

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

The Council convened in regular Session in the Council Chambers, City Hall Building, at 7:00 p.m., Monday, May 12, 2014.

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, Joni Painter, Scott Black, Karen Schmidt, Jim Fruin and Mayor Tari Renner.

City Manager David Hales, City Clerk Tracey Covert, and Interim Corporate Counsel Jeff Jurgens 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. His employer did not limit his personnel/professional development. He cited Stephen Covey's 7 Habits of Highly Effective People: Powerful Lessons in Personal Change. The Council needed to be proactive and adopt a win win philosophy. The Council had become contentious. He encouraged them to read, study, learn and apply Covey's 7 Habits. The City needed a mission/solution orientation. Consideration should be given to the why with a focus on improvement. The Council needed to be more receptive and become a team.

The following was presented:

Introduction of Sue McLaughlin, Interim Asst. City Manager.

David Hales, City Manager, introduced Sue McLaughlin, Interim Asst. City Manager. Ms. McLaughlin had most recently served Lincoln, IL. She held an MPA (Masters – Public Administration). She would serve as a contract employee as the City was currently recruiting to fill the Asst. City Manager vacancy.

Ms. McLaughlin addressed the Council. She was pleased to be serving in a full service community. She held a bachelor's degree from Illinois State University. She was credentialed with the ICMA (International City Managers Association). She had ten (10) years of service in City administration. She enjoyed local government service.

Mr. Hales informed the Council that Ms. McLaughlin would oversee the following City departments: Water, Public Works, PACE and Parks, Recreation & Cultural Arts.

The following was presented:

Introduction of Nora Dukowitz, Communication Manager.

David Hales, City Manager, introduced Nora Dukowitz, Communication Manager. Ms. Dukowitz would serve as the City's first Communication Manager. This position was critical. He noted her past experience with the Town of Normal and at the City. Ms. Dukowitz would be charged with engaging the public at large.

Ms. Dukowitz addressed the Council. She had relocated to the City ten (10) years ago. She cited her past experience at the Town of Normal and with the City.

Alderman Stearns noted that Ms. Dukowitz had been employed in the City's Parks, Recreation & Cultural Arts Department. She questioned if the vacancy in that department would be filled.

Mr. Hales informed the Council that there were ongoing discussions with John Kennedy, Parks, Recreation and Cultural Arts Director.

The following was presented:

SUBJECT: Proclamation Declaring May 18 – 24, 2014 as National Emergency Medical Services Week

RECOMMENDATION: That the proclamation be made a matter of record.

BACKGROUND: The proclamations to be presented:

1. Declaring May 18 – 24, 2014 as National Emergency Medical Services Week.

Fire Chief Kimmerling and EMS Supervisor Cory Matheny will be in attendance to accept the proclamation.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

Recommended by:

Tari Renner
Mayor

Mayor Renner read and presented the National Emergency Medical Services Week Proclamation to Mike Kimmerling, Fire Chief and Cory Matheny, EMS Supervisor.

Motion by Alderman Fazzini, seconded by Alderman Fruin that the Proclamation be made a matter of record.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Special Meeting of April 21, 2014 and Council Proceedings of April 28, 2014

RECOMMENDATION/MOTION: That the reading of the minutes of the previous Special Meeting of April 21, 2014 and Council Proceedings of April 28, 2014 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 1d. City services delivered in the most cost-effective, efficient manner.

BACKGROUND: The Special Meeting Minutes of April 21, 2014 and the Council Proceedings of April 28, 2014 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 Fazzini, seconded by Alderman Fruin that the reading of the minutes of the previous Special Meeting of April 21, 2014 and Council Proceedings of April 28, 2014 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, Painter, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Bills and Payroll

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

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

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

BACKGROUND: The list of bills and payrolls will be posted on the City's website on May 8, 2014.

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 Fazzini, seconded by Alderman Fruin 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, Painter, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Appointments and Reappointments to Various Boards and Commissions

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

STRATEGIC PLAN LINK: Goal 4. Strong neighborhoods.

STRATEGIC PLAN SIGNIFICANCE: Objective 4e. Strong partnership with residents and neighborhood associations.

BACKGROUND:

I ask your concurrence in the appointment of:

- Fire Pension Board: Paulette Hurd of 311 Wilshire Dr., Washington, 61571. Her three (3) year term will expire April 30, 2017.
- Citizen's Beautification Committee: Robin VanDermay of 3011 Carlene Dr., 61704. Her three (3) year term will expire April 30, 2017; and Patricia Marton of 1114 E Grove St., 61701. Her three (3) year term will expire April 30, 2017.

- Cultural District Commission: Jamison ‘Jamie’ Mathy of 611 E. Washington St., 61701. His three (3) year term will expire April 30, 2017.

I ask your concurrence in the reappointment of:

- Bloomington-Normal Public Transit Board: Bill Wilson of 3 Gulf Pointe Cir., 61704. His four (4) year term will expire June 30, 2018.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Mayor contacts all recommended appointments.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by: Kathryn Buydos, Executive Asst.

Recommended by:

Tari Renner
Mayor

Mayor Renner introduced Paulette Hurd and Patricia Marton who were present at this evening’s meeting.

Motion by Alderman Fazzini, seconded by Alderman Fruin 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, Painter, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Ratification of Initial Contract with Local 193 of the International Alliance of Theatrical State Employees, Motion Picture Technicians, Artists and Allied Crafts of the United States and Canada, AFL-CIO (IATSE or Union)

RECOMMENDATION/MOTION: That the Contract be ratified.

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

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

BACKGROUND: On August 27, 2013, the City received notice that IATSE had filed a petition with the Illinois Labor Relations Board to organize the Bloomington Center for the Performing Arts (BCPA). On November 13, 2013, the City received notice that the certification had been approved by the Illinois Labor Relations Board with IATSE being the exclusive representative of all Stage Crew and Miscellaneous Technical Assistants at the BCPA. This includes approximately thirty-four (34) seasonal City employees. The City and IATSE began negotiations for the first Collective Bargaining Agreement on December 13, 2013. On April 29, 2014, the parties reached a tentative agreement. The union has ratified the contract. A draft of the new Collective Bargaining Agreement was provided to Council.

Wages

Existing Wages for Staff

Stage Crew I	\$9.00 to \$9.50 per hour
Stage Crew II	\$10.00 to \$10.50 per hour
Miscellaneous Technician	\$11.00 to \$12.00 per hour

Effective upon ratification wages will increase as follows:

Stage Crew	\$16.00
Crew Head, Up Rigger	\$17.00

Effective May 1, 2015

Stage Crew	\$17.00
Crew Head, Up Rigger	\$18.00

Effective May 1, 2016

Stage Crew	\$18.00
Crew Head, Up Rigger	\$19.00

* Wages negotiated for BCPA employees are below market for comparable employers.

Successors and Assigns Language

- Acknowledges the City right to sell, rent, assign or transfer operation of BCPA without duty to bargain.
- Collective Bargaining Agreement will be binding on its renter, lessee, assignee, successor or transferee as provided by existing successorship law.

Term of Agreement

- Three (3) year Agreement, expiring on April 30, 2017

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Council and City employees represented by IATSE.

FINANCIAL IMPACT: These employees only work when events are scheduled at the BCPA. It is important to note that only about one third of events requiring stagehand participation are BCPA sponsored events. Rentals currently account for the larger portion and costs and fees to the renter will be adjusted appropriately going forward. Stronger, more efficient management practices will be implemented to contain costs on all shows and rentals. The full tentative agreement was provided to the Council and contained detailed language and wage tables.

- Based on estimated number of events with BCPA sponsored shows (36) and stage rental usages (72) would currently cost \$70,000 in stagehand annual wages. With the new hourly rate negotiated we estimate the cost of stagehands annual wages to increase by \$43,400 in the first year of the contract, \$50,771 in the second year of the contract and \$58,017 in the third year of the contract. Rentals currently account for the larger portion and costs and fees to the renter will be adjusted appropriately going forward.
- No pension, annuity or health insurance benefits were negotiated.
- These employees will *not* be eligible for longevity increases.
- No leave time was negotiated.
- Establishment of minimum call times for Stage Crews.

Respectfully submitted for Council consideration.

Prepared by: Angie Brown, Human Resources Specialist

Reviewed by: Laurie Wollrab, Compensation and Benefits Manager
John Kennedy, Director of Parks, Rec. and Cultural Arts

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

Legal review by: Lisa Callaway, Clark Baird Smith, LLP
Rosalee Dodson, Asst. Corporation Counsel

Recommended by:

David A. Hales
City Manager

Motion by Alderman Fazzini, seconded by Alderman Fruin that the Contract be ratified.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Firehouse Software Cloud Services Upgrade

RECOMMENDATION/MOTION: That the five (5) year agreement with Xerox Government Systems, Fairfax, VA, a sole source provider, for the Firehouse Software solution upgrade and conversion to Firehouse Cloud Services with Firehouse Analytics be approved, in the amount of \$10,490.69 per year, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 1d. City services delivered in the most cost effective, efficient manner. Firehouse Software solution is used by the Fire Department to manage and report daily operations. It is a critical component of achieving the high level of customer service for which the department strives.

BACKGROUND: Firehouse Software solution has been in use in the Fire Department since 1997. The system is used to manage daily operations, collect data and provide both internal and federal and state mandated reports. The system is critical to the department's strategic goal of improving efficiency and response times. The current version of the software makes it difficult (if not impossible) to pull necessary data out of the system. The system is overdue for an upgrade.

The current infrastructure model involves onsite servers and databases managed by the Information Services (IS) Department. IS is responsible for managing and maintaining server hardware, operating systems, Firehouse databases and software itself, while also being responsible for creating and maintaining reports which pull data out of the system. This model creates significant workload for IS, which has caused delays in applying Firehouse updates and manipulating the system and data to provide information critical to fire operations.

In order to bring the Firehouse Software system up to date and also improve the ongoing maintenance of the system, City staff is recommending system migration to a cloud solution provided by Xerox Government Systems. Xerox is the sole provider of the hosted, cloud-based infrastructure for the Firehouse Software solution.

This migration would provide the following benefits:

- Free up IS staff time as ongoing upgrades and maintenance of the system would be handled by Xerox.
- Provide easy access to up to date versions of Firehouse Software in a timely manner while requiring less IS and Fire staff time during the update process.
- Allows use of Firehouse Analytics which provides real time information at a glance, giving immediate insight into staff training and equipment needs, turn out and reaction times, incident compliance rates, standards of coverage, and more.
- Provides access via a web browser, allowing secure access anytime from anywhere. Web based access will also provide a faster user experience from within the Fire vehicles.
- Data is still owned by the City, but housed in a Xerox secure data center.
- Data security measures and HIPPA compliance is managed by Xerox.

Staff has contacted the City's Firehouse account managers and asked for upgrade and cloud-based migration options and pricing. The following table shows annual pricing based on varying agreement term lengths.

Firehouse Cloud Services/Upgrade	Annual Cost	5 Year Total Cost
1 Year Agreement	\$27,039	\$135,195.00
3 Year Agreement	\$13,021	\$65,105.00
5 Year Agreement (recommended)	\$10,049	\$52,453.45

Staff is recommending the five (5) year agreement option in order to reduce administrative costs associated with managing the contract and to reduce real costs over the life of the agreement. Fire Administration is committed to the use of Firehouse software for at least the length of the five (5) year agreement.

Staff believes upgrading the Firehouse software and migrating to a Xerox cloud-based environment is the best way to ensure the Fire Department is provided the most up to date, technologically advanced system with which daily operations can be managed. This system will also help department staff to keep up with the rigorous reporting, compliance and operational requirements required.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The \$10,049 has been budgeted in the FY 2015 budget under Information Services - Repair/Maintenance Office and Computer Equipment (10011610 - 70530). Stakeholders can locate this in the FY 2015 Proposed Budget Book titled "Budget Overview & General Fund" on page 143.

Respectfully submitted for Council consideration.

Prepared by: Scott Sprouls, Director of Information Services

Reviewed by: Michael S. Kimmerling, Fire Chief

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Murillo

Legal review by: Jeffrey R. Jurgens, Interim Corporation Counsel

Recommended by:

David A. Hales
City Manager

(CONTRACT ON FILE IN CITY CLERK'S OFFICE)

RESOLUTION NO. 2014 - 19

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF FIREHOUSE SOFTWARE SOLUTION
UPGRADE AND CONVERSION TO FIREHOUSE CLOUD SERVICES WITH
FIREHOUSE ANALYTICS FOR THE FIRE DEPARTMENT FROM XEROX
GOVERNMENT SYSTEMS, FAIRFAX, VA, A SOLE SOURCE PROVIDER, AT A
PURCHASE PRICE OF \$10,490.69 PER YEAR FOR FIVE (5) YEARS**

Be It Resolved by the City Council of the City of Bloomington, Illinois,

1. That the bidding process be waived and the Purchasing Agent be authorized to Purchase a five (5) year agreement with Xerox Government Systems, Fairfax, VA, a sole source provider, for the Firehouse Software solution upgrade and conversion to Firehouse Cloud Services with Firehouse Analytics, a sole source provider, at a Purchase Price of 10,490.69 per year.

ADOPTED this 12th day of May, 2014.

APPROVED this 13th day of May, 2014.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Fazzini, seconded by Alderman Fruin that the five (5) year agreement with Xerox Government Systems, Fairfax, VA, a sole source provider, for the Firehouse Software solution upgrade and conversion to Firehouse Cloud Services with Firehouse Analytics be approved, in the amount of \$10,490.69 per year, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition submitted by Parkway Partners-One, Inc., requesting approval to Reinstate Preliminary Plan for the Parkway Village Phase 3 PUD Subdivision, located east of Mercer Ave., north of Ireland Grove Rd., and south of Veterans Pkwy.

RECOMMENDATION/MOTION: That the Reinstated Preliminary Plan for Parkway Village Phase 3 PUD Subdivision be approved.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 3d. Expanded retail businesses.

The expanded retail is adjacent to or near other retail and services. The new development will encourage the growth of nearby businesses. This is in addition to the benefits derived from the new businesses themselves that will be established.

BACKGROUND: The Preliminary Plan for this subdivision has expired and needs to be reinstated to enable the petitioner to request an amendment.

The reinstatement of the Preliminary Plan was before the Planning Commission for a public hearing and review on April 23, 2014. The petitioner explained what has been developed in the subdivision, how the economy is recovering, and that there is renewed interest. He stated upon receiving approval, they will be able reach one hundred percent (100%) preleasing. No one from the public spoke in favor of or opposition to the petition.

Staff reviewed the petition, concluded the reinstatement is necessary, and supports the petition.

The Planning Commission voted to recommend approval of the petition by a vote of 9 - 0.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with City Code. In accordance with the Zoning Code (Ordinance No. 2006-137), courtesy copies of the Public Notice were mailed to twenty-four (24) property owners within 500'. In addition, public notice/identification signs were posted on the property.

FINANCIAL IMPACT: There should be no financial impact on City revenues upon reinstatement of the Preliminary Plan. Once the land is developed, there will be an increase in property and sales tax revenues.

Respectfully submitted for Council consideration.

Prepared by: Mark Woolard, City Planner

Reviewed by: Frank Koehler, Interim Director - PACE

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: Jeffrey R. Jurgens, Interim Corporation Counsel

Recommended by:

David A. Hales
City Manager

Motion by Fazzini, seconded by Alderman Fruin that the Reinstated Preliminary Plan for Parkway Village Phase 3 PUD Subdivision be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition submitted by Parkway Partners-One, Inc., requesting approval of an Amended Preliminary Plan for the Parkway Village Phase 3 PUD Subdivision located east of Mercer Ave., north of Ireland Grove Rd., and south of Veterans Pkwy.

RECOMMENDATION/MOTION: That the Amended Preliminary Plan for the Parkway Village Phase 3 PUD Subdivision be approved, and the Ordinance passed.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 3d. Expanded retail businesses.

The expanded retail is adjacent to or near other retail and services. The new development will encourage the growth of nearby businesses. This is in addition to the benefits derived from the new businesses that will be established.

BACKGROUND: The amended Preliminary Plan for this subdivision includes several changed lot and building configurations but there are no new interior roads and there are no changes to the existing, adjacent public streets.

The amended Preliminary Plan was before the Planning Commission for a public hearing and review on April 23, 2014. The petitioner explained what has already been developed in the subdivision, how the economy is recovering and there is renewed interest. He stated upon receiving approval, they will be able reach one hundred percent (100%) preleasing. The City engineer explained that the two (2) detentions areas on the former plan will be combined into one (1). No one from the public spoke in favor of or opposition to the petition.

Staff reviewed the petition and concluded the changes proposed are minor, will not generate any nuisances or concerns, and supports the petition. The Planning Commission also thought the changes were minor and voted to recommend approval of the petition by a vote of 9 - 0.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with City Code. In accordance with the Zoning Code (Ordinance No. 2006-137), courtesy copies of the Public Notice were mailed to twenty-four (24) property owners within 500'. In addition, public notice/identification signs were posted on the property.

FINANCIAL IMPACT: There should be no financial impact on City revenues upon approval of the Amended Preliminary Plan. There will be an increase in property and sales tax revenues once the land is developed.

Respectfully submitted for Council consideration.

Prepared by: Mark Woolard, City Planner

May 12, 2014

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Reviewed by: Frank Koehler, Interim Director - PACE

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: Jeffrey R. Jurgens, Interim Corporation Counsel

Recommended by:

David A. Hales
City Manager

**PETITION FOR APPROVAL OF AN AMENDED PRELIMINARY PLAN FOR
PARKWAY VILLAGE PHASE 3 SUBDIVISION**

State of Illinois)
)ss.
County of McLean)

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

Now comes Parkway Partners-One, Inc., hereinafter referred to as your Petitioner respectfully representing and requesting as follows:

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

WHEREFORE, your Petitioner prays that the Preliminary Plan for the Parkway Village PUD plan amendment subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

PARKWAY PARTNERS-ONE, INC.

James L. Mann
Its President
Dated: April 1, 2014

ORDINANCE NO. 2014 - 41

**AN ORDINANCE APPROVING THE AMENDED PRELIMINARY PLAN
OF THE PARKWAY VILLAGE PHASE 3 SUBDIVISION**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition for approval of the Amended Preliminary Plan of Parkway Village Phase 3 Subdivision, legally described in Exhibit A attached hereto and made a part hereof by this reference;

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

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

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

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

1. That the Amended Preliminary Plan of the Parkway Village Phase 3 Subdivision and any and all requested exemptions and/or variations be, and the same is hereby approved.
2. That this Ordinance shall be in full force and effective as the time of its passage on this 12th day of May, 2014.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Commencing at the southwest corner of Section 11, T.23 N., R. 2 E. of the 3rd P.M.; thence N. 02°13'33" W, along the west line of said Section 11, 30.22 feet to the occupied north line of Ireland Grove Road; thence S. 85°06'12" E., along said occupied north line, 17.33 feet to the east

right-of-way line of Mercer Avenue; thence N. 45°00'19" W., along said east right-of-way line, 25.17 feet to a point lying 46.56 feet north of the aforesaid southwest corner of Section 11; thence N. 02°13'33" W., along the east right-of-way line of Mercer Avenue and the west line of Section 11, 494.93 feet to the southeasterly right of way line of Veteran's Parkway (U.S. Route 5); thence N. 88°13'06" E., along said right-of-way line 7.66 feet; thence N. 01°46'36" W., along said right-of-way line, 21.23 feet to a point lying 75.00 feet normal distance southeasterly of the surveyed centerline of said Veteran's Parkway; thence northeasterly along the southeasterly right-of-way line of said Veteran's Parkway, a curve to the left, convex to the southeast, with a radius of 4985.61 feet and an initial tangent bearing N. 63°27'23" E., a distance of 351.77 feet to the northwest corner of Lot 301, the true point of beginning; thence northeasterly along the southeasterly right-of-way line of said Veteran's Parkway, a curve to the left, convex to the southeast, with a radius of 4985.61 feet and an initial tangent bearing N. 63°27'23" E., a distance of 383.90 feet to a point on curve lying 75.00 feet normal distance southeasterly of said centerline; thence N. 57°38'41" E., along said southeasterly right-of-way line, 160.83 feet to a point lying 85.00 feet normal distance southeasterly of said centerline; thence northeasterly along the southeasterly right-of-way line of said Veteran's Parkway, a curve to the left, convex to the southeast, with a radius of 4985.61 feet and an initial tangent bearing N. 53°09'33" E., a distance of 253.61 feet to a point lying 85.00 feet normal distance southeasterly of said centerline; thence S 02°14'12" e., along said southeasterly right-of-way line, 6.30 feet to a point lying 90.00 feet normal distance southeasterly of said centerline; thence northeasterly along the southeasterly right-of-way line of said Veteran's Parkway, a curve to the left, convex to the southeast, with a radius of 5000.61 feet and an initial tangent bearing N. 50°17'40" E., a distance of 8.01 feet to a point on the west line of State Farm South Subdivision First Addition recorded on October 24, 2000 as document no. 200026512 in the McLean County Recorder's office; thence S. 02°10'33" E., along the west line of said addition, 775.01 feet to the northeast corner of Lot 201 in Parkway Village Phase 2 as recorded November 1, 2010 as document no. 201027103 in the McLean County Recorder's office; thence S. 87°49'27" W., along the north line of said subdivision, 185.37 feet; thence southwesterly along the northerly line of said Lot 201, on a curve to the left, convex to the northwest, with a radius of 150.00 feet, an arc length of 88.04 feet; thence southeasterly, along the northerly line of said Lot 201, on a curve to the right, convex to the southeast, with a radius of 150.00 feet, an arc length of 31.79 feet; thence N. 02°10'33" W., 271.80 feet; thence N. 31°08'07" W., 51.82 feet; thence S. 58°51'53" W., 278.47 feet to the southeast corner of Lot 103 in Parkway Village Phase 1, recorded March 23, 2009 as document no. 2009-8540, in said Recorder's office; thence N. 31°08'07" W., along the west line of said Lot 103, 210.70 feet to the point of beginning, containing 285,135 square feet (6.55 acres) more or less, all situated in the City of Bloomington, McLean County, Illinois.

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition from Parkway Partners-One, Inc., Requesting Approval of a Final Plat for the Parkway Village Phase 3 Subdivision, commonly located east of Mercer Ave., north of Ireland Grove Rd., and south of Veterans Pkwy.

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

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

STRATEGIC PLAN SIGNIFICANCE: Objective 5e. More attractive City: commercial areas and neighborhoods.

BACKGROUND: This subdivision is located south of Veterans Pkwy. and east of Mercer Ave. The Final Plat is in conformance with the amended Preliminary Plan to be approved by Council. This Final Plat is in preparation for a proposed retail strip mall along Veterans Pkwy. and a proposed restaurant north of the existing Residence Inn Hotel, already under construction.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Parkway Partners-One, Inc., and Landmark Engineering Group.

FINANCIAL IMPACT: The cost of all public improvements, platting, and recording will be borne by the petitioner.

Respectfully submitted for Council consideration.

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

Reviewed by: Sue McLaughlin, Interim Asst. City Manager

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: Jeffrey R. Jurgens, Interim Corporation Counsel

Recommended by:

David A. Hales
City Manager

PETITION FOR APPROVAL OF FINAL PLAT

State of Illinois)
)ss.
 County of McLean)

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

Now comes Parkway Partners-One, Inc., hereinafter referred to as your petitioners, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A which is attached hereto and made a part hereof by this reference, of is are) a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That your petitioner seeks approval of the Final Plat for the subdivision of said premises to be known and described as Parkway Village Phase 3 Subdivision;
3. That your petitioner also seeks approval of the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code, 1960: None.

WHEREFORE, your petitioner respectfully prays that said Final Plat for the Parkway Village Phase 3 Subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

By: James L. Mann
 Its President

ORDINANCE NO. 2014 - 42

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE
PARKWAY VILLAGE PHASE 3 SUBDIVISION**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for approval of the Final Plat of the Parkway Village Phase 3 Subdivision, legally described in Exhibit A attached hereto and made a part hereof by this reference; and

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

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

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

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

1. That the Final Plat of the Parkway Village Phase 3 Subdivision and any and all requested exemptions and/or variations be, and the same is hereby approved.
2. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 12th day of May, 2014.

APPROVED this 13th day of May, 2014.

APPROVED

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Commencing at the Southwest Corner of Section 11, T.23 N., R. 2 E. of the 3rd P.M.; thence N. 02°13'33" W, along the West Line of said Section 11, 30.22 Feet to the Occupied North Line of Ireland Grove Road; thence S. 85°06'12" E., along said Occupied North Line, 17.33 Feet to the East Right-Of-Way Line of Mercer Avenue; thence N. 45°00'19" W., along said East Right-Of-Way Line, 25.17 Feet to a point lying 46.56 Feet North of the aforesaid Southwest Corner of Section 11; thence N. 02°13'33" W., along the East Right-Of-Way Line of Mercer Avenue and the West Line of Section 11, 494.93 Feet to the Southeasterly Right Of Way Line of Veteran's Parkway (U.S. Route 5); thence N. 88°13'06" E., along said Right-Of-Way Line 7.66 Feet; thence N. 01°46'36" W., along said Right-Of-Way Line, 21.23 Feet to a point lying 75.00 Feet normal distance Southeasterly of the surveyed centerline of said Veteran's Parkway; thence Northeasterly along the Southeasterly Right-Of-Way Line of said Veteran's Parkway, a curve to the left, convex to the Southeast, with a radius of 4985.61 Feet and an Initial Tangent Bearing N. 63°27'23" E., a distance of 351.77 Feet to the Northwest Corner of Lot 301, the True Point of Beginning; thence Northeasterly along the Southeasterly Right-Of-Way Line of said Veteran's Parkway, a curve to the left, convex to the Southeast, with a radius of 4985.61 Feet and an Initial Tangent Bearing N. 63°27'23" E., a distance of 383.90 Feet to a point on curve lying 75.00 Feet Normal Distance Southeasterly of said Centerline; thence N. 57°38'41" E., along said Southeasterly Right-Of-Way Line, 160.83 Feet to a point lying 85.00 Feet Normal Distance Southeasterly of said Centerline; thence Northeasterly along the Southeasterly Right-Of-Way Line of said Veteran's Parkway, a curve to the left, convex to the Southeast, with a radius of 4985.61 Feet and an Initial Tangent Bearing N. 53°09'33" E., a distance of 253.61 Feet to a point lying 85.00 Feet Normal Distance Southeasterly of said Centerline; thence S 02°14'12" E., along said Southeasterly Right-Of-Way Line, 6.30 Feet to a point lying 90.00 Feet Normal Distance Southeasterly of said Centerline; thence Northeasterly along the Southeasterly Right-Of-Way Line of said Veteran's Parkway, a curve to the left, convex to the Southeast, with a radius of 5000.61 Feet and an Initial Tangent Bearing N. 50°17'40" E., a distance of 8.01 Feet to a point on the West Line of State Farm South Subdivision First Addition Recorded on October 24, 2000 as Document No. 200026512 in the McLean County Recorder's Office; thence S. 02°10'33" E., along the West Line of Said Addition, 775.01 Feet to the Northeast Corner of Lot 201 in Parkway Village Phase 2 as Recorded November 1, 2010 as Document No. 201027103 in the McLean County Recorder's Office; thence S. 87°49'27" W., along the North Line of said Subdivision, 185.37 Feet; thence Southwesterly along the Northerly Line of said Lot 201, on a curve to the left, convex to the Northwest, with a radius Of 150.00 Feet, an Arc Length Of 88.04 Feet; thence Southeasterly, along the Northerly Line of said Lot 201, on a curve to the right, convex to the Southeast, with a radius Of 150.00 Feet, an Arc Length Of 31.79 Feet; thence N. 02°10'33" W., 271.80 Feet; thence N. 31°08'07" W., 51.82 Feet; thence S. 58°51'53" W., 278.47 Feet to the Southeast Corner of Lot 103 in Parkway Village Phase 1, Recorded March 23, 2009 as Document No. 2009-8540, in said Recorder's Office; thence N 31°08'07" W., along the West Line of said Lot 103, 210.70 Feet to the Point Of Beginning, Containing 285,135 Square Feet (6.55 Acres) more or less, all situated in the City Of Bloomington, McLean County, Illinois.

P.I.N.

21-11-351-004

21-11-351-005

21-11-351-011

21-11-351-012

21-11-351-013

Motion by Alderman Fazzini, seconded by Alderman Fruin that the Final Plat be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Reappointment to Commission

RECOMMENDATION/MOTION: That the Reappointment be approved.

STRATEGIC PLAN LINK: Goal 4. Strong neighborhoods.

STRATEGIC PLAN SIGNIFICANCE: Objective 4e. Strong partnership with residents and neighborhood associations.

BACKGROUND:

I ask your concurrence in the reappointment of:

- Cultural District Commission: Karen Schmidt of 409 E. Grove, 61701. Her three (3) year term will expire April 30, 2017.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Mayor contacts all recommended appointments.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by: Kathryn Buydos, Executive Asst.

Recommended by:

Tari Renner
Mayor

Alderman Schmidt left the dais.

Motion by Alderman Black, seconded by Alderman Painter that the Reappointment be approved.

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

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

Nays: None.

Motion carried.

Alderman Schmidt returned to the meeting.

The following was presented:

SUBJECT: Intergovernmental Agreement with Illinois Department of Agriculture to Participate as a Pilot Location for the Forever Green Illinois Program

RECOMMENDATION/MOTION: That the Agreement 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; Goal 2. Upgrade City infrastructure and facilities; Goal 3. Grow the local economy; Goal 4. Strong neighborhoods; and Goal 5. Great place – livable, sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Objective 1e. Partnering with others for the most cost-effective service delivery; Objective 2d. Well-designed, well maintained City facilities emphasizing productivity and customer service; Objective 3a. Retention and growth of current local businesses; Objective 4d. Improved neighborhood infrastructure; and Objective 5e. More attractive city: commercial areas and neighborhoods.

BACKGROUND: The State of Illinois, through the Illinois Department of Agriculture (IDOA), has started a new pilot program – Forever Green Illinois Program – to maintain and improve the greenery on property owned or controlled by a local unit of government or the state. IDOA has selected the City to be a pilot location in the central portion of the state, partially due to the City's long standing recognition as a Tree City USA recipient.

IDOA desires to: 1.) assist the City in dealing with negative impacts on the community and private infrastructure from improperly maintained trees on public rights of way; 2.) assist the City in dealing with the aftermath of devastating invasive insect pests and plant disease infestations such as, but not limited to, the Emerald Ash Borer (EAB); 3.) promote and assist in establishing tree genus and species diversity to minimize potential future urban forest pest

impacts; and 4.) promote adoption of tree planting and maintenance programs for trees and other greenery intended to avoid future infrastructure damage from those plantings.

IDOA will solicit contractors to assist in the delivery of the Forever Green Illinois Program pilot projects involving the removal of inappropriately maintained trees on public rights of way and the planting of more appropriate trees and shrubs in those locations. IDOA contractors will be responsible for the safe and efficient removal of up to 150 trees per pilot project located on publicly owned property as selected by IDOA based off of information provided by the City. Tree removal shall include the grinding of resulting stumps to at least twelve inches (12”) below the ground surface. The contractor will be responsible for the proper disposal of all wood and tree debris resulting from the removal activity. The contractor shall also be responsible for the acquisition and planting of IDOA selected trees and/or shrubs into the same or similar location from whence the original trees were removed.

Only approved and credentialed contractors will be considered by IDOA.

City staff from the Parks, Recreation and Cultural Arts Department’s Park Maintenance Forestry Division will supply IDOA with a list of the top 150 problem trees on City owned property. The majority of these will be EAB infested trees needing removal. Some trees on this list may be causing other infrastructure problems that would require removal. City staff will also approve species chosen for planting of replacement trees and/or shrubs. The City shall be responsible for the removal and/or repair of any infrastructure that would be disturbed as a result of the tree removal or replanting. City staff will choose problem trees to be removed and replaced fitting criteria that will minimize this potential risk.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: IDOA.

FINANCIAL IMPACT: IDOA will be responsible for selecting and covering all contractor costs for this program. The City will not be responsible for funding this program.

Respectfully submitted for Council consideration.

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

Reviewed by: Sue McLaughlin, Interim Asst. City Manager

Financial & budgetary review by: Carla A. Murillo, Budget Manager

Legal review by: Rosalee Dodson, Asst. Corporation Counsel

Recommended by:

David A. Hales
City Manager

**INTERGOVERNMENTAL AGREEMENT BETWEEN THE
ILLINOIS DEPARTMENT OF AGRICULTURE
AND THE CITY OF BLOOMINGTON, ILLINOIS**

WHEREAS, the Illinois Department of Agriculture (“Department”), an agency of the State of Illinois, and City of Bloomington, Illinois (“Unit”), a unit of local government, desire to maintain and improve the greenery on property owned or controlled by the Unit or the State of Illinois.

WHEREAS, the Department desires to: (1) assist the Unit in dealing with negative impacts on its community and private infrastructure from improperly maintained trees on public rights of way; (2) assist the Unit in dealing with the aftermath of devastating invasive insect pests and plant disease infestations such as but not limited to the Emerald Ash Borer; (3) promote and assist in establishing tree genus and species diversity to minimize potential future urban forest pest impacts; and (4) promote adoption of tree planting and maintenance programs for trees and other greenery intended to avoid future infrastructure damage from those plantings.

WHEREAS, the Unit has been selected by the Department as a participant of the Forever Green Illinois Program.

NOW THEREFORE, the Department and the Unit, in consideration of the mutual covenants and agreements herein contained, hereby agree to exercise and enjoy jointly their respective powers, privileges and authorities pursuant to the Intergovernmental Cooperation Act (5 ILCS 220/1 et seq.), the Civil Administrative Code of Illinois (20 ILCS 205/205-103), and the Illinois Administrative Code (Forever Green Illinois Program, 8 Ill. Adm. Code 241) under the terms and conditions of this Intergovernmental Agreement (“Agreement”).

1. Records: The Unit shall maintain a prioritized list of problem trees and shall make this record available to the Department. As defined in the Illinois Administrative Code, “Problem Trees means trees located on property owned or controlled by the State or a unit of local government in a pilot project area that are currently damaging public or private infrastructure; are of ill health and are presently or may soon pose a threat to public safety; or are currently infested with an invasive insect pest or plant disease such as, but not limited to, the Emerald Ash Borer.” 8 Ill. Adm. Code 241.10.
2. Services: The Department shall review the Unit's prioritized list of problem trees, and the Department will determine the specific trees that will be removed. The Department will formulate a plan for removing the problem trees and planting new greenery.

The Unit agrees to allow the Department’s approved and credentialed contractors to remove up to 150 problem trees located on public property and to replace the removed trees with an appropriate combination of trees and/or other greenery from the following predetermined lists:

- a. “Increasing Tree Diversity in the Urban Landscape – Northern Illinois” (http://www.agr.state.il.us/eab/PDFs_for_web/Reforestation/Northern_IL.pdf);

- b. "Increasing Tree Diversity in the Urban Landscape – Central Illinois" (http://www.agr.state.il.us/eab/PDFs_for_web/Reforestation/Central_IL.pdf); and
- c. "Increasing Tree Diversity in the Urban Landscape – Southern Illinois" (http://www.agr.state.il.us/eab/PDFs_for_web/Reforestation/Southern_IL.pdf).

The Unit agrees to allow the Department's approved and credentialed contractors to place greenery on property owned or controlled by the City.

3. **Infrastructure Damage:** The Unit shall be responsible for the removal and/or repair of any infrastructure that would be disturbed as a result of the tree removal or greenery placement process, such as, but not limited to, utilities, sidewalks, pavement and curbing.
4. **Term:** Both the Unit and Department agree that the terms of this Agreement shall be in full force and effect until the Department and the Department's approved and credential contractors complete the project outlined in this agreement.
5. **Breach:** Failure of Unit to perform as specified is cause for immediate termination of this Agreement at the option of the Department, without limitation upon any other relief available to the State.
6. **Termination:** Both the Department and the Unit may terminate this Agreement without penalty upon 60 days written notice to the other party.
7. **Assignment:** This Agreement shall not be assigned or otherwise transferred without the prior written consent of the Department and upon such terms as required by the Department, nor shall the Unit utilize any subcontractor to perform the tasks set forth in this agreement.
8. **Fiscal Funding:** Obligations of the Department shall cease immediately and without penalty or the requirement of further payment if the Illinois General Assembly, federal funding source or other funding source fails to appropriate or otherwise make available sufficient funds for this Agreement.
9. **Force Majeure:** Failure by either party to perform its duties and obligations will be excused by unforeseeable circumstances beyond its reasonable control, including acts of nature, acts of the public enemy, riots, labor or material shortages, labor disputes, fire, flood, explosion, legislation, and governmental regulation.
10. **Non-Interference and Cooperation:** Unit shall do nothing to interfere with or prejudice the Department's right to recover damages or seek other relief against a third party, and shall furnish all reasonable assistance and cooperation to the Department in connection with any action by the Department against a third party.
11. **Applicable Law:** This Agreement is hereby made and must be performed in compliance with all applicable Federal, State and local laws. This Agreement shall be governed by and construed in accordance with Illinois law and administrative rule. To the extent permitted by law, venue shall lie in the Circuit Court of Sangamon County for any cause of action under the jurisdiction of the Illinois Circuit Court.

12. **Audit/Maintenance of Records:** The Unit shall maintain, for a minimum of five (5) years after the completion of this Agreement, adequate books, records and supporting documents to verify the amounts, recipients and uses of all disbursements of funds passing in conjunction with this Agreement and all books, records and supporting documents related to this Agreement shall be available for review and audit by the Auditor General; and the City agrees to cooperate fully with any audit conducted by the Auditor General and to provide full access to all relevant materials.
13. **Entire Agreement and Severability:** This agreement, including any addenda thereto, constitutes the entire agreement between the parties. Any modifications must be in writing signed by all parties. If any provision of this Agreement should be found illegal, invalid or void, said provision shall be considered severable. The remaining provisions shall not be impaired and the Agreement shall be interpreted to the extent possible to give effect to the intention of the parties.

CITY OF BLOOMINGTON, ILLINOIS ILLINOIS DEPARTMENT OF AGRICULTURE

BY: Tari Renner
Mayor

BY: _____
Robert F. Flider, Director

BY: Tracey Covert
City Clerk

BY: _____
Legal Counsel

DATE: May 13, 2014

DATE: _____

Alderman Stearns noted the question she raised and acknowledged John Kennedy's, Parks, Recreation & Cultural Arts Director, answers. She questioned if the program was limited to trees impacted by the Emerald Ash Borer (EAB).

John Kennedy, Parks, Recreation & Cultural Arts Director, addressed the Council. He noted that other problem trees could be included in the program. However, under the parameters of the agreement trees impacted by EAB would be considered critical. He added that outside contractors would be retained to perform all work under the agreement.

Alderman Stearns added that these contractors would also plant replacement trees.

Mr. Kennedy responded affirmatively. The goal was tree for tree replacement. The trees must be on City owned property.

Alderman Stearns addressed the Ginkgo tree located in the 400 east block of Taylor St. She believed that this tree had been planted in the parkway. She questioned if this tree would be considered a candidate under this program.

Mr. Kennedy responded negatively. This tree did not meet the Dept. of Agriculture's standards. The City had treated this tree and the results of same would be known come September/October 2014.

Motion by Alderman Stearns, seconded by Alderman Schmidt that the Agreement 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, Painter, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Suspension of Chapter 6 Section 26(d) to Allow Possession of Open Alcohol on Public Property for the WGLT Event June 14, 2014

RECOMMENDATION/MOTION: That the Ordinance be passed.

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

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

BACKGROUND: WGLT is sponsoring an outdoor summer concert in downtown Bloomington on Saturday, June 14, 2014. This will be the eleventh (11th) of what has become an annual event. The organizers have had beer and wine at the previous events and would like to have both available again this year. They would like the people who attend the event to be able to purchase a drink and move about freely within the designated event area rather than have a designated “beer garden”. Beer and wine would be sold only by Bill Hill, Inc., d/b/a Maguires, an existing liquor license holder, by an extension of premise for the event. Only beer and wine purchased from the event vendor can be consumed within the designated event area. Outdoor consumption would be allowed between 3:30 o’clock p.m. and 10:00 o’clock p.m.

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

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

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

Reviewed by: George Boyle, Asst. Corporation Counsel

Reviewed by: Kenneth Bays, Asst. Police Chief

Recommended by:

Tari Renner
Mayor

ORDINANCE NO. 2014 - 39

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

WHEREAS, WGLT will hold an outdoor concert in downtown Bloomington on June 14, 2014; and

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

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

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

Section 1: That Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, is suspended on the following dates during the following hours: June 14, 2014 between 2:30 o'clock p.m. and 11:00 o'clock p.m. for Jefferson Street between Main Street and the north/south alley between Center Street and Madison Street and on Center Street between Washington Street and the east/west alley between Jefferson Street and Monroe Street. This suspension shall be effective only as to persons inside the designated area only and for alcohol purchased from an event vendor within the designated area. No alcohol may be taken out of licensed premises into the designated area, notwithstanding the fact that the premises are operated by the event vendor.

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

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

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

PASSED this 12th day of May, 2014.

APPROVED this 13th day of May, 2014.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Mwilambwe left the dais.

Motion by Alderman Schmidt, seconded by Alderman Lower that the Ordinance be passed.

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

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

Nays: None.

Motion carried.

Alderman Mwilambwe returned to the dais.

The following was presented:

SUBJECT: Text Amendments, Chapter 21. Refuse.

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

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

STRATEGIC PLAN SIGNIFICANCE: Objective 5a. Well-planned City with necessary services and infrastructure.

BACKGROUND: Staff reviewed Chapter 21 of the City Code to ensure ordinances conform with current practices as well as Council policy and direction. Rationale for each amendment is explained below.

Section 200.4: Terms Defined.

Amendment to the definition of “Approved Refuse Container” establishes that wheeled carts and refuse bags are the primary containers accepted, unless collection occurs in a specially designated area in which the Public Works Director allows other containers due to conditions at the collection site. The current ordinance was passed while our refuse collection system was still under discussion. At that time, staff had anticipated a phased-in approach to automated refuse collection or a hybrid system where some routes remained under manual collection. The amendment clarifies the direction the Council and staff have taken for an all at once, Citywide rollout of automation in which areas without automated collection are an exception. It sets the cart as the norm but allows City-approved exceptions.

Under the definition of “Bulk Waste”, computers and televisions are specified as appliances that will not be collected at the curb.

Section 300.6, 600.2: Holiday Collection.

The Amendments specify the holidays in which refuse and recycling will not be collected. This is in keeping with requirements of state law.

Section 400.1: Preparation of Refuse.

This amendment addresses preparation of refuse, taking into account the switchover to carts.

Section 400.6: Elimination of Substandard Refuse Containers.

The ordinance is amended to accommodate the switchover to City-owned carts. It allows the City to charge for replacement cost if a user damages a cart or leaves it in an unsanitary condition that is unfit for pickup.

Section 500.6: Damage to Refuse Containers.

The amendment clarifies that a cart is the property of the City, not the person at whose address it is issued. A person may be fined and charged for the cost of a cart damaged through the user’s misuse.

Article VI: Recycling.

The Article has been amended to clarify and add description of recycling collection practices.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

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

Reviewed by: Sue McLaughlin, ICMA-CM, Interim Asst. City Manager

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

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

Recommended by:

David A. Hales
City Manager

ORDINANCE NO. 2014 - 40

**AN ORDINANCE AMENDING CHAPTER 21 OF THE BLOOMINGTON CITY CODE
RELATING TO REFUSE SERVICES**

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

SECTION 1: That Chapter 21, Section 200.4 of the Bloomington City Code, 1960, as amended, is further amended as follows:

Chapter 21: Section 200.4: Terms Not Defined.

~~Where terms are not defined through the methods authorized by this Section they shall have their ordinarily accepted meanings such as the context implies.~~

ANIMAL FECES: Solid waste excrement from animals.

APPROVED: Approved as applied to a device shall mean approved by the Code Official under the provisions of this Code, or approved by other authority designated by law to give approval in the matter in question.

APPROVED COMPOST BINS: Approved bins for composting include, and are limited to:

- (1) Snow Fence Bins;
- (2) Metal Bins;
- (3) Block or Brick Bins;
- (4) Wooden Bins;
- (5) Plastic Bins.

The compost bin is not to exceed thirty-six (36) square feet in area nor one hundred eight (108) cubic feet in volume.

APPROVED RECYCLE CONTAINERS: Wheeled carts of 65 gallons, 95 gallons or other volumes issued exclusively by the City of Bloomington Public Works Department and its designees and vendor for the sole purposes of recycling, and excluding blue, hand-carried bins previously issued by the City. The carts are issued to addresses and remain the property of the City of Bloomington. (Ordinance No. 2012 - 59)

APPROVED REFUSE CONTAINER: The term “approved refuse container” shall mean:

- (1) Wheeled garbage carts issued exclusively by the City through the Department of Public Works or its designee or vendor. These carts remain the property of the City of Bloomington and shall be used in locations designated by the City.

(2) Plastic refuse bags meeting specifications established by the Director of Public Works and approved by the City Manager. The bag, when placed for collection, shall not weigh more than 35 pounds and shall be sealed. Effective May 1, 2014, the bag shall be tagged with a city-approved sticker acknowledging purchase of the sticker from the City or a City-approved vendor.

(3) A heavy duty durable plastic container of not more than thirty/thirty-three (30-33) gallon capacity or a can made of galvanized iron or lined with galvanized iron of not more than thirty/thirty-three (30-33) gallon capacity. Each container shall be watertight, have a tight fitting cover and two (2) handles and, when full, shall not weigh more than thirty-five (35) pounds. Containers as described in this subsection (3), shall be used in a location deemed by the Director of Public Works to be unsuited for wheeled cart use. An area may be deemed unsuited for wheeled cart use where conditions in the collection area do not allow automated collection equipment to work effectively and efficiently.

~~(1) A can made of galvanized iron or lined with galvanized iron, of not more than thirty/thirty-three (30-33) gallon capacity, which is watertight, has a tight fitting cover and two (2) handles, or~~

~~(2) A heavy duty durable plastic container of not more than thirty/thirty-three (30-33) gallon capacity, which is watertight, has a tight fitting cover and has two (2) handles, or~~

~~(3) Plastic refuse bags meeting specifications established by the Director of Public Works and approved by the City Manager. (Ordinance No. 2012-59)~~

~~(4) Wheeled garbage carts issued exclusively by the City through the Department of Public Works or its designee or vendor. These carts remain the property of the City of Bloomington and may only be used in locations designated by the City. (Ordinance No. 2012-59)~~

~~(5) In certain areas of the City, or in the City as a whole, the City may mandate that City-issued wheeled carts be used for refuse and will be the exclusive issuer of the carts through the Department of Public Works and its designees and vendor. The City may prohibit use of any other containers, including those listed in (1), (2) and (3), in the areas affected. (Ordinance No. 2012-59)~~

BRUSH: Tree branches and/or trimmings, shrubbery branches and/or trimmings.

BUILDING: Interchangeable with structure.

BUILDING WASTE: All waste or residue resulting from building construction, reconstruction, repair, demolition, or replacement.

BULK WASTE: The following types of waste:

(1) Indoor furniture, including, but not limited to: bed springs, mattress, carpet, couch, chair, cushions;

(2) Car parts, including, but not limited to: wheel rims, hub caps, truck cap, junk metal, but **NOT** including batteries or tires;

(3) Other items exposed to the elements not designed for exterior use; or

(4) Firewood, etc. not neatly stacked eighteen (18) inches above the ground.

(5) Appliances, including, but not limited to: washers, dryers, refrigerators, freezers, stoves, and water heaters. Computers and televisions shall not be considered bulk waste and will not be collected by the City.

~~(1) Appliances, including, but not limited to: washer, dryer, refrigerator, freezer, stove, tv, water heater; or~~

~~(2) Indoor furniture, including, but not limited to: bed springs, mattress, carpet, couch, chair, cushions; or~~

~~(3) Car parts, including, but not limited to: wheel rims, hub caps, truck cap, junk metal, but **NOT** including batteries or tires; or~~

~~(4) Other items exposed to the elements not designed for exterior use; or~~

~~(5) Firewood, etc. not neatly stacked eighteen (18) inches above the ground. (Ordinance No. 2009-58)~~

CODE OFFICIAL: The official who is charged with the administration and enforcement of this Code or any duly authorized representative. The Director of Planning and Code Enforcement, the Director of Public Works Service, or their authorized representatives.

COMMERCIAL BUILDING: A building which is used for any commercial or industrial purpose whatever, and shall include hotel and motels.

COMPOSTING: The controlled decomposition of organic materials using aerobic bacteria.

DEBRIS: A generic term which includes rubbish, building waste, bulk waste, brush, garden waste and landscape waste.

DEPARTMENT: The Departments of Public Works and Planning and Code Enforcement of the City of Bloomington. (Ordinance No. 2012 - 59)

DIRECTOR: The Directors of Public Works and Planning and Code Enforcement of the City of Bloomington, or the authorized representative of either. (Ordinance No. 2012 - 59)

DWELLINGS: A building designed, arranged, used or intended to be used principally for residential occupancy (except a mobile home), including single-family, two-family and/or multi-family dwellings.

One-Family Dwelling (Single). A building containing no more than one (1) dwelling unit.

Two-Family Dwelling (Duplex). A building containing no more than two (2) dwelling units.

Multiple Family Dwelling. A building containing more than two dwelling units.

Rooming house. A building arranged or used for lodging, with or without meals, for compensation and occupied as a one-family dwelling and more than two (2) other unrelated by blood, adoption or marriage living in a dwelling unit.

EXTERIOR PROPERTY: The open space on the premises and on adjoining property under the control of owners or operators of such premises.

GARBAGE: Putrescible animal or vegetable waste resulting from the handling, preparation, cooking, and consumption of food; animal or vegetable products used as bait for hunting, fishing and trapping purposes; or animal carcasses of any size.

GARDEN WASTE: Remains of garden vegetation at the end of the growing season.

LANDSCAPE WASTE: Tree trimmings, grass clippings, leaves, flower trimmings, ornamental bush trimmings, house plant clippings and other vegetation trimmings.

LICENSED WASTE COLLECTOR: A person who obtains a license from the City of Bloomington to collect or transport public or private refuse over the streets of the City.

MOSQUITO HARBORAGE: Any land, vegetation, stagnant or fresh water (water standing in excess of five (5) days), or other condition which in the opinion of the Code Official constitutes a breeding area for mosquitoes.

OCCUPANT: Any person living or sleeping in a building; or having actual possession of a space within a building.

OPERATOR: Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER: Any person, agent, operator, firm, or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person.

PERSON: An individual, corporation, partnership or any other group acting as a unit; except that for purposes of defining a dwelling unit, or occupancy limits, "person" shall be defined as an individual.

PREMISES: A lot, plot or parcel of land, if any, including the buildings or structures.

PUBLIC NUISANCE: Includes the following:

- (1) The physical condition, or use of any premises regarded as a public nuisance at common law; or
- (2) Any condition or action declared to be a public nuisance by any provision of the Bloomington City Code ~~other than this Article~~; or
- (3) Any premises which are unsanitary, or which are littered with animal feces, or which are littered with garbage and/or debris, or which has an uncontrolled growth of weeds, grass and/or other vegetation, or has improperly maintained vegetation, or has conditions which constitutes a mosquito harborage; or
- (4) Any premises which has garbage and/or debris stored in such a manner, number or quantity that it has a potential of becoming an insect or rodent harborage or has an adverse or degrading effect on the surrounding areas or neighborhoods.

PUBLIC WAY: Any street, alley or other parcel of land open to the outside air leading to a public street, which has been deeded, dedicated or otherwise permanently appropriated to the public for public use and which has a clear width and height of not less than ten (10) feet (3048 mm).

RECYCLABLE MATERIALS: Aluminum and steel cans, glass bottles and jars, plastic bottles (#1 & #2), food boxes, cardboard and paper collected for the purposes of recycling. (Ordinance No. 2012 - 59)

REFUSE: The entire scope of several categories of natural and man-made waste including garbage and debris.

REFUSE CODE: The Refuse Code officially adopted by the City Council, or other such Codes officially designated by the City Council for the regulation of refuse collection and enforcement.

REFUSE COLLECTOR: An employee of the City of Bloomington assigned to pick up refuse or any person, including any employees, authorized by the Director of Public Works to pick up recyclable materials. (Ordinance No. 2012 - 59)

RUBBISH: Combustible and noncombustible waste materials, except garbage, and the term shall include the residue from the burning of wood, coal, coke, and other combustible materials, paper, rags, bedding, cartons, boxes, wood, excelsior, rubber, leather, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

SOLID WASTE: The entire scope of several categories of natural and man-made waste including garbage and debris.

STREET: All publicly dedicated streets in the City of Bloomington. ~~Where refuse collection authorized by Section 300.1 of this Code may not be conveniently conducted from publicly~~

~~dedicated street, “street”~~ “Street” shall also include streets in a mobile home park which possess the following characteristics:

- (1) pavement of not less than ten (10) feet in width;
- (2) freedom from all obstructions not less than two (2) feet on each side of the pavement;
- (3) absence of overhanging tree limbs which could interfere with any City refuse collection vehicle;
- (4) configuration which allows City refuse collection vehicles convenient ingress and egress.

STRUCTURE: That which is built or constructed, including without limitation because of enumeration, buildings for any occupancy or use whatsoever, fences, signs, billboards, fire escapes, railings, water tanks, towers, open grade steps, sidewalks or stairways, tents or anything erected and framed of component parts which is fastened, anchored or rests on a permanent foundation or on the ground.

TREE EXPERT: For purposes of this Chapter, a “tree expert” means any person, partnership, corporation, firm or any other entity of any description who trims or removes trees or stumps for hire.

YARD: An open space on the same lot with a building extending along the entire length of a street, or rear or interior lot line. (Ordinance No. 2003 - 91)

SECTION 2: That Section 300.6 of Chapter 21 of the Bloomington City Code, 1960, as amended, is further amended as follows:

Chapter 21: Section 300.6: Holiday Collection.

(a) The City will not collect refuse on the following designated holidays: New Year’s Day, Martin Luther King Jr. Day, Good Friday, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Day After Thanksgiving, Christmas Eve and Christmas Day.

(b) The City will designate alternate days on which refuse not collected on a holiday will be collected.

~~(a) The City shall collect garbage on all holidays which fall within the weekly calendar for collection, except Christmas.~~

~~(b) Garbage shall not be collected on Christmas, but shall be collected on the following day in which garbage is collected.~~

SECTION 3: That Section 400.1 of Chapter 21 of the Bloomington City Code, 1960, as amended, is further amended as follows:

Chapter 21: Section 400.1: Preparation of Refuse.

(a) Garbage and Applicable Debris. All garbage and applicable debris shall be placed in approved refuse containers as that term is defined in Section 200.4 of this Chapter. ~~in quantities not exceeding thirty-five (35) pounds unless the City indicates otherwise for a specific location and issues a wheeled cart for the location. (Ordinance No. 2012-59)~~

(b) Brush not in approved refuse containers shall be cut in lengths not to exceed six (6) feet in length and stacked neatly for collection.

(c) Bulk waste shall be prepared so as not to be a hazard. Doors must be removed from refrigerators, and other large appliances.

(d) City residents not acting in a capacity of contractor may take appliances to the City's Drop-off Center at the southeast corner of East and Jackson streets. Doors must be removed from refrigerators, and other large appliances.

SECTION 4: That Section 400.6 of Chapter 21 of the Bloomington City Code, 1960, as amended, is further amended as follows:

Chapter 21: Section 400.6: Elimination of Substandard Refuse Containers.

(a) City collectors shall have the authority to condemn defective refuse containers. A container may be considered defective if it:

(1) has no cover or the cover fits so badly as to allow insects or animals access to the contents;

(2) has no handles or the handle is broken;

(3) has any holes in the top, side or bottom;

(4) has ragged or sharp edges or any other defect liable to hamper or injure a refuse collector; or

(5) is in an unsanitary condition.

(b) A container may be condemned by placing a red tag or sticker on it in a conspicuous place. If such container is defective according to subsection (a)(1), (2), (3) or (4)₁ above, and is not a City-owned wheeled cart, it shall be replaced by the refuse service user prior to the next scheduled collection of refuse. If the container is a City-owned wheeled cart, it shall be replaced by the City. If such container is defective according to subsection (a)(5)₁ above, it shall be cleaned by the refuse service user or his designee prior to the next scheduled refuse collection.

(c) Any condemned container not replaced or cleaned pursuant to subsection (b)₁ above, shall be collected with the refuse at the next scheduled refuse collection. The City shall not be held liable for the collection of any defective container. Upon replacement of an unsanitary City-owned cart, the refuse service user may be charged a replacement cost. The user also may be charged

for replacement of a defective City-owned cart and fined as provided in Section 500.6 if the user damages the cart.

(d) Any person may dispute the condemnation of a container by calling the Director of Public Works, whose judgment shall be final. Failure to contact the Director within twenty-four (24) hours of condemnation shall constitute an admission that the container was defective.

SECTION 5: That Section 500.6 of Chapter 21 of the Bloomington City Code, 1960, as amended, is further amended as follows:

Section 500.6: Damage to Refuse Containers.

(a) A person commits the offense of damage to refuse containers if he:

(1) damages, defaces, or renders fit for condemnation; any refuse container other than his own. A City-issued wheeled cart remains the property of the City, rather than the property of the owner of the premises to which it has been issued.

(2) allows an animal he owns to render fit for condemnation, tear, or rip any collectible refuse container not his own.

(b) Failure of an owner to keep any owned animal on his own property or on a leash shall be deemed prima facie evidence of consent of any acts of such animal as outlined in subsection (a)(2) above.

(c) The offence of damage to a refuse container is punishable by:

(1) A fine of from \$50.00 to \$500.00 for each container damaged; and

(2) payment of the replacement cost of each damaged container.

SECTION 6: That Chapter 21, Article VI of the Bloomington City Code, 1960, as amended, is further amended as follows:

Article VI: Recycling

Section 600.1: Scope of Services.

Recycling is encouraged in the City of Bloomington. This Section will serve to establish approved containers and locations for storing recyclable materials prior to collection. (Ordinance No. 1995 - 63)

(a) The City shall provide curbside recycling collection service from residential buildings every other week on the day of the week serving the residences according to a collection schedule established by the Director of Public Works.

- (b) Notwithstanding the provisions of subsection (a), above, the City will not provide curbside recycling collection within the Downtown Service Area. For purposes of this Section, the Downtown Service Area is defined as the area from Madison Street west to East Street, from Front Street north to Locust; and Front Street from East Street to Prairie Street.
- (c) The City may provide recycling collection services additional to those described in subsection (a), above, at the discretion of the Director of Public Works.

Section 600.2: Approved Recycle Containers.

Wheeled carts of 65 gallons, 95 gallons or other volumes issued exclusively by the City of Bloomington Public Works Department and its designees and vendor for the sole purposes of recycling, and excluding blue, hand-carried bins previously issued by the City. The carts are issued to addresses and remain the property of the City of Bloomington. (Ordinance No. 2012 - 59)

Section 600.3: Holiday Collection.

(a) The City will not collect recycling on the following designated holidays: New Year's Day, Martin Luther King Jr. Day, Good Friday, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Day After Thanksgiving, Christmas Eve and Christmas Day.

(b) The City will designate alternate days on which recycling not collected on a holiday will be collected.

~~Section 600.3 : Location of Recycle Containers.~~

~~All recycle containers shall be stored on the owner's premises, screened so as to prevent their being viewed from the street. (Ordinance No. 1995-63)~~

Section 600.4: Storage of Recycling

- (a) Except for a period of time beginning at 2:00 P.M. on the day prior to the scheduled collection day and ending at 9:00 A.M. on the day following the collection day, all recycling containers shall be stored on the owner's premises, screened so as to prevent their being viewed from the street.
- (b) Recycling stored on the exterior of any property must be stored in either a City-issued wheeled cart or in a watertight container with a tight-fitting cover. Recycling stored on the exterior of the property shall not be stored in plastic or paper bags of any kind.

~~Section 600.4: Violation of this Section.~~

~~A person is in violation of the Recycling section of this Chapter if recyclable material is stored or located other than in accordance to the provisions of this Section.~~

Section 600.5: Placement of Recycling for Collection.

(a) Street Collection. Where street pick up is authorized in this Chapter, recycling may be placed in the parkway or on the curb no earlier than 2:00 P.M. on the day prior to the scheduled collection day. All recycling shall be placed as too not create a hazard to pedestrian and vehicular traffic. Placement of recycling on the owner's property shall constitute authorization for recycling collectors to enter onto said property for the purpose of collecting recycling deposited thereon.

(b) Alley Collection. Where alley pick up is authorized under this Chapter, all recycling to be collected shall be placed within five (5) feet of the alley, or in the alley, in such a manner as to be readily collectible and not a hazard to pedestrian or vehicular traffic. Placement of recycling on the owner's property shall constitute authorization of recycling collectors to enter onto said property for the purpose of collecting recycling deposited thereon.

(c) The City will not be required to take recycling that has not been placed in the appropriate collection area on or before 6 A.M. on the scheduled collection day.

Section 600.6: Condition of Containers.

All recycling containers shall be kept in a safe, clean and sanitary condition.

Section 600.7: Elimination of Substandard Recycling Containers.

(a) City collectors shall have the authority to condemn defective recycling containers. A container may be considered defective if it;

(1) has no cover or the cover fits so badly as to allow insects or animals access to the contents;

(2) has no handle or the handle is broken;

(3) or has any holes in the top, side or bottom;

(4) has ragged or sharp edges or any other defect liable to hamper or injure a recycling collector;
or

(5) is in an unsanitary condition.

(b) A container may be condemned by placing a red tag or sticker on it in a conspicuous place. If such container is defective according to subsection (a)(1), (2), (3) or (4) above it shall be replaced by the City. If such container is defective according to subsection (a)(5) above, it shall be cleaned by the recycling service user or his designee prior to the next scheduled recycling collection.

(c) The user may be fined or charged for replacement of a condemned City-owned cart according to subsection (a) (1), (2), (3) or (4) if there is clear evidence of abuse of the equipment or negligent misuse of the equipment by the user, as provided in Section 600.9(c) of this Chapter.

(d) Any condemned container not cleaned pursuant to subsection (b), above, shall be collected with the recycling at the next scheduled recycling collection. Upon replacement of an unsanitary City-owned cart, the recycling service user may be charged a replacement cost for issuance of a new wheeled recycling cart.

(e) Any person may dispute the condemnation of a container by calling the Director of Public Works, whose judgment shall be final. Failure to contact the Director within twenty-four (24) hours of condemnation shall constitute an admission that the container was defective.

Section 600.8: Damage to Recycling Containers.

(a) A person commits the offense of damage to recycling containers if he:

(1) damages, defaces, or renders fit for condemnation, any City-issued, City-owned wheeled recycling cart.

(2) allows an animal he owns to render fit for condemnation, tear, or rip any City-issued, City-owned wheeled recycling cart.

(b) Failure of an owner to keep any owned animal on his own property or on a leash shall be deemed prima facie evidence of consent of any acts of such animal as outlined in subsection (a)(2), above.

(c) The offence of damage to a recycling container is punishable by:

(1) A fine of from \$50.00 to \$500.00 for each container damaged; and

(2) payment of the replacement cost of each damaged container.

Section 600.9: Violation of this Section.

A person is in violation of the Recycling section of this Chapter if recyclable material is stored or located other than in accordance with the provisions of this Section.

SECTION 7: Except as provided herein, the Bloomington City Code, 1960, as amended, shall remain in full force and effect.

SECTION 8: The City Clerk is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 9: This Ordinance shall be effective ten (10) days after the date of its publication.

SECTION 10: This Ordinance is adopted pursuant to Home Rule Authority granted the City of Bloomington by Article 7, Section 6, of the Illinois Constitution.

PASSED this 12th day of May, 2014.

APPROVED this 13th day of May, 2014.

APPROVED

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Stearns had questions regarding toters. She expressed her confusion regarding how the citizens could be held responsible for same. The City owned the toters. The toters could be stolen and/or damaged. She questioned the responsible party. She also noted that there was some type of sticker replacement process underway.

Jim Karch, Public Works Director, addressed the Council. He informed them that the thirty-five (35) gallon toters needed to be tagged. The manufacturer was installing same in the field after toters delivery. Toters were City property. Residents can be fined for malicious damage. He acknowledged that toters could be carried away by the wind. City staff encouraged property owners to search for a missing toters. There have been times when toters have been replaced at no charge.

Alderman Stearns questioned conflict. Mr. Karch acknowledged that there was the possibility for same. The City Code did not include mediation. Alderman Stearns expressed her opinion that there needed to be a process which would address conflict. She was concerned about same.

David Hales, City Manager, addressed the Council. A mediation process was a good idea. He requested that the Council allow staff discretion to address same. The City needed to balance customer service versus a City asset. City staff has done a good job to date and had also established good work practices. Additional processes could be developed if needed.

Motion by Alderman Schmidt, seconded by Alderman Painter that the Text Amendment be approved and the Ordinance be passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Presentation by Illinois Wesleyan University (IWU) Action Research Center regarding Tax Increment Finance (TIF) Analysis for West Bloomington

RECOMMENDATION/MOTION: Presentation only.

STRATEGIC PLAN LINK: Goal 2. Upgrade City infrastructure and facilities; Goal 3. Grow the local economy; Goal 4. Strong neighborhoods; and Goal 5. Great place – livable, sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Objective 2a. Better quality roads and sidewalks; Objective 3c. Revitalization of older commercial homes; Objective 4b. Upgrade quality of older housing stock; Objective 4c. Preservation of property/home values; Objective 4d. Improved neighborhood infrastructure; Objective 4e. Strong partnership with residents and neighborhood associations; and Objective 5b. City decisions consistent with plans and policies.

BACKGROUND: The City hosted an informational presentation on Monday, August 19, 2013 at 6:30PM for local neighborhood associations and individuals interested in revitalization efforts. The event, which was held at City Hall, helped attendees learn how to use TIF district as a tool to help stimulate the redevelopment of older residential areas. Throughout Central Illinois, there are numerous examples whereby communities utilize TIF districts to promote stronger neighborhoods. Representatives from Peoria, Decatur and Springfield were among a group of experienced panelists who presented on this topic at the Illinois Tax Increment Association's Spring 2013 Conference and Workshop in Peoria, IL. Through a public forum, that knowledge was made available to Bloomington-Normal area residents and neighborhood organizations.

Attendees listened to keynote speaker Steve Combs, Enos Park Neighborhood Improvement Association President, as he shared his experiences related to the creation and implementation of a TIF which encompasses the historic and residential district of Enos Park in Springfield, Illinois. Mr. Combs explained initial challenges with establishment and execution of the TIF, subsequent strategies and continual development of a partnership with Springfield. During the event, participants heard first hand examples of the Association's coordinated efforts which led to dozens of notable achievements including the acquisition of sixty-nine (69) properties, creation of a sculpture studio and architectural salvage store, installation of gateways, gardens and signage, and the enactment of both coordinated walking tours and a residential police officer program.

As a direct result of this presentation, representatives from the West Bloomington Revitalization Project (WBRP), along with City staff, desired to further research the use of TIF districts as they pertain to redevelopment efforts in Central Illinois. As such, four (4) interns were identified through the IWU Action Research Center. Over the course of the spring 2014 semester, these students, along with assistance from IWU faculty and staff and various community groups, examined the TIF tool and its potential use within the City. The presentation given during the Council's May 12, 2014 meeting serves to provide a summary of the findings. The Council was provided with a copy of the study.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: WBRP, West Bloomington Housing Coalition, Mid-Central Community Action, McLean County Regional Planning Commission, faculty, staff and interns from IWU and Illinois State University

FINANCIAL IMPACT: No funding is being requested at the current time. Should the Council determine that a TIF district can be utilized as an effective tool to stimulate housing and commercial development within West Bloomington, TIF law requires that the process be initiated by a feasibility study, a procedure which could cost approximately \$30,000; Economic Development-Other Professional & Technical Services (10019170 – 70220) contains \$45,000 for such activities in FY 2015. Stakeholders can locate this in the FY 2015 Proposed Budget Book titled "Budget Overview & General Fund" on page 319.

Respectfully submitted for Council consideration.

Prepared by: Justine Robinson, Economic Development Coordinator

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Discussion only:

David A. Hales
City Manager

David Hales, City Manager, introduced this item. He cited the Enos Park project as an example.

Justine Robinson, Economic Development Coordinator, addressed the Council. She noted that a number of resident groups located in west Bloomington had expressed an interest in TIF (Tax Increment Financing) District. This area had received a \$1.5 million grant from the Illinois Attorney General's Office. The goal was to leverage this grant. Residents were interested in a grocery store, sidewalks, etc. She cited CIRBN, (Central IL Regional Broadband Network), as an opportunity for this area of the City. Illinois Wesleyan University's (IWU) Action Research Center had offered the City student interns. A TIF could be leverage to have a positive impact upon development. She recognized the

team members: Megan Rogers, Jonathon Bates, Xinlin Xu, and Jamal Smith. Mr. Bates and Mr. Smith would make the presentation to the Council.

Jamal Smith, IWU Action Research Center Intern, addressed the Council. The first question addressed as part of the research regarding a west Bloomington TIF District was should a TIF be used as a means to stimulate economic development. He cited the various working relationships within the City and community groups. Other key questions were generally was TIF a good tool, what were the factors for success, and location. West Bloomington was compared to other Central IL cities. There was no universal model for a TIF. There were a few key factors.

Mr. Smith presented an overview of TIF Districts. The EAV (Equalized Assessed Value) was measured to determine the base EAV. TIF Districts have a twenty-three (23) year life. All taxing bodies under the TIF collect property taxes on the base EAV. Any growth in EAV is deposited in the TIF fund for development uses. The goal of a TIF was greater property values which would result in additional tax revenues. There had been academic research done regarding TIF. A review of these studies was completed and the results were inconclusive. A TIF needed to be managed.

Mr. Smith informed the Council that the study looked at other Central IL cities of similar size and resources. The results were mixed. The City of Springfield had two (2) success stories. The successful TIFs were commercial districts in areas that were under developed. Smart investments were made in these TIFs. In all the study reviewed twenty-six (26) TIF Districts. Fifteen (15) of them had seen an increase in EAV while eleven (11) had seen a decline in EAV. There was risk involved but there was great potential to see positive results. He addressed what could go wrong and stressed the importance of smart, targeted investments. The project should address needs that would not be possible without a TIF. A TIF should not cause a negative impact upon other areas of the city. He stressed the importance of careful management of a TIF.

Jonathon Bates, IWU Action Research Center Intern, addressed the Council. He presented a map of the West Bloomington area. He noted that this map was of the West Bloomington Revitalization Project's (WBRP) boundaries. He noted the percentage of rental residential properties. He also presented demographic information for the area compared to McLean County, (i.e. education level, labor force, owner occupied, and household income). This area of the City needed revitalization. He cited WBRP's goals which addressed economic development, housing, youth, education, greening, and safety & wellbeing. A TIF District would address these goals. TIFs have been used to improve infrastructure, housing and community greening.

He informed the Council that the West Bloomington Housing Coalition (WBHC) had received \$1.5 million housing grant. Mid Central Community Action plan to rehab and sell thirteen (13) homes; Habitat for Humanity planned to build at least three (3) new homes and WBRP planned to complete minor repairs and rehab twenty (20) owner occupied homes. He addressed Springfield's Enos Park neighborhood. He cited the efforts made in the areas of infrastructure, sidewalks, street lighting, and trees. Sixty-nine (69)

properties were acquired. Some home were renovated while others were demolished. The establishment of a successful West Bloomington TIF District would involve a mixed district, (i.e. commercial and residential). It would need investments from the public and private sector. The City's focus would be on infrastructure. He cited the demographics of the targeted area. With careful management and a good strategic planning, a TIF could be successful. Finally, he addressed next steps which would begin with communication to involve local stakeholder and overlapping taxing bodies such as District 87. He thanked the Council for the opportunity to address them.

Alderman Schmidt thanked the students for their efforts. She noted that their report addressed the pros and cons of a TIF. She added that there was a specific map for the Downtown TIF. She believed that a TIF could be more strategic and project based.

Mr. Smith noted that there needed to be some boundaries when establishing a TIF.

Alderman Stearns stated that the report was well done. She expressed her appreciation to the students. She had also researched TIF Districts. She questioned if there had been a review of the Downtown TIF and any change to the Downtown's EAV.

Mr. Smith acknowledged that he was familiar with this TIF. There were a variety of opinions regarding same.

Alderman Stearns had never seen the EAV figures. She questioned if there had been a change to the Downtown's EAV.

Alderman Schmidt believed that the Council had been provided with this information. Mike Ireland, former Township Assessor, had prepared the information. She believed that this information had been included in the Downtown Plan.

Alderman Stearns believed that these figures would be good information to have. She stressed that there were advantages and disadvantages to TIF Districts. She noted the endorsement of a TIF for West Bloomington.

Mr. Smith stated that further consideration of a TIF for West Bloomington would commence with a feasibility study. West Bloomington was well positioned for a TIF.

Alderman Stearns believed that it would be difficult to forecast the success of such a TIF.

Alderman Painter expressed her appreciation to the students. She questioned public engagement.

Ms. Robinson noted that public engagement would be a question for the Council. At this time, she questioned if the Council was interested in moving forward. IWU Action Research Center could provide student interns next semester to address marketing

strategies. The processes needed to be transparent. It would be important to have all interested parties at the table.

Alderman Black thank the students for their efforts. At a high level, he questioned if there were trends regarding TIF and EAV. He also questioned what traits and/or characteristics led to success and/or failure.

Mr. Smith believed that successful TIF started with a small commercial development. This development needed to be something new. TIFs that had failed made poor investments, spent too much money, etc. For unsuccessful TIFs, there were a number of reasons why they failed. He cited an office building in the City of Springfield that had questionable approval.

Alderman Black restated his appreciation for the students' effort. The City would be able to build on their report.

Alderman Fazzini informed the Council that he had attended a seminar regarding financing in IL. TIF from four (4) other states were studied. Two (2) key factors determined a TIF success: 1.) management of the TIF once established and 2.) a solid business plan for success. A TIF District needed to be broad and kept fairly simple.

Alderman Lower thanked the students for their presentation. He questioned if they had analyzed crime data both before and after a TIF. He questioned if foreclosure rates had been examined.

Mr. Smith responded negatively.

Alderman Lower expressed his opinion that TIF raised property values which resulted in higher property taxes without raising the property owner's income. TIF artificially raised EAV.

Alderman Mwilambwe thanked the students for their efforts. He questioned if the City had any sense of the other taxing bodies reaction to this TIF.

Mayor Renner informed the Council that he had spoken with Barry Reilly, District 87's Superintendent, approximately a year ago. The City needed to be strategic.

Alderman Mwilambwe cited gentrification as a potential TIF concern.

Mr. Smith noted that some had thought about same. He cited Alderman Lower's comments. TIFs were not a be all end all. Other projects would be needed. He restated that the research focused on commercial TIFs. There were some residential TIFs which had focused on streetscaping. West Bloomington would include both.

Mayor Renner thanked all of the groups that had been involved in this project. He looked forward to continued discussion.

The following was presented:

SUBJECT: Locust St. Combined Sewer Overflow (CSO) Elimination and Water Main Replacement Phase 2 Construction Budget

RECOMMENDATION/MOTION: That this project be conceptually approved for the State Revolving Loan Fund.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 2b. Quality water for the long term; 2c. Functional, well maintained sewer collection system; and 5a. Well-planned City with necessary services and infrastructure.

BACKGROUND: In compliance with Illinois Environmental Protection Agency (IEPA) policy for control of CSO, the City developed a Long Term Control Plan (LTCP) to identify CSO locations as a tool to work toward elimination of CSOs within the City's sewer system. Of the seven (7) CSO locations originally identified, the only remaining locations are at Locust St., Colton Ave., and Maizefield Ave. The Colton CSO has been temporarily sealed off with sandbags for the past several years. The Maizefield CSO location is currently under a professional services contract to determine the most cost effective means of eliminating that CSO.

This Locust St. CSO Elimination and Water Main Replacement Phase 2 project includes installation of new sanitary sewer main to separate storm and sanitary flow in the Locust/Colton sewershed. It also includes installation of a new water main to upgrade the water system within the construction limits. Moore and Warner Streets will receive new curb and gutter along with a new hot mix asphalt street. Washington St., Mercer Ave. and Grove St. will be resurfaced in the areas impacted by the construction, but will not receive new curb and gutter except in those areas impacted by construction.

On June 10, 2013, Council approved a design contract for \$285,355 with Clark Dietz, Inc. to prepare plans and specifications for this project. The following excerpt is a paragraph from the June 10, 2013 Council Memo:

The City anticipates applying for and utilizing, the State Revolving Loan Fund (SRLF) for water and wastewater projects from the Illinois Environmental Protection Agency (IEPA) as the revenue source for construction funds to build this project. The SRLF provides a low interest rate and a twenty (20) year repayment schedule. City Council approval will be required prior to acceptance of an IEPA Loan.

As approved by the Council, the City applied for and has received approval from the IEPA for the SRLF. The Council will have final loan approval when the bid opening is taken to the

Council. At that point, final authorization of the funds will need to be given by the Council and provided to the IEPA for loan authorization.

Since all project funding will be from Enterprise Funds, there is no impact on the General Fund. All funding is anticipated to be taken from the Storm Water, Sanitary Sewer and Water Transmission and Distribution Enterprise Funds. Loan payments to the IEPA are not anticipated to begin until the 2016 - 2017 Fiscal Years.

Field survey information was collected last summer. Engineering design work is now complete. The plans and specification for the Locust St. CSO Elimination Phase 2 project are ninety-five percent (95%) complete.

Proposed Draft Timeline	
Advertise Bid	June 13, 2014
Open Bid	July 28, 2014
Council Approved Bid and FY 2015 Budget Amendment	August 11, 2014
IEPA Bid/Loan Approval	August 25, 2014
Notice to Proceed	September 1, 2014

Proposed construction work schedule: Washington St. from Moore to Mercer in fall 2014; Washington St. final surface to be complete before winter shut down with no additional work until spring 2015; begin construction on Warner, Moore, Mercer and Grove in spring 2015 with all work to be complete by November 15, 2015; and finalize loan with first loan payment due May 15, 2016.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public meetings were held during the planning and design stage of the Phase 1 project. An additional public meeting will be scheduled to update residents impacted by this proposed Phase 2 construction after approval of the budget.

FINANCIAL IMPACT: Of the \$3,430,000 in project costs, there is only \$30,000 of non-eligible loan expenses. The three (3) funds involved in this project have the following projected fund balances as of April 30, 2014: Sanitary Sewer Fund \$2.5 million, Water Fund \$21.5 million and Storm Water Fund \$.7 million. The loan program works on a reimbursement basis for all loan eligible expenditures. This means the City pays the full costs of the project and is subsequently reimbursed by the IEPA where a twenty (20) year, two percent (2%) loan is then executed. Below is the estimated total cost by fund next to an annual debt service estimate (which is estimated to begin in the FY 2016 budget).

Please note that the Storm Water fund will be unable to support this added debt service past FY 2016. However, both the Sewer and Storm Water funds will begin a rate and fee study in FY 2015. Storm Water fees have not been increased since FY 2004.

IEPA Loan Eligible	2015 Budget	Est. Annual Debt Service
Storm Water (53103100-72555-57900)	\$1,000,000	\$60,000
Sanitary Sewer (51101100-72555-57900)	\$1,000,000	\$60,000
Water Transmission & Dist. (50100120-72545-57900)	\$1,400,000	\$85,000
Total IEPA Loans:	\$3,400,000	-
Loan Non-Eligible	2015 Budget	
Sanitary Sewer (51101100-72530-57900)	\$15,000	-
Water Transmission & Dist. (50100120-72530-57900)	\$15,000	-
Total Loan Non-Eligible:	\$30,000	-

*The project completion date is estimated to be December 2015 which has been used to estimate the annual debt service by fund (** loan based on 2% level debt service for 20 years – only 8 months of the annual debt service would be paid in year one).*

Respectfully submitted for Council consideration.

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

Financial & budgetary review by: Carla A. Murillo, Budget Manager

Legal review by: Jeffrey R. Jurgens, Interim Corporation Counsel

Recommended by:

David A. Hales
City Manager

Mayor Renner introduced this item.

David Hales, City Manager, addressed the Council. This item involved Phase 2 of the Locust/Colton Combined Sewer Overflow (CSO) project. He cited City staff discussion regarding this project. This item had not been included in the FY 2015 Budget. Phase 1 had a cost of \$10 million. City staff had learned from this project.

Jim Karch, Public Works Director, addressed the Council. Phase 2 was a smaller project. He highlighted the fact that the City had eighty-two (82) miles of combined sewers. He noted that there also were 280 miles of sanitary sewers and 230 miles of storm sewers. In addition, there were other types of sewers, (drain tile, sanitary force main and street centerline), which equaled 524 miles of pipes. The IL Environmental Protection Agency (IEPA) regulated combined sewers with a permit which addressed overflow pipes.

The City currently has an approved Long Term Control Plan (LTCP) on file with the IEPA. There were two (2) CSO left in the City. Lessons were learned from Phase 1. Things would be done differently during Phase 2. He cited street resurfacing as an example. Curb and gutter would be replaced on two (2) of the smaller streets involved in this phase. There will be a drivable surface for the winter shut down. He presented the Council with a time line/schedule for Phase 2. This would be ongoing process. A key goal was the IEPA's low interest loan, (twenty/20 years at two percent/2%). Payment commenced when the project was completed.

Mr. Hales cited City staff's concern regarding the fiscal health of the Sewer and Storm Water Management Funds. He also cited debt service costs. These two (2) funds were used to address operational and capital expenses. Both funds would be audited. He also addressed the Capital Improvement Program, (five/5 and twenty/20 year). This program would include sewer and storm water projects. The City had received the Sewer Master Plan which had an estimated cost of \$139 million. In addition, there was the Infill/Infiltration (I & I) issue on the City's east side which impacted the Bloomington Normal Water Reclamation District's (BNWRD) Randolph plant.

Mr. Hales also informed the Council that the City paid the cost up front and the state then reimbursed the City.

Mr. Karch added that there was an outstanding reimbursement from the state for Phase 1 in the amount of \$2 million.

Mr. Hales noted the City's concern regarding payments from the state. There had been changes made to the contract documents. The contract would include performance standards. He cited providing a hard surface over the winter as an example. There was the potential for higher costs. He noted the City's concern regarding customer service complaints. The Council had the time frame. He restated that there would be performance standards. The City was required to work with the IEPA to eliminate CSO. The IEPA expressed willingness to grant this loan to the City. City staff was requesting conceptual approval to move forward with Phase 2.

Alderman Sage noted the City's proactive relationship building with the IEPA. The City wanted to retain control of its efforts to address CSO from planning to funding, etc.

Alderman Lower questioned the interest rate for Phase 1. He believed that it had been four percent (4%).

Mr. Karch informed the Council that Phase 1 interest rate was 1.25% with twenty-five percent (25%) principal forgiveness.

Alderman Lower questioned back up financing plans.

Mr. Hales cited other options such as issuing Revenue Bonds. He noted these funds low balances. He restated that the Sewer Master Plan had an estimated cost of \$130

million. There must be revenue to pay these costs. General Obligation Bonds were another option. The state has offered two percent (2%) over twenty (20) years. The City would be able to avoid overhead costs by accepting this loan.

Alderman Lower noted that state's short term arrears.

Mr. Karch noted that the state will require binding ordinances that the loan would be repaid.

Alderman Fazzini cited the City of Peoria which was under an IEPA mandate to address its CSO. He questioned if the City had come close to same. The former Administration & Finance Committee had considered other projects for potential bond issues.

Mr. Karch noted that the City had not been given a date certain by the state. IEPA had been pleased with the City's plans to move forward. The City had an approved LTCP and had been proactive.

Alderman Fazzini added that the City was headed in the right direction and had a good relationship with the IEPA.

Alderman Fruin questioned if the repayment issue should be address with the City's state legislators.

Mr. Karch informed the Council that City staff had reached out to the IEPA. The City was encouraged by IEPA's response.

Mr. Hales added that the City was insuring that the IEPA had everything it needed. He recommended that the City continue these efforts before reaching to the legislators.

Alderman Fruin questioned material for the FY 2016 budget discussion.

Mr. Karch restated the Sewer Master Plan which had an estimated cost of \$139 million.

Alderman Stearns noted that the City had completed Phase 1 and the Council had been presented with Phase 2. She questioned the long term plan.

Mr. Karch noted that thirty-five percent (35%) of the project was completed.

Alderman Stearns cited Phase 1 concerns. There had been comments from neighborhood residents. She questioned if a neighborhood meeting would be held. She also questioned if this project was related to the \$10 million bond issue. She added that it appeared there would be a rate/fee study.

Mr. Karch stated that the rate study would be part of the Sewer Master Plan. The Storm Water Management Fund was established in 2004. There had not been an increase to this fee. The City did not have the funds needed to address sewer projects.

Alderman Stearns stated that the Council had been warned that City staff would be researching sewer/storm water rates.

Motion by Alderman Stearns, seconded by Alderman Fazzini that this project be conceptually approved for the State Revolving Loan Fund.

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

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

Nays: None.

Motion carried.

The following was presented:

Discussion of FY 2016 Budget Priorities.

Mayor Renner introduced this project.

Alderman Sage presented a framework. He presented a summary and addressed next steps. Information had been provided to the Council last fall. It addressed priority based budgeting as a scope of work. There was a framework for the process which address deliverables. The Council would own/control the process. He encouraged all to read and review this material.

Mayor Renner added that the information would be distributed to the Council again.

Alderman Sage addressed the conceptual framework: Strategic Plan and Citizen Summits. The Strategic Plan addressed principals, priorities and values. He encouraged the Council to review same. He noted the amount of work that had been completed by City staff. Council memorandums were linked to the City's Strategic Plan's Goals and Objectives. Citizen Summits involved over 100 residents from all areas of the City. The basic conversation addressed priority services to the citizens. The Council had citizen feedback. These three (3) items provided the framework. The Capital Improvement Program (CIP) would assist with prioritization. There were available resources which involved no cost. The Council needed to address next steps. He believed that the City had a conceptual framework that was current and valid.

Mayor Renner expressed interest in the consistency of the Citizen Summits. He planned to meet with the IL Technology Institute, (ITI). The ITI offered no cost services. There was an opportunity to receive assistance with budget and budgeting priorities.

Alderman Sage believed that a meeting with same had been scheduled.

Alderman Stearns noted that the discussion had involved high level concepts. She had specific questions. She also requested copies of the Citizen Summit documents and questioned when these events had been held.

Alderman Sage believed that the second Citizen Summit was held in 2011.

Alderman Stearns believed that the City needed to host another Citizen Summit.

Alderman Fruin believed that all would benefit from additional organization. There needed to be service/expense reductions. The Citizen Summits were dated. There were new concerns, (pensions, roads, new taxes, etc.) Citizen Summits provided a good process. The existing reports provided a benchmark. The City needed to engage and educate the citizens.

Alderman Sage believed that this was an opportunity to leverage the new Communication Manager.

Mayor Renner noted that the City had a base line. He believed that there were consistencies.

Alderman Black informed the Council that he had forwarded them an email. He had participated in the 2009 Citizen Summit. The themes were similar. The word priorities needed to be defined. The Council needed to determine the meaning of this word in relation to the budget process. He believed that there would be tradeoffs. The Council needed to do a better job of listening to the citizens.

Mayor Renner thanked the Council for their comments.

CITY MANAGER'S DISCUSSION: David Hales, City Manager, addressed the Council. He thanked them for their patience and understanding during his recent absence. He recognized Mike Kimmerling, Fire Chief, for acting as the Interim City Manager. He also thanked Patti-Lynn Silva, Finance Director and Carla Murillo, Budget Manager, for their efforts on the budget.

It was time to move forward with priorities. He informed them that he had spoken with the City's department heads regarding a Citizens Academy. This would be a pilot project. The program would be from six to nine (6 – 9) months. It would meet once a month. It would be a training/learning opportunity. Participation would be limited to twenty to thirty (20 – 30) people.

Citizens would learn about City services. The Academy would provide an in depth education which would result in informed and engaged citizens. The pilot would be low cost and take minimal staff time. The value of the Academy would be informed residents who would have knowledge of City services, costs, and federal and state mandates. He hoped to grow the program. Citizens would share their experiences. The City could share its vision for the future and let residents know the challenges the City was facing. There would be an application and selection process. Additional information would be presented in the near future. The Academy represented citizen engagement.

Mayor Renner thanked Mr. Hales for the information. Discussions had been held regarding this topic. It had been announced at the Mayoral Open House. Council would have the opportunity to hear from informed citizens. These individuals would become knowledgeable candidates for service on boards and/or commissions. Council would act as the Search Committee. He suggested that a City project could become a part of the Academy.

MAYOR'S DISCUSSION: Mayor Renner thanked Alderman Black for hosting the Mayoral Open House on Friday, May 9, 2014. He was attending a ribbon cutting ceremony at Behr Iron & Metal, 501 E. Stewart.

He also recognized Alton Franklin's suggestion that City department heads attend the Mayoral Open Houses. John Kennedy, Parks, Recreation & Cultural Arts Director, would attend the June 6, 2014 Mayoral Open House. He also addressed the time for same. Currently, Mayoral Open Houses were held from 4:00 – 5:30 p.m. He planned to change the time to 4:30 – 5:45 p.m. He was open to suggestions that would make these meetings more productive.

He updated the Council regarding the Central IL Mayors meeting with Governor Pat Quinn. The IL Environmental Protection Agency was considering allowing PCB to be stored above the Mahomet Aquifer. He hoped for an answer.

He also reported on the Rt. 66 Visitor Center. The application was delivered on time. He hoped this project would be granted funding.

He addressed the twenty-fifth anniversary of Constitution Trail.

Finally, he welcomed back Alderman Sage and David Hales, City Manager.

ALDERMEN'S DISCUSSION: Alderman Fazzini addressed the Citizens Academy. He expressed support for the idea. He noted that there approximately 7,000 Indians in the community. The City needed to coordinate its activities with the McLean County Chamber of Commerce's Leadership McLean County program and the Multi-Cultural Leadership Program. These programs had established interview processes and could provide assistance to the City.

He addressed the issue of teamwork. Former Alderman John Hanson requested a meeting with himself and City staff to address the recent pavement preservation program. The residents of Brookridge Subdivision were not pleased with the City's efforts. Jim Karch, Public Works Director, attended a Saturday morning meeting with him. There were approximately thirty (30) people in attendance. The residents were not pleased with the dust. Mr. Karch addressed the street preservation program, what did not work, and how the City was addressing same. There had been a good exchange of ideas. He had received thank yous via email.

Alderman Black addressed the Police Department's Facebook page. It was a good tool and encouraged those present to like this page. He hoped that the Communication Manager would be involved in public education from this point on.

He informed the Council that he had hosted Pepper Ridge Elementary School 5th graders. It was a good learning opportunity. He thanked City staff for their assistance.

He made a request for a Council photograph to be taken in front of the City Hall fountain. This needed to be made a priority as a symbol of togetherness.

Alderman Stearns addressed the Citizen Academy. She had heard of same and found the concept interesting. She expressed her interest in Council engagement regarding same.

She also announced that there was committee consisting of herself and Aldermen Schmidt and Sage regarding the Korean/Viet Nam memorial at Miller Park. She recognized the restoration work on same. This memorial occupied a sacred spot. The bronze flame had been restored. There would be a ceremony on Memorial Day to recognize the restoration work.

Alderman Mwilambwe addressed the Citizen Academy. He expressed support for same. He noted twenty (20) people and nine (9) months. He addressed the number of people and the length of time. He recalled his participation in a similar program with the Town of Normal. It was an eight (8) week program that met once a week.

He expressed his appreciation for the effort to bring more structure to the budget process. The Council needed to stay focused on the big picture. He planned to review the City's Strategic Plan. He believed that a process would be helpful.

Alderman Painter also addressed the City Academy. She was excited about same. She echoed Alderman Mwilambwe's comments regarding same and offered her assistance.

Alderman Lower was glad that the meeting had a civilized tone during the budget discussion. He expressed his support for the Citizen Academy. He cited his experience with the Boy Scouts and recommended that Eagle Scout candidates be included in the Academy.

Alderman Fruin addressed the Citizen Academy. The Town of Normal has had a successful program for years. He noted Council's interest in same. A Citizen Academy would bring citizen engagement.

Motion by Alderman Mwilambwe, seconded by Alderman Schmidt, that the meeting be adjourned. Time: 9:10 p.m.

Motion carried.

**Tracey Covert
City Clerk**

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