

**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, April 8, 2013.

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

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

Aldermen: Judy Stearns, Mboka Mwilambwe, Jamie Mathy, David Sage, Robert Fazzini, Jennifer McDade, Steven Purcell, Karen Schmidt, Jim Fruin and Mayor Stephen F. Stockton.

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

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

Alton Franklin, 508 Patterson Dr., addressed the Council. He had been taught that a man's word was his bond. The Council needed to address priorities and own up to its responsibilities. The reality in his opinion was that the City had over \$200 million in obligations. Pensions were underfunded and infrastructure needed to be addressed. Now was not the time for Eagle View Park. He recommended that the City consider a traffic signal and installation of a walkway. He supported the care and nurturing of children. This was an example of wants versus needs. There were a number of things that needed to be addressed. It was time to act and not talk. He believed that the new Council would address same.

Peggy Miles, 2212 Riverwoods Ln., addressed the Council. She represented the citizens who believed in Eagle View Park. She requested that those individuals who were in attendance to support the park to please stand. She reviewed the time line for this park which dated back to 2005. Land had been dedicated by the developer and purchased by the City with grant dollars to build this park. In 2008, the City was awarded a \$400,000 OSLAD, (Open Space Lands Acquisition and Development) grant. At this time, Eagle View Park was listed as the number one priority in the City's Park Plan. She expressed her belief in the Council and that their decision would be balanced and fair.

Carl Woodward, 2009 Thornwood, addressed the Council. He had spoken to the Council before. He was a thirty (30) year resident of the City. He encouraged the Council to vote no on the proposed Fiscal Year (FY) 2014 Budget. This document included a \$6

million deficit. He cited infrastructure expenditures, new staffing positions, a \$200 million shortfall, and a \$130 million pension shortfall. He planned to make use of the FOIA (Freedom of Information Act) process to obtain answers to his questions. He did not believe that a prudent person would vote in support of the FY 2014 Budget. The Council had ridiculous ideas and did not know what they were doing. He addressed pension funding and utilizing the level basis method. He believed that the pensions needed over \$4 million in funding this year. He questioned how the Council would address this issue. The Council needed to provide direction to David Hales, City Manager, to freeze staff. The Council was overspending on revenues.

Ron Schultz, 1208 E. Oakland Ave., addressed the Council. He could not believe that the FY 2014 Budget included fifteen (15) new positions. This would be result in additional demands on the pension funds. The City needed to pay down its pension debt. The City also needed to fix infrastructure, (streets, Combined Sewer Overflows, water, etc.). All of these items required funding. He addressed the proposed non public safety employees. These positions should be contracted out. The City needed to reduce staff by modernizing services. He specifically cited the following City departments: Finance, Human Resources, Administration, and Corporation Counsel. The City needed to invest in state of the art software. He agreed with the comments made by Mr. Woodward. The Council needed to work with and manage the City Manager. He addressed the National Tax Union. He cited the annual pensions for a number of former City employees. These pensions were out of line in his opinion.

Tony Adorno, 2208 Tyler Tr., addressed the Council. He expressed his appreciation for the opportunity to address the Council. He stated his support for Eagle View Park. He cited the City's fund balance which exceeded the City's goal. The state OSLAD grant represented a forty percent (40%) discount on the cost of the park. Eagle View Park's design had been completed. Parks were important to a community. They represented a safe place for children to play. He noted that currently there was a shortage of ball fields. He estimated the cost to install a traffic signal on Towanda Barnes Rd. at \$300,000. The park issue needed to be kept separate from the pension issue. He did not believe that the funds to build the park should be used to make an extra contribution to the City's pension funds. The City had an opportunity to build a \$1 million park at a forty percent (40%) discount.

The following was presented:

SUBJECT: Council Proceedings of March 25, 2013 and Special City Council Meeting Minutes of December 10 and 17, 2012 and February 25, 2013

RECOMMENDATION/MOTION: That the reading of the minutes of the previous Council Proceedings of March 25, 2013 and the Special City Council Meeting Minutes of December 10 and 17, 2012 and February 25, 2013 be dispensed with and the minutes approved as printed.

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

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

BACKGROUND: The Council Proceedings of March 25, 2013, the Executive Session Minutes of December 10 and 17, 2012, and the Special Session Minutes of December 10 and 17, 2012 and February 25, 2013 have been reviewed and certified as correct and complete by the City Clerk.

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

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

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

Recommended by:

David A. Hales
City Manager

Motion by Alderman McDade, seconded by Alderman Schmidt that the reading of the minutes of the previous Council Proceedings of March 25, 2013 and the Special City Council Meeting Minutes of December 10 and 17, 2012 and February 25, 2013 be dispensed with and the minutes approved as printed.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Mathy, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Bills and Payroll

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

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

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

BACKGROUND: The list of bills and payrolls will be posted on the City's website on Thursday, April 4, 2013 by posting via the City's web site.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

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

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

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

Recommended by:

David A. Hales
City Manager

Motion by Alderman McDade, seconded by Alderman Schmidt that the Bills and Payroll be allowed and the orders drawn on the Treasurer for the various amounts as funds are available.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Mathy, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Analysis of RFP for Installation of one (1) New Outdoor Warning Siren

RECOMMENDATION/MOTION: That that the RFP for the installation of one (1) New Outdoor Warning Siren be awarded to Innotech Communications, in the amount of \$33,954.49, and the Purchasing Agent be authorized to issue a Purchas Order.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 2.d. - This outdoor warning siren is not operating properly at present. The location, (atop Cargill), is difficult to access, perform work, and maintain. Based on the age and the above factors, this siren has been selected for replacement as we continue to ensure up to date operational outdoor warning sirens for public notifications, especially during severe weather. Failure to maintain the outdoor warning siren system places the public at greater risk during these types of events.

BACKGROUND: The Outdoor Warning Siren system is designed to alert people that are outdoors as danger approaches and encourage them to take cover inside. It is not designed to alert people already inside. Depending on where a citizen lives in relation to siren location and the wind direction and strength, the ability to hear the sirens from inside will vary. The system has a series of overlaps in system coverage, and as a result, most residents will be able to hear one if not several sirens in the event they are activated.

The system currently consists of nineteen (19) sirens located in the City. They are different in age and coverage area, and as such, the spacing may not be equal, but the alert capability should be consistent. Most are located in the public way, while others, such as at the downtown State Farm Insurance Building is on private property. Elevation, size and area to be covered have governed where these units have been located.

The Fire Department has oversight responsibility of the outdoor siren and warning system. This oversight includes selecting additional sites for new sirens as the City grows, to establish a maintenance procedure for the system, to provide for monitoring of the status of the sirens, and to write specifications for new purchases. The Public Works Department's Engineering Division assists the Fire Department on establishing sirens in need of repair or replacement based on age and condition of the siren as well as providing for some of the repair work and general maintenance of the existing units. Failure to maintain this system can adversely affect the public's early warning to weather and other hazards.

This siren project calls for the removal of the existing siren that sits on top of Cargill and would move it to the corner of Washington and Euclid St. This would allow of ease of maintenance by the Engineering Division in the future.

Two (2) bids were received on the project. Innotech Communications submitted a bid of \$33,954.49 and Emmet-Scharf Electric submitted a bid of \$38, 188.00.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: None.

FINANCIAL IMPACT: The FY 2013 Budget appropriated \$60,000 for the installation and/or replacement of Outdoor Warning Sirens in line item 10015210-72140. The total cost to replace

this unit is purchase the unit is \$33,954.49. There are sufficient budgeted funds on hand to pay for the replacement of this Outdoor Warning Siren. Stakeholders may locate this purchase in the FY 2013 General Fund Budget Document on page #238.

Respectfully submitted for Council consideration.

Prepared by: Michael Kimmerling, Fire Chief

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

Recommended by:

David A. Hales
City Manager

Motion by Alderman McDade, seconded by Alderman Schmidt that the RFP for the installation of one (1) New Outdoor Warning Siren be awarded to Innotech Communications, in the amount of \$33,954.49, and the Purchasing Agent be authorized to issue a Purchas Order.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Mathy, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Change Order for the Fiscal Year (FY) 2013 Utility Maintenance Contract

RECOMMENDATION/MOTION: That a change order be executed in the amount of \$200,000 to fund various water pump repair projects.

STRATEGIC PLAN LINK: Goal 2 - Upgrade City Infrastructure and Facilities, and Goal 6 – Great Place – Livable and Sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Objectives 2.b. and 6.a. - The utility maintenance program for the City provides good stewardship by maintaining the existing water main infrastructure and improves quality of life.

BACKGROUND: At the August 13, 2012 meeting, Council executed the FY 2013 Utility Maintenance Contract with George Gildner, Inc., (GGI), in the amount of \$400,000, for FY 2013. This contract will expire on April 30, 2013. Since execution of the contract, GGI has completed eight (8) repair projects and several additional projects are expected to be completed this spring. Some of the completed and anticipated projects include maintenance on pumps at the Lake Bloomington Water Treatment Plant and Ft. Jesse Water Pump Station. This work involves repairing large pumps that have failed and/or are in need maintenance. A complete list of completed and future projects including descriptions and actual cost or estimated cost has been provided to the Council.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: This work was advertised in The Pantagraph on June 25 and July 2, 2012 and a pre-bid meeting was held at 10:00 a.m. on July 2, 2012 in the Public Works Department's Conference Room.

FINANCIAL IMPACT: The FY 2013 budget includes \$400,000 for the contractual work. Revisions to the original contract budget are outlined in the table. The difference between the original and revised budget is solely within the Water Fund. The contract amounts for the Sewer and Storm Water Fund will not alter from the original contractual amount. The Water Fund has sufficient net assets to absorb the contract revision.

	<u>ORIGINAL</u>	<u>REVISED</u>
Storm Water Fund (53103100-72550)	\$150,000	\$150,000
Sewer Fund (51101100-72550)	\$200,000	\$200,000
Water Fund (50100120-72540)	<u>\$ 50,000</u>	<u>\$250,000</u>
Total Contract	\$400,000	\$600,000

Respectfully submitted for Council consideration.

Prepared by: Craig Cummings, Director of Water

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

Reviewed by: Barbara J. Adkins, Deputy City Manager

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

Recommended by:

David A. Hales
City Manager

Motion by Alderman McDade, seconded by Alderman Schmidt that a Change Order be executed in the amount of \$200,000 to fund various water pump repair projects.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Mathy, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Two (2) Year Extension of Auditors Contract

RECOMMENDATION/MOTION: That audit contract be extended with Sikich, LLP for annual audits of the City and US Cellular Coliseum, (USCC), and other advisory/consulting services as required.

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

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

BACKGROUND: The City has used Sikich, LLP for its annual city wide audit including the USCC audit for the last five (5) years ending with the FY 2012 Audit. The City has also used Sikich for additional financial studies, which include internal control reviews. Sikich has provided exemplary and responsive service and is currently working with Finance Department to implement many of the audit and internal control recommendations. As a new Finance Director, it is critical to have a responsive, technically proficient firm, who is familiar with the City's finances as an available resource. Finance staff will also need to receive advice throughout the final phases of the Tyler Munis conversion which includes the comprehensive conversion of the water meter reading and billing system. Finance staff respectfully requests a two (2) year extension of the Sikich contract. Quoted fees are as follows:

FY2012 Audit Fees	FY2013 Audit Fees as quoted	FY2014 Audit Fees as quoted
City Audit - \$78,200	City Audit - \$80,700	City Audit - \$83,200
USCC Audit - \$33,800	USCC Audit - \$34,800	USCC Audit - \$35,900

If the contract extension is approved, an Audit Services Request for Proposals (RFP) will be issued in January 2015 for the FY 2015 – FY 2019 time period.

Note: Fees are increasing by using the 2011 Annual Consumer Price Index of 3.2% for the Midwest Region for both years. Any additional work as requested by the City will be quoted based on existing hourly rates at the time of request.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by: Patti-Lynn Silva, Finance Director

Recommended by:

David A. Hales
City Manager

Motion by Alderman McDade, seconded by Alderman Schmidt that audit contract be extended with Sikich, LLP for annual audits of the City and US Cellular Coliseum and other advisory/consulting services as required.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Mathy, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Suspension of Ordinances to Allow Consumption of Alcohol at Lake Bloomington's Davis Lodge on April 13, 2013

RECOMMENDATION/MOTION: That the Ordinance suspending Section 26(d) of Chapter 6 and Section 701 of Chapter 31 to allow the suspension and consumption of alcohol at the Lake Bloomington's Davis Lodge on April 13, 2013 be passed.

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

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

BACKGROUND: The Bloomington Liquor Commissioner Marabeth Clapp called the Liquor Hearing to order to hear the request of the Melissa Creech and Ronnie Brady to allow moderate consumption of alcohol at Lake Bloomington's Davis Lodge for their wedding reception on April 13, 2013. Present at the hearing were Liquor Commissioners Marabeth Clapp, Steven Petersen, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel; Clay Wheeler, Interim Police Chief; and Tracey Covert, City Clerk; and Melissa Creech and Ronnie Brady, bride and groom.

Commissioners absent: Stephen Stockton and Mark Gibson.

Commissioner Clapp opened the liquor hearing and requested that Melissa Creech and Ronnie Brady, bride and groom, address the Commission regarding their request. Ms. Creech addressed the Commission. She informed them that the wedding reception was scheduled for Saturday, April 13, 2013. Alcohol service would be provided to the approximate 120 wedding guests. Alcohol service would be limited to beer. Famous Liquors located at 1404 E. Empire would provide alcohol service. Nelson Catering, Springfield, IL, had been retained to provide the food. The reception was scheduled from 3:00 until 10:00 p.m.

Commissioner Clapp noted that the City Clerk's Office would verify acceptable licensure.

Motion by Commissioner Tompkins, seconded by Commissioner Petersen that the request of Melissa Creech and Ronnie Brady to allow moderate consumption of alcohol at Lake Bloomington's Davis Lodge for their wedding reception on April 13, 2013 be approved.

Motion carried, (viva voce).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Agenda for the March 12, 2013 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

Reviewed by: Craig Cummings, Director of Water

Reviewed by: Barbara J. Adkins, Deputy City Manager

Reviewed as to legal sufficiency: Rosalee Dodson, Asst. Corporation Counsel

Recommended by:

David A. Hales
City Manager

ORDINANCE NO. 2013 - 17

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

WHEREAS, Melissa Creech and Ronnie Brady are planning to hold their wedding reception at the Lake Bloomington Davis Lodge from 3:00 p.m. to 10:00 p.m. on April 13, 2013; and

WHEREAS, Melissa Creech and Ronnie Brady have requested permission from the City to serve beer and wine during this event; and

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

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

Section 1: That Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, are suspended for the duration of the wedding reception at the Lake Bloomington Davis Lodge on April 13, 2013 under the conditions set forth in the rental agreement.

Section 2: Except for the date of date set forth in Section 1 of this Ordinance, Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, shall remain in full force and effect. Nothing in this Ordinance shall be interpreted as repealing said Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6.

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

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

PASSED this 8th day of April, 2013.

APPROVED this 9th day of April, 2013.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman McDade, seconded by Alderman Schmidt that the Ordinance suspending Section 26(d) of Chapter 6 and Section 701 of Chapter 31 to allow the suspension and consumption of alcohol at the Lake Bloomington's Davis Lodge on April 13, 2013 be passed.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Mathy, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Easement Agreement with Ameren Illinois for the Repair and Construction of Transmission Lines located at Evergreen Lake

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

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

STRATEGIC PLAN SIGNIFICANCE: Objection 5.a. This project will improve electric energy services for the residents near Evergreen Lake.

BACKGROUND: Ameren Illinois wants to rebuild a 9.72 mile section of a transmission line from their McLean substation at Evergreen Lake. This project will consist of replacing existing wood structures, replacing conductor/shield wire and installing two dead end structures in place of existing H-frame structures. All replaced or new structures will be installed within the parameters of an existing Ameren easement. The easement is required to change two (2) existing structures to three (3) pole structures with guys to help prevent black outs. Work is expected to begin on the project in April 2013, with initial construction scheduled to be completed by June 2013, weather permitting.

There is an existing easement agreement between the City and Ameren Illinois for this location. The agreement makes reference to two (2) pole H-frame structures and not the proposed three (3) pole dead end structures. While the new structures will be within the existing right of way,

Ameren Illinois has requested a supplemental easement agreement to clarify the change to the three (3) pole structures.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: McLean County Parks & Recreation Department.

FINANCIAL IMPACT: There is no immediate financial impact upon this easement.

Respectfully submitted for Council consideration.

Prepared by: Rosalee Dodson, Asst. Corporation Counsel

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

Recommended by:

David A. Hales
City Manager

EASEMENT AGREEMENT

BY THIS AGREEMENT entered into and executed this _____ day of _____, 2013, that THE CITY OF BLOOMINGTON, an Illinois municipal corporation, its successors and assigns, hereinafter referred to as Grantor, whether one or more and whether an individual, individuals, or a corporation and unto AMEREN ILLINOIS COMPANY d/b/a AMEREN ILLINOIS, an Illinois corporation, 1901 Chouteau, Mail Code 700, St. Louis, Missouri 63103, its successors, assigns, agents, lessees, tenants, contractors, sub-contractors and licensees, hereinafter referred to as Grantee,

WITNESSETH:

CONSIDERATION Grantor does hereby grant, bargain, convey, and confirm unto Grantee the perpetual right and easement for a multi-guyed storm structure consisting of three wood poles, 10 downguys and anchors extending from said poles, and other appurtenant fixtures attached thereto, on, upon, along, over, through, across, and under the following described lands situated in Woodford County, Illinois, more particularly described on Exhibit "A" attached hereto and made a part hereof.

Together with the perpetual right, permission, privilege, and authority in Grantee to survey, stake, construct, reconstruct, erect, place, keep, operate, maintain, inspect, patrol, add to the number of and relocate at will, at any time, and from time to time, in, on, upon, along, over, through, across, and under the herein described easement a line or lines of towers, poles, conduits and appurtenances, crossarms, wires, cables, transformers, anchors, guy wires, foundations, footings, and any other appurtenances, for the purpose of transmitting electric energy or other power, and for

telecommunications; to trim, cut, clear or remove, at any time, and from time to time, by any means whatsoever, from said easement or the premises of the Grantor adjoining the same on either side trees, brush, and any and all obstructions of whatsoever kind or character which, in the judgment of Grantee, may endanger the safety of, or interfere with, the surveying, staking, construction, reconstruction, erection, placement, retention, operation, maintenance, inspecting, patrolling, addition to and relocation of, Grantee's facilities; and the right of ingress and egress to, from, and over the herein described easement and any of the adjoining lands of the Grantor at any and all times for doing anything necessary or convenient in the exercise of the rights herein granted; also the privilege of removing at Grantee's option at any time, any or all of Grantee's improvements erected in, on, upon, over, and under the herein described easement.

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

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

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

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

This easement conveyance shall run with the land and shall be binding upon the parties hereto, their heirs, successors, executors, administrators, and assigns.

IN WITNESS WHEREOF, the Grantor has hereunto set Grantor's hand and seal the day and year first above written.

GRANTOR: CITY OF BLOOMINGTON

By: Stephen F. Stockton, Mayor

ACCEPTANCE

AMEREN ILLINOIS COMPANY hereby accepts the foregoing Easement Agreement and agrees to the terms thereof.

GRANTEE:AMEREN ILLINOIS COMPANY

By: _____

ACKNOWLEDGEMENT

STATE OF ILLINOIS)
)
COUNTY OF MCLEAN) SS.

I, the undersigned Notary Public in and for said County and State aforesaid, do hereby certify that this instrument was acknowledged before me on the 11th day of April, 2013 by Stephen F. Stockton as Mayor of the CITY OF BLOOMINGTON.

Given under my hand and notarial seal this 11th day of April, 2013.

Tracey M. Sullivan-Covert
Notary Public

My commission expires: October 15, 2014

ACKNOWLEDGEMENT

STATE OF ILLINOIS)
)
COUNTY OF _____) SS.

I, the undersigned Notary Public in and for said County and State aforesaid, do hereby certify that this instrument was acknowledged before me on the ____ day of _____, 2013 by _____ as _____ of AMEREN ILLINOIS COMPANY.

Given under my hand and notarial seal this ____ day of _____, 2013.

Notary Public

My commission expires:

EXHIBIT A

TRACT #1 (Structure 125) –

The East Half of the Southeast Quarter of Section 12, Township 25 North, Range 1 East of the Third Principal Meridian, Woodford County, Illinois, LESS AND EXCEPT a tract of land described as beginning at the Southeast corner of said Section 12; thence Northerly along the East line of said Section 12, a distance of 1100 feet; thence West 580 feet; thence South 350 feet; thence West 360 feet; thence South 320 feet; thence West 400 feet; thence South 430 feet, more or less, to the South line of said Quarter Section; thence East to the point of beginning.

TAX I.D. #19-12-400-002

TRACT #2 (Structure 130) –

The South Fourteen Hundred (1400) feet of the Southeast Quarter (SE ¼) of Section One (1) in Township Twenty-five (25) North, Range One (1) East of the Third Principal Meridian, Woodford County, Illinois, less and except a tract of land 0.556 acre and a right-of-way 0.194 acre, as conveyed from the City of Bloomington to Corn Belt Energy Corporation by Special Warranty Deed dated 9/28/2012 and recorded as Document #1207000 in the Recorder's Office of Woodford County, Illinois.

TAX I.D. #19-01-400-016

This easement grants the right to place the said Storm Structures with guy wires extending Northwesterly and Southwesterly from said poles within the existing transmission line and it shall replace existing Structures 125 and 130.

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

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Mathy, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Lake Bloomington Lease Transfer Petition for Lot 4, Block 22 of Camp Potawatomie from Mary Jane Hayes to Bruce W. and Pamela T. Cather

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

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

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

BACKGROUND: Staff has reviewed the Lake Bloomington Lease Transfer Petition for Lot 4, Block 22 of Camp Potawatomie from Mary Jane Hayes to Bruce W. and Pamela T. Cather. The

sewage disposal system inspection was completed in March 2013 and the septic system was functioning properly at that time. The age of the sewage disposal system is unknown. The McLean County Health Department estimates sewage disposal systems have an average life span of approximately twenty to twenty-five (20-25) years. However, this can be affected greatly by usage patterns of the premises, (seasonal versus full time occupancy), and system maintenance.

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

FINANCIAL IMPACT: This petition will have a positive financial impact in that the current lease uses the old formula, (\$0.15 per \$100 of Equalized Assessed Value/EAV), for determining the Lake Lease fee. With this Lake Lease transfer, the Lake Lease formula will be \$0.40 per \$100 of EAV and will generate about \$460 per year in lease income. Lake Lease income will be posted to Lake Lease revenue account 50100140-57590.

Respectfully submitted for Council consideration.

Prepared by: Craig M. Cummings, Water Department Director

Reviewed by: Barbara J. Adkins, Deputy City Manager

Financial & budgetary review by: Chris Tomerlin, Budget Analyst

Reviewed as to legal sufficiency: Rosalee Dodson, Asst. Corporation Counsel

Recommended by:

David A. Hales
City Manager

Motion by Alderman McDade, seconded by Alderman Schmidt that the Lake Lease be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Mathy, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Application of Illinois State University Board of Trustees, for the Shakespeare Festival, located at 48 Sunset Rd., for a Limited Alcoholic Liquor License, Class LB, which will allow the selling and serving of beer and wine only by the glass for consumption on the premise

RECOMMENDATION/MOTION: That an LB liquor license for Illinois State University Board of Trustees, for the Shakespeare Festival, located at 48 Sunset Rd., be created, contingent upon compliance with all applicable health and safety codes.

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

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

BACKGROUND: The Bloomington Liquor Commissioner Marabeth called the Liquor Hearing to order to hear the application of Illinois State University Board of Trustees, for the Shakespeare Festival, located at 48 Sunset Rd., requesting an LB liquor license which allows the sale of beer and wine only by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Marabeth Clapp, Steve Petersen, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Interim Police Chief, and Tracey Covert; City Clerk, and Dick Folse, Managing Director and Applicant representative.

Commissioners absent: Stephen Stockton and Mark Gibson.

Commissioner Clapp opened the liquor hearing and requested that the Applicant address the Commission. Dick Folse, Managing Director and Applicant representative, addressed the Commission. Illinois State University Foundation's Ewing Cultural Center hosted the Shakespeare Festival in the 438 seat theater located on the grounds. Patrons are allowed to picnic on the grounds. Bottled beer and wine would be offered for sale. Annual attendance at the Festival was 9,000 - 10,000. The property was fenced and gated. The gates were manned by Festival employees/volunteers. The Festival is held from June through August. Illinois State has held a liquor license for the Festival since 2008.

Commissioner Clapp questioned the Festival's experience. Mr. Folse informed the Commission that identification was checked, notices were posted, employees were trained and Festival employees/volunteers watched the patrons as they exited.

Commissioner Clapp questioned the alcohol servers. Mr. Folse noted that they would be Festival employees who were twenty-one (21) years of age or older. The beer and wine would be sold by the bottle.

Commissioner Petersen questioned if alcohol must be purchased. Mr. Folse noted that patrons were allowed to bring their own alcohol. There was a thirty-six (36) year history of allowing same.

Commissioner Tompkins commended Mr. Folse as the Festival was well operated. He questioned the parking situation. Mr. Folse noted the agreement between the Festival and St. John's Lutheran Church located at 1617 E. Emerson St. Festival employees assist patrons with parking and crossing Emerson St. The residents of Sunset Rd. do not want Festival patrons walking on their street.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that the application of Illinois State University Board of Trustees, for the Shakespeare Festival, located at 48 Sunset Rd., requesting an LB liquor license which would allow the sale of beer and wine only by the glass for consumption on the premises seven (7) days a week, be approved.

Motion carried, (viva voce).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Agenda for the March 12, 2013 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT: None.

Prepared by: Tracey Covert, City Clerk

Respectfully:

Stephen F. Stockton
Liquor Commissioner

Alderman Mwilambwe recused himself from this item as he was employed at Illinois State University. He left the dais.

Mayor Stockton introduced this item.

Motion by Alderman Schmidt, seconded by Alderman Fazzini that an LB liquor license for Illinois State University Board of Trustees, for the Shakespeare Festival, located at 48 Sunset Rd., be created, contingent upon compliance with all applicable health and safety codes.

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

Ayes: Aldermen Stearns, Schmidt, McDade, Mathy, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

Alderman Mwilambwe returned to the meeting.

The following was presented:

SUBJECT: Adoption of the FY 2014 Recommended Budget

RECOMMENDATION/MOTION: That the Ordinance be passed.

STRATEGIC PLAN LINK: The whole Strategic Plan is unequivocally linked to the annual City Budget.

STRATEGIC PLAN SIGNIFICANCE: The budget is a financial plan which stipulates the approach the City will undertake to achieve the strategic plan in accordance with the aspirations of Council.

BACKGROUND: The City is required by state statute to adopt an annual appropriation Ordinance by May 1, 2013. The recommended budget was distributed to Council in two (2) budget books at the Monday, February 11, 2013 Council Meeting. The first notebook represents the City's General Fund, while the second book presents each Non-General Fund(s) in addition to the proposed Capital Improvement Fund.

The Council held a Citizen Voice meeting on February 27, 2013 at the Bloomington Center for the Performing Arts (BCPA) to solicit opinions from City wide stakeholders in regards to the proposed FY 2014 recommended budget. Additionally, the City held a Council Work Session on Saturday, March 2, 2013 to provide the governing board the opportunity to discuss the budget. Finally, Council held a Public Hearing at the March 25, 2013 Council Meeting which is required by state statute and required to be conducted prior to the adoption of the FY 2014 Budget.

Staff has made one (1) change in regards to the proposed budget and the budget presented to Council for formal approval. Subsequent to the Citizen Voice meeting and Council Work Session, Council directed staff to integrate into the Capital Improvement Fund \$60,000 for the *design work* for Lutz Road. This design will widen the road approximately two feet (2') on each lane, provide a new overlay and limited improvements to the drain and ditch infrastructure. The \$60,000 will have a net zero impact on the FY 2014 Capital Improvement Fund. The net zero impact derives from an equivalent reduction in expenditures related to the Route 66 Bike Trail enhancement which are expected to occur in FY 2015 rather than FY 2014.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Public Hearing had been advertised in the Pantagraph.

FINANCIAL IMPACT: The proposed FY 2014 Budget expenditures for thirty-five (35) City funds are \$169.4 million, while budgeted revenue is \$163.3 million. The \$6.1 million difference will be offset by fund balance and net assets in the appropriate funds within the City's fund structure.

April 8, 2013

1137

Respectfully submitted for Council consideration.

Prepared by, financial & budgetary review by:

Timothy L Ervin, Budget Officer

Reviewed by:

Patti-Lynn Silva, Director of Finance

Reviewed as to legal sufficiency:

Rosalee Dodson, Asst. Corporation Counsel

Recommended by:

David A. Hales
City Manager

ORDINANCE NO. 2013 - 18**BUDGET AND APPROPRIATION ORDINANCE
FISCAL YEAR ENDING APRIL 30, 2014
CITY OF BLOOMINGTON**

Make appropriations for all Corporate Purposes for the Fiscal Year beginning May 1, 2013 and ending April 30, 2014, for the City of Bloomington, McLean County, Illinois.

Be It Ordained by the City Council of the City of Bloomington, Illinois: that passage of the Budget Document shall be in lieu of passage of a separate Appropriation Ordinance, as required by 65 ILCS 5/8-2-9 and 5/8-2-9.4.

Section One. That the amounts as listed in Exhibit A, or so much thereof as may be authorized by law, as may be needed and same is hereby appropriated for such purposes as General Fund, Motor Fuel Tax Fund, Sister City Fund, Special Opportunities Available in Recreation (SOAR.) Fund, Board of Election Fund, Drug Enforcement Fund, BCPA Fund, BCPA Donations Fund, Community Development Fund, Illinois Housing & Development Fund (IHDA), Rehabilitation Fund, Library Maintenance and Operation Fund, Library Equipment Replacement Fund, General Bond and Interest Fund, Market Square Tax Increment Financing (TIF) Bond Redemption Fund, 2004 Arena Bond Redemption, 2004 Multi-Project Bond Redemption, Capital Improvements Fund, Central Bloomington TIF Fund, Pepsi Ice Center Capital Fund, 2011 Capital Lease Fund, 2012 Capital Lease Fund, 2013 Capital Lease Fund, Water Maintenance and Operation Fund, Sewer Maintenance and Operation Fund, Parking Maintenance and Operation Fund, Coliseum Parking Fund, Lincoln Parking Facility Fund, Storm Water Management Fund, Storm Water Depreciation Fund, U.S. Cellular Coliseum Fund, Central Illinois Arena Management (CIAM), Solid Waste Fund, Golf Operations Fund, Employee Group Health Care Fund, Retiree Employee Group Health Care Fund, Casualty Fund, Judgment Fund, Flex Cash Fund, Park Dedication Fund, J.M. Scott Health Care Fund, Police Pension Fund and the Fire Pension Fund for the fiscal year of said City of Bloomington, McLean County, Illinois, beginning May 1, 2013 and ending April 30, 2014.

Section Two. The amount appropriated for each object or purpose is set forth in the Annual Budget for the year ending April 30, 2014, a copy of which is available at the City Clerk's Office and incorporated by reference.

(NOTE: Amounts appropriated hereby are contained in the Annual Budget for the year ending April 30, 2014, published in book form, copies of which are available for inspection at City Hall, Bloomington Public Library, and other places throughout the City.)

Section Three. That all sums of money not needed for immediate specific purposes may be invested in City of Bloomington Tax Warrants, Tax Sale Certificate, or Notes of Indebtedness, General Water, Parking or Sewer Revenue Bonds, in securities of the Federal Government, in Federal Insured Savings and Loan Associations, Certificates of Deposit in Commercial Banks, or other instruments as allowed by law.

Section Four. Pursuant to 65 ILCS 5/8-2-9.6, and the home rule authority granted to the City of Bloomington pursuant to Article 7, Section 6 of the 1970 Illinois Constitution, the Finance Director, with the concurrence of the City Manager is authorized to revise the annual budget by deleting, adding to, changing or creating sub-classes within object classes budgeted previously to a Department, Board or Commission, and to transfer amounts within a particular fund established by this Ordinance, with the restrictions that no such action may be taken which shall increase the budget in the event funds are not available to effectuate the purpose of the revision, and that the City Council shall hereafter be notified of such action by written report of the City Manager.

Section Five. Partial Invalidity. If any section, subdivision, sentence or clause of this Ordinance is for any reason held invalid or to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance.

Section Six. That all Ordinances or parts of Ordinances conflicting with any of the provisions of this Ordinance be and the same are hereby repealed.

Section Seven. This Ordinance shall be in full force and effect from and after its passage.

PASSED by the City Council of the City of Bloomington, Illinois this 8th day of April, 2013.

APPROVED by the Mayor of the City of Bloomington, Illinois this 9th day of April, 2013.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

(EXHIBIT A ON FILE IN CLERK'S OFFICE)

Mayor Stockton introduced this item. The FY 2014 Budget equaled \$168 million. Work on this budget started in the summer 2012. He noted the Council's fall retreat, a Citizen Voice meeting and the required Public Hearing held on April 8, 2013. This budget would take effect on May 1, 2013. He commented on the complexity of the budget document. He added that the Council was not in total agreement with the budget in its entirety. He stressed the need for consensus and compromise. The City budget was amendable. If there was disagreement with this document, he hoped that there were be suggestions for its improvement. The City budget funded a number of important services. He urged Council support for the budget. He acknowledged that there were issues,

(infrastructure and pensions were cited). He cited the various Work Sessions and the ongoing Mastering Plans, including pension funding. These Master Plans would provide the Council with a comprehensive picture of the needs. The Council would have to determine a funding plan. He restated that the budget was amendable. The pension study would be completed by September 2013. This document would include funding principals and alternative funding methodologies. The budget was a flexible, living document. He noted the recent increase in the City's sales tax revenue. The City's percentage of increase was well above other communities.

David Hales, City Manager, addressed the Council. He acknowledged City staff's efforts on this item. The budget was a significant document. He noted the City's progress over the past four (4) years. The City had introduced performance measures, reduced the number of funds, and addressed fund balances. The City was in a strong financial condition. Progress had been made. He cited the Capital Improvement Program, (CIP) and impact upon same by these Master Plans. These plans would result in the creation of a twenty (20) year CIP. He added that some figures were estimates. The reports would provide costs and the Council would set the priorities. The Council will have to balance CIP with the City's operations and maintenance costs. He cited the progress made to eliminate the Locust Colton CSO, (Combined Sewer Overflow). The Council had shown its commitment to infrastructure. The FY 2014 Budget included \$4 million for street resurfacing.

The City had eliminated over 100 positions. City employees had been required to do more than their fair share. Employees' health and families had been impacted. He made note of the projected General Fund balance. The final figure could be higher. The City needed to be diligent as actions by the Governor and/or state legislators was unknown. The City had requested that the state not balance its fiscal woes on the backs of local government.

Pensions were a concern. The City has made its pension payments. The state's General Assembly set the benefit levels for police, fire and the IMRF, (Illinois Municipal Retirement Fund). He expressed his belief that the funded ratio for IMRF was over fifty percent (50%). The City had requested a recalculation. He believed that the final number would show IMRF funding to be in the seventy to eighty percent (70 – 80%) range.

The FY 2014 Budget was reasonable. The focus was on public safety. Half of the new staff positions were for uniformed police and fire. Funding for street resurfacing had been increased each year. Water rates had been increased. These water reserves would be directed towards long term water needs.

Additional expenditures for capital needs would take funds away from City programs. The City's budget impacted quality of life and economic development. The Council needed to have realistic expectations regarding what could be done. The FY 2014 Budget included funds for Lutz Rd. He recommended support for and adoption of the FY 2014 Budget.

Mayor Stockton added the City's growth which placed demands on City services.

Mr. Hales restated that the City had eliminated 100 – 130 positions. The addition of fifteen (15) positions meant that the City's manpower level was still approximately 100 below 2008 levels. Mayor Stockton believed that the City had eliminated 131 positions.

Alderman Fazzini addressed the size of the budget. He had reviewed the budget document page by page. He also served on the Administration and Finance Committee. This Committee had looked at pension funding. There will be a long term plan to address same by fall 2013. He had also spoke with the City's state legislative representatives regarding this issue. The City had thirty (30) years to fund its pensions. The City would have a solid plan to do so. The City had exceeded the state's expectations. Adjustments would be made going forward. The Council may need to address a sales tax increase. These dollars must be used wisely. New positions were included in the FY 2014 Budget. Half of these were for uniformed police and fire. The goal was to reduce overtime expenses in an amount equal to the cost of salaries. Overtime stressed personnel. These two (2) items should be expense neutral.

He also addressed the Locust Colton CSO project. He cited the low interest rate received from a state loan and the twenty-five percent (25%) principal forgiveness from the federal government.

The City had a AA+ bond rating. The City was in a position to take advantage of this rating. Pension funding would be improved through a good solid plan. He planned to support the FY 2014 Budget even though he did not like everything about it.

Alderman Purcell addressed pension funding. He cited \$3.1 million for the police pension and \$2.9 million for the fire pension. The City's unfunded pension obligation was \$130 million. He estimated the cost to catch up at \$4.8 million per year. Pension funding came before parks in his opinion. He would only support the addition of public safety positions. He did not plan to vote for the FY 2014 Budget.

Alderman Sage requested to make a couple of points. He noted the City's accomplishments over the past four (4) years. He believed that all of the proposed non public safety positions would be contracted out first. He acknowledged that the City was assuming pension liabilities for these new positions. He also cited the City's improved credit rating. He addressed the budget process. The budget was a complex document. The City had received national recognition for its budget document.

Mr. Hales concurred. The City had received the GFOA's, (Government Finance Officers Association), Budget Excellence Award.

Alderman Sage added the budget process took team work. He planned to support this item. He was not in total agreement with the FY 2014 Budget. He looked forward to future discussions regarding priorities. City staff needed clear consensus and direction from the Council.

Alderman Stearns wanted to point out her position on the FY 2014 Budget. She would not violate her conscience. The state was in a dire financial situation. She acknowledged that a majority of the Council would decide this item. She addressed comments made at the Public Hearing on the budget. The people were her boss. She was not a financial guru. In the future, there would be a plan to fund the pensions. The pay day was coming and this budget was not sustainable. She addressed Fitch's bond rating for the City. She read from Fitch's February 2013 letter regarding pension funding. The City's pension funding levels were falling. She expressed her support for pension funding. She readdressed the April 8, 2013 Public Hearing on the budget. She did not plan to support this item.

Alderman Sage addressed the funding for Eagle View Park. He believed that the cost for Eagle View Park would be addressed in the FY 2013 Budget.

Mr. Hales responded affirmatively. The FY 2013 Budget would be amended in the amount of \$600,000.

Alderman Mathy had reviewed the budget. He expressed his concern regarding pension funding. The Council would have a plan to address same in the fall 2013. The City must meet or exceed these recommendations. He encouraged the City to consider the retention of contract employees.

Alderman Fazzini stated that the City must first establish a policy. This policy must be met with there no other options. There was more at stake than the City's bond rating.

Motion by Alderman Fazzini, seconded by Alderman Fruin that Ordinance be passed.

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

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

Nays: Aldermen Stearns and Purcell.

Motion carried.

The following was presented:

SUBJECT: Eagle View Park Funding

RECOMMENDATION/MOTION: That \$600,000 in Fiscal Year (FY) 2013 City Funding to build Eagle View Park be approved and the Budget Amendment Ordinance passed.

STRATEGIC PLAN LINK: Goal 2 – Upgrade City Infrastructure and Facilities; Goal 3 – Strong Neighborhoods; and Goal 5 - Great Place to Live—Livable, Sustainable City.

STRATEGIC PLAN SIGNIFICANCE: 2.d. – Well designed, well maintained City facilities emphasizing productivity and customer service; 3.e. – Strong partnerships with residents and neighborhood associations; and 5.a. – Well planned City with necessary services and infrastructure.

BACKGROUND: Eagle View Park is identified in the 2005 East Side Plan Addendum to the 1997 Parks and Recreation Comprehensive Plan, (NP #1, neighborhood park #1, located east of Towanda Barnes Rd., halfway between Ft. Jesse and General Electric Rd). It is also listed as a priority in the Near Term of the 2010 Parks Master Plan Update, (the Council was provided with a handout from same) – due to the obligation for the Open Space Lands Acquisition and Development (OSLAD) Grant funding. After the completion of Gaelic Park, Eagle View Park rose to the highest priority in new park development in the current Parks Master Plan.

In June 2008, staff with Council approval from the May 12, 2008 meeting, applied for the OSLAD Grant from the Illinois Department of Natural Resources, (IDNR), and was subsequently awarded a \$400,000 matching grant to develop Eagle View Park that carried an expiration date of December 31, 2011. The estimated cost to develop the park was set at \$1 million. The City signed the Resolution from IDNR, stating “The City of Bloomington hereby certifies and acknowledges that it has 100% of the funds necessary (includes cash and value of donated land) to complete the pending Open Space Lands Acquisition and Development (OSLAD)/Land and Water Conservation Funds (LWCF) project within the timeframe specified herein for project execution, and that failure to adhere to the specified project timeframe or failure to proceed with the project because of insufficient funds or change in local recreation priorities is sufficient cause for project termination which will also result in the ineligibility of the local project sponsor for subsequent IDNR outdoor recreation grant assistance consideration in the next two (2) consecutive grant cycles following project termination.” A current concern is if the project is not bid out in a timely fashion, and construction progress has not been shown; then the City will not have met its obligation for “substantial” completion by December 31, 2013 as required by the grant.

On July 9, 2012, Council authorized the hiring of Planning Resources, Inc., park design firm, to complete final park design, construction documents, bid development, and construction management.

On February 18, 2013, the Infrastructure Committee received an update on this project and provided unanimous support to bid the construction of Eagle View Park. The final park design, (copy provided to Council), construction documents and bidding documents are completed and the project is ready for bid. To develop the park fully as shown in the final plans, cost estimates could be as high as \$1,400,000. Staff has worked with Planning Resources, Inc. to design the park in such a way to include all the amenities required by the grant application at the original cost estimate of \$1,000,000. Alternate bid prices will be requested during the bid process for additional items such as sports lighting for one (1) softball field, additional parking spaces, additional shelter, and a few smaller site amenities, (the Council was provided with a copy of Alternate Phase 2 park drawing). If bid prices received allow for some or all of the Alternate Phase 2 items to be included within the \$1,000,000 budget, they would be added to the bid award. The net cost to the City, after the \$400,000 grant reimbursement is received, will be

approximately \$600,000. Should substantial completion of the park not be reached by December 31, 2013 and IDNR denies any additional extension to the OSLAD grant, the City would lose the \$400,000 grant and also be ineligible for future OSLAD grant assistance for at least two (2) years.

The reason the fully developed park has a cost estimate greater than the original \$1,000,000 is twofold. First, the original cost estimates were created in 2007, almost six (6) years ago, during the first grant application. Second, within the last twenty (20) months, the City has lost access to two (2) lighted softball fields at R.T. Dunn behind the Armory. The Armory needs additional space for training purposes, therefore staff added lights to one (1) softball field in Eagle View Park to plan to meet the needs of the community. A lighted, programmed softball field creates the need for additional parking in Eagle View Park. These elements were not included in the 2007 cost estimates. If the bids come in at prices too high to allow the Alternate Phase 2 items to be included at this time, staff will work to budget for these at a future time within the Parks, Recreation & Cultural Arts, Capital Improvement Plan.

Staff inquired with the IDNR Grant Administrator about the possibility of another extension and was informed our project would not be considered for another extension until September or October 2013, at which time if the request is denied, it would be too late for construction to meet the December 31, 2013 deadline. The City Manager has requested from the IDNR Director that an extension be considered now instead of the September or October time frame. The IDNR Director has denied that request.

In order to meet the December 31, 2013 deadline for substantial completion, a construction contract would need to be awarded before May 1, 2013. After receiving bids, staff would need to come back to the Council for approval of the construction contract.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: IDNR and Eagle View Subdivision neighbors.

FINANCIAL IMPACT: The FY 2013 Budget did not appropriate funds for the construction of Eagle View Park. As specified in the background section, the total construction cost for Eagle View Park would approximately be \$1,000,000. A \$400,000 OSLAD Grant would reduce the City's contribution to \$600,000. Staff recommends the \$600,000 be offset with unrestricted fund balance from the General Fund. Upon passage, the \$600,000 would be transferred from the General Fund to the Capital Improvement Fund 40100100-72570 in FY 2013 as a subsequent budget amendment. Staff has attached the budget amendment ordinance. The transfer from the General Fund is needed since although four (4) capital projects were not completed in FY 2013, staff has incorporated these savings into the FY 2014 proposed budget. These dollars are not available for this project. Staff estimates the ending FY 2013 unrestricted fund balance for the General Fund will be sufficient to offset this addition to the FY 2013 Budget and maintain compliance with the City's Reserve Policy.

Respectfully submitted for Council consideration.

Prepared by:

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

April 8, 2013

1145

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

Reviewed as to legal sufficiency: Rosalee Dodson, Asst. Corporation Counsel

Recommended by:

David A. Hales
City Manager

ORDINANCE NO. 2013 - 19**AN ORDINANCE AMENDING THE BUDGET ORDINANCE
FOR THE FISCAL YEAR ENDING APRIL 30, 2013**

WHEREAS, on April 23, 2012 by Ordinance Number 2012 - 23, the City of Bloomington passed a Budget and Appropriation Ordinance for the Fiscal Year Ending April 30, 2013, which Ordinance was approved by Mayor Stephen F. Stockton on April 24, 2012; and

WHEREASE, a budget amendment is needed as detailed below;

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

Section One: Ordinance Number 2012 - 22 (the Budget and Appropriation Ordinance for the Fiscal Year Ending April 30, 2013) is further hereby amended by inserting the following line items and amounts presented in Exhibit #1 in the appropriate place in said Ordinances.

Section Two: Except as provided for herein, Ordinance Number 2012 - 23 shall remain in full force and effect, provided, that any budgeted or appropriated amounts which are changed by reason of the amendments made in Section One of this Ordinance shall be amended in Ordinance Number 2012 - 23.

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

PASSED the 8th day of April, 2013.

APPROVED the 9th day of April, 2013.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

(EXHIIBT 1 ON FILE IN CLERK'S OFFICE)

Mayor Stockton introduced this item. The Fiscal Year (FY) 2013 Budget would be amended by providing \$600,000 for Eagle View Park. He cited other City contractual obligations such as Locust Colton CSO and Tanner St. This park also represented a

contractual obligation. At the time Eagle View Subdivision was approved there was no time line for this park. The City accepted land as park land dedication and applied for OSLAD, (Open Space Lands Acquisition and Development) grants. The developers were allowed to post signs for the park. The City had an obligation to eventually build the park. There would be no better time than now. The City would spend \$600,000 for a \$1 million park. He noted the potential loss of a \$400,000 OSLAD grant. The City had accepted land eight (8) years ago, and applied for and accepted the OSLAD grants. He cited construction cost increases over time. He believed that the Council had learned lessons from this experience. The City needed to establish a reserve fund at the time of grant application. The Council needed to consider the affordability of neighborhood parks. He was concerned about the costs associated with parks. He cited the limited property tax dollars received per household. He urged the Council to support this item in an attempt to minimize the long term cost to build this park. He restated that the Council had learned from this experience and similar situations would be avoided in the future.

Mr. Hales cited the Council's Budget Work Session. He believed that the General Fund's Unreserved Fund Balance was sufficient to cover this cost. He also noted the recent increase to sales tax receipts. This would be a one time use of reserve fund dollars. This action was consistent with City policy. The time was right to build this park. He cited the cost of construction labor. He anticipated that there would be increases to same. The City did not want to lose an OSLAD grant. There had not been any additional OSLAD grant applications. The OSLAD grant for Gaelic Park had been closed. This item would allow for closure on the Eagle View Park OSLAD grant. The City wanted to maintain a good working relationship with the state's Department of Natural Resources, (IDNR). IDNR wanted to see results. Failure to do so could hamper future opportunities. The City had already exceeded the grant term. Funds would be transfer from the General Fund to the Capital Improvement Fund. The total expenditure for this park would be capped at \$1 million.

Alderman Purcell stated his opinion that pensions should come before parks. The funding needed to be there. He believed that police and fire pensions would cost the City \$4.5 million per year. Any excess funds should be directed towards pensions. He expressed his concern regarding the future costs of pensions and benefits. Construction of this park was irresponsible. These dollars would be misdirected. He planned to vote against this item.

Alderman Sage had some clarifying questions. He addressed full disclosure. He stated that this capital expenditure would be capped at \$1 million.

Mr. Hales noted that the full park plan had a cost above \$1 million. Certain park improvements would be delayed until funding was available at some time in the future. The City would comply with the OSLAD grant which required \$1 million investment (in cash or in-kind).

Alderman Sage noted that there was the potential for additional capital expenditure for this park in the future.

Mr. Hales stated that the park would be substantially completed. Eagle View Park would have to compete with the City's other capital needs in the future.

Alderman Sage stated that this would be a one (1) time capital expenditure. He added that the City's current maintenance costs would increase.

Mr. Hales acknowledged that operations and maintenance (O & M) costs were contained in the Parks, Recreation & Cultural Arts Department's budget. This department will have to absorb these costs. He directed the Council to the draft proposed FY 2015 budget.

Alderman Sage restated that there would be capital start up costs and ongoing O & M costs. He planned to vote against this item. He expressed his appreciation for the line of sight. It was his understanding that Eagle View Park would not be built as designed.

Mr. Hales restated that any capital costs beyond \$1 million would be addressed in the future. In addition, he planned to include within future Council memorandums the O & M cost plus life expectancy information for future capital projects.

Mayor Stockton restated that the City's contribution would be limited to \$600,000 at this time.

Mr. Hales responded affirmatively.

Alderman Schmidt acknowledged Alderman Purcell's comments. The City must keep its promise regarding pensions. She believed that the City would meet this obligation. She appreciated the feedback from City staff. The City had made a promise. She also noted the Mayor's comments. She planned to support this item.

Alderman Fazzini noted that pensions were a legal obligation. The only way for the City not to pay this obligation was to file bankruptcy. He addressed quality of life in a growing community. He cited the City's reputation for quality. He noted citizens' expectations. There was signage. The City accepted land for the park. This park was the number one priority. The City applied for a grant and used it to purchase additional land for the park. The City applied for and received a second OSLAD grant. This grant had been extended twice. The City would be ineligible for OSLAD grants for the next two (2) years if it failed to build this park. The City's reputation with the state would be harmed. Promises were made to the developers. The City would also harm the developers' reputation. He restated the donation and purchase of land for the purpose of this park. The City had an obligation to keep its promises.

Alderman Stearns believed that promises were important. She addressed the City's older neighborhoods. An outstanding issue was the paving of alleys. She understood obligations. On the question of pension funding, the question was not whether but who would pay for same. She believed that pensions and infrastructure should come before

parks. The Council should address needs before wants. She planned to vote against this item. The City needed to meet its obligations first.

Alderman Mathy believed that the City needed to put priorities in place. He believed that infrastructure and pensions should be funded before parks.

Alderman Fruin noted the email and telephone calls received regarding this item. There had been numerous discussions/conversations regarding this park. He wanted to make four (4) points: 1.) recognize the residents eight (8) year journey; 2.) maintain a good working relationship with IDNR; 3.) the Council made a policy commitment; and 4.) the City was a great place to live, work and play. He noted the residents' efforts to work with Planning Resources. They had been polite and respectful. The City has already received \$4 million in grants from IDNR. The City's actions impacted other entities. The City needed to complete this eight (8) year journey. He cited the Council's seven (7) guiding principles. This park represented one third of one percent (1%) of the City's total budget. Land had been donated and purchased for this park. A portion of the land cost and construction cost had been/would be reimbursed with state grant dollars. The Council needed to validate the residents' belief in them. He encouraged the Council to vote in support of this item.

Mayor Stockton added that on balance the cost to build this park this year was probably the lowest cost.

Motion by Alderman Fruin, seconded by Alderman Mwilambwe that \$600,000 in FY 2013 City Funding to build Eagle View Park be approved and the Budget Amendment Ordinance passed.

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

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

Nays: Alderman Stearns, Purcell, Sage and Mathy.

Motion carried.

CITY MANAGER'S DISCUSSION: David Hales, City Manager, introduced RT Finney, Interim Police Chief. Interim Chief Finney had thirty (30) years of experience in law enforcement and had spent thirteen (13) years as Chief of Police. He would be with the City through the recruitment process for a new Police Chief. Interim Chief Finney would have an impact upon the Downtown Night Life Report. He cited Interim Chief Finney's experience with the City of Champaign. He was a proven police chief. Clay Wheeler, Asst. Police Chief, was attending the FBI, (Federal Bureau of Investigations), Command School.

Interim Chief Finney addressed the Council. He was proud to be here and would do his best. He would be with the City for a few months until a new full time Police Chief is selected.

Mr. Hales addressed the Solid Waste Report. The City would be accepting community input on April 10 and 11, 2013. These meetings were consistent with the proposed plan of action.

Mr. Hales addressed the requirement to post compensation data on the City's web site within six (6) days after budget adoption. The City's posting would be in parity with the Town of Normal. This report was comprehensive and robust. It included salary and pension information. This action was also taken last year.

On April 22, 2013, there would be a reception for the outgoing elected officials. The reception would be held prior to the Council Meeting.

On May 1, 2013, the new elected officials would take their Oath of Office. Additional information would be forth coming.

MAYOR'S DISCUSSION: Mayor Stockton reminded those present that municipal elections would be held on Tuesday, April 9, 2013.

David Hales, City Manager, added that four (4) years ago only twenty percent (20%) of the registered voters exercised their right to vote.

ALDERMEN'S DISCUSSION: Alderman Schmidt questioned the status of the proposed noise ordinance.

David Hales, City Manager, addressed the Council. The draft noise ordinance was listed on the Public Safety Committee's April 11, 2013 meeting agenda. This was an updated draft. He expressed his hope that the Public Safety Committee would forward this item on to the Council. He added that there were current ordinances available to address noise. He believed that citizens' awareness would be heightened as the weather warmed up.

Alderman Stearns questioned City staff's response to her budget questions and when she would receive same. Mr. Hales responded that City staff was attempting to provide complete responses to her questions.

Motion by Alderman Purcell, seconded by Alderman McDade, that the meeting be adjourned. Time: 8:40 p.m.

Motion carried.

**Tracey Covert
City Clerk**