

**PROCEEDINGS
PUBLISHED BY THE AUTHORITY OF THE CITY COUNCIL
OF BLOOMINGTON, ILLINOIS**

The Council convened in regular Session in the Council Chambers, City Hall Building, at 7:00 p.m., Monday, May 13, 2013.

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

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

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

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

PUBLIC COMMENT: Mayor Renner opened the Public Comment section of the meeting. He added that there would not be a response from the City under the Public Comment portion of the meeting.

Alton Franklin, 508 Patterson Dr., addressed the Council. He had adopted a wait and see attitude. He had attended the Council's May 6, 2013 retreat. He was guardedly optimistic. It appeared that the Council was going to do things. He was taking a reserved approach. The Council had been energized. The Council had been talk intensive for too long. The Council needed to be mission oriented. Actions spoke louder than words. There needed to be adult conversations, the Council needed to determine its position and move forward.

Linda Krueger, 1108 Asbury Farm Dr., Normal, IL, addressed the Council. She represented Wish Bone Canine Animal Rescue (WBCAR), located at 1310 Morrissey Dr., and currently served as the Board's President. She had just learned about the proposed text amendment which addressed dangerous and vicious dogs. WBCAR was an animal welfare group.

Jeff Saathoff, 701 Wheeler Dr., Hudson, IL, addressed the Council. He also represented the WBCAR. He had served as a volunteer for the past eighteen (18) months. The proposed text amendment addressed public safety but also was an emotional issue. WBCAR was interested in dog protection laws. He cited the impact of the proposed text amendment upon the City's image. He believed that it would have a negative impact upon growth. This was a dog friendly community. There had been over 1,000 dog adoptions in the City and Town of Normal. He encouraged the Council to take additional time for research.

The following was presented:

Oath of Office – Stuart Blade, Kyle Klinefelter, Paul Sullivan and Tony Salvator, Firefighters.

Mayor Renner introduced Mike Kimmerling, Fire Chief. There were four (4) individuals who would be taking their oath as Firefighters this evening.

Mike Kimmerling, Fire Chief, addressed the Council. He informed them that every Firefighter must complete a one (1) year probationary period. He introduced Kyle Klinefelter who began as a volunteer Firefighter. He held a Bachelor's Degree from Illinois State University and an Associates Arts Degree in Fire Science. Paul Sullivan was a former Eagle Scout. He held an Associates Art Degree from College of DuPage and earned his EMT – P (Emergency Medical Technician – Paramedic) from same. Tony Salvator earned his EMT – B (Basic) from Heartland Community College, and completed the P level in Peoria. The City had been the first place that he tested for the position of Firefighter. Stuart Blade attended the Central Fire Academy in Rochester. He had participated in a variety of training. Chief Kimmerling noted that these individuals were accompanied by their families this evening. In addition, he noted the accolades from their supervisors and peers in the Fire Department.

Tracey Covert, City Clerk, administered the Oath.

The following was presented:

Introduction of Appointments and Reappointments by Mayor Renner: Connect Transit, Cultural District, Library Board, Police Pension Board, Regional Planning Commission, and Zoning Board of Appeals.

The following was presented:

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

Motion by Alderman Black, seconded by Alderman Fazzini that the reading of the minutes of the previous Council Proceedings of April 22, 2013 be dispensed with and the minutes approved as printed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Bills and Payroll

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

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

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

BACKGROUND: The list of bills and payrolls will be posted on the City's website on Thursday, May 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 by Alderman Black, seconded by Alderman Fazzini that the Bills and Payroll be allowed and the orders drawn on the Treasurer for the various amounts as funds are available.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: 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 up fitted with equipment to replace K9 units and two (2) will be up fitted and used for patrol. 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: Not applicable.

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 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 by Alderman Black, seconded by Alderman Fazzini 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.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Purchase 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 Department's Storm Water Management Division has a 2006 International 7400 Dump Truck that is scheduled for replacement in Fiscal Year (FY) 2014. This unit has 89,000 miles and 10,298 man-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 twelve foot (12') stainless steel dump body, eleven foot (11') power reversing snow plow, stainless steel salt distributor, and 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.

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 by Alderman Black, seconded by Alderman Fazzini 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.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Intergovernmental Agreement 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 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 one percent (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, Asst. Corporation Counsel

Recommended by:

David A. Hales
City Manager

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: Tari Renner, Mayor

Date: May 14, 2013

ATTEST:

By: Tracey Covert
Bloomington City Clerk

Date: May 14, 2013

McLEAN COUNTY BOARD OF HEALTH

By: Walter P. Howe, Director

Date: May 21, 2013

Motion by Alderman Black, seconded by Alderman Fazzini 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.

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

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

Nays: None.

Motion carried.

The following was presented:

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

ORDINANCE NO. 2013 - 23

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 14th day of May, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Black, seconded by Alderman Fazzini 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.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Suspension of Ordinances to Allow Consumption of Alcohol at Lake Bloomington's Davis Lodge on 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 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 cater 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

ORDINANCE NO. 2013 - 24**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 14th day of May, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Black, seconded by Alderman Fazzini 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.

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

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

Nays: None.

Motion carried.

The following was presented:

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

ORDINANCE NO. 2013 - 25

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 14th day of April, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Black, seconded by Alderman Fazzini 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.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: 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 by Alderman Black, seconded by Alderman Fazzini 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.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: 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 by Alderman Black, seconded by Alderman Fazzini 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.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Reappointments to Bloomington-Normal Public Transit Board, Cultural District, Commission, Police Pension Board, Public Library Board, and Zoning Board of Appeals and Appointments to Public Library Board, McLean County Regional Planning Commission, and 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 following reappointments:

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

Mike Kerber, 406 N. Linden, Bloomington 61701 to the Cultural District Commission. His second three (3) year term will expire April 30, 2016.

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

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

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

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

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

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

Narendra Jaggi, 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 following appointments:

Amelia Buragas, 23 White Pl., Bloomington 61701 to the Zoning Board of Appeals. Her first four (4) year term will expire on April 30, 2017.

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

Joni Painter, 1903 Hedgewood Dr., Bloomington 61704 to the Library Board. Her first three (3) year term will expire on April 30, 2016.

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

Michael Buragas, 23 Whites Pl., Bloomington 61701 to the McLean County Regional Planning Commission. His first two (2) year term will expire on April 30, 2015.

Mary Kramp, 903 Durham Dr., Bloomington 61704 to the McLean County 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 Asst.

Recommended by:

Tari Renner
Mayor

Alderman Fruin addressed this item. He stated that he did not oppose any of these appointment/reappointments. This issue was one of intentions.

Mayor Renner cited the Council's May 6, 2013 retreat. He described the current process as broken and unacceptable. He noted that there were forty-three (43) expired terms and twelve (12) vacancies. These individuals (expired terms) did not have the Council's consent to hold a position. The situation was unacceptable. Board and/or commission members could be removed at any time. He addressed democratic accountability. Boards and/or commissions make policy decisions. There needed to be balance, (institutional history and new blood). This had been a public issue during his campaign. He hoped to involve young people and diverse perspectives. The current process would be changed. Current board and/or commission members would be asked to reapply ninety (90) days in advance of their term expiration. He hoped to review and revamp the process in the next sixty (60) days. At that time, he would have a clearer idea of vacancies/expired terms. He planned to consider other applicants as a number of applications had been received. Current board/commission members would only be replaced upon term expiration. This remedy would take one to two (1 – 2) years. He hoped to increase the pool of interested individuals. He planned to address appointments to City boards/commissions at every opportunity.

Alderman McDade recommended that information be posted on the City's web site. This would include an on line application. She suggested an all about the City page as part of the web site. It could list events, board/commission opportunities, etc. This would raise the public's awareness.

Alderman Fruin believed that such action would be helpful. He emphasized that he was supportive of the Mayor's recommendations. He added the importance of accurate record keeping. He believed that attendance was important.

Mayor Renner had inquired about on line application. Attendance was a good piece of information due to the need for a quorum to hold a meeting.

Alderman Fruin stated that the Mayor had presented a good outline. The City needed to keep good records.

Alderman Mwilambwe expressed his interest in an individual's tenure on a board/commission.

Mayor Renner cautioned that he was not suggesting term limits for boards/commissions. The terms were finite. Individuals needed to be held accountable. This would be done through the appointment process.

Alderman Black requested a time line for an on line application. He noted a theme from the Council's May 6, 2013 retreat to involve more people, citizen engagement through increased participation.

David Hales, City Manager, addressed the Council. The application form was currently on line. An individual needed to print and sign same. He also noted the Information Technology Department's work load. There were other priorities at this time, (MUNIS project).

Alderman Sage recommended that the City go beyond an on line application. He recommended that a listing of all boards/commissions be placed on the City's web site. He believed that information had been made available on line from some time.

Alderman Fazzini recommended that City staff call individuals when applications were received to confirm same.

Motion by Alderman Fruin, seconded by Alderman Fazzini recommended that the appointments and reappointments be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Intergovernmental Agreement 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 and McLean County Board of Health whereby the Board of Health assumes all responsibilities for the duties of animal control on a twenty-four (24) hour a day basis within the corporate limits of the City 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 intergovernmental agreement. The agreement reflects a two percent (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, Asst. Corporation Counsel

Recommended by:

David A. Hales
City Manager

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: Tari Renner
Mayor

Date: May 14, 2013

ATTEST:

By: Tracey Covert
Bloomington City Clerk

Date: May 14, 2013

McLEAN COUNTY BOARD OF HEALTH

By: Walter P. Howe
Director

Date: May 21, 2013

Alderman Stearns questioned if someone with McLean County's Animal Control was present and ready to make a presentation to the Council.

David Hales, City Manager, addressed the Council. He noted that Alderman Stearns had questioned this item and City staff has responded.

Alderman Stearns addressed this contract and euthanasia. City funds supported the McLean County Health Department's Animal Control services. She expressed her concern regarding the humane treatment of animals. She wanted to promote animal adoption. She cited Wish Bone Canine Animal Rescue and other concerned citizens. The Council needed to be aware of these groups.

Marcelle Thompson, Animal Control Director, addressed the Council. Animal Control served animals with humane treatment. Animals were taken care of. This program needed the communities support. There were a number of services provided by Animal Control. She cited recent dog maulings. Animal Control attempted to target aggressive animals. Its policies/actions were not breed specific.

Alderman Stearns questioned Animal Control's adoption efforts. She also questioned collaboration with other groups, (animal rescue), in the community.

Ms. Thompson noted that the County had purchased new software. Photographs were being posted on the Animal Control web site. Animal Control had a spay/neuter program which offered financial assistance, (income based). It promoted training and good, kind, responsible pet ownership. She encouraged Alderman Stearns to tour the facility.

Alderman Stearns questioned vicious dogs and Animal Control's criteria for euthanasia.

Mayor Renner noted that this question was not the focus of this item.

Alderman Stearns believed that this issue needed to be aired publicly. She again questioned the euthanasia method.

Ms. Thompson stated that an injection method was used ninety-five percent (95%) of the time. Animal Control also had a chamber for wild animals. Use of the chamber for domestic animals required veterinary approval. Animal Control staff considered the animal's needs.

Alderman Stearns stated her intention to tour the facility. She noted that animal photographs were on Animal Control's web site. She questioned the facility's business hours.

Ms. Thomson expressed her concern regarding misinformation. Animal Control was open from 8:00 a.m. until 4:30 p.m., Monday through Friday.

Motion by Alderman Schmidt, seconded by Alderman McDade 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.

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

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

Nays: None.

Motion carried, (viva voce).

The following was presented:

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 were provided to the Council. 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 (2) public hearings at 12:30 p.m. and 6:45 p.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 Council wishes to incorporate into the Plan, the Plan may be amended by the Council prior to its adoption.

The 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 (2) “opt out” notices, one (2) from the chosen power supplier and a second from Ameren. A sample notice was included in the Plan.
- Residents will be allowed to “opt out” at no charge within nineteen (19) days of receiving the first notice and five (5) 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.
- City will not be responsible for late or non-payment of electrical bills on the part of its residents.
- New residents who move into City, if eligible during the life of the contract will be eligible for aggregation unless they choose to “opt out” (at no charge).
- Residents who move to a different residence within City/Ameren Illinois will be eligible for aggregation as long as they inform the chosen supplier of the move.
- City’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.
- City 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.
- City will modify its website to include information on energy conservation techniques and other “green” initiatives.

The Council has two (2) 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 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 forty-one (41) aggregation communities, counties and townships represented by Good Energy. Suppliers’ 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 $\frac{1}{10}$ of one cent per kilowatt hour (\$0.00075/kWh).

The “opt out” period is expected to begin May 27, 2013 and end 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 $\frac{1}{10}$ 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. 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

RESOLUTION NO. 2013 - 07

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 14th day of May, 2013.

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

ORDINANCE NO. 2013 - 26**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 14th day of May, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Fazzini had three (3) comments: 1.) there had been two (2) referendums; 2.) the second one passed; and 3.) the Town of Normal went through the same process. This action would help the citizens with an estimated annual savings of \$100 on their electric bill. There would be two (2) opportunities to opt out of the program. There were no fees.

Mayor Renner restated that the referendum had passed and the Council was at the execution stage.

Alderman McDade questioned the bid date and renewable versus standard energy supply. She also questioned the cost to the residents and who would make the decision (renewable or standard).

Mayor Renner noted that the recommendation was for 100% renewable.

Charles de Casteja, Good Energy's Managing Partner, addressed the Council via telephone. He had attended the May 9, 2013 public hearings. There would be an incremental cost for 100% renewable. With Ameren, the residential rates included seven percent (7%) renewable. He estimated the cost difference between the two (2) at one tenth of a penny per kilowatt hour.

David Hales, City Manager, addressed the Council. He cited the bid process.

Mr. de Casteja cited the City's decision that the Mayor and Deputy City Manager be authorized. They would consider the pricing. The City was not bound by the other communities. Mr. Hales restated that the bid would include up to 100% renewable.

Todd Greenburg, Corporation Counsel, addressed the Council. There were two (2) issues: 1.) the bid and 2.) policy decisions: a. 100% renewable options and b. civic contribution. The proposed ordinance would approve both. The Council may choose to amend the proposed ordinance. The Council was authorizing the Mayor and Deputy City Manager to select the lowest responsible bidder. There were policy decisions that needed to be made this evening.

Mr. Hales referred the Council to the proposed ordinance.

Mayor Renner noted that the proposed ordinance included 100% renewable and the civic contribution, (i.e. administrative service fee).

Alderman McDade questioned gaps between bidders. Mr. De Casteja stated that renewable energy was at an all-time low. The difference was less than one tenth of a penny per kilowatt hour. This equaled \$8 per year per resident.

Alderman Lower stated that he was in a difficult position. He had studied this issue extensively. He campaigned against municipal aggregation. This was a point of principal. Municipal aggregation was an unprecedented activity for the City. The government should not be involved. He compared it to provided water services. There was an opt out option when it should be an opt in. The City was forcing people to opt out. He questioned if the City had a thorough understanding of municipal aggregation and the Council's duty to represent all of the citizens.

Mayor Stockton had scolded Good Energy for the lack of an educational program. He planned to vote present on this item.

Mayor Renner restated that the referendum had passed and that it was time for the Council to execute same.

Alderman Stearns questioned the winning bidder. She questioned if the same company had been selected throughout the state.

Mr. de Casteja informed the Council that Ameren served sixty-eight percent (68%) of all households in the state. Homefield Energy was the third (3rd) largest supplier.

Alderman Stearns questioned the second option: civic contribution. She saw it as a tax. She cited the revenue estimate and added her belief that municipal aggregations was an income generator. Excess energy would be purchased at a financial benefit to the City.

Mayor Renner described the civic contribution as a user fee for the City.

Mr. de Casteja stated that the City would procure energy with a higher percentage of renewable energy. It was not excess energy.

Alderman Stearns added that the City would receive a fee and citizens would pay \$8.00 more per year. The City would profit from municipal aggregation. She questioned which option (renewal or standard) was most profitable.

Mr. de Casteja noted that the civic contribution was not linked to the energy choice.

Alderman Black expressed his understanding that the civic contribution would cover the City's costs. He questioned if the civic contribution could be adjusted during the contract. Mr. de Casteja responded negatively.

Mr. Hales could not answer for sure. There would be energy efficiency and energy savings initiatives. City staff would be involved over the length of the contract. Staff time and resources would be needed to address same.

Alderman Fazzini restated that the intention was to select 100% renewable energy. In addition, the civic contribution was also included in the proposed ordinance.

Alderman Schmidt questioned the process for voting present. Mr. Greenburg addressed the Council. If an Alderman chose to vote present/abstain, and there was no legal conflict of interest, then the vote is counted with the majority. He noted that there were some state statutes which state "affirmative vote", in this instance such a vote would be counted as a nay.

Motion by Alderman Fazzini, seconded by Alderman Fruin that the Resolution be adopted and the Ordinance passed.

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

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

Nays: None.

Abstains: Aldermen Stearns and Lower.

Motion carried.

The following was presented:

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 two (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 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 dogs that 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 reduce the number 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 (a copy of "Dangerous Vicious Dog Report" was provided to the Council). The report and ordinance amendment recommendations are the result of a number of meetings held between George Boyle, Asst.

Corporate Council, Robert Wall, Asst. Police Chief, James Hall, Police Patrol Officer, Alex McElroy, Asst. to the City Manager, and Marcelle Thompson, Animal Control Center Director.

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, Asst. Corporation Counsel

Recommended by:

David A. Hales
City Manager

Mayor Renner introduced this item. He recommended that it be laid over until the Council's May 28, 2013 meeting.

Alderman Stearns noted that City staff had not partnered with the McLean County Humane Society and other rescue/shelter groups. She recognized that these organizations operated with volunteers.

David Hales, City Manager, cited Wish Bone Canine Animal Rescue and the McLean County Humane Society as groups that City staff should reach out to regarding the proposed text amendment.

Alderman Fruin questioned sufficient time. Mr. Hales hoped that all could meet quickly. He would inform the Council if City staff was unable to resolve this issue.

Alderman Schmidt noted that this item appeared before the Public Safety Committee on April 11, 2013. She noted Alex McElroy's, Asst. to the City Manager, report – Policy Research: Dangerous Dogs. Mr. Hales stated that this report would be placed on the City's web site.

Mayor Renner noted an article, (Vicious Pet Rules on Agenda), that appeared in the May 13, 2013 edition of the Pantagraph regarding this issue.

Alderman Fazzini expressed his faith in these outside agencies' abilities. The time frame was quick but he believed that the work would be completed.

Motion by Alderman Stearns, seconded by Alderman Schmidt that this item be laid over until the Council's May 28, 2013 meeting.

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

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

Nays: None.

Motion carried.

The following was presented:

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

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

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 (2) lane bridge over the UPRR with a new four (4) lane facility including sidewalk on the south side and a bike trail on the north side.

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

The existing thirty (30) year old bridge and adjacent roadway sections are the last remaining two (2) lane sections on the west end of the City's Hamilton/Fox Creek Rd. southern corridor. Due to 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 (3) 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 Rd./Fox Creek Rd./Veterans Pkwy., (BUS 55) intersection, replacement of the Fox Creek bridge over I-55/I-74 with a new four (4) lane facility, and completion of a two (2) phase, four (4) lane connection extending Fox Creek/Hamilton Rd. from Veterans Pkwy., (BUS 55) to Main St., (US 51). The City plans to upgrade Fox Creek Rd. from Danbury Dr. to the UPRR bridge to a four (4) lane facility in conjunction with the bridge replacement project.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: ICC – Rail Safety Section, UPRR, Unit 5, State Farm, and Snyder Development.

FINANCIAL IMPACT: The FY 2014 Budget appropriates \$250,000 for design of the Fox Creek Rd. bridge over the UPRR in line item 20300300-70050 and \$130,000 for design of Fox Creek Rd. from Danbury Dr. 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 2013.

The total anticipated cost to replace the Fox Creek Rd. bridge over the UPRR, including design and construction, is \$4,020,000. It is anticipated that sixty percent (60%) or \$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 Rd. from Danbury Dr. east to the UPRR bridge is \$2,030,000. The current ICC Crossing Safety Improvement Program Five (5) Year Plan shows project construction beginning in FY 2018. The projects are shown in the City's Five (5) year capital budget for design in FY 2014, land purchase in FY 2015 and construction in FY 2016. 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

Mayor Renner introduced this item.

David Hales, City Manager, addressed the Council. There would be positive outcomes from the replacement of this bridge over the railroad tracks. City staff have worked on this issue for ten (10) years. The Illinois Commerce Commission (ICC) was willing to include this item in their state capital budget. It involved two (2) projects.

Jim Karch, Public Works Director, addressed the Council. He had positive news after over ten (10) years of work. This item involved the bridge and road work. He presented an overview of the project. Currently, there was the bridge with an associated two (2) lane road. The lanes were only nineteen feet (19') wide and the structure was over thirty (30) years old. The new road would offer four (4) lanes with a bike trail which would be connected to Constitution Trail. This would provide pedestrian and bicyclist safety.

The City would receive sixty percent (60%) of the long term funding. The bridge would cost an estimated \$4 million. The ICC would only cover the bridge cost. The road would cost an estimated \$2 million. The current road was built to rural standards. The Council was presented with photographs of the existing bridge. He added that the road's pavement was failing and in need of shoulder work. He cited the location of nearby schools and City parks. There was a four (4) lane road on either side of the bridge. This road carried 15,000 vehicles per day. The Council needed to acknowledge this funding opportunity. The City's current budget contains dollars for the design of the road and bridge. The ICC planned to fund the bridge in its Fiscal Year 2018. This bridge might be funded sooner if the City has the design work completed and the Council's support.

Mr. Hales added that City staff would work with the railroad. Estimated costs were never under budget. He believed that the railroad would request additional time. The City must request input from the railroad. The next project which also involved the railroad would be Hamilton Rd./Bunn to Commerce. This project would involve the Norfolk Southern Railroad. These were two (2) large projects.

Mr. Karch described these projects as gaps. Hamilton Rd. would eventually connect with Towanda Barnes Rd. This project would assist with the connection to Veterans Pkwy.

Mr. Hales cited that there had been a number of meetings with state officials.

Motion by Alderman Sage, seconded by Alderman Lower 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.

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

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

Nays: None.

Motion carried.

CITY MANAGER'S DISCUSSION: David Hales, City Manager, addressed the Council. There would be information soon regarding hockey at the US Cellular Coliseum. It involved a change of team ownership. There would be competition between the City and Peoria. He recognized Central IL Arena Management's efforts regarding same. It was a challenge to field a hockey team.

MAYOR'S DISCUSSION: Mayor Renner expressed his intention to chair efficient, quick meetings. The City had made progress regarding openness and transparency. He cited his mayoral open house which was held on Friday, May 10, 2013. The tradition

would continue. The hours may be modified. He listened to citizens' concerns and thank those who attended.

The May 28, 2013 neighborhood town hall meeting would be rescheduled. It was in conflict with the Council's May 28, 2013 regular meeting. He hoped to hold nine (9) town hall meetings per year. None would be scheduled during the summer. Each would be held in a different ward. The Mayor, Ward Alderman and City staff would attend same.

He addressed declassifying Executive Session Minutes. He planned to commence the process soon.

He noted Council's discussions regarding streets/infrastructure. A bond issue could be used as a down payment. He set a time line of three to six (3 – 6) months. He did not plan to raise taxes.

He also addressed pension funding. There needed to be a system to fund same. The City could be a model for other municipalities.

He believed that the Downtown could be revitalized as the City's cultural/historical core. There must be a plan to do so. He would re-examine the last Downtown Plan. It was just a plan. Most plans were never fully implemented. A plan contained ideas. The Council would need to set the priorities. City staff would work on same. He hoped to report back to the Council within thirty (30) days. He planned to reduce the controversy in order to have the community unify around the Downtown.

He would be meeting with the IL Environmental Protection Agency regarding water quality.

Public safety was key. Uniformed staff morale needed to be high. The City had the lowest crime rate. The City would collaborate with the Town of Normal regarding a northeast fire station.

Finally, the City would abandon managed competition. The City would focus on performance management.

ALDERMEN'S DISCUSSION: Alderman Fazzini addressed the importance of the Council's vote. The Council needed to complete the research, listen to everyone involved, and understand its role. He had attended Miller, Hall & Triggs' Elected Officials Municipal Law Seminar on Saturday, May 11, 2013. Dan Rutherford, State Treasurer, was the keynote speaker. He addressed the financial woes of the state and state pensions. Mr. Rutherford believed that good things were going to happen in the state. He attended sessions on available financing alternatives, bond issues, etc. He learned about what was happening in other cities. He had given the handout provided at the seminar to Mayor Renner.

He also informed the Council that three (3) potholes in his area had been addressed in seventy-two (72) hours. The pothole repair program was working.

Alderman Sage questioned emails that he had received regarding a position statement on state bills.

David Hales, City Manager, addressed the Council. The City was a member of the IL Municipal League, (IML). The IML watched proposed legislation. Information was provided regarding proposed bills that would preempt local authority. Recently, a bill was proposed that would preempt Council's authority to close a fire station. This dispute had occurred in the Chicago metro area due to consolidation. IML opposed this bill. He cited other bills which eroded revenue streams such as the Personal Property Replacement Tax. This action was taken by the General Assembly in order to fund Regional Offices of Education. IML has also opposed this type of bill. The IML encourages locally elected officials to contact their respective state legislators. He encouraged the Mayor and Council to be in contact with same. The General Assembly should not solve the state's financial issues on the back of cities.

Alderman Sage addressed project prioritization. This would take time and energy to accomplish. He expressed his disappointment in Springfield. The General Assembly kept placing the burden on local government.

Alderman Stearns recognized that the City would be receiving a recycling award, (2013 Outstanding Government Program Recycling Award from the IL Recycling Association). She encouraged the City to draft a press release. She added that recycling amounts had increased which she attributed to the new carts. The City was paid for recycling instead of paying the landfill.

Mr. Hales added that the award was from the IL Recycling Association. The City had made great strides in recycling. It had moved to single stream recycling with automated carts. He recognized the Public Works Department's staff and Midwest Fiber.

She also recognized the Public Works' crews street repair efforts.

Alderman Lower recognized the Boy Scouts who had attended this evening's meeting.

Motion by Alderman Fazzini, seconded by Alderman Stearns, that the meeting be adjourned. Time: 8:36 p.m.

Motion carried.

Tracey Covert
City Clerk

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