate Crisis* (Emmaus, PA: Rodale. p. 165)

Insulation & Negawatts Strategies

Buildings are responsible for ~27% of CO₂ emissions in the U.S. That is larger than the CO₂ released by all of our cars (~22%), which is why it is so important to reduce the CO₂ footprints of our homes.

If you shift to wind power but want to reduce CO₂ even more, you will have to also cut natural gas consumption for **home heating and hot water**. These are "**big ticket**" energy items - #1 & #3 targets in a CO₂ reduction campaign (air conditioning is #2). If you have an older home (pre-1980s), or a new home that was not air sealed and insulated properly (very likely), then you should be able to reduce natural gas consumption by 25 to 50% with air sealing /insulation & window "attachments or retrofits," and by replacing an old, inefficient, poorly insulated H₂O tank, if you still have one. (*Be sure to look at air-source heat pump water heaters.*)

Caveat: Improve air sealing & insulation, opt for window "retrofits" (e.g., interior storms) **before replacing a furnace**. A thorough building retrofit will allow you to downsize your furnace size by 25% to 50%. Also, be sure that a furnace contractor uses **Manual J software to properly size a furnace**, or you are likely to end up with a significantly oversized, less efficient furnace or AC.

Simple Payback: Replacing two 60 watt halogens w. two 8 watt, PAR20 LEDs

Type	Brand	Outlet	Watts	Life (Hrs)	Cost
Halogen	GE Edison Flood	Lowe's	60	2,000	\$8.18
LED	LSG EcoSmart	Home Depot	8	50,000	\$24.97

Hours	Hours per Year	Energy Cost		Savings per Year	Payback (Years)
		Halogen	LED		
3	1095	\$15.51	\$2.07	\$13.44	2.50
4	1460	\$20.67	\$2.76	\$17.92	1.87
8	2920	\$41.35	\$5.51	\$35.83	0.94
12	4380	\$62.02	\$8.27	\$53.75	0.62
24	8760	\$124.04	\$16.54	\$107.50	0.31

Example calculations @ 3 hrs (3 * 365 = 1095 hrs / yr):

Halogen: 1095 * 120 watts / 1,000 = 131.4 kWh / y * \$0.118/kWh = \$15.51

LED: 1095 * 16 watts / 1,000 = 17.5 kWh / yr * \$0.118/kWh = \$2.07

"Bulb" cost difference (2 "bulbs"): \$49.94 - \$16.36 = \$33.58 /13.44 = 2.5 Years

Retrofit plans require self-study or help from a certified energy auditor. Other than air sealing (rim joist, attic), create a thoroughly-researched, written plan; or you will probably do "the wrong things in the wrong order" (Lovins), which is what I did.

Start with an efficiency or negawatts campaign. For January 2012 wind power cost us \$0.058/kWh compared to \$0.063 for Ameren power. Even if wind power costs less, I urge ongoing reductions in kilowatt hours. Start by finding phantom kW loads with a Kill A Watt™ meter and use power strips & Bye Bye Standby™ controls to shut down electric devices that still draw watts when "turned off."

Next, test large kW guzzlers, esp. your fridge. **New fridges are so much more efficient that you can come out \$\$ ahead by junking an old unit.**

Don't forget lights. We had 60 watt halogen lights in our windowless master bathroom. CFLs would not fit in the fixtures but 40 watt eq. PAR20 LEDs did fit while offering higher quality light at the same brightness.

End result? A 2.5 year payback due to an 86% cut in electricity usage with similar gains on lights over our dining room table. We also have LEDs in our living room, front porch & exterior garage.

Comments: Prices on LED bulbs should decline about 15% per year over the next 3-5 years. Spot or recessed-fixture LEDs have quick paybacks and have similar or better light quality than incandescents and halogens. *And, at a price point of \$18, a 120 lumen/watt LED will use 88% less electricity than an incandescent and will have a payback of less than 3 years.*

CFLs are cheaper than equivalent LEDs and will probably remain so until LEDs drop below \$10/\$15. However, LEDs provide far superior light quality than CFLs & can make sense on a life-cycle cost basis as replacements for burned out CFLs even before the \$10/\$15 price point. So, watch for price drops and lumen per watt increases for LED lights at Lowe's, Home Depot, etc.

Next, if you plan to buy a new TV or computer monitor, be sure to get LED edge backlighting. Result: **up to 40% less energy than LCD displays with fluorescent backlighting** and better color contrast, longevity, and viewing in bright light, which is why all smart phones use LED backlighting.

10 May 2013

TO: Mayor Tari Renner & City Council Members

FM: William C. Rau, 313 Vista Drive, Bloomington, IL (werau@ilstu.edu; 309-662-1605)
Professor Emeritus, Illinois State University

RE: Choice of "Green Energy" (Renewable Energy Credits or RECs) under electric aggregation

There are many reasons why Green Energy is the prudent source of electricity in a municipal; or electric aggregation contract. Here are six reasons:

1. **Cost.** Wind energy (the chief energy source in a RECs contract) is now cost competitive with fossil-fueled electricity. RECs may be inconsequentially higher due to the need for "Green-e Certification," an accounting system to ensure that a power producer does not sell the same renewable energy kilowatt hours (kWh) to two or more customers. I have attached a brief explanation of RECs ("UUBN Board Opts for Green Power").
2. **Large, fast reductions in greenhouse gas emissions (GHG).** Bloomington can be insured of 40% to 60% reductions in the greenhouse gas emissions or the carbon footprint of homes and apartments in just one year's time. Wind power yields ~10-11 grams of CO₂ equivalent emissions per kWh (Dolan & Heath 2012; <http://onlinelibrary.wiley.com/doi/10.1111/j.1530-9290.2012.00464.x/pdf>) compared to about 500 and 900-1,000 grams per kWh for gas- and coal-fired electricity generation respectively. The figure for gas-fired generation may be seriously underestimated because it appears that the federal government has not fully accounted for significant fugitive emissions of raw methane in natural gas production, processing and delivery. Release of raw methane into the atmosphere is more than 100 times more potent than CO₂ as a greenhouse gas agent over 20 years (Ingraffea 2013: <http://www.youtube.com/watch?v=o78j77I7XUw>)

My calculations for six Bloomington-Normal homes and one church established carbon footprint reductions for homes that ranged from 48% to 88% (see Table A1). For example, the Unitarian-Universalist Church opted to buy RECs from MidAmerican Energy. In the process we reduced our building's carbon footprint by ~50% while also cutting our electricity bill by about \$200 during the first year of the contract.

My calculations rely on EPA utility data (e.g., Ameren power generation for electricity) to establish a base greenhouse gas number for a home's annual electricity and natural gas consumption. (go to: https://www.energystar.gov/index.cfm?fuseaction=HOME_ENERGY_YARDSTICK.showGetStarted) I then determine the greenhouse gas emissions with wind substituting for fossil-fueled electricity.

There is, in short, no faster and essentially cost-free method for a city to reduce its carbon footprint than to opt for RECs under a municipal aggregation contract.

3. **Improved community image.** Communities with green power have a competitive advantage in efforts to attract young professionals and draw high tech businesses. At the moment, Peoria, Champaign-Urbana, and Normal have "green bragging rights"; we don't. Let's level the playing field.
4. **Fulfilling Abraham Lincoln's dream.** In an April 6, 1858 speech to the Young Men's Association of Bloomington, Abraham Lincoln uttered the following words:

All the power exerted by all the men, and beasts, and running-water, and steam, over and upon it, shall not equal the one hundredth part of what is exerted by the blowing of the wind over and upon the same space. . . . As yet, the wind is an untamed, and unharnessed force; and quite

possibly one of the greatest discoveries hereafter to be made, will be the taming, and harnessing of the wind (<http://showcase.netins.net/web/creative/lincoln/speeches/discoveries.htm>).

We have now tamed and harnessed the wind. Let us be true to our heritage and put it to good use in Bloomington.

5. **Close to carbon-free transportation with electric cars.** When an electric car is plugged into a renewable energy source, it becomes a "**carbon-killer app**," in a manner similar to air- and ground-source heat pumps for heating and cooling buildings. By opting for RECs Bloomington-Normal will help to (1) enable the next transportation revolution by making electric cars even more attractive (Union of Concerned Scientists, 2012. *State of Charge*; http://www.ucsusa.org/clean_vehicles/); (2) give Mitsubishi good grounds to return to B-N for another round of advertisements for their "I" car; and (3) provide an intangible yet possibly important inducement for Mitsubishi to eventually locate I car manufacturing to our community.

Mark my words: *when the second generation of electric cars are released, with cheaper and longer-range batteries, sales will increase briskly.*

6. **Price Stability.** Since renewable energy "fuel" is free and, in the case of wind, uses virtually no water during power generation, we can be insured of price stability in the future. Wind has entered a virtuous circle of increasing efficiency and declining capital costs per kWh: increased hub height and blade sweep, improved materials, especially improved carbon composites in turbine blades, increased wind capacity factors, gains via direct drive turbines (improved power output, substantially reduced maintenance), rationalized manufacture of turbines (move from small to large batch manufacturing = reduced production costs), more efficient and streamlined construction of wind farms, and substantially reduced operations and maintenance costs. (IRENA, 2012. Renewable Power Generation Costs. <http://www.irena.org/menu/index.aspx?mnu=Subcat&PriMenuID=36&CatID=141&SubcatID=277>). In contrast, the BTU content per ton of coal has been declining for over 30 years (higher energy coal is largely "mined out"), while mining and transportation costs have increased. Even without a carbon tax, coal is less and less competitive, a trend that is likely to continue.

Do not buy into the myths about shale gas. Shale gas production costs exceed the natural gas market price by a factor of about two. Last winter contracts for natural gas ran in the 3 dollar range for a million BTUs whereas the production cost for shale gas runs between \$4 and \$8 /MMBTU (see: Mazur, Karol. 2012 [October 3]. "Economics of Shale Gas." <http://www.energybiz.com/article/12/10/economics-shale-gas>; Baihly, et al.. 2011 "Study Assesses Shale Decline Rates"; http://www.slb.com/~media/Files/dcs/industry_articles/201105_aogr_shale_baihly.ashx; Berman & Pittinger 2011. "U.S. Shale Gas: Less Abundance, Higher Cost." *The Oil Drum*: <http://www.theoildrum.com/node/8212>.)

In sum, there is a very high probability that natural gas, historically one of the most volatile commodities in America, will be headed sharply higher. If Bill Powers is correct, natural gas could double or triple in price in the near future (Horn, 2013. Bill Powers on *Cold, Hungry, and in the Dark*: http://www.huffingtonpost.com/steve-horn/bill-powers-shale-gas_b_3240166.html?view=print&comm_ref=false).

In sum, the choice of RECs is a vote for a clean energy future. It is a vote for stable energy prices and it is a vote for a far safer, indefinitely plentiful, water conserving, and environmentally benign energy source. The choice of green energy will allow Bloomington to play its role in shaping the 21st Century.

If you have any questions, individually or collectively, please feel free to call or email me.

UUBN Board Opt's for Green Power.

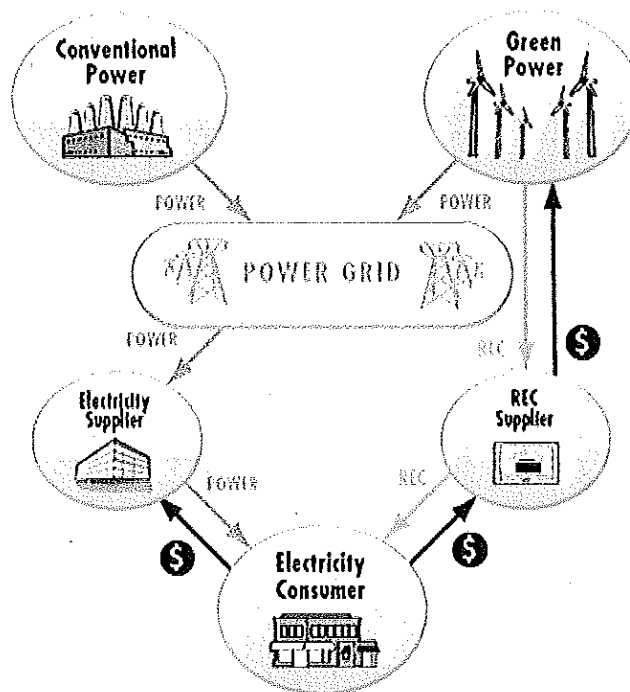
At the request of the Green Sanctuary Task Force, the UUBN Board voted to approve the purchase of 100% Green-e certified Renewable Energy Credits (RECs) from MidAmerican Energy beginning May 25, 2011. *This decision will mean that our church's carbon footprint will drop from about 50 to 25 metric tons of carbon dioxide per year.* Better yet, we will pay no more - indeed, may pay slightly less - than what we were paying for the power from Ameren's 40- to 50-year old coal-fired plants.

MidAmerican is a Berkshire Hathaway or Warren Buffett-owned company that has first-place service ratings, great financial strength, and substantial ownership of wind farms in Iowa. Our RECs will be certified by Sterling Planet, the company that developed Green-e RECs. Sterling Planet also received the US Department of Energy's Renewable Energy Marketer of the Year award for 2007 and 2008.

Here's how RECs work. Our 29,000 kilowatt hours of power per year will be generated from a green power source as represented on the right side of Figure 4. These kilowatt hours will be delivered by MidAmerican to a tie-in point for Ameren's power grid. At that point it is no longer possible to distinguish "green" electrons from "fossil fuel" electrons. In short we cannot say that all of the electricity delivered to our door is green. However, our purchasing power is shifting *the production of 29,000 kW hours electricity from the left to the right side of Figure 4.* And in the final analysis, that's what really counts. We are helping to shrink the supply of environmentally destructive coal-generated power while increasing the supply of clean, renewable power. We can therefore claim with full certitude that we are shrinking the carbon footprint of UUBN by 50%.

And it won't even cost us a dime.

Figure 4. Renewable energy certificate (REC) transaction path in a voluntary green power market



Note: Figure 4 is not intended to represent a comprehensive view of all the possible ways a REC can be traded and used.

Source: EPA. 2010. *Guide to Purchasing Green Power*.

http://www.epa.gov/greenpower/documents/purchasing_guide_for_web.pdf

Table A1. Energy Consumption & Intensity of 7 B-N Buildings: Coal versus Wind Power CO₂ Numbers, 2010

Bldg.	Year	Sq Ft	kWh	Therms	Therms as kWh ¹	Total kWh	kWh/ft ² -yr ²	Mt. CO ₂		CO ₂ Drop
								Coal+NG	NG+Wind	
1 ³	1964	2,680	9,382	192	5,627	15,009	5.60	9.0	1.05	88%
2	1926	1,642	3,677	635	18,610	19,245	11.72	6.0	3.11	48%
3	1968	1,920	8,767	691	20,251	29,018	15.11	11.0	3.55	68%
4	1965	2,000	12,982	786	23,035	36,017	18.01	15.0	4.06	73%
5	1995	3,600	8,311	1,005	29,454	37,765	10.49	12.0	5.11	57%
6	1989	3,000	14,045	834	24,442	38,487	12.83	16.0	4.58	71%
7 ⁴	1960	10,300	29,040	4,983	146,037	175,077	17.00	50.0	25.21	50%

¹ One (1) therm = 100,067 BTUs = 29,3071 kWh. This conversion reveals the huge amount of energy needed to heat most homes.

² kWh / ft²-year is an "energy intensity" metric used by green energy auditors & architects. Total kWh consumption is arguably a more useful measure for Transition Towns. It would also require larger homes to be more energy efficient than smaller homes.

³ Building #1 (Rau-Heyl residence at 313 Vista Drive, Bloomington) uses a ground-source heat pump ("geothermal") for heating and air conditioning. For every one (1) unit of energy input, geothermal units extract about three (3) units of free energy from the ground. The end result is a quantum jump in HVAC efficiency. It is also a "carbon killing app" when paired with renewable power. Wind power, for example, has a life-cycle carbon cost of only 10 grams of CO₂ per kWh compared to ~900 grams for coal-fired power (Gore, Al. 2009. *Our Choice: A Plan to Solve the Climate Crisis* (Emmaus, PA: Rodale. p. 165).

⁴ Building #7 is the Unitarian Universalist Church of Bloomington-Normal (UUBN). This spring, the UUBN Board opted to buy wind power from MidAmerican Energy, thus cutting the church's carbon footprint in half while also slightly reducing its electricity bill. The building may be retrofitted in 2012. This and other energy efficiency measures lead to further reductions in the church's aggregate energy consumption. We just replaced the church's old fridge which will cut electricity use by ~1,000 kWh / year.

* Source: Data gathered by William C. Rau (wcr@ilstu.edu)

)

Reducing the Carbon Footprint of Buildings: A Case Study, by William C. Rau (wrau@ilstu.edu - 5/4/2013)

Cut the CO₂ output of your home, apartment, or church by: (1) improving air sealing, insulation & HVAC units; (2) eliminating waste [negawatts]; (3) swapping wind power for coal-generated electricity.

I strongly support efficiency & negawatts strategies, but the quickest & easiest way to immediately cut a home's CO₂ footprint by 40% to 60% (depending on your therm-KWh mix) is to stop buying dirty, coal-fired electricity and purchase wind power instead. Note below that we dropped our CO₂ footprint by 85% from 2009 to

2010 (7.6 to 1.1 metric tons of CO₂) by purchasing of wind power - and 88% for same year comparisons. The CO₂ drop since 1993 is ~93%.

We use a ground-source heat pump ("geothermal") for heating & cooling.

Geothermal + 100% renewable energy credits = a carbon killing combo.

We use cook with electricity (no radon from gas) and use a close line.

In the past we bought our 100% RECs from BlueStar Energy. With 10 RESs now in the area, there are more choices; RECs via electric aggregation is the best choice.

Effects of Efficiency Upgrades, Negawatts Campaigns & Renewable Energy on Greenhouse Gas at 313 Vista Drive, Bloomington IL

Year	Nat. gas Therms	Therms as: kWh	Electric kWh	Total kWh	Energy Measures			Partial List of Insulation, Efficiency, Negawatts & Renewable Energy Actions
					EI ¹	ES YS ²	MTL GHG ³	
1993	~1,300	38,090	~6,500	44,590	16.6	~3.1	~13.0	Therms & kWh = Ballpark estimates; Home purchased 8/93
1994	1,046	30,648	5,899	36,547	13.6	6.0	9.9	From 50-55% efficient to >90% eff. Furnace: 12/93, 4.5 yr payback (Do Manual J sizing!.)
1996	822	24,085	6,950	31,035	11.6	6.7	9.5	Fiberglass attic insulation here? (Mistake! Air seal first, then blow in lots of cellulose.)
2001	661	19,367	8,278	27,645	10.3	6.7	9.7	1 st floor: from single-pane wood to double-pane windows (1997?)
2002	672	19,690	10,809	30,499	11.4	5.1	11.6	Basement: from single to double-pane windows, 6/10/03 (So-so windows - do homework!)
2004 ⁴	323	9,464	12,751	22,215	8.3	5.2	11.2	Geothermal Installed, 7/30/03; Energy audit, 10/27/05 (1993 would have been much smarter.)
2006	200	5,860	12,816	18,676	7.0	6.4	10.6	New siding + cellulose dense pack, 4/06 (Improving insulation = continuing kWh drop)
2008	195	5,714	10,588	16,302	6.1	8.1	8.9	15" cellulose blown into attic, 12/15/08; new doors; So. basement wall, R-10; So. rim joist, R-15
2009	164	4,805	9,056	13,861	5.2	8.9	7.6	Liv.Rm 3-pane window, 3/11/09; New H ₂ O Tank, 6/25/09; Garage closet insulation, 7/14/09.
2009	164		9,056				1.0 ⁵	⁵ Carbon footprint IF electricity had been purchased from Blue Star in 2009
2010	192	5,626	9,392	15,018	5.6	9.1	1.1	Blue Star wind power begins 12/21/09
2011	161	4,727	8,548	13,275	5.0	9.4	0.9	3-pane French door & kitchen window; DC motor for HVAC; clothes lines; (1/2 N. rim joist, R-25)
2012	146	4,290	7,473	11,763	4.4	9.7	0.8	So. Basement wall: R-20, rim joist, R-31; Bsmnt BR: R-15, rim joist, R-31
2013	Close to maxed out w. diminishing returns							Might squeeze out ~500-800 kWh w. same degree days; time to move to rainwater harvesting

¹ EI = Energy Intensity Index = kWh / ft² (or BTU / ft²) - Includes both natural gas and electricity: a key metric used by energy audit professionals.

1 therm = 29.3 kWh. 164 * 29.3 = 4805 kWh + 9,056 kWh = 13,861 total / 2,680 ft² = 5.2 kWh / ft² per year, Energy Star standard = 9.62 kWh / ft² per year.

² ES YS = Energy Star Yardstick: 5.0 = Average Home, same size; 10=Highest Score (http://www.energystar.gov/index.cfm?iuseaction=HOME_ENERGY_YARDSTICK_showGetStarted)

³ MTL GHG = Metric tons of greenhouse gases which are mostly (~80%) CO₂. A metric ton = 2,205 pounds.

⁴ Geothermal estimated at ~4,000 kWh / Yr for 2006 to 2008 (4,000 kWh = 137 Therms). This is for both heating & cooling.

⁵ Land-based wind power has a life cycle carbon cost of ~10 grams per kWh* (1 metric ton = 1,000,000 grams). 1 therm = .005 metric tons of GHG.

2009 estimate: (9,056 kWh * 10 / 1,000,000 = 0.09056 Mt). + (164 therms * .005 = 0.82 + .82); .09056 + 0.82 = .91 metric ton

* Source: Gore, Al. 2009. *Our Choice: A Plan to Solve the Climate Crisis* (Emmaus, PA: Rodale. p. 165)

Insulation & Negawatts Strategies

Buildings are responsible for ~27% of CO₂ emissions in the U.S. That is larger than the CO₂ released by all of our cars (~22%), which is why it is so important to reduce the CO₂ footprints of our homes.

If you shift to wind power but want to reduce CO₂ even more, you will have to also cut natural gas consumption for home heating and hot water. These are "big ticket" energy items - #1 & #3 targets in a CO₂ reduction campaign (air conditioning is #2). If you have an older home (pre-1980s), or a new home that was not air sealed and insulated properly (very likely), then you should be able to reduce natural gas consumption by 25 to 50% with air sealing /insulation & window "attachments or retrofits," and by replacing an old, inefficient, poorly insulated H₂O tank, should you still have one. (*Be sure to look at air-source heat pump water heaters.*)

Caveat: Improve air sealing & insulation, opt for window "retrofits" (e.g., interior storms) before replacing a furnace. A thorough building retrofit will allow you to downsize your furnace size by 25% to 50%. Also, be sure that a furnace contractor uses Manual J software to properly size a furnace, or you are likely to end up with a significantly oversized, less efficient furnace or AC.

Simple Payback: Replacing two 60 watt halogens w. two 8 watt, PAR20 LEDs

Type	Brand	Outlet	Watts	Life (Hrs)	Cost
Halogen	GE Edison Flood	Lowe's	60	2,000	\$8.18
LED	LSG EcoSmart	Home Depot	8	50,000	\$24.97

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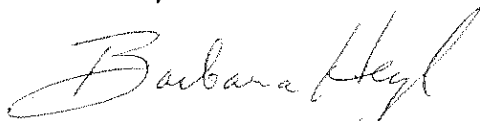
Comments from Barbara Heyl (313 Vista Dr., Bloomington, IL) at the Public Hearing on Electric Aggregation in Bloomington on the evening of May 9, 2013 before the Bloomington City Council:

I would like to encourage Bloomington to seek out an energy supplier for the new municipal aggregation program that can provide our pool of residents and small businesses with 100% renewable energy sources. Since December 2009 my family has purchased our electricity from renewable sources through an alternative energy supplier. In these past 3 1/2 years we have never had to pay much more, and sometimes paid even some less, for electricity than did our friends on Ameren.

If Bloomington chooses green power, we would gladly switch to become part of the electric aggregation pool. If not, we will stay where we are.

These steps taken toward renewable energy sources are important to me. An increasing percentage of electric energy generated by fossil fuel sources today is coming from natural gas, which can come from the process of hydraulic fracturing of shale all over the US. Any time individuals, churches, and communities switch to renewable electricity sources, it supports those supplying green energy and hopefully will help reduce our reliance on fossil fuels in the electricity sector. In any case, we know that renewable energy supplies do not use massive quantities of water or add carbon to the atmosphere. Drilling and fracking on an industrial scale (literally thousands of wells) has resulted in large scale environmental damage and health risks in other states.

Thank you.


309-662-1605



ADDENDUM II

BLOOMINGTON CITY COUNCIL AGENDA

MAY 13, 2013

ADDITION TO REGULAR AGENDA

- Item 8B. Text Amendment to Chapter 8. Animals and Fowls, Identification and Regulation of Vicious and Dangerous Dog. (Recommend that the Ordinance be passed.) *Attachment 2. Policy Research: Dangerous Dogs which was accidentally omitted from the hard copy packet and Attachment 3. Public Safety Committee Minutes from April 11, 2013.*

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.

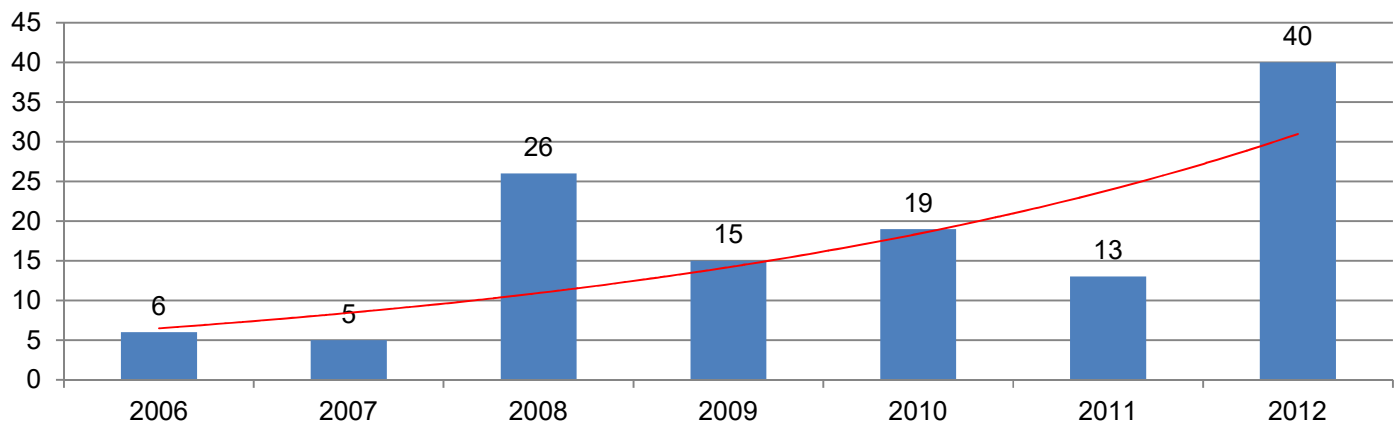
The call for Breed Specific Language is not a new issue for the City of Bloomington. In 2006, the staff was requested to research the issue of breed-specific dog ordinances. In Illinois, only home-rule units may enact breed-specific dog laws. Non-home rule units are prohibited from doing so (510 ILCS 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.

Total Tickets Issued for Failure to Register Dog



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 designation¹.

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



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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 challenges³.

"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

PUBLIC SAFETY COMMITTEE
City Hall Council Chambers
April 11, 2013

Council present: Aldermen David Sage, Karen Schmidt and Judy Stearns.

Staff present: Barbara Adkins, Deputy City Manager, RT Finney, Interim Police Chief, Mike Kimmerling, Fire Chief, George Boyle, Asst. Corporation Counsel, Rosalee Dodson, Asst. Corporation Counsel, Alex McElroy, Asst. to the City Manager, Jim Hall Police Patrol Officer, and Tracey Covert, City Clerk.

Alderman Sage called the Public Safety Committee to order at 5:00 p.m.

Motion by Alderman Sage, seconded by Alderman Schmidt that Alderman Stearns be allowed to participate remotely via telephone.

Motion carried, (viva voce).

Alderman Stearns joined the meeting via remote participation, (telephone).

MINUTES

Motion to Alderman Schmidt, seconded by Alderman Stearns to approved the Minutes of the January 15 and February 14, 2013 meeting.

Motion carried, (viva voce).

VICIOUS & DANGEROUS DOGS

Barbara Adkins, Deputy City Manager, addressed the Committee. The report regarding Vicious & Dangerous Dogs would be presented by Alex McElroy, Asst. to the City Manager. She noted others who were in attendance and assisted with this item: Jim Hall, Police Patrol Officer/Animal Control Liaison, Marcelle Thompson, McLean County Health Department (MCHD) Animal Control, and George Boyle, Asst. Corporation Counsel.

Alex McElroy, Asst. to the City Manager, addressed the Committee. He noted the work involved. He addressed the last time this City ordinance had been updated. At that time, the emphasis was on the pet owner. He noted the number of tickets issued between 2006 – 2012. This ordinance amendment had been the subject of long staff discussions. The following items were reviewed: state law, Town of Normal policy and the IL Administrative Procedures Act. The goal of this text amendment was to provide a safe environment and penalize the pet owner.

Alderman Stearns addressed clarity. She questioned what most fines were for and the largest complaint.

George Boyle, Asst. Corporation Counsel, addressed the Committee. There were two (2) major categories of Ordinance Violations (OV): 1.) animals running at large and 2.) failure to register with the MCHD. The second item was tied to a failure to vaccinate.

Alderman Schmidt thanked City staff for an ordinance that was written beyond bred specific. She noted the liability insurance requirement. The City had not been able to stay ahead of the pet owners.

Mr. McElroy restated that the current policy focused on the pet owners. Animals would be tag if identified as vicious (red) and/or dangerous (yellow).

Marcelle Thompson, MCHD Animal Control, addressed the Committee. Animal Control was a telephone call away. Citizens should call MetCom when animals are out and running at large. Through a declaration process, the dog may be determined to be vicious and/or dangerous. The pet owner would be required to purchase a tag and display same.

Jim Hall, Police Patrol Officer, addressed the Committee. When the Police Department received a dog bite call an incident report is filed. The incident report is reviewed. The neighborhood is canvassed and a determination is made. A dangerous dog would involve a dog running at large, exhibiting aggressive behavior but no actual bite.

Mr. Boyle referred the Committee to the draft ordinance, Section 50. Definitions, (c) "Dangerous Dog". He added that four (4) criteria were listed.

Officer Hall noted that if a dog was protecting property the situation would be different. A recommendation is made to an Asst. Police Chief for final determination/decision. He added that each case was unique and a separate review is conducted.

Mr. Boyle directed the Committee to the draft ordinance, Section 50. Definitions, (c) 4. He read same. This criterion addressed private and public property. He added that there were nuances.

Alderman Schmidt questioned dogs that had been labeled dangerous and/or vicious by another community. Officer Hall stated that City staff would work with the MCHD Animal Control staff to verify veterinary records, if they existed.

Mr. Boyle cited the draft ordinance, Section 50. Definitions (c) 3 and (k) 4. The pet owner was required to notify the City if their animal has been declared dangerous and/or vicious by another community. The Town of Normal had similar language in its ordinance.

Alderman Sage questioned fines. Mr. Boyle stated the following: 1.) failure to register/vaccinate - \$250, subsequent offenses - \$500, \$1,000 and 2.) animals labeled

dangerous and/or vicious face a daily fine for noncompliance of \$100 - \$1,000. He added that the City and the courts would start at the low end. The goal was compliance and safety.

Alderman Sage stated his goal – an appropriate fine which would encourage the pet owner to do the right thing. The fine structure needed to provide a line of sight.

Alderman Stearns expressed her opinion that the liability insurance was a good provision. Mr. Boyle affirmed that this requirement was contained in the draft ordinance.

Alderman Schmidt questioned the process going forward. She cited citizen feedback and placement on a Council meeting agenda.

Ms. Adkins believed that this item would be the subject of a future Council Work Session. The next step would be a Council meeting. She estimated the time line at one to two (1 – 2) months.

Alderman Schmidt believed that the draft ordinance contained good information. She questioned if concerns could derail this draft ordinance.

Ms. Adkins complimented the team. City staff and the MCHD Animal Control staff had formed a good partnership.

Alderman Sage addressed best practices and questioned if anything was missing.

Mr. McElroy noted Mr. Boyle's efforts regarding policy research. He noted the state's regulatory role. The City's draft ordinance was written slightly tighter than the Town of Normal's ordinance.

Mr. Boyle noted that under state law an animal cannot be labeled dangerous until severe injury, (hospitalization and/or death). The City's approach was preventative. He added that there was a notification requirement, (see draft ordinance, Section 83. Dangerous and Vicious Dogs; Dogs Subject to Euthanasia, (c) Requirements for Keeping Dogs Declared Dangerous, 8 and (d) Requirements for Keeping Dogs Declared Vicious, 5).

Mr. McElroy addressed policing issues. He noted that the term "Enclosure" had been defined, (see draft ordinance, Section 50. Definitions, (f)). Staff had considered an animal's ability to escape.

Alderman Sage welcomed any thoughts going forward.

Motion by Alderman Stearns, seconded by Alderman Schmidt to place the draft ordinance on a future Council meeting agenda.

Motion carried, (viva voce).

Alderman Sage expressed his appreciation for the team effort.

NOISE ORDINANCE

Ms. Adkins introduced the draft Noise Ordinance. This was an important issue. Rosalee Dodson, Asst. Corporation Counsel, served as lead staff person. This draft ordinance was being presented to the Committee for direction.

Rosalee Dodson, Asst. Corporation Counsel, addressed the Committee. This draft ordinance had been discussed at the Council's August 13, 2012 Work Session. City staff has research and reviewed noise ordinances and enforcement of same in sixteen (16) municipalities within the state. The public's response to the first draft of this ordinance has been positive. She noted that there were new definitions. The decibel level had been increased.

She noted that there were a number of questions regarding noise. Some issues were addressed elsewhere in the City Code. She cited Chapter 8. Animals and Fowl, Chapter 29. Motor Vehicles, and Chapter 28. Misdemeanors, (Disorderly House). The Police Department needed ways to detect noise. This draft ordinance would introduce another category.

Alderman Schmidt believed that this draft ordinance addressed issues raised by the Downtown Entertainment Task Force. She cited the decibel level and the 6:00 a.m. start time. Ms. Dodson noted that City's collective bargaining agreements listed 6:00 a.m. as a start time for City crews.

Alderman Schmidt addressed vehicular noise. The most common complaint was motorcycles with straight pipes. RT Finney, Interim Police Chief, addressed the issue of motorcycles. Motorcycles are made louder by removing the baffles. He noted that there were state statutes and City ordinance to address same. City police officers would be encouraged to enforce when seen/heard. The Police Department would not wait for complaints. He would emphasize that this was a community concern.

Alderman Schmidt requested that the City's various ordinances addressing noise be cross referenced. Ms. Adkins offered to look into the possibility of linking the various ordinances. Alderman Schmidt also recommended that the various ordinances be listed under commonly asked questions.

Scott Sprouls, IT Director, addressed the Committee. He cited the "I want to . . ." section of the City's web site. Noise issues could be added. At this time, searching the City Code on line was not an easy task.

Alderman Schmidt recommended that common code topics include noise and that the various ordinances be pulled together. Mr. Sprouls believed that it would be easy to modify same.

Alderman Sage welcomed City staff's thoughts going forward. Ms. Adkins noted City staff's due diligence. A Work Session had been held. She believed that this draft ordinance was ready to move forward to a Council meeting agenda.

Ms. Dodson noted that small changes were needed to address concerns raised by the Fire Department.

Mike Kimmerling, Fire Chief, addressed the Committee. He cited sirens, bells and whistles. In general, fires and emergency services were noisy. Ms. Adkins suggested that there might be an exemption for public safety.

Alderman Sage addressed the Committee regarding any concerns and/or questions.

Alderman Stearns questioned if vehicular noise would be brought into the draft ordinance or left as currently written. She added that this was the most common complaint, (i.e. motorcycles, car stereos, etc.). Her concern addressed enforcement. Ms. Dodson stated that it would be left as is. The current ordinance was being enforced and currently referenced on line.

Alderman Schmidt questioned sound reproducing devices, (i.e. radios, stereos, etc. from a residence). Interim Chief Finney restated that there currently was an ordinance to address same. Enforcement needed to be encouraged.

Alderman Sage questioned if the Police Department had what was needed to address noisy vehicles. Interim Chief Finney stated that the draft ordinance addressed other areas. He cited bar noise as an example. Alderman Sage questioned vehicular noise and moving enforcement forward. Interim Chief Finney noted that this was a quality of life issue for the Council. He would take the Council's concern forward. Alderman Sage anticipated questions from the Council. Interim Chief Finney stated that the Police Department's role was to facilitate the Council's direction.

Motion by Alderman Schmidt, seconded by Alderman Stearns to place the draft ordinance on a future Council meeting agenda.

Motion carried, (viva voce).

Alderman Stearns thanked Interim Chief Finney for additional police enforcement. It was spring. She encouraged the Police Department to focus on City parks. She specifically cited Miller Park. She requested a report in the next six to eight (6 – 8) weeks regarding the number of tickets issued.

Alderman Sage recommended that this information be included in the Council memorandum. He suggested that it be labeled enforcement metrics.

Ms. Adkins addressed potential future topics: Police Department Firing Range. Interim Chief Finney stated that the Police Department had an intern. He had not seen a report as of this date.

Motion by Alderman Stearns, seconded by Alderman Schmidt to adjourn. Time 5:47 p.m.

Motion carried, (viva voce).

Respectfully submitted,

Tracey Covert
City Clerk